

Report to the Council

Committee: Local Government Council Size and Boundary Ward Review
Portfolio Holder Advisory Group

Date: 16 December 2021

Subject: LGBCE Review

Portfolio Holder: Leader

Recommending:

- 1. That the report of the Leader be noted; and**
- 2. That the Council resolves whether to continue with elections by “thirds” or whether to commence public consultation on moving to a 4 yearly “all out” election cycle.**

1. Background and Introduction

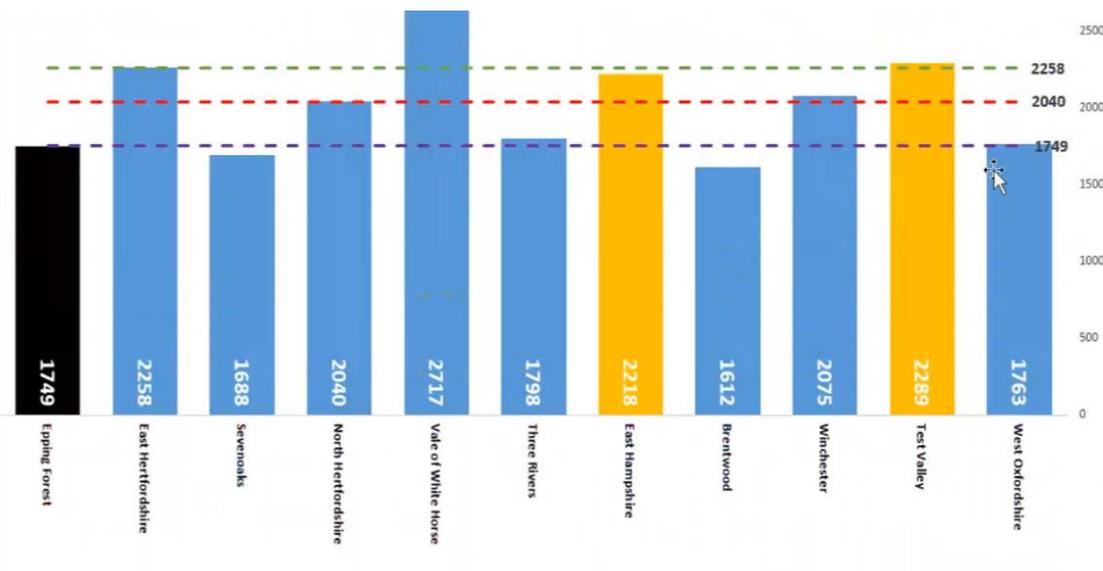
The Local Government Boundary Commission for England (LGBCE) carries out electoral reviews of all local authorities. The usual review cycle is 12 to 16 years, or the equivalent of 3 to 4 electoral cycles. Epping Forest District Council was last reviewed in 1998 and is therefore overdue. The LGBCE approached the Council in July and its review of Epping Forest has now commenced together with 5 other Essex Districts.

The LGBCE review will propose new electoral arrangements for the Council and will recommend

- the total number of councillors that should be elected to the authority in the future (Council size), and
- the boundaries, ward names and number of councillors to represent each ward (warding pattern).
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The LGBCE will first look at and complete its review of Council size before it then looks separately at the Councils warding pattern.

The LGBCE has indicated that the current number of councillors at 58 is high when looking at the number of electors per Councillor. A number in the region of about 39 to 50 would better match the CIPFA nearest neighbour comparator Councils for Epping Forest.



2. Portfolio Holder Advisory Group (PHAG)

A PHAG was established to carry out initial investigations and preparatory work to enable the Council's response to the LGBCE review and to make recommendations where required to the Council. The **Terms of Reference** of the PHAG are:

- (a) To establish and be responsible for the timeline and progression of the Electoral Review for Epping Forest within the prescribed timeframe set out by the LGBCE.
- (b) To consider and make recommendations to the Council on the first stage which includes:
 - (i) The future election cycle following the all-out elections in 2024.
 - (ii) The proposed number of councillors from 2024; and
 - (iii) The submission of the Council Size and future governance arrangements to the LGBCE.
- (c) To ensure that information regarding the Electoral Review is communicated to members and they are aware of the consequences.
- (d) Any other relevant issue arising councillors to be elected to the Council from the Advisory Group's work.
- (e) That the Group can amend their Term of Reference, if required.

The PHAG has had meetings on 4 November and 24 November. Minutes of these meetings are available on the intranet.

