EXECUTIVE SUMMARY:

Members are asked to re-consider whether to review the current Electoral Cycle with a view to undertaking public consultation on the option of changing the Council’s electoral cycle from elections by thirds to whole Council elections. In the event of such consultation and consideration of the results, the Council may, by special resolution of a Meeting of the Council and by two-thirds of the Members voting on it, resolve to move from the current scheme of elections by thirds, to whole Council elections.

RECOMMENDATION: THAT

(A) IN VIEW OF CONSIDERATION OF THE COUNCIL’S FUTURE WARD CONFIGURATIONS, MEMBERS DETERMINE WHETHER TO UNDERTAKE A PUBLIC CONSULTATION EXERCISE REGARDING THE COUNCIL BEING MINDED TO MOVE FROM THE CURRENT ELECTORAL CYCLE BY THIRDS TO FULL BOROUGH COUNCIL ELECTIONS EVERY FOUR YEARS; AND

(B) SUBJECT TO (A) ABOVE, THE PRE-NOTIFIED SPECIAL MEETING OF THE COUNCIL BE HELD ON MONDAY 17 NOVEMBER AT 7.15 P.M. TO CONSIDER THE RESULTS OF THE CONSULTATION AND FORMALLY DETERMINE THE COUNCIL’S ELECTORAL CYCLE.

REPORT:

1. Electoral Review Implications

At the Meeting of the Council held on 10 April 2013, Members considered whether to review the current Electoral Cycle with a view to undertaking consultation on the option of changing the Council’s electoral cycle from elections by thirds to whole Council elections. It was highlighted that following consultation and consideration of the results, the Council may, by special
resolution of a Meeting of the Council and by two-thirds of the Members voting on it, resolve to move from the current scheme of elections by thirds, to whole Council elections. At that time, the Council agreed to retain the status quo.

The full report submitted to that Meeting of the Council is reproduced at Appendix 1 to this report for ease of reference. Paragraph 6 of that report set out the implications of any Electoral Review. A separate report on the Electoral Review was submitted to the same Council Meeting where it was agreed that the Council’s request for an electoral review to be undertaken by the Local Government Boundary Commission for England (LGBCE), be confirmed, in order to consider reducing the number of Members of the Council.

As Members will be aware, the LGBCE have since confirmed that the Council has been included in the 2014/15 Electoral Review programme.

As the early stages of the Electoral Review have progressed and specifically following the LGBCE’s presentation to all Members at the Civic Centre on 1 September 2014 to outline the Commission’s Review process, a number of Members considered it timely for the Council to again look at the Council’s Electoral Cycle.

It is pertinent to highlight that in authorities that have elections by thirds and following recent changes to legislation, the LGBCE is required to start Electoral Reviews of authorities with a presumption in favour of delivering a uniform pattern of three Member wards. Any departure from such a pattern would need to be justified on a ward by ward basis, having regard to statutory criteria. As the Council currently has six two-Member wards, an alternative option should the Council wish to retain a mixed pattern of wards, would be to move to a cycle of whole council elections.

Sir Tony Redmond, the Lead Commissioner for the Elmbridge Electoral Review, confirmed to Members at the presentation that the LGBCE will start with a presumption of three-Member wards based on the Council’s current Electoral Cycle of elections by thirds.

The Review can proceed on the basis of current arrangements, or alternatively, Members may prefer to give further consideration to the matter of potentially moving to whole council elections every four years, which would enable greater flexibility of Ward configuration for the future.

2. Financial Implications

The previous report to Council, reproduced at Appendix 1 to this report, sets out in detail at paragraph 3, the financial implications and cost savings of moving from the current Electoral cycle by thirds to full council elections.

The following table provides an indicative summary of costs, taking account of any contributions from external parties. It should also be noted that the
occurrence of Borough By-Elections would be greater in a cycle of full Council Elections.

