

D R A F T/

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL

Discussion Paper 1 - Electoral Schemes

NOTE: PLEASE BEAR IN MIND THAT THIS SUMMARY IS BASED ON THE MAY 2007 DRAFT OF THE BILL. IN THE REMAINDER OF BILL'S PASSAGE THROUGH PARLIAMENT THERE MAY BE CHANGES WHICH WILL ALTER THE FINAL LEGISLATION

1. Introduction

- 1.1 Part 2 of the Bill deals with new powers for District Councils to change their electoral schemes. The Bill enables any Council electing by halves or thirds to change to whole Council elections every 4 years.
- 1.2 There are similar powers for Councils to revert to elections by thirds or halves from whole Council elections if they have held whole Council elections from 1 April 1974.

2. Procedure

- 2.1 The procedure for changing to whole Council elections requires:
 - (a) reasonable steps to be taken to consult such persons as it thinks appropriate;
 - (b) a Council resolution to be passed at a meeting specially convened for the purpose;
 - (c) that the resolution must be passed by a majority of at least two-thirds of the members voting on it;
 - (d) the resolution being passed within the period prescribed in the Bill (either the period ending on 31 December 2009, or the period 1 October to 31 December 2013 or in any fourth year subsequently).

3. Effect of Resolution

3.1 A resolution passed in accordance with Section 2 above means that the Council becomes subject to a new electoral scheme:

- (a) elections to be held in the election year which follows the end of the election period (i.e. 2011) and every election year thereafter (i.e. every four years thereafter);
- (b) all Councillors to be elected in each election year;
- (c) four days after election day, all sitting Councillors retire and all those elected (or re-elected) come into office;

3.2 The Council is required to publicise the resolution and its effects by means of:

- (a) as explanatory document which is available for inspection by any method thought appropriate;
- (b) give notice to the Electoral Commission.

4. Reversion to Election by Thirds

4.1 A Council which was subject to election by thirds at any time since 1974 but has adopted whole Council elections may pass a further resolution to revert to elections by thirds subject to:

- (a) consultation as set out 2.1(a).
- (b) at a meeting convened for the purpose as set out in 2.1(b).
- (c) voted by resolution as set out in 2.1(c).
- (d) resolution to be passed in the permitted period (ie 1 October 2008 to 31 December 2008 or any fourth year afterwards).
- (e) publicity as set out in 3.2(a);

(f) notice to the Electoral Commission as set out in 3.2(b).

4.2 Once a notice has been given to the Electoral Commission, the latter must:

(a) determine whether or not to ask the Boundary Committee to conduct an electoral review of the District and issue a notice to the District Council of that decision; or

(b) make an order for elections by thirds but not before they have received a report from the Boundary Committee if they have been directed to conduct a review;

(c) make any other provision in the order considered necessary.

4.3 Orders for elections by thirds will result in 3 elections in every four years as at present. The first election will be held in the first relevant year following the year in which the Electoral Commission makes the order and each subsequent year excluding the 'fallow' year. "Fallow year" is defined as 2013 and every fourth year subsequently. "First relevant year" means 2011 and every fourth year thereafter.

5. Parish Councils

5.1 A Council may make an order to change the years in which the ordinary elections of parish councillors are held by pursuing a resolution to that effect. The power to make such an order may only be exercised so as to ensure that those elections are held in years which coincide with year of ordinary elections in a ward situated in any part of the parish.

5.2 Transitional provisions are permitted to the retirement date of existing parish councillors.

6. Other Electoral Matters

6.1 Aside from the opportunity for Councils to amend their electoral schemes, the following additional options are provided in the Bill:

(a) Single Member Wards

Councils may ask the Electoral Commission to direct the Boundary Commission to review the District and for the Boundary Committee to make recommendations on single member wards for each electoral area. This procedure only applies where:

- (i) not all wards have a single Councillor;
- (ii) the Council is subject to a scheme of whole Council elections; and
- (iii) The Electoral Commission is not obliged to grant such a request.
- (iv) If the Commission grants a request, the Boundary Committee must make proposals for single member wards but may make other recommendations.

(b) Names of Electoral Areas

6.2 Councils may change the name of electoral areas by:

- (a) passing a resolution at a meeting convened for the purpose with notice of the subject matter;
- (b) "protected" names are subject to the consent of the Electoral Commission and are those adopted as a result of an order Section 17 of the 1992 or Section 14 of the Local Government and Rating Act 1997 and that order was made during a period of 5 years prior to the date on which the resolution is to be passed.

7. Commentary

7.1 Whole Council elections can create a majority Council with a mandate of 4 years or perpetuate a balanced Council for the same period.

7.2 A four year Council may offer a better opportunity for delivering a policy programme.

7.3 District Elections every 4 years would give a comprehensive picture of the public support for the political groups. Such support might change over the lifetime of such

a Council. Party manifestos could be clearer on the policies to be followed over those 4 years.

7.4 More frequent elections could be argued as reflecting a more up to date “snapshot” of public opinion.

7.5 Whole Council elections may provoke more interest from electors. Turnouts may be higher as the election "overload" factor may be less.

Financial Issues

... 7.6 See Appendix 1 for cost appraisal for whole Council elections versus elections by thirds.

7.7 Elections by thirds are often beneficial to Parish and Town Councils because if District and Parish Councils hold elections on the same day there is a sharing of costs. Whole District Council elections will not achieve this without changing the parish election cycle (see Section 5 above).

... 7.8 Appendix 2 shows the election cycle before and after any decision to opt for whole Council elections.

Staffing Implications

7.9 Staffing a whole District Council election (possibly with aligned Parish elections) would be a major undertaking. It can be anticipated that through turnover of casual staff and possibly a degree of “rustiness” more training will be needed.

7.10 Currently election staff number three in total (one full time and two part time). These staff will be responsible for the electoral register, a process which has become a full time operation. It may be that staff hours might need to be supplemented at times of whole District elections if these are combined with the Parishes.