



Moving the date of English Local Government elections
to the date of the European Parliament elections in 2009
Consultation





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May 2008

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Foreword

In 2004, when the last European Parliamentary elections were held, we moved the date of the local elections from 6 May so that they were held on the same day as the European elections on 10 June. We are now seeking your views about moving the date of the English local elections from Thursday 7 May 2009, so that they take place at the same time as the European Parliamentary elections on Thursday 4 June 2009.

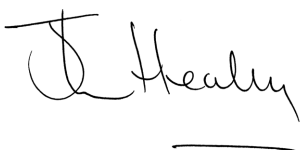
We took powers in the Local Government and Public Involvement in Health Act 2007, enacted last Autumn, which enable us, by order, to move the 2009 local elections – predominantly the county council elections, to coincide with the date of the European elections. We now need to decide whether or not to make such an order, and before doing so would welcome your views.

Any change cannot be made until we have consulted the Electoral Commission and such other persons as the Secretary of State considers appropriate. This consultation meets that statutory requirement.

Combining elections makes voting more convenient, avoiding asking electors to vote on two separate occasions in a short period of time. It may therefore encourage more people to take part in elections and improve the democratic process as a whole. In addition, having two elections on the same day, rather than two separate elections on different days, will result in savings for local authorities.

However, it might be argued that holding two different elections on the same day risks confusing voters and could be complex to administer.

This consultation seeks, in particular, views of councils and other stakeholders on where the balance of advantage lies – holding the local and European elections on the same day or on different days four weeks apart. The results of this consultation will help us reach a decision as to whether or not the 2009 local elections should be moved.



John Healey
Minister for Local Government
Communities and Local Government

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The Consultation

1. This consultation seeks views about moving the date of the local elections from 7 May 2009, so that they take place on the same day as the European Parliamentary elections on 4 June 2009.
2. Following the 2004 elections, when the local elections were held on the same day as the European Parliamentary elections, the Electoral Commission stated:

‘Before the next European Parliamentary elections in 2009 further consideration will need to be given to the potential impact of the combination of elections. The balance of arguments in favour and against – including the potential impact on turnout – will need to be weighed by Government and others.’
3. This consultation seeks to draw out these arguments and invites the views of the public and other stakeholders, including local authorities, on where the balance lies. Subject to the responses to this consultation, we will consider the issues and arguments as to whether to use the power in section 37A of the Representation of the People Act 1983 to make an order to move the date of the local elections from 7 May 2009 to 4 June 2009 so that these and the European Parliamentary elections all take place at the same time.
4. While we are specifically inviting the views of the consultees listed at Annex A, we welcome all comments. We will have regard to all representations before deciding whether to exercise the order-making power changing the local election date in 2009.

Local elections in 2009

5. In 2009 there will be elections to 34 principal authorities as set out at Annex B. There will also be a number of elections to parish councils in England scheduled for 7 May 2009. There are no elections to the Greater London Assembly in 2009. The power in section 37A of the Representation of the People Act 1983 enable the dates of all of these elections to be moved to the same date as the European Parliamentary elections in the years when they take place. Welsh Ministers enjoy a similar power in respect of Welsh local government elections under section 37B of the 1983 Act. However, there are no local government elections in Wales in 2009.

The legislation

6. In the past we have had to take specific powers in primary legislation to move the day of local elections in a particular year. However, under the Representation of the People Act 1983, as amended by the Local Government and Public Involvement in Health Act 2007, we now have the power to combine, by means of an order, local elections (including elections to the Greater London Authority (GLA)) and European Parliamentary elections. This power also allows us to amend other legislation to deal with certain practical consequences of moving the election date.
7. A fuller explanation of the legislation covering the power to move the date of local elections is at Annex C.