<table>
<thead>
<tr>
<th>Year</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>EBC TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Out 3s</td>
<td>Borough £115,000</td>
<td>Full Borough (Initial Term 3 yrs) £115,000</td>
<td>County £157,000</td>
<td>-</td>
<td>Full Borough £115,000</td>
<td>EBC TOTAL £345,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parliamentary £115,000</td>
<td>PCC £155,000</td>
<td>Parish £7,800</td>
<td></td>
<td>Parish £7,800</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EBC total</td>
<td>£115,000</td>
<td>£115,000</td>
<td>£115,000</td>
<td></td>
<td>£115,000</td>
<td>£345,000</td>
<td></td>
</tr>
<tr>
<td>By Thirds 3s</td>
<td>Borough £115,000</td>
<td>Borough £115,000</td>
<td>County £157,000</td>
<td>Borough £154,000</td>
<td>Borough £115,000</td>
<td>Borough £95,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parliamentary £115,000</td>
<td>PCC £155,000</td>
<td>Parish £7,800</td>
<td>Parish £7,800</td>
<td>PCC £155,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EBC total</td>
<td>£115,000</td>
<td>£115,000</td>
<td>£154,000</td>
<td>£115,000</td>
<td>£95,000</td>
<td>£594,000</td>
<td></td>
</tr>
</tbody>
</table>

Taking into account the opportunity to share fixed costs in combined elections, the table shows that over a 6 year period all out elections will cost Elmbridge Borough Council approximately £345,000 (an average of £58,000 p.a.) while elections by thirds will cost approximately £594,000 (an average of £99,000 p.a.). This gives an average annual difference of £42,000 p.a. If the table is extrapolated over a ten year period the difference rises to £50,000 p.a.

3. Public consultation

Should Members be minded to undertake a public consultation exercise, the consultation would take place during the month of October through the Council’s website and other interested parties such as Surrey County Council and Claygate Parish Council would be advised. A Special Meeting of the Council would be held on Monday 17 November 2014 at 7.15pm in the Council Chamber, to receive the results of any public consultation and to formally determine any change to the Council’s electoral arrangements. This
would enable any resultant decision to be included into the Electoral Review timetable.

**Financial implications:**
As set out in the body of the report.

**Environmental/Sustainability Implications:**
None for the purpose of this report.

**Legal implications:**
To comply with the requirements of the Local Government and Public Involvement in Health Act 2007, as amended in Schedule 2 of the Localism Act 2011.

The legal process to effect change to the electoral cycle (including consultation and special resolution) is set out in this and the earlier report.

**Equality Implications:**
The Returning Officer has responsibility to run fair, open, effective and transparent Elections.

**Risk Implications:**
Risks associated with the running of elections are captured in the Risk Register regularly submitted to the Electoral Commission and are referred to in the report.

**Community Safety Implications:**
None for the purpose of this report.

**Principal Consultees:**
Chief Executive and Returning Officer and Head of Legal Services.

**Background papers:**
None

**Enclosures/Appendices:**
Review of Borough Electoral Cycle – Council Report, 10 April 2013

**Contact details:**
Head of Executive and Member Services – 01372 474174
Committee: COUNCIL  
Date of meeting: 10 April 2013

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Review of Borough Electoral Cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Officer:</td>
<td>Chief Executive and</td>
</tr>
<tr>
<td></td>
<td>Head of Executive &amp; Member Services</td>
</tr>
<tr>
<td>Portfolio Holder:</td>
<td>Leader – Councillor John O’Reilly</td>
</tr>
<tr>
<td>Link to Council Priorities:</td>
<td>All</td>
</tr>
<tr>
<td>Exempt information:</td>
<td>None</td>
</tr>
<tr>
<td>Delegated status:</td>
<td>For Resolution</td>
</tr>
</tbody>
</table>

EXECUTIVE SUMMARY:

Members are asked to consider whether to review the current Electoral Cycle with a view to undertaking consultation on the option of changing the Council’s electoral cycle from elections by thirds to whole Council elections. Following consultation, the Council may, by special resolution of a Meeting of the Council and by two-thirds of the Members voting on it, resolve to move from the current scheme of elections by thirds, to whole Council elections.

RECOMMENDED: THAT

(A) THE COUNCIL CONSIDER WHETHER IT IS MINDED TO MOVE TO WHOLE BOROUGH COUNCIL ELECTIONS ONCE EVERY FOUR YEARS AND IF SO, THAT THE RELEVANT CONSULTATION BE UNDERTAKEN, WITH A REPORT BACK TO AN EXTRAORDINARY MEETING OF THE COUNCIL; AND

(B) ANY MOVE TO WHOLE BOROUGH COUNCIL ELECTIONS BE IMPLEMENTED TO EITHER COINCIDE WITH THE SAME YEAR AS ANY ELECTORAL REVIEW OUTCOMES OR, IN THE ABSENCE OF SUCH A REVIEW, AT A DATE TO BE DETERMINED FOLLOWING THE CONSULTATION.

