

CANNOCK CHASE COUNCIL

COUNCIL

13 AUGUST, 2008

REPORT OF THE DIRECTOR OF GOVERNANCE & MONITORING OFFICER

CONSULTATION ON CHANGES TO ELECTORAL ARRANGEMENTS

1. Purpose of Report

- 1.1 This report seeks Council's decision on whether to commence a consultation process with a view to determining whether the Electoral cycle for Council Elections should be changed to whole Council Elections every four years from 2011.

2. Recommendation

- 2.1 Council is requested to determine whether:-

- a) To continue with the current Elections regime of Elections by thirds; or
- b) To commence a consultation process in accordance with the Local Government & Public Involvement In Health Act 2007 on whether the Council should change to whole Council Elections every 4 years as from 2011.

3. Key Issues

- 3.1 The Local Government & Public Involvement in Health Act 2007 (Sections 31 to 54) provides an opportunity for District Councils to change their Electoral arrangements.
- 3.2 The Government in its publications prior to the implementation of the 2007 Act and subsequently in reviewing the legislation, has reinforced the importance of simplifying Electoral arrangements by enabling Councils to adopt all-out Elections every 4 years. A variety of academic literature exists which explores the advantages and disadvantages of having an Electoral cycle which requires for a third of Councillors to retire each year. The main point in such research indicates a perpetual uncertainty for several months of the year in relation to the delivery of Council objectives and the taking of difficult decisions all of which can have a negative impact on the governance of the local community. On the other hand, arguments are presented which support Elections by thirds to ensure a regular return of new Members to the position of Councillor.
- 3.3 The 2007 Act provides a specific procedure whereupon a Council may by special resolution, determine that Elections can be for every 4 years as provided for in the Act.
- 3.4 This report does not apply to the Electoral arrangements or electoral cycle of the Parish or Town Council's.

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**Section 1**

**1. Background**

- 1.1 The Local Government & Public Involvement in Health Act 2007 aims towards simplifying Electoral arrangements by enabling Councils to adopt all-out Elections every 4 years. Specific procedures exist within the legislation which requires the Council to undertake various steps prior to implementing such a change.
- 1.2 Prior to resolving to moving to whole Council Elections in 2011, the Council would be required to pass a resolution at a specially convened meeting for the purposes of deciding the resolution. In addition, the resolution must be passed by a majority of at least two thirds of the Members voting on it.
- 1.3 The consequence of the passing of the resolution would mean that there would be no District Council Elections of thirds in 2010 but there would be all-out Elections in 2011. In order to implement this change, the Council would be required to pass the relevant resolution before 31 December 2010.
- 1.4 Prior to passing the resolution to convert the Electoral cycle to whole Council Elections, the Council must have taken reasonable steps to consult with such person as it thinks appropriate on the proposed changes. The legislation does not specify the nature of that consultation but in order to ensure that the decision is a reasonable one, the Council would need to provide sufficient publicity and variety of engagement methods with members of the public and political parties for comments and representations to be made. It is suggested that this should be done over a 4-6 week period and an open consultation exercise, with publicity should be undertaken.
- 1.5 In the event that following that consultation, the Council determines that it wishes to provide Elections on an all-out basis, the Council would be required to produce an explanatory document explaining the effect of the resolution and make that explanatory document available for public inspection at the Council's offices at all reasonable times and available for the public through other means as the Council deems appropriate. This could include websites and audio/visual versions of the document. The Council would also be required to publicise the change in the Electoral arrangements and when the first Election would be required to take place (2011). In addition, the Council would need to advise the Electoral Commission that the resolution had been passed.

**Section 2**

**2. Details of Matters to be Considered**

- 2.1 Council needs to determine whether the consultation process should be commenced, prior to determining the change in Electoral Cycle. The nature of the consultation should be sufficiently comprehensive so as to constitute meaningful consultation. The Council should make available a consultation process by way of the local press; a web site consultative process and through District and County Councillors. Councillors must be consulted in their own right. The Council's PR & Marketing Department have suggested a number of consultation mechanisms which are set out at Annex 1 of this report. On conclusion of the consultation (6 weeks from the date of this meeting) the Council will need to consider the results of the consultation and determine whether a change in the Electoral Cycle is reasonable and proportionate. The Council will need to apply its own judgement on this point. The Council should be able to justify

its decision and should be able to demonstrate due consideration to the views expressed during the consultation. The final decision rests with the Council but could be challenged if it was made outside the law; due process was not followed or unreasonable. Those Councillors elected in 2008 will potentially have a reduced term of office to 2011 and others will serve until 2011.

**Section 3**

**3. Contributions to CHASE**

- 3.1 The Council needs to consider the value of clarifying the Electoral Cycle in achieving the CHASE objectives. Arguments for and against such a change are mentioned at 3.2.

**Section 4**

**4. Section 17 Implications**

- 4.1 There are no Section 17 implications arising directly arising from the report.

**Section 5**

**5. Human Rights Act Implications**

- 5.1 There are no Human Rights Act implications arising directly from this report.

**Section 6**

**6. Data Protection Act Implications**

- 6.1 There are no identified implications in respect of the Data Protection Act arising from this report.

**Section 7**

**7. Risk Management Implications**

- 7.1 The Risk Management aspects of a decision to change the Electoral Cycle concerns itself with the potential challenge to the decision. Should the Council fail to follow the correct procedures and/or (following consultation) make decisions that failed to consider the results of public consultation and consequently make an unreasonable decision, then the potential for a legal challenge would be increased.

**Section 8**

**8. Legal Implications**

- 8.1 The Legal implications are set out throughout the report.

**Section 9**

**9. Financial Implications**

- 9.1 The cost of undertaking the consultation process would need to be provided as a Supplementary Estimate of approximately £7,000, which would be reported to Council at its next meeting for approval. The allocation of Officer expenditure for Election Services will need to be re-evaluated were the Electoral Cycle to change.

Section 10

**10. Human Resource Implications**

- 10.1 The implications of the change in electoral arrangements may require a review of the staffing structure for elections

Section 11

**11. Conclusions**

- 11.1 The Council has the option to determine whether the Electoral Cycle should move to whole Council Elections as from 2011. The Council must undertake a Public Consultation process prior to making a decision and the outcome of this could be reported to Council in November 2008.

**Background Papers**

None

**Annexes**

Annex 1: Proposed Public Consultation Mechanisms

### Suggested Public Consultation Mechanisms

There are several ways the Council can consult with the public on this issue:

Method of consultation	Where/how	Cost	Implications
Call to action method – newspaper advert to include survey ( cut out and return)	One of the local newspapers	Approx £600 full page advert	This may not reach all residents  Reliant on people returning survey
Community Forums	Across district	N/A	Limited access to audience.  Members participation
Direct Mail shot	Royal Mail to deliver leaflet/ survey to every household in district	40k leaflets - cost approx £5k  Direct mail via RM £6k	Most expensive method, but will reach 100% of residents
Website	On line survey made available on CCC website	N/A	May require software in order to collect information.  Software from Jadu maybe required, cost involved
Chase Matters magazine	Distributed to 90% of residents via Chase Post newspaper	Internal only	Space available. The edition may not be timely for the 6 week timescale for consultation
Roadshows	Across district to raise awareness	Display stands  two costing £400 + posters	Distribute leaflets, raise awareness