Benefits of elections being held on the same day

8. The Government has taken a number of steps since 1997 to improve participation in the democratic process. This is a continuing process; as stated in *Unlocking the talent of our communities*¹, we want to encourage a greater sense of 'active citizenship' and provide increased opportunities and influence for people to be involved in decision-making. We need a step change in civic participation and in local democracy just as we have had a step change in local performance. Making elections convenient for electors to vote in is an important part of increasing participation.
9. Combination of elections is not new. The combination in 2004 of the local, GLA and European Parliamentary elections was in line with other measures that focused on voter convenience and assisting the voter. We wanted to remove as many barriers as possible and ensure that voting was convenient and hassle free. That is why we thought it right to hold the 2004 elections on the same day, so that people did not have to vote twice in six weeks.
10. When local and European Parliamentary elections were combined in 2004, the turnout at the European elections was significantly higher than in previous years, up from 24 per cent in 1999 to 38.5 per cent. The Electoral Commission concluded in its follow-up report that combination of the elections was an important factor in the improved turnout.

¹ Communities and Local Government, March 2008.

11. In 2004, the European Parliamentary elections were held in the UK during the second week of June, on Thursday 10 June; in 2009 they are scheduled for the first week of June, Thursday 4 June. This has one very clear consequence for both electoral administrators and voters. If the date of the local elections is not changed to the date of the European elections, then as the timetable for the European Parliamentary elections runs for 25 working days prior to polling day, there would be an overlap in the timetable for that election with the closing stages of the local elections on 7 May.
12. There is a risk that this may cause confusion for electors who may receive poll cards for the European elections prior to voting in the local elections, and create complexities for administrators who will be required to publish the notice of the election and deal with nominations from candidates for the European elections, in the week leading up to polling day for the local elections.
13. While two separate ballots and two separate counts will be held on the same day the costs for electoral administrators will be reduced by holding elections on one day rather than having two elections within a four week period. There will also be savings for the political parties in election campaigns being held simultaneously rather than separately for the local and European Parliamentary elections.
14. We therefore believe that the benefits to holding the local and European Parliamentary elections on the same day are:
 - it will be more convenient for voters to have to visit the polling station once only, meaning that more voters are likely to participate in the election
 - it will result in the election periods for the local and European elections running together and avoid the start of the European election period overlapping with the end of the local election period
 - it will reduce costs incurred by local authorities, returning officers and political parties in distributing election material, contacting voters, canvassing and holding the polls themselves
 - those responsible for voter awareness campaigns, particularly local authorities, will be able to concentrate their efforts in increasing awareness of one single election day.

Practical issues

15. However, we also recognise that practical issues arise when elections take place on the same day for those arranging the elections. Returning officers will have to maintain two separate ballots and conduct two separate counts. We also need to consider the practicalities such as counting arrangements, returning officers' responsibilities, funding arrangements, committee cycles and information for voters. Consequential amendments are likely to be needed to provisions regarding the dates when annual meetings may be held, the terms of office of those elected, and the holding of by-elections. The change might also affect bodies such as joint authorities, which although not directly elected, are made up of local councillors.
16. So we are seeking views on the practical and consequential issues that might arise, and what action might be taken to address them well in advance of polling day.
17. In 2009 it is not only elections to the principal authorities listed at Annex B that are scheduled. In some areas there will also be parish council elections. We believe, subject to any comments made in response to this consultation, that the parish elections should move along with the elections at principal authority level. Under the Representation of the People Act 1983 we have a power to amend the current provision² that requires a parish election to be deferred by at least three weeks in any case where other local elections are combined with the European Parliamentary election.
18. We are therefore seeking views in relation to parish council elections on whether to leave them unchanged in May or, if we decide to move the date of the principal authority elections, to move them in step with the elections to those principal authorities.

Concerns over elections being held on the same day

19. The practical issues set out above about counting arrangements, returning officers' responsibilities etc, mean that holding elections on the same date can be a complex matter. We recognise that holding both elections on the same date may cause concern for electoral administrators. It is therefore important that if the elections are to be held together the necessary administrative and operational measures must be in place to make the successful delivery of the elections possible.
20. Since 2004 concerns have been expressed not only about the impact of

² Representation of the People Act 1985, Section 16.

combining elections on the administration of elections (particularly with increased postal voting), but also about the potential for increased confusion among electors, especially where different electoral systems are being used.