REPORT:

1. Legislative Context

Elmbridge Borough Council has operated under a system of elections by thirds since its formation in the Municipal Year 1973/74. Currently, each Member serves a term of four years, producing a four yearly cycle of elections, allowing for Borough Council elections to be held in three out of four years and Surrey County Council elections to be held every fourth year. Ward boundary changes took place for the 2000 Borough Elections, leading to the whole Council being elected that year but no full Council Elections have been held since that time.
A move to whole council elections would mean that Borough Council elections would be held once every four years, rather than in three out of every four years.

Legislation introduced by the Local Government and Public Involvement in Health Act 2007 enables the Council to resolve to change its electoral cycle. Prior to this, the process of changing the electoral cycle involved seeking approval from the Secretary of State. The Local Government and Public Involvement in Health Act 2007 (s.33(5)(b)) gave Councils the opportunity to decide this issue themselves, subject to certain restrictions as to the years the whole Council Elections could be held in. However, the Localism Act 2011 has now amended the provisions of the 2007 Act so that Councils have the opportunity to determine their electoral cycle and when the whole Council elections would first be held.

If a Council wishes to move from thirds to whole Council elections, it must:

- Consult such persons as it thinks appropriate on the proposed change;
- Convene a special meeting of the Council;
- Pass a Council resolution to change by a two thirds majority of those voting;
- Publish an explanatory document on the decision and make this available for public inspection; and
- Give notice to the Electoral Commission.

2. Parish Councils

A move to 4 yearly elections will affect any parish councils, which within Elmbridge, specifically applies to Claygate Parish Council. The Parish Council would be consulted as part of the consultation process.

At present parish councils elect every 4 years and elections are generally combined with the Borough Election in that year. The next scheduled Claygate Parish Council Election will be held in 2015.

If the Council resolve to move to whole council elections every four years, any parishes with elections that fall in the years in the cycle when there will no longer be Borough elections would have to meet the whole of the cost of their individual elections in the same way they would at a by-election.

The 2007 Act enables the Council to make an Order to alter the years of the ordinary election of parishes so that they can coincide with a move by a Council to elections by whole Council. The Order can make transitional provision for the retirement of parish councillors at different times than would otherwise apply during that transitional period.

3. Financial Savings

A move to whole Council elections would lead to a financial saving for the Council in the three years where there was no Borough election. As there is no Borough
election in 2013/14, there is currently only budgetary provision for two by-elections and therefore the budget strategy for 2014/15 includes budgetary provision for a one third Borough election. Should the Council move to whole Council elections the budget provision required would be £178,000 every 4 years, rather than an annual cost in 3 out of 4 years of £151,000. As currently, where the Borough Elections coincide with other elections, any fixed costs incurred would be reduced by the level of contributions from external parties such as Central Government and the County Council.

A move to whole Council elections would also better utilise current resources to deal with the increase in the number of other elections e.g. Police & Crime Commissioner Elections, by phasing peak periods. In addition to the undertaking of elections, the three permanent FTE election staff would be required as currently established to carry out electoral registration, particularly Individual Electoral Registration which is to be introduced in 2014 and will impact heavily on the electoral registration function.

By-Elections are more likely to occur under a 4 year system because vacancies would need to be filled at the time they occur, rather than where for example a resignation is generally dealt with in the more frequent May Borough Elections, as currently. There are of course occasions when By-elections are held at other times of the year, depending on when the vacancy occurs. The estimated cost for a stand alone By-election is £10,000. An annual budgetary provision should be provided to allow for two By-Elections. In the year of whole Borough Elections, it would only be necessary to provide for one By-election.

Over a four year period, the cost of running the Borough elections would, excluding any contributions from external parties, reduce from £473,000 for three annual one third elections to £248,000 for one annual whole Borough election (taking account of budgetary provision for By-elections), producing an estimated saving over the three year period of up to £225,000.

4. The Electoral Commission

The Electoral Commission undertook a review of electoral cycles in 2003 with the report entitled “The cycle of local government elections in England”. The Electoral Commission, having taken into account the evidence and arguments presented during the consultation process, concluded that a pattern of whole council elections for all local authorities in England would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors. The Electoral Commission therefore recommends that each local authority in England should hold whole council elections, with all councillors elected simultaneously, once every four years. However, this is currently a matter for local choice.
5. Election Cycles Across Surrey

At present, there are a variety of election cycles throughout the County and the summary position is shown below:

