

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council 28 September 2006
AUTHOR/S: Chief Executive / Head of Policy and Communication

ELECTORAL ARRANGEMENTS: PUBLIC CONSULTATION FINDINGS

Purpose

1. To report the findings of public consultation on the District Council's electoral arrangements and to consider the next steps.

Executive Summary

2. The consultation exercise found that 54% of all respondents who expressed a clear view supported the proposed change to 'all-out' elections for the District Council. That said, 15 of the 26 parish councils (58%), which replied with a clear view, preferred the present system of 'elections by thirds'. The Council could make a formal application to move to 'all-out' elections if two thirds of voting councillors support the proposals.

Background

3. Following the motion proposed by Cllr Bard at a special Council meeting on 27 October 2005, it was agreed, by 18 votes to 16, that the public be consulted on whether the District Council should seek to move from 'elections by thirds' (where elections for one third of SCDC seats are held in three years out of every four) to 'all-out' (or 'whole council') elections every four years. Under the proposed system:
 - (a) councillors' term of office would continue to be four years;
 - (b) elections would be held every fourth year;
 - (c) all existing councillors would retire from office together;
 - (d) all councillors would be elected at the same time;
 - (e) parish council elections would be co-ordinated to coincide with the district elections.
4. The public consultation was carried out during last spring in order to coincide with the next available edition of South Cambs magazine (the content of the Winter 2005 edition had been finalised prior to the special Council meeting in October 2005). Views were invited between 3 March – 28 April 2006, although replies received after the official deadline have been taken into account.
5. The consultation results have not been reported until now because the intention was to consider the findings in the light of the White Paper on local government, which had originally been expected in the summer. Although the White Paper is expected soon, officers do not wish the report to be delayed any further.

Considerations

6. **Consultation method:** A short consultation paper, including an equal number of arguments in favour of both alternative options, was developed with Cllr Bard, Cllr Batchelor (the Information and Customer Services portfolio-holder at the time), Cllr Mrs Hatton (the chairman of the Electoral Arrangements Sub-Committee) and Legal Services. It was publicised via:

- (a) a one-page article in the Spring 2006 edition of South Cambs magazine (Appendix A), distributed to homes throughout the district in March 2006;
 - (b) a feature on the front page of the Council's website; and
 - (c) a letter and fact-sheet (see Appendix B) to all parish councils, local MPs and members of the Local Strategic Partnership;
 - (d) a news release in mid-April 2006 to encourage residents to have their say.
7. In order to make it as easy as possible for residents and other 'stakeholders' to take part, responses were encouraged in the following ways:
- (a) via the 'freepost' reply slip featured next to the magazine article;
 - (b) via the electronic reply form on the website;
 - (c) via a new 24-hour voting line that was advertised in South Cambs magazine;
 - (d) by letter or email.
8. The Council's Legal Services have advised that, so far, the Council has observed the Sedley Rules through this consultation exercise. These rules state that:
- (a) consultation must be at a time when proposals are still at a formative stage;
 - (b) the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
 - (c) adequate time must be given for consideration and response; and
 - (d) the product of the consultation must be conscientiously taken into account in finalising any proposals.
9. **Consultation findings:** Here is a summary of main consultation results, which show overall support for a move to all-out elections.

How replied?	Elections by thirds	All-out elections every 4 years	No clear preference
via SC magazine	36	49	0
via SCDC website	14	13	0
by phone	5	8	0
by letter / email	14	11	2
Totals	69	81	2

10. A further analysis of where individual respondents live (where this information was provided on the replies) reveals the levels of support for each option according to whether their ward has one, two or three elections for district councillors as part of the four-year election cycle.

Individual replies from wards with SCDC elections	Elections by thirds	All-out elections every 4 years
Once every four years	12	20
Twice every four years	22	18
In 3 of every 4 years	14	23
Totals	48	61

11. At the same time, it is important to note a different result amongst parish councils. Of the 28 replies received from parish councils, 15 supported the present system of 'elections by thirds', 11 called for 'all-out' elections, and 2 did not express a clear preference. As part of a move to 'all-out' District Council elections, elections to all parish councils in the district would take place at the same time, instead of being held in one of the three years that SCDC elections currently take place in each 4-yearly electoral cycle.

Parish council replies from wards with SCDC elections	Elections by thirds	All-out elections every 4 years	No clear preference
Once every four years	8	6	1
Twice every four years	4	2	1
In 3 of every 4 years	3	3	0
Totals	15	11	2

12. The approach to this consultation on electoral arrangements was along the same lines as the council tax consultation in 2004, which attracted in the region of 2,500 responses. The 152 replies to the latest consultation suggests that electoral arrangements, although important, do not attract the same level of public interest.