The PHAG has noted that the Councils initial task is prepare and submit to the LGBCE a paper on **Council Size**, that is the number councillors to be elected to the Council in the future. This is **to be submitted to the LGBCE by 8 March 2022**

The LGBCE will make its judgement on Council size by considering three broad areas

- They will look at the governance arrangements of the Council and how it takes decisions across the broad range of its responsibilities.
- The commission will look at the Council scrutiny functions relating to its own decision-making and the Council's responsibilities to outside bodies.

- The commission will also consider the representational role of councillors in the local community and how they engage with people, conduct casework, and represent the Council on local partner organisations.

The LGBCE aims to ensure that the Council has the right number of councillors to take decisions and manage the business of the Council in an effective way now and in the future.

3. Electoral Cycle

The Council's present electoral system is electing 'by thirds' - where elections are held for a third of all Council seats each year for three successive years out of four.

Following the completion of the LGBCE review the Council will have an all out Election for its councillors in May 2024. It is therefore appropriate for the Council to consider whether following the May 2024 election it wishes to continue with all out elections every 4 years thereafter or whether to revert in subsequent years to an electoral cycle of thirds. If the Council takes no action, then elections at Epping Forest District Council will remain 'by thirds'.

This decision has major implications for the shape and size of all Epping Forest District electoral wards to be implemented following the review as, so it is brought to members attention in this report.

There are many factors that will need to be considered in deciding whether the Council should elect in thirds or have all out elections every four years. Not least of these is that the ***LGBCE has said that for an authority electing in thirds the LGBCE will be looking for a uniform pattern of 3 member wards across the district.***

The below extract in italics is taken from the LGBCE guidance on warding arrangements (I have emphasised parts in bold): -

*"The Commission has to abide by certain rules when deciding how many councillors should represent a ward and, in particular, we have a responsibility to ensure that patterns of wards reflect the electoral cycle of the local authority. **The law states that where a Council hold elections in three years out of every four where a third of councillors are elected at each election ('by thirds'), we should seek to deliver a pattern of three-member wards across a district. This means that every voter will have an equal opportunity to influence the make up of the Council at each election.** Similarly, if a district Council elects half its councillors every other year ('by halves'), we should seek to deliver a pattern of two-member wards across the district.*

If you live in a district which elects by thirds, you should bear in mind that the Commission will seek to propose three-member wards in your area. We will only move away from such a pattern where a three-member ward would significantly undermine our other obligations under the law, namely: to deliver electoral equality, reflect community interests and identities and promote effective and convenient local government. The rules we must follow are

summarised in **Figure Two** below.

Where a Council holds whole-council elections every four years (this includes all county Councils and London boroughs), the Commission can propose any pattern of wards or divisions that it believes best meets its statutory criteria. This is usually a mixture of single-, two- and three-member wards or divisions."

Figure Two: councillors per ward depending on electoral cycle

Electoral cycle of Council	Pattern of wards sought by Commission	Types of authority affected
<i>By thirds</i>	<i>Three-member</i>	<i>Some district and metropolitan borough Councils</i>
<i>By halves</i>	<i>Two-member</i>	<i>Some district Councils</i>
<i>Whole-Council elections</i>	<i>Any pattern of single-, two- and three-member wards or divisions</i>	<i>All county Councils, London borough and some district Councils</i>

The Council currently holds elections in thirds and whilst a LGBCE review will trigger an all-out election once it is implemented in 2024, the base expectation is that it will return to elections in thirds thereafter.

The Council has the right to change its electoral arrangements if it wishes, but this is not part of the review by the LGBCE.

4. Implications of Electing by Thirds versus All Out Elections

If the Council elects in thirds, then the LGBCE will be looking to agree a number of councillors which is divisible by 3. The law requires that where a Council has elections in 3 years out of every 4 the LGBCE should seek to deliver a pattern of three member wards across a District. This means that every voter will have an equal opportunity to influence the makeup of the Council at each election. This can only be achieved if the total number of councillors is divisible by 3.

If the Council continues to elect in thirds, then the warding pattern across the whole District is likely to be 3 member wards of broadly equal electorate size. Currently the Council has a mix of 1, 2 and 3 member wards. This would represent a significant change from current arrangements and will alter the size and make-up of ward boundaries.

The District's current warding mix of 1, 2 and 3 member wards allow for flexibility between the more dense urban wards and the sparse rural areas of the district. Under the 3-member ward structure rural communities would be aggregated together until an average electorate size was achieved. In the most sparsely populated locations this

is likely to result in a very wide geographical area being added together to achieve the average number.

The table below provides an indication of elector to councillor ratios and the potential size of 3 member wards, using current elector numbers.