<table>
<thead>
<tr>
<th>Authority</th>
<th>District or Borough</th>
<th>How elected</th>
<th>Parishes</th>
<th>No. of Parishes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elmbridge</td>
<td>Borough</td>
<td>Thirds</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>Epsom &amp; Ewell</td>
<td>Borough</td>
<td>All out</td>
<td>No</td>
<td>n/a</td>
</tr>
<tr>
<td>Guildford</td>
<td>Borough</td>
<td>All out</td>
<td>Yes</td>
<td>23 plus one parish meeting</td>
</tr>
<tr>
<td>Mole Valley</td>
<td>District</td>
<td>Thirds</td>
<td>Yes</td>
<td>13</td>
</tr>
<tr>
<td>Reigate and Banstead</td>
<td>Borough</td>
<td>Thirds</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Runnymede</td>
<td>Borough</td>
<td>Thirds</td>
<td>No</td>
<td>n/a</td>
</tr>
<tr>
<td>Spelthorne</td>
<td>Borough</td>
<td>All out</td>
<td>No</td>
<td>n/a</td>
</tr>
<tr>
<td>Surrey Heath</td>
<td>Borough</td>
<td>All out</td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td>Tandridge</td>
<td>District</td>
<td>Thirds</td>
<td>Yes</td>
<td>21</td>
</tr>
<tr>
<td>Waverley</td>
<td>Borough</td>
<td>All out</td>
<td>Yes</td>
<td>20</td>
</tr>
<tr>
<td>Woking</td>
<td>Borough</td>
<td>Thirds</td>
<td>No</td>
<td>n/a</td>
</tr>
</tbody>
</table>

6. Implications for any Electoral Review

Elsewhere on this Council agenda is a report for consideration regarding an Electoral Review by the Local Government Boundary Commission for England (LGBCE), specifically reviewing the number of Borough Councillors. The Minister for Local Government, Brandon Lewis, has agreed an approach with the LGBCE for shortening the timetable for implementing electoral reviews whereby any changes resulting from an electoral review can be implemented on the first practicable local election day (i.e. the first Thursday in May) following the Commission completing their review and their making the necessary Order, irrespective of when the Council would normally hold elections. To achieve this, the Secretary of State intends, as necessary, to use his powers under the Local Government Act 2000 to bring forward by Order the year in which a Council holds its elections. Once any review is undertaken, the Commission will liaise closely with the Council and with the Department about the timetable for implementation.

It is important to highlight that in authorities that have elections by thirds, following recent changes to legislation, the LGBCE is required to start Electoral Reviews of authorities with a presumption in favour of delivering a uniform pattern of three member wards. Any departure from such a pattern would need to be justified on a ward by ward basis, having regard to statutory criteria. An alternative option should the Council wish to retain a mixed pattern of wards, would be to move to a cycle of whole council elections.
7. **Programme of Forthcoming Elections**

The current election cycle is as follows:

- **European parliamentary** – every 5 years
- **UK Parliamentary General** – every 5 years (legislation passed in 2011 for 5 year fixed term Parliaments)
- **Police & Crime Commissioner** – every 4 years
- **Surrey County Council** – every 4 years
- **Elmbridge Borough** – every 3 out of 4 years
- **Claygate Parish** – every 4 years.

In addition, the Localism Act allows for local referenda to be held and there is always the possibility of a Government referendum, as was the case in 2011.

In terms of calendar years, the current cycle is as follows:

- **2013** – Surrey County Council Elections
  - Borough By-Election for the Claygate Ward

- **2014** – European Parliamentary Elections
  - Borough Elections

- **2015** – UK Parliamentary General Election
  - Borough Elections
  - Claygate Parish Council Elections

- **2016** – Borough Elections
  - Police & Crime Commissioner Election

A move to full Council Elections could be undertaken at any time. Should the Council wish to undertake an Electoral Review, it would be appropriate to coincide commencement of full Borough Elections with the implementation of Electoral Review outcomes, where a full Borough election would be required. In terms of complexity, practicalities and managing risk as well as resources, it would be preferable to programme an initial full Borough election on a year without a Parliamentary General Election and specifically the implementation of Individual Electoral Registration.

8. **Advantages of Elections by thirds and whole Council Elections**

Arguably, primary advantages for Borough Elections by thirds include the following:

- Encourages electorate into the habit of voting in May every year.
- A Council is judged on its performance annually, rather than every 4 years.
- The electorate can react more quickly to local circumstances and Council decisions.
- The Council better reflects public opinion locally.
There are more frequent opportunities for potential candidates to stand.
Less likely for local situation to be influenced by national situation politically (i.e. whole Council election can be heavily influenced by low point in party fortunes nationally).
Creates greater Member continuity, as a possible lack of continuity could occur if a large number of new, inexperienced Councillors were elected in any single year.
18 year olds do not have to wait so long before they can vote.

