

Derby's Electoral Cycle

Purpose

- 1.1 Council resolved at its meeting of 24 November 2021 to request that an extraordinary meeting was convened and a report provided to consider and vote on permanent adoption of whole Council elections from May 2023. The Council has voted on adopting whole Council elections on two previous occasions in 2016 and 2020.
- 1.2 The resolution referenced the Local Government Boundary Commission for England's ongoing review of the Council's ward boundaries, noting that it will result in a single whole Council election taking place in May 2023, irrespective of the outcome of any vote on a permanent alteration to the electoral cycle.
- 1.3 The resolution requested that debate and consideration of the matter was based on a public consultation exercise undertaken between 27 January and 23 March 2020. The results of that consultation are presented to councillors for reconsideration, alongside other representations received at the time.
- 1.4 This report asks councillors to consider whether the Council should move to four-yearly 'all council' elections and, if resolving to change the electoral cycle, to determine the year in which the new arrangements will commence.

Recommendations

- 2.1 To reconsider the outcome of the public consultation exercise conducted between 27 January and 23 March 2020.
- 2.2 To determine whether Council wishes to pass the following resolution:

Council resolves to move to four-yearly 'all-council' elections, where all councillors will be elected collectively for a period of four years commencing with local elections to be held in 2023.

Council requests that the Director of Legal, Procurement and Democratic Services, as Electoral Registration Officer, notifies the Electoral Commission and make any such statutory arrangements as are necessary to facilitate this change.

- 2.3 To note that if councillors wish to pass the resolution detailed at paragraph 2.2, then the matter cannot be reconsidered for a period of five years.

Reasons

- 3.1 Consideration of the matter is required following the resolution of Council carried at its meeting of 24 November 2021, to reconsider Derby's electoral cycle in the context of the Council's ongoing review by the LGBCE.
- 3.2 It is statutorily required that any resolution to move to whole council elections must be debated at a meeting of the full Council, specially convened for that purpose.

Supporting information

- 4.1 Currently, local elections in Derby are undertaken 'by thirds'. All councillors are elected to four year terms, with one councillor in each of the city's 17 wards elected in three consecutive years, followed by a 'fallow' year where there are no elections.
- 4.2 Under a 'whole council' electoral model, all 51 seats would be contested simultaneously, with elections only taking place once every four years.
- 4.3 Councils may resolve to change their electoral cycle, provided that certain conditions prescribed under statute are met. They include a duty to undertake a public consultation; convening a special Council meeting to consider the matter; and, a two-thirds majority of members in attendance being required to pass the resolution. Further detail is provided in paragraphs 8.1 to 8.6 of this report.
- 4.4 If Council were to pass the resolution detailed at recommendation 2.2, any councillors elected in the four years prior to implementation of whole council elections would be required to contest their seats. For example, if whole council elections were to be held in 2023, any councillors elected in 2022 would be subject to re-election.

Previous consideration of Derby's electoral cycle

- 4.5 Council has voted on Derby's electoral cycle twice in recent years, following separate periods of public consultation. It was first considered at the Council meeting of 23 November 2016 and was debated again on 23 September 2020. On both occasions, the motion failed to achieve the two-thirds majority required.
- 4.6 Council resolved at its meeting of 24 November 2021 to request that a report was produced to reconsider and vote on permanent adoption of whole Council elections from May 2023 onwards, based on the public consultation undertaken between January and March 2020. This report gives effect to that resolution.

Local Government Boundary Review

- 4.7 The Council is currently undergoing a review of its ward boundaries by the Local Government Boundary Commission for England (LGBCE). The outcome of the review is currently intended to be laid before Parliament in late 2022 and will result in a single, whole-Council election in May 2023.

- 4.8 The LGBCE are currently consulting on a revised warding pattern for the city, having previously recommended that the Council retains 51 councillors, split between 17 electoral wards.
- 4.9 Should the Council vote to permanently adopt whole Council elections, the LGBCE may consider an alternate warding pattern whereby 51 councillors are elected to represent wards comprising of either one, two or three councillors.
- 4.10 The LGBCE are aware of the Council's intention to vote on its electoral cycle and will take stock following the outcome of the vote. Whilst it remains the intention of the Commission to implement its recommendations from May 2023, a permanent alteration to the electoral cycle could result in a delay to the Boundary Review process.

Public Consultation – January to March 2020

- 4.11 There were 501 individual responses to the consultation exercise with 82.8 per cent of respondents indicating they would prefer a change to whole council elections and 15.6 per cent preferring to maintain existing electoral arrangements.

The report of the consultation team previously considered is detailed at Appendix 1 and a copy of the consultation survey with the supporting information provided to consultees is at Appendix 2.

- 4.12 In addition to the consultation survey, two letters were received from external organisations in relation to the city council's electoral arrangements.
- 4.13 A letter was received from the Derby Renaissance Board, dated 6 March 2020, and is attached at Appendix 3.
- 4.14 A letter was received from Marketing Derby, dated 3 March 2020, and is attached at Appendix 4.

