



COUNCIL MEETING

21st March 2022

REPORT TITLE:	MOVE TO WHOLE COUNCIL ELECTIONS
REPORT OF:	CHIEF EXECUTIVE (RETURNING OFFICER)

REPORT SUMMARY

A key recommendation of the External Assurance Reviews undertaken on behalf of the Department for Levelling Up, Housing and Communities published on 2nd November 2021, was that the Council should move to implement a four-year, whole council electoral cycle at the earliest opportunity. This report outlines a process to enable that change to take place.

At a special meeting of Policy and Resources Committee held on 30 November 2021, the Committee voted to hold a public consultation process to seek the views of the public on moving to whole council elections in 2023. This report presents, for consideration, the outcomes of that public consultation.

A change to the current Electoral Cycle from elections by thirds to Whole Council Elections requires a decision of the Council and is subject to a two thirds majority.

The proposals within this report support the ambition of Members in delivering on all the objections detailed in the Wirral Plan 2021-2026.

RECOMMENDATION/S

Council is recommended to formally resolve to move to Whole Council Elections commencing at the Local Authority elections scheduled for May 2023.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Ministry for Housing and Local Government (MHCLG), now known as the Department for Levelling Up, Housing and Communities (DLUHC) and Ada Burns are working with Wirral Council to review the current governance arrangements and budgets. A series of recommendations were proposed in the external assurance review reports, one of which was that the Council should move to Whole Council Elections at the earliest opportunity. As a result, the Policy & Resources Committee resolved to undertake a public consultation on a proposal to move to Whole Council elections from May 2023.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 An alternative option would be to retain the current Elections by-thirds system.

3.0 BACKGROUND INFORMATION

- 3.1 At the meeting of the Policy & Resources Committee held on 30th November 2022 the Committee were informed that The Secretary of State for the Department for Levelling Up, Housing & Communities had written to the Council on 2nd November 2021 enclosing and publishing the two independent reports that make up the External Assurance Review. The letters requested the Council to set out in writing, within the following month, the steps it is taking in the immediate and longer term to respond to the Review and implement the recommendations. The Council wrote to the Minister explaining that a public consultation would be undertaken with a view to moving to Whole Council Elections in May 2023.
- 3.2 A public consultation ran for ten weeks, from 13th December 2021 to 20th February 2022. The consultation was conducted using offline and online channels and was well promoted within local newspapers and social media. Respondents were able to engage using an online form or by completing a paper form. Paper copies were made available, including an easy read version, at the central libraries and on request. Respondents were invited to submit additional comments via a dedicated email address, which was published on the 'Have your say' website alongside the online tool. A full outcomes report is attached at Appendix A. However, the overall results reveal that 60.9% of the 527 respondents were in favour of moving to whole Council Elections.
- 3.3 A move to whole council elections would mean that the Borough Council elections would be held once every four years, rather than in three out of every four years commencing in 2023. A move to whole council elections would also result in the count for the Local Authority elections being held on the day after the close of poll (a Friday for a typical Thursday poll)

4.0 FINANCIAL IMPLICATIONS

- 4.1 The annual budget set for Local Elections is £341,400 (2021/2022 figures).

- 4.2 The total 4-year cost for election cycle by thirds is £1,024,200. There is no budget provision for by-elections and includes a fallow year with a nil budget. Whole Council elections would cost £400,000 in year 1. Years 2, 3 and 4 budget proposal for by-elections is £40,000 per year. Total 4-year cost is £520,000.
- 4.3 When the Borough Elections are combined with other scheduled elections, any fixed costs incurred would be reduced by the level of contributions from Central Government and / or the Combined Authority.
- 4.4 Budgetary provision must be made for by-elections. If a seat has been declared vacant by the High Court or the local authority, a by-election must, subject to the six-month rule, be held within 35 working days of the date of the declaration. (Section 89(1) (a), LGA 1972). The estimated cost for a standalone by-election is £20,000. An annual budgetary provision should be provided to allow for two by elections per year in the three fallow years. In the year of whole Borough Elections, it would only be necessary to provide for one by-election.

5.0 LEGAL IMPLICATIONS

- 5.1 The Local Government and Public Involvement in Health Act 2007 enables the Council to change its electoral cycle by way of a resolution at full Council.
- 5.2 If a Council wishes to move from thirds to whole council elections it must in accordance with S33(2) of the Local Government and Public Involvement in Health Act 2007, as amended by Schedule 2 of the Localism Act 2011.
- 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 majority of at least two thirds of the elected Members voting on it.
 - publish an explanatory document on the decision and make this available for public inspection; and
 - give notice to the Electoral Commission.
- 5.3 The resolution must specify the year for the first ordinary elections of the Council at which all Councillors are to be elected.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 Whole council elections are much more complex to administer and staff time would increase significantly with the increased numbers of nomination papers.
- 6.2 Elections staff will be required to administer other types of Elections and Referenda throughout the fallow years; however, they may also be available to support Democratic Services staff as instructed by the Head of Service.

7.0 RELEVANT RISKS

- 7.1 Voting for all three councillors under whole council elections could potentially cause confusion for voters

- 7.2 It may be difficult to recruit temporary election staff such as Presiding Officers if they are only recruited once every four years.
- 7.3 Some political parties may find it harder to resource the whole council elections process. It may be harder for independent candidates standing on a matter of strong local interest to get elected without an annual poll.
- 7.4 The Count for whole council elections would more than likely take longer due to complex counting procedures to be used. Consequently, it will be held on the Friday immediately after election day.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 A consultation on the proposal has been published between 13 December 2021 and 20 February 2022 using the following: -
- Website – information about the process placed on the website and the ability for members of the public to complete an online survey
 - Paper copies of the surveys in the central libraries
 - Easy read version of the survey available online and in paper format
 - Leaflets
 - Facebook and Twitter
 - Press Release
 - Consultation with Elected Members, local Members of Parliament, Stakeholders and the public

Following the consultation, responses have been collated and are included in Appendix 1.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no direct equality implications relating to this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no known environmental or climate implications arising from this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Whole Council Elections will realise a four yearly cost saving of £504,200 which equates to an annual saving of £126,050. The savings achieved by the proposed changes to the electoral arrangements would contribute towards meeting the Council's budgetary challenges.
- 11.2 Local community groups and businesses will lose revenue as those private venues utilised as Polling Places will be hired for one day every four years compared to one day three years out of every four. There will be limited election temporary employment opportunities for the local community.

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APPENDICES

Appendix 1 – Election Consultation Report

BACKGROUND PAPERS

Background papers used to prepare this report:

The Cycle of Local Government Elections in England – Consultation Paper Electoral Commission 2003

The Cycle of Local Government Elections in England – Recommendations for change – Electoral Commission 2004

Local Government and Public Involvement in Health Act 2007 Sections 31-36

Localism Act 2011 Sections 21-24

Representation of The People Act 1983

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Children Young People and Education Committee	31 January 2022
Regulatory and General Purposes Committee	20 January 2022
Licensing, Health and Safety and General Purposes Committee	23 January 2019
Licensing Health and Safety and General Purposes Committee	20 November 2019