

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Council 17 July 2008  
**AUTHOR/S:** Chief Executive / Democratic Services Manager

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### **CONSULTATIONS ON: (1) MOVE TO FOUR-YEARLY ELECTIONS (2) CHANGES TO EXECUTIVE ARRANGEMENTS**

#### **Purpose**

1. This report considers significant variations to the Council's governance in respect of the following issues:
  - (a) The electoral cycle, revisited at this time following previous consideration by Council in October 2005, September 2006 and October 2007.
  - (b) The Council's executive arrangements, adopted in accordance with the provisions of the Local Government Act (LGA) 2000 but required to be altered following the passing of the Local Government and Public Involvement in Health Act (LGPIH) 2007.

#### **Background – Electoral arrangements**

2. The Council currently elects its Members by 'thirds' under a system which sees a third of Members elected in three years out of every four. Following a Resolution in October 2005, Council consulted on a move to all-out elections, under which the election of all 57 Members would take place once every four years. Following this consultation, Council convened an Extraordinary Meeting in September 2006, at which it resolved:

'To **DEFER** to October 2007 a decision on whether or not to make an application to the Secretary of State to change the Council's electoral arrangements to "all-out" elections every four years.'

The report summarising the consultation outcome is **attached** as Appendix A to this report.

3. Council revisited the issue at its meeting on 18 October 2007, at which the matter was again deferred on the grounds that the Local Government and Public Involvement in Health Bill was shortly to become law. The Bill was duly passed in November 2007 as the LGPIH Act 2007. It removed the requirement for councils wishing to change their electoral schemes to seek an order by the Secretary of State, thus simplifying and hastening the process for authorities wishing to make changes. The relevant resolution provided for the matter to be brought 'for further consideration in due course', and it is appropriate to revisit the matter at the first Ordinary Council Meeting of the 2008-2009 Civic Year.

#### **Considerations – Electoral arrangements**

4. The key provisions of the LGPIH Act 2007 (references within this paragraph are to this Act) with respect to electoral arrangements are as follows:

- The Council may move to “all-out” elections by Resolution. The requirement to seek the consent of the Secretary of State is removed.
- Such a Resolution must be passed after the Council has “taken reasonable steps to consult on the change” (Section 32(4)), within a ‘Permitted Resolution Period’. The current period lasts until 31 December 2010. It is for the council to decide which persons it is appropriate to consult.
- Any Resolution before 31 December 2010 would lead to all-out elections in May 2011 and every four years thereafter. **The resolution must be passed by a majority of at least two-thirds of members voting at a specially convened meeting.**
- The 2010 local elections will take place regardless of the timing of a Resolution to move to all-out elections in order to ensure that the terms of office of Members elected in May 2006 remain four years and are not extended.
- The Council must produce an explanatory document, setting out details of the new electoral scheme as it applies to the Council, ‘as soon as practicable’ after passing the resolution (s35), which it makes publicly available at its offices and through other appropriate means e.g. website, libraries. The council must publicise the following matters:
  - (a) That it has become subject to the scheme for whole-council elections under section 34 of the LGPIH Act 2007;
  - (b) When elections will first take place in accordance with the scheme;
  - (c) How to access the explanatory document;
  - (d) The address of the council’s principal office.
- As soon as practicable after passing the resolution, the Council must give the Electoral Commission notice that it has done so.
- Should a proposal to move to all-out elections fail to gain the required two-thirds majority, the only restriction on the Council revisiting the matter in the future is that, after 31 December 2010, the next opportunities to pass a Resolution will be during further Permitted Resolution Periods between May-December 2014, 2018, and so on (the same consultation and two thirds majority requirements will apply).
- Should such a proposal be agreed, the Council is entitled to revert to electing by thirds at a future date.

### **Options – Electoral arrangements**

5. The Council has two principal options in terms of its electoral arrangements:
  - (a) Resolve to consult on a proposal to move to a scheme of all-out elections, such elections to take place in May 2011 and every four years thereafter.
  - (b) Resolve not to pursue the matter at this stage, thus retaining the current system of elections by thirds.
  