21. Most recently the Gould Report, which was produced by Ron Gould CM following an independent external review commissioned by the Electoral Commission on the 2007 Scottish elections, stated that that 'combined elections diminish the place of local government elections and may confuse the voters'.
22. In Scotland the electoral systems in use for the Scottish Parliamentary elections and the local government elections were different. This was the cause of the concerns raised by Gould that electors were confused by the different electoral systems that were operated. The electoral systems of the English local elections and European Parliamentary elections are different (first past the post in local elections and the List system for the Europeans).
23. Another concern which Gould highlighted following the May 2007 elections was that the constituency and regional votes for the Scottish Parliament were on the same paper (there was a separate ballot paper for the Scottish local government elections). To reduce the risk of voter confusion, the Government believes that any proposal to move the date of the local elections to the date of the European Parliamentary elections should not involve a combination of ballot papers; the two ballot papers should be dealt with separately. This is in accordance with Gould's proposal that the process of voting in elections on the same day should be separated. Rather than voting on one ballot paper for the two types of election the voter should vote on two separate ballot papers. Gould concluded that such an approach 'could see voter turnout maintained but voter confusion diminish'. We believe this is likely to be the case if the 2009 local and European elections are held on the same date. However, we welcome views on this matter.
24. The Association of Electoral Administrators have stated that planning for the conduct of an election is a much more complex matter now than was previously the case. This is largely because of the dependency of Returning Officers on commercial suppliers for a variety of services, in particular, ballot papers and postal voter packs.
25. Government is particularly interested in the views of electoral administrators about the practical issues which would need to be addressed for the 2009 elections to be conducted effectively if the decision is taken to hold the elections on the same date.

Weekend voting

26. In 'The Governance of Britain' Green Paper, which was published in July 2007 we undertook to consult on moving voting to the weekends for general and local elections. This consultation on moving the date of the 2009 local elections and the future consultation on weekend voting together support the Government's strategic aim that people should be able to exercise their right to vote with ease and without unnecessary barriers.
27. This consultation paper seeks views only on whether or not the date of local government elections in 2009 should be moved to the same day as the European Parliamentary elections. The consultation on weekend voting will seek views on whether or not voting on a Thursday presents unnecessary barriers to voters and if a change to weekend voting instead would improve access.

Views sought

28. We would welcome your views on the following questions:
 - **Do you believe that Government should seek to move the date of the local elections in 2009 from 7 May to 4 June, so that they are held on the same day as the European Parliamentary elections?**
 - **If we move the elections to principal authorities (as listed at Annex B) should we also move the date of parish council elections where they are scheduled to take place on 7 May 2009?**
 - **What practical issues do you foresee in combining effectively local (and where applicable, parish) elections with the European Parliamentary elections?**
 - **What action do you think should be taken to address these practical issues (whether by local authorities, Government or the Electoral Commission)?**

Timetable

29. The timetable to make the necessary changes to achieve the date change is dependent on securing Parliament's approval to the necessary secondary legislation.
30. If we are to make an order moving the date of the local elections in 2009, such an order must be made by 7 November 2008. If following the consideration of the results of this consultation we were to change the date of the local elections, we would lay an order moving the date of the elections before Parliament not later than early October 2008.

Confidentiality and data protection

31. Any responses to this consultation may be made public by Communities and Local Government. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
32. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
33. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Responding to this consultation

34. All responses to this consultation should be sent, to arrive no later than **11 August 2008** to:

E-mail: 2009elections@communities.gsi.gov.uk

2009 Elections Consultation Team
 Communities and Local Government
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This consultation paper is available online via the communities and Local Government website: www.communities.gov.uk/publications/localgovernment/2009electionsconsultation