Arguably, primary advantages for Borough Elections by whole Borough Elections include the following:

A Council has a clear mandate from the electorate for 4 years.
An elector can vote for the whole Council, as well as a Councillor.
Creates greater stability over the 4 year period with little chance, subject to by-elections, of a change in political control.
Improves the strategic political management by enabling longer term planning as Elections by thirds encourages shorter term focus and planning.
Increased continuity and certainty enabling stronger leadership as a result of four year terms.
Avoids situation where political control of Council can change in election by thirds when some electors in two member wards have no opportunity to vote.
Evidence suggests (according to Electoral Commission) that there is slightly higher turnout in whole Council elections.
Evidence suggests (according to Electoral Commission) that the electorate associates more clearly with whole Council elections.
Reduced expenditure for the Council because of fewer Borough elections.
Reduced expenditure by political parties because of fewer elections.
Given the increased type of elections eg Police and Crime Commissioner Elections and statutory referenda together with the resultant increased frequency and complexity of combined elections, all out Borough elections would allow for better phasing and efficient use of resources.
Less campaigning needed by parties.

9. **Summary and Next Steps**

The recent legislative changes encourage local authorities to move towards whole council elections. If the Council is minded to move to whole council elections, there would need to be a consultation process undertaken, specifically the taking of ‘reasonable steps to consult such persons as (the Council) thinks appropriate on the proposed change’ (s.33(2) of the Local Government and Public Involvement in Health Act 2007, as amended in Schedule 2 of the Localism Act 2011. Whilst consultation is prescribed, the Council maintains discretion as to consultees. A light touch consultation is permissible, provided it is fair and explanatory of proposals.
Consultation on such a proposal could be undertaken with the public by way of the Council’s website and directly with the following:

- Members of Parliament;
- Surrey County Council;
- All Members of the Council;
- Claygate Parish Council;
- Other Council partners and stakeholders;
- Local political parties; and
- any other parties expressing an interest.

Following the consultation, an Extraordinary Meeting of the Council would need to be scheduled during the autumn, to consider the results of the consultation and determine whether the Council supports a resolution for the introduction of whole council elections in Elmbridge, possibly with effect from 2016. Should whole council elections be implemented with effect from May 2016, the Council would be tied to that electoral cycle of having whole council elections every four years thereafter. There is a requirement that two-thirds of the Members voting on the resolution at the Council Meeting must vote in favour for any such resolution to be approved.

Any decision on the part of the Council would in practice require the electoral arrangements of the Parish Council to change to bring their individual years of election into line with that of the Borough. Depending upon the transitional arrangements that the Council included in the Order, this could mean either a shorter or longer period of office for the councillors affected. Similarly for some elected Borough Councillors, their term of Office would not be the full four term during the transition period.

If, at the Extraordinary Council Meeting referred to above, Members decide in favour of moving to whole council elections, the following would apply:

- Election of all Councillors will be held every four years;
- On the fourth day after the Borough elections, newly elected councillors would come into office and sitting councillors would retire, as is the case currently;
- If such a resolution is passed, the Council must produce an explanatory document setting out the details of the new scheme and make it available for inspection (s.35(1)-(3)) - and generally publicise the new arrangements.

**Financial implications:**

Estimated savings of up to £225,000 over a three year period (£75,000 per annum) could be achieved by changing the electoral cycle from elections by thirds to whole Council elections, as detailed in the report. Where combined elections take place, the core costs are shared with other bodies and therefore the identified saving to Elmbridge Borough Council would be less.
**Environmental/Sustainability implications:**

None for the purpose of this report.

**Legal implications:**

Many of the legal implications are referred to in the report. The Council's power to change its electoral cycle is set out in Sections 31 to 36 and 53 of the Local Government and Public Involvement in Health Act 2007, as amended in Schedule 2 of the Localism Act 2011.

**Equality Implications:**

The Returning Officer has responsibility to run fair, open, effective and transparent Elections.

**Risk Implications:**

Risks associated with the running of elections are captured in the Risk Register regularly submitted to the Electoral Commission and are referred to in the report.

**Community Safety Implications:**

None for the purpose of this report.

**Principal Consultees:**

Corporate Management Board and Head of Legal Services.

**Background papers:**

None.

**Enclosures/Appendices:**

None.

**Contact details**

Head of Executive and Member Services – 01372 474174