Options

13. The Council's needs to decide whether or not to make a formal application to the Secretary of State to change to the 'all-out' elections system. Section 7(4) of the Local Government Act 1972 allows a District Council to request the Secretary of State to provide for a system of either whole council elections or elections by thirds.
- (a) The resolution making the request must be passed by not less than two thirds of the members voting on the issue at a meeting of the Council specially convened for the purpose (please see paragraph 17 for clarification).
 - (b) A request under this section may not be made within ten years of a previous request.
 - (c) The Secretary of State may make an order for the ordinary elections of all of the district councillors to be held simultaneously on the basis of this request.
14. If the Council did agree to make a formal application, the next available opportunity for introducing 'all-out' elections in South Cambridgeshire would be May 2007, when other district councils that operate this model hold their elections.
- (a) Working back from this date, the Secretary of State would need to make a decision on the application before a notice of election under these new arrangements would need to be published in March 2007.
 - (b) For this to happen, informal discussions with the Department for Communities and Local Government (DCLG) have suggested that the Council needs to ask the Secretary of State no later than next month (preferably, within the next week).

- (c) The DCLG has suggested that, to save time, an application should include a list of parish councils in the district and the timing of their elections.
15. If the Secretary of State's decision was to take longer than anticipated (and this is not unknown), this would mean that the opportunity for 'all-out' elections in South Cambridgeshire would probably not arise for another four years – that is, May 2011.
- (a) If it was not possible for 'all-out' elections to be introduced until May 2011, it is likely that, in the meantime, 'elections by thirds' would continue in 2007 and 2008 (although district councillors elected in this year might serve a three-year term).
- (b) To avoid one-third elections in 2010 for a single-year term prior to May 2011, an alternative would be for the term of office for councillors elected in 2006 to be extended for a year.

Implications

16. Financial	The proponents of 'all-out' elections have estimated that the change could save the Council £80,000 over a four-year electoral cycle. Under the Gershon requirements, this could represent an annual cashable efficiency saving of £20,000 (the official annual target is £415,000).
Legal	These considerations are set out in paragraphs 13 and 17.
Staffing	The work involved in making a formal application to the Secretary of State has not yet been factored into the Council's corporate milestones and service plans for 2006/07. Whilst it could be done, there might need to be some slippage in taking forward other projects as a result.
Equal Opportunities	Equal opportunities are not adversely affected by either 'elections by thirds' or 'all-out' elections.
Risk Management	These electoral arrangements do not present a strategic risk.

Consultations

17. The consultation methods and findings are set out in paragraphs 6 – 12 above. As mentioned above, informal discussions have also taken place with the Department for Communities and Local Government. Whilst the DCLG contact has had nothing to add to this Council report (which has been described as "comprehensive"), the informal discussions have helped to clarify a query on a point of law.
- (a) When the Council considered the electoral arrangements issue in October 2005, reference was made to Section 86 of the Local Government Act 2000, which gives the Secretary of State power to specify a particular scheme of elections to apply to a particular council. This has prompted the question about whether a two-thirds majority amongst councillors voting on the issue is really necessary and whether a simple majority would suffice.
- (b) The informal advice from the DCLG is that if the Council vote did not secure the level of support required by Section 7(4) of the Local Government Act 1972, then it was highly unlikely that the Secretary of State would exercise his power under Section 86 of the Local Government 2000.

Effect on Annual Priorities and Corporate Objectives

18.	Affordable Homes	No direct effect
	Customer Service	No direct effect
	Northstowe and other growth areas	No direct effect
	Quality, Accessible Services	In responding to the consultation, respondents have cited the benefits of their favoured option in terms of the effects on quality of decision-making and accountability.
	Village Life	No direct effect
	Sustainability	No direct effect
	Partnership	No direct effect

Conclusions

19. When debating whether or not to make a formal application to move to concurrent, 'all-out' four-yearly elections for both the District Council and all parish councils in the district, Members are asked to consider not just the consultation findings in this report, but the wider context. This is not just about which option is more popular, but the relative importance of the electoral arrangements process alongside the Council's objectives, priorities, services and financial constraints. In addition, whilst the contents of the long-awaited Local Government White Paper are not yet known, it is not beyond the bounds of possibility that this might also have a bearing on future electoral arrangements.

Recommendations

20. Members are invited to consider whether, in the light of the consultation exercise earlier this year, they wish to propose making a formal application to the Secretary of State to change the Council's electoral arrangements to 'all-out' elections every four years, with elections to all parish councils in the district taking place at the same time. Members' attention is drawn to paragraph 13(a).
21. If the Council did agree such a proposal by not less than two thirds of the members voting on the issue, Members are asked to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to finalise the details of the formal application.

Background Papers: the following background papers were used in the preparation of this report:

- Report to Special Council meeting, 27 October 2005;
- Consultation paper and article in South Cambs magazine (Spring '06);
- Folder on Electoral Arrangements consultation responses, held by the Head of Policy and Communications;
- 'State of the Nation' report to Cabinet, SCDC, 14 September 2006.

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