The letter stated that it was the unanimous view of the Marketing Derby Board that the Council should adopt whole council elections. Subsequent correspondence was received from Councillor Ruth Skelton wishing it to be noted that, as a member of the Marketing Derby Board, this did not represent her individual view.

- 4.15 The Voices in Action Youth Council debated the electoral cycle at its meeting of 16 March 2020, having received a presentation from the Head of Democracy. The minutes of the meeting, which include the feedback of the young people involved, are included at Appendix 5.
- 4.16 A previous consultation exercise carried out in 2016 resulted in 68.1 per cent of 281 respondents being in favour of a move to whole council elections.

Debate and Determination

- 4.17 The normal rules of debate will apply when considering the draft motion detailed at recommendation 2.2, together with any amendments that may be proposed. The Monitoring Officer will advise if any proposed amendments would cease to make the motion compliant with the legal requirements detailed in this report.

- 4.18 As detailed at paragraphs 4.3 and 8.4, a two-thirds majority of councillors attending the meeting is required to pass any resolution changing Derby's electoral cycle. The table below details the number of votes required for the resolution to be carried:

Number of councillors in attendance	Votes required to change the electoral cycle
51, 50	34
49	33
47, 48	32
46	31
45, 44	30
43	29
42, 41	28
40	27
38, 39	26
37	25
35, 36	24
34	23
32, 33	22
31	21
29, 30	20
28	19
26, 27	18
25	17
23, 24	16

Public/stakeholder engagement

- 5.1 Following the resolution of Council in November 2019, an eight-week period of public consultation was undertaken between 27 January 2020 and 23 March 2020. The survey was promoted on the Council's website, social media channels and was circulated to wider networks and partner organisations. A paper copy was available on request and was also on display in both the Council House reception and the Council's libraries.
- 5.2 There has been no significant change in circumstances since the consultation undertaken in 2020 that would necessitate further public consultation.
- 5.3 The original consultation was undertaken based on implementation of whole-council elections from May 2022. There is no evidence to suggest that the date of implementation materially affected the views of consultees in their responses and therefore they still form a valid basis on which councillors can make a determination.

Other options

- 6.1 None. The matter requires determination by Council.

Financial and value for money issues

- 7.1 It is estimated that whole-council elections would save approximately £475,000 over a four-year period, owing to the reduced administrative costs associated with holding fewer local elections.
- 7.2 Temporary staff are employed for every election. Whole-council elections would result in fewer occasions when temporary staff would be required, but may result in more temporary appointments for the purposes of facilitating a larger election once every four years. No changes are proposed in terms of permanent employees resulting from this decision.

Legal implications

- 8.1 The Local Government and Public Involvement in Health Act 2007, as amended by the Localism Act 2011, details the statutory basis on which a resolution to change the council's electoral cycle must be considered.

The specific requirements set out in the Act are detailed below.

- 8.2 Section 33(2) states: *"the council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change."*

The nature of the required consultation is a matter for local discretion and requires an assessment of whether the Council has acted reasonably. The methodology for the public consultation exercise carried out between January and March 2020 is detailed within Appendix 1 and at paragraph 5.1 of this report.

- 8.3 Sections 33(3)(a) and (b) state that once the consultation period has closed and account has been taken of the responses, a resolution to move to whole-council elections can be debated at a meeting of the full Council, specially convened for that purpose. The legislation does not prescribe when such a meeting should take place following a period of consultation.
- 8.4 Section 33(3A) states that the resolution must specify the year in which the whole-council elections will then be held, which can but need not be the following year and must be passed by a majority of at least two thirds of the councillors voting on it.
- 8.5 Section 34 states that once a resolution for whole-council elections has been passed, these elections will be held in the year specified in the resolution and every four years thereafter.
- 8.6 Section 31A states that if a council passes a resolution under the Act to change its electoral cycle, it may not pass another resolution under the relevant sections before the end of five years, beginning with the day on which the earlier resolution is passed.

Climate implications

9.1 None directly arising.

Other significant implications

10.1 There are notable costs and benefits to both elections by thirds and whole council elections that were considered as part of the consultation exercise and have been the subject of debate amongst councillors on several previous occasions – a number of these are listed within the supporting information detailed at Appendix 2. It is for Council to determine which electoral system is most appropriate for the city.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal Finance Service Director(s)	Emily Feenan, Director of Legal, Procurement and Democratic Services	23 December 2021
Report sponsor	Simon Riley, Strategic Director of Corporate Resources	10 January 2022
Other(s)	Mick Styne, Elections and Land Charges Manager Kelly Smith, Head of Policy, Insight and Consultation	23 December 2021 10 January 2022

Background papers:	Minutes and reports of the extraordinary meeting of Council held on 23 September 2020
List of appendices:	Appendix 1 – Electoral cycle consultation, summary report and data tables Appendix 2 – Electoral cycle consultation survey Appendix 3 – Letter received from Marketing Derby, 3 March 2020 Appendix 4 – Letter received from the Derby Renaissance Board, 6 March 2020 Appendix 5 – Minutes of the meeting of the Voices in Action Youth Council held on 16 March 2020