Annex A

List of consultees

All Principal Authorities
The Electoral Commission
The Conservative Party
The Labour Party
Liberal Democrats
British National Party
The Green Party
The Liberal Party
Mebyon Kernow – The Party of Cornwall
Respect – The Unity Coalition
Socialist Party
UK Independence Party
Local Government Association
National Association of Local Councils
Association of Police Authorities
Association of Chief Police Officers
Association of Electoral Administrators
The Chief Fire Officer's Association
Confederation of British Industry
County Councils Network
England National Park Authorities Association
Electoral Reform Society
Equality and Human Rights Commission
Institute of Directors
National Association for Areas of Outstanding Natural Beauty
Operation Black Vote
Royal National Institute of the Blind
SCOPE
Society of Local Council Clerks
Society of Local Authority Chief Executives

Annex B

Elections to principal councils in 2009

Bedford Borough Council (new unitary authority)
Bristol City Council
Buckinghamshire County Council
Cambridgeshire County Council
Central Bedfordshire Council (new unitary authority)
Cornwall Council (new unitary authority)
Cumbria County Council
Derbyshire County Council
Devon County Council
Dorset County Council
East Sussex County Council
Essex County Council
Gloucestershire County Council
Hampshire County Council
Hertfordshire County Council
Isle of Wight Council
Kent County Council
Lancashire County Council
Leicestershire County Council
Lincolnshire County Council
Norfolk County Council
North Yorkshire County Council
Northamptonshire County Council
Nottinghamshire County Council
Oxfordshire County Council
Shropshire Council (new unitary authority)
Somerset County Council
Staffordshire County Council
Suffolk County Council
Surrey County Council
Warwickshire County Council
West Sussex County Council
Wiltshire Council (new unitary authority)
Worcestershire County Council

Annex C

Relevant Legislation

Local and Parish elections

- A.1. Sections 7 and 8 of the Local Government Act 1972 and section 37 of the Representation of the People Act 1983 govern the date of local elections. Under these provisions local elections (other than by-elections) take place on the 'ordinary day of election' which is usually the first Thursday in May. There are different cycles of elections for different authorities, with some councils electing all councillors every four years, some councils electing a third of the council in three out of every four years and some electing half of the council every two years. In 2009, local elections are planned for the new unitary authorities of Bedford, Central Bedfordshire, Cornwall, Shropshire and Wiltshire, the 27 remaining two-tier county councils, the unitary Isle Of Wight County Council, Bristol City Council and a number of parish councils.
- A.2. Parish councils also have elections on the ordinary day of election, on a four year cycle, with the next elections scheduled for the majority of councils in 2011. However there are a small number of parish councils which will hold their elections on the ordinary day of elections in 2009.

European Parliament elections

- A.3. The Secretary of State has the power under section 4 of the European Parliamentary Elections Act 2002 to specify the date of the European Parliament election. The timing for European Parliamentary elections is fixed by unanimous agreement by all Member States of the Union. The agreed period for the 2009 election is for an election between 4 and 7 June, allowing within this period local variations in the date according to local electoral practice. The UK has traditionally voted on Thursdays. Most continental European countries vote at the weekend (generally Sunday), with Ireland voting on Friday.

Moving the date

- A.4. Section 37A of the Representation of the People Act 1983, as inserted by section 60 of the Local Government and Public Involvement in Health Act 2007, gives the Secretary of State in England the power to move the date of local government and GLA elections with European Parliamentary elections in future years. The next year that European Parliamentary elections are scheduled is 2009. The Welsh Ministers enjoy a similar power in respect of Welsh local government elections under section 37B of the 1983 Act. However, there are no local government elections in Wales in 2009 so they will not be using their powers.

Annex D

The Consultation Criteria

1. The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation. Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless ministers conclude that exceptional circumstances require a departure.
 - Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy
 - Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses
 - Ensure that your consultation is clear, concise and widely accessible
 - Give feedback regarding the responses received and how the consultation process influenced the policy
 - Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator
 - Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.
2. The full consultation code may be viewed at:
http://bre.berr.gov.uk/regulation/consultation/consultation_guidance/index.asp
3. Are you satisfied that this consultation has followed these criteria? If not, or if you have any other observations about ways of improving the consultation process please contact:

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