6. If Council is minded to support option (a) above, it is required to consult on the proposal as required by the LGPIH Act. During 2006, a consultation was carried out via the Council’s quarterly residents’ magazine and letters to parish councils, local MPs and members of the Local Strategic Partnership. This was a relatively recent exercise; however, it is not considered that the previous exercise satisfies the requirements of the new legislation, therefore a further consultation process will be

required. Notwithstanding this, it is not considered that the issues for and against a change have changed significantly, therefore it is **recommended** that, subject to option (a) being supported and additional information being included explaining why the issue is being revisited at this time, the consultation exercise be undertaken based on the methods and timescale used in 2006, final details to be agreed by the Chief Executive in consultation with the Chairman and Leader. It is further **recommended** that the results of the consultation be submitted to an Extraordinary Meeting of Council in May 2009 for consideration.

7. Copies of the consultation documents circulated to residents, parish councils, MPs and the Local Strategic Partnership membership in 2006 are **attached** as Appendices B and C respectively to this report.
8. In order to inform Members' debate whether to proceed to consultation on this matter, Council should note particularly that any subsequent resolution to move to all-out elections requires two thirds of Members voting in favour at the meeting. Given the Council's current political make-up, a high level of support from across the Council's political groups will be required, notwithstanding the results of any consultation exercise.
9. There are a number of arguments for and against a move to all-out elections which, based on the 2006 consultation document, can be summarised as follows:

<b>The case for the present system</b> <b><i>'Electing by Thirds'</i></b>	<b>The case for the proposed change</b> <b><i>'All Out' elections</i></b>
<ul style="list-style-type: none"> <li>• Helps voters focus on local issues, which might otherwise be overshadowed by national issues and campaigning by political parties.</li> <li>• Allows more gradual change at the Council, rather than the possibility of big political change every four years. New councillors can learn from more experienced ones.</li> <li>• "If it ain't broke, don't fix it."</li> <li>• Keeps councillors responsive to local issues and accountable to their local electorate, particularly in wards with more than one district councillor.</li> <li>• The proposed change could confuse voters by holding all district and parish council elections at the same time.</li> </ul>	<ul style="list-style-type: none"> <li>• Raises the local profile of the elections. Every voter could consider the local issues and choose their councillors at the same time.</li> <li>• Provides greater certainty in planning ahead over four years, with less risk of annual changes of power and policy. New councillors could still learn from more experienced ones.</li> <li>• Could save £80,000 every four years in the costs of running elections.</li> <li>• Increases accountability through greater public interest and higher voter turn-out, particularly in wards with more than one district councillor.</li> <li>• The present system can cause confusion and voter fatigue through frequent elections in multi-councillor wards.</li> </ul>

## **Background and issues – Changes to Executive Arrangements**

10. The Local Government Act 2000 prescribed three models of 'executive arrangements' and every principal authority in England and Wales was required to adopt either a Leader and Cabinet, Mayor and Cabinet or Mayor and Council Manager form. This Council chose to adopt the Leader and Cabinet model.
11. Under the present 2000 Act arrangements the Council has discretion about where the balance of power between the Council and the executive rests. The Council could establish executive arrangements that allowed it to determine:
  - (a) The size of, and make appointments to, the Cabinet or give the Leader of Council authority to do so. Council resolved, in February 2007, to adopt the 'strong leadership' model, authorising the Leader to determine the size of, and make appointments to, the Cabinet.
  - (b) The term of office of the Leader of Council, and how he/she may be removed. Article 7 of the Constitution provides for the Leader to be appointed annually by the Council, and includes provision for him/her to be removed by Resolution of the Council.
  - (c) The allocation of functions (portfolio responsibilities) to particular Cabinet members or leave this to the Leader of Council. As explained above, Council delegated this function to the Leader in February 2007.
12. The LGPIH Act 2007 abolishes the model in which the Council elects the Cabinet, requiring larger Councils<sup>1</sup> to adopt either a Mayor and Cabinet or Leader and Cabinet model. As explained in paragraphs 11 and (a) to (c) above, the Council has previously adopted the characteristics of the new-style 'strong' leader and cabinet form of executive, therefore no changes are required in these areas.
13. Under the LGPIH Act the following changes will be required, however:
  - (a) **The Leader of Council must be elected for the remainder of his/her normal term of office.** In practice, it is anticipated that the Leader will be elected by the Council, at the Annual Meeting following his/her election, to the Council, for a four-year term, or until he/she resigns from office, ceases to be a councillor, is suspended or disqualified from being a councillor or is removed from office by Resolution of the Council.
  - (b) **All executive power must rest with the Leader of the Council.** Council currently operates a scheme under which executive power rests with the Cabinet collectively. It is for the Cabinet to determine which matters will be determined by it collectively, and which will be delegated to individual Cabinet members. Under the new requirements, it will be for the Leader to decide which matters he/she will reserve for him/herself and which to delegate to the Cabinet collectively or to individual Cabinet members.