Number of Councillors	Electors per Councillor	Ward Size (3 Member Wards)
58	1,779	5,336
57	1,810	5,429
54	1,910	5,731
51	2,023	6,068
48	2,149	6,447
45	2,292	6,877
42	2,456	7,368

Some wards may be so large that they conflict with the LGBCE's other obligation of reflecting 'community interests and identities' and there is limited scope for the Commission to move away from 3 member wards in these instances. When pressed on this point in relation to the Epping Forest District Council review, they indicated that having anything other than 3 member wards was only likely to be the case in exceptional circumstances. If members are minded to retain elections by thirds there is no guarantee that the LGBCE will see the large, newly created, rural wards as exceptional.

Only if the Council chooses to switch to all out elections every 4 years can the Council retain a mixed warding pattern. The Council will need to carefully consider this as part of the review process and its decision will alter both the total number of councillors and the ward boundaries.

5. The Number of Elected Members and its Impact on Electoral Wards

In any scenario the warding pattern of the District will need to be re-arranged as a result of this review, but some outcomes have greater impacts than others.

The LGBCE has already identified a number of wards where the ratio of electors to members varies from the average by more than their permitted tolerance. (appendix 1) Therefore, some change to warding arrangements is inevitable to normalise this.

The decision on whether the Council continues to elect by thirds or moves to all out elections has potentially profound implications to warding arrangements as discussed in previous paragraphs.

The third consideration is any change to the number of councillors (the Council's size).

Even if the Council moves to a system of All Out elections, any reduction in the number of members will still mean that the ward boundaries have to be expanded to increase the ratio of electors to each councillor. The extent to which numbers decrease will determine how fundamentally boundaries need to be reviewed. By retaining election by thirds, the warding pattern will already need to be fundamentally reviewed to create the requirement of 3 members wards. By reducing the number of councillors this will have the impact of making the boundaries of the newly created 3 member wards even wider.

Finally, the projected changes to the number of electors, associated with housing growth and other factors, will also alter the distribution of electors and ratio of electorate to each member and will need to be carefully reflected if another LGBCE review is to be avoided ahead of its usual cycle.

6. Other Factors

There are also a number of other factors to consider in deciding on the Council's electoral cycle. A decision on the future electoral cycle is seen as an important preliminary step in deciding on Council size. Some of the advantages of moving to whole Council elections and advantages of retaining elections in thirds are set out below. The list is not exhaustive, and others can be added:

Advantages of moving to whole Council elections:

- Certainty when a Council has a four-year mandate, allowing a strategic approach to policy and decision making to be adopted
- Avoids a hiatus during election campaigning and 'purdah'
- Reduced costs
- Increased voter turnout
- Avoids voter fatigue caused by multiple elections

Advantages of keeping elections 'by thirds' include:

- Ensures a regular return of new Members
- Allows judgment of a Council annually rather than every four years, providing more immediate political accountability
- Encourages people to develop a regular habit of voting
- Enables elections staff to retain a practical up to date knowledge of running district elections

There is also the issue of local elections being impacted by the national political landscape. In elections on a 4 yearly cycle the number of occasions that national elections can impact local elections are reduced to 1 in 4 rather than 3 in 4. Conversely it is arguable that the impact of the national political landscape in an election year may be felt for 4 years in the local Council if electing on a 4-year cycle.

7. Elections up to 2024 and thereafter

There will be all out elections in 2024. In order to bring the new warding pattern into being, there will be consequences for all members and all elections held before that date. Any member elected in May 2022 will only serve a two-year term and those elected in May 2023 will only serve a single year term before being required to seek re-election in 2024.

The future cycle of elections for 2024 and thereafter will depend on whether the Council

decides to move to 4 year all out elections. If they do move to a 4 year cycle, the election in 2024 will be for all elected councillors to serve a 4 year term with the next elections thereafter being in 2028.

Should the Council decide to continue to elect by thirds, following all out elections in 2024, in the 2024 election a third of councillors will be elected for a two year term, another third for a three year term, and the final third for a four year term to 2028. This is decided by which councillors finish first, second and third in each ward. The Councillor that finishes third will get a two-year term and so on. The fallow year will stay the same (2025).

This retirement schedule will be set out in the Electoral Changes Order following publication of final recommendations.

8. Decision making process

Should the Council be minded to proceed with moving to 4 year all out elections, the process for doing so is set out in legislation. It will be necessary to carry out **public consultation**, and thereafter a decision to alter the Council's current electoral cycle of thirds would require a **Special Council** meeting and a **two-thirds majority**.

The window for carrying out this exercise will be short and would require a clear signal from the Council that there is appetite to change.

9. Recommendation

It is **recommended** that

Either

the Council resolves to progress to public consultation with the intention of moving to a 4 yearly all out election cycle from 2024 onwards

Or

the Council recognises that the LGBCE review is likely to result in a pattern of 3 member wards across and resolves to continue with elections in thirds accordingly.