

## **Derby's Electoral Cycle**

### **Purpose**

- 1.1 In November 2019, Council resolved to undertake a public consultation and to engage with stakeholders across the city with regards to changing the current electoral cycle of election by thirds to whole council elections. Council further resolved to convene an extraordinary meeting of the full Council to consider and vote upon the proposals.
- 1.2 A public consultation exercise took place between 27 January and 23 March 2020, which received 501 individual responses. The results of that consultation are presented to councillors for consideration, alongside other representations received.
- 1.3 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.
- 1.4 The draft motion for consideration includes a date of 2022 for the potential commencement of new electoral arrangements, as per the original resolution of Council. This date also formed the basis of the public consultation exercise and would have immediately followed a fallow electoral year in 2021 under the existing cycle.

The Coronavirus Pandemic has resulted in the postponement of local elections scheduled for May 2020 by twelve months, with the next fallow year not due until 2025. It is for Council to determine whether 2022 remains the most appropriate date for the implementation of all council elections.

### **Recommendation**

- 2.1 To note the outcome of the public consultation on potential changes to the Council's electoral cycle.
- 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 2022.*

*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 27 November 2019 and completion of the public consultation exercise.
- 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**

### **Background**

- 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 2022, any councillors elected in 2021 would be subject to re-election.

### **Public consultation**

- 4.5 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 final report of the consultation team is detailed at Appendix 1 and a copy of the consultation survey with the supporting information provided to consultees is at Appendix 2.

- 4.6 In addition to the consultation survey, two letters have been received from external organisations in relation to the city council's electoral arrangements.
- 4.7 A letter was received from the Derby Renaissance Board, dated 6 March 2020, and is attached at Appendix 3. A full list of the membership of the Derby Renaissance Board is available via the following link: <https://www.derbyrenaissanceboard.co.uk/who-are-the-members>

- 4.8 A letter was received from Marketing Derby, dated 3 March 2020, and is attached at Appendix 4.

The letter states that it was the unanimous view of the Marketing Derby Board that the Council should adopt whole council elections. Subsequent correspondence has been 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.

- 4.9 The Voices in Action Youth Council debated the electoral cycle at its meeting of 16 March 2020, having received a presentation from the Acting Head of Democracy. The minutes of the meeting, which include the feedback of the young people involved, are included at Appendix 5.
- 4.10 For reference, 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. On that occasion, Council resolved to maintain the existing electoral arrangements.

### **Debate and Determination**

- 4.11 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.
- 4.12 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 in order for the resolution to be carried:

<b>Number of councillors in attendance</b>	<b>Votes required to change the electoral cycle</b>
51, 50	34
49	33
47, 48	32
46	31
45, 44	30
43	29
42, 41	28

### **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.

## 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 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.
- 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.

## Other significant implications

- 9.1 There are notable costs and benefits to both elections by thirds and whole council elections that have been considered as part of the consultation exercise – 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
<b>Legal</b>		
<b>Finance</b>		
<b>Service Director(s)</b>		
<b>Report sponsor</b>	Emily Feenan, Director of Legal, Procurement and Democratic Services	9 September 2020
<b>Other(s)</b>	Paul Simpson, Chief Executive	9 September 2020
	Simon Riley, Strategic Director of Corporate Resources	9 September 2020

  

<b>Background papers:</b>	None.
<b>List of appendices:</b>	Appendix 1 – Electoral Cycle Consultation, summary of results and data tables Appendix 2 – Electoral Cycle Consultation survey Appendix 3 – Letter received from the Derby Renaissance Board, 6 March 2020 Appendix 4 – Letter received from Marketing Derby, 3 March 2020 Appendix 5 – Minutes of the meeting of the Voices in Action Youth Council held on 16 March 2020