## **Changes to Executive arrangements – timescale and publicity requirements.**

14. The Council already operates a form of executive which is in line with the requirements of the 2007 Act, therefore it is only required to vary its executive arrangements in accordance with Section 33B of the Local Government Act 2000 as amended. As such, the Council must draw up proposals for the change (Section 33E,

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<sup>1</sup> Defined as authorities with populations of 85,000 and above at 30 June 1999.

LGA 2000 as amended). The proposals must include a timetable for implementation and details of any transitional arrangements which may be necessary.

15. In order to comply with this requirement, it is **recommended** that an article explaining the proposed changes described in paragraph 13 above be included in the Winter 2008 issue of the Council's residents' magazine, and that the proposals be also publicised on the Council's website and available to view at the Council Offices. It is further **recommended** that Council resolve to introduce the revised proposals at its Annual Meeting on 21 May 2009, changes to take effect from this date. As such, no transitional arrangements will be required.

### Implications

16. Financial	As projected in paragraph 4 above, moving to all-out elections will result in a substantial cost saving.
Legal	As set out in detail throughout the main body of the report.
Staffing	The consultation process and constitutional changes required to implement changes to governance arrangements can be carried out within existing resources.
Risk Management	Failure to vary executive arrangements in the manner described above by 31 December 2010 would result in a breach of the Council's statutory duty, a risk which may be eliminated by a resolution on this matter in May 2009.
Equal Opportunities	Subject to Council support for a consultation on all-out elections, innovative ways of reaching traditionally hard-to-reach sections of the community will be explored and put into practice, accepting that this report deals primarily with procedural matters which may not be as significant to the community as direct service provision.

### Effect on corporate objectives and annual priorities

17. The new requirements of the LGPIH Act aim to strengthen local political stability and accountability through provision for the Leader to be elected for a term of up to four years and for all executive powers to be vested in him/her. Such strengthening should assist in enabling all the Council's corporate objectives and annual priorities to be achieved. Members may conclude that a move to four-yearly elections will further assist this process and allow a comprehensive four-year programme to be carried out by a strong and transparent administration held to account by robust opposition groups through constructive challenge and effective scrutiny and overview.

### Recommendations – Move to Four-yearly elections

18. Council is recommended to consider the issues set out in paragraphs 1-9 above and resolve:
- (a) To consult on a move to four-yearly elections.
  - (b) That, subject to additional information being included explaining why the issue is being revisited at this time, the consultation exercise be undertaken based on the methods and timescale used 2006, final details to be agreed by the Chief Executive in consultation with the Chairman and Leader.
  - (c) That the results of the consultation be submitted to an Extraordinary Meeting of Council in May 2009 for consideration.

## **Recommendations – Changes to Executive arrangements**

19. Council is recommended to resolve:

- (a) That an article explaining the proposed changes described in paragraph 13 above be included in the Winter 2008 issue of the Council's residents' magazine, and that the proposals be also publicised on the Council's website and available to view at the Council Offices.
- (b) That the revised proposals be submitted to the Annual Meeting of Council on 21 May 2009 for adoption, such changes to have effect from this date.

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

- South Cambridgeshire District Council Constitution
- Local Government Act 2000 (available at [www.opsi.gov.uk](http://www.opsi.gov.uk))
- Local Government and Public Involvement in Health Act 2007 (available at [www.opsi.gov.uk](http://www.opsi.gov.uk))
- Relevant South Cambridgeshire District Council papers from Council meetings held on 27 October 2005, 28 September 2006 (**attached as appendices A-C**) and 18 October 2007 (available at [www.scambs.gov.uk](http://www.scambs.gov.uk) – Council and democracy section) .

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