

**COUNCIL**  
**23 SEPTEMBER 2021**

**PUBLIC DOCUMENT**

**TITLE OF REPORT: ELECTORAL CYCLE CONSULTATION**

REPORT OF: DEMOCRATIC SERVICES MANAGER

EXECUTIVE MEMBER: LEADER OF COUNCIL/COMMUNITY ENGAGEMENT

COUNCIL PRIORITY: BE A MORE WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL / BUILD THRIVING AND RESILIENT COMMUNITIES

**1. EXECUTIVE SUMMARY**

- 1.1 A timetable for the Electoral Review of North Hertfordshire District Council by the Local Government Boundary Commission for England (LGBCE) has been agreed. The first stage of the review is for the Council to produce a submission to the LGBCE on Council Size.
- 1.2 Prior to the submission there needs to be a decision on whether to retain the current electoral cycle of elections by thirds or to move to whole council elections, as this will impact on the number of councillors the authority recommends within the submission to the LGBCE.

**2. RECOMMENDATIONS**

2.1. That Council:

- I. Approves public consultation of the following question for four weeks starting on 4 October 2021 until 1 November 2021.

*Do you think we should (select one only)*

- *elect all of our Councillors every four years?; or*
- *elect one third of our Councillors every year*

- II. Agrees that a Special Meeting of Council be convened following the consultation in order for Council to consider the results of the consultation and determine proposals for any change in its electoral cycle arrangements.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1. The Local Government Boundary Commission for England (LGBCE) undertakes periodic reviews of local boundaries. This has not been undertaken for this District since 2006 and following a number of requests to undertake this review, a timetable for doing so has been agreed with the Council, attached at Appendix A. As part of this process the

LGBCE require information on Council size (number of Councillors) and this in turn will be affected by whether the Council elects its Members by thirds or as a whole. A consultation on electoral cycles is therefore recommended.

- 3.2. Otherwise in terms of the recommended questions – as Members will be aware, the Council currently elects by thirds. There is one further possibility (election by halves), this would affect the numbers per ward (see 8.6 & 9.1 below). For practical purposes, the consultation question concentrates on the existing arrangements or whole council elections. The reasons for this, is as highlighted in paragraph 8.8, there are very few Authorities that elect by halves, the majority of Authorities electing by whole council elections. In their 2004 report, the Electoral Commission advocated that all local authorities should move to all-out elections (rather than electing by thirds or halves), stating this *“would provide a clear, equitable and easy to understand electoral process that would best serve the interests of local government electors.”*

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None that are considered appropriate, as community engagement on such an issue is recommended.

#### **5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. Preliminary meetings with various Officers and Members have been held with the LGBCE, concluding with the presentation to Members by the LGBCE on 14 July 2021.
- 5.2. A Consultant from the Association of Electoral Administrators has been instructed to be the day-to-day lead for organising and co-ordinating the response back to the LGBCE. The Consultant is able to provide specialist, experienced knowledge to assist in the delivery of the review at a time when the Democratic Services team is bedding in a number of new staff. The Leader and Deputy Leader of Council and Executive Members have been consulted on the use of the consultancy service via the Political Liaison Board.

#### **6. FORWARD PLAN**

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

#### **7. BACKGROUND**

- 7.1. The LGBCE is responsible for conducting reviews of local authority electoral arrangements. This is through an 'electoral review'. The LGBCE completed its last review of North Hertfordshire in May 2006.
- 7.2. The Commission has intervention criteria – one of the criteria being if 30% of all wards have an electoral imbalance of more than 10% of the average ratio of electors to Councillors for the Authority. Another being where one or more wards have an electoral imbalance of more than 30% of the average ratio for the Authority. In North Herts, 33% of wards now have a variance outside the 10% threshold and the electoral district is therefore overdue a review.
- 7.3. A timetable has been agreed with the LGBCE for the Review – when key pieces of work must be submitted. The first key piece of work is to develop a 'council size' proposal

which will need to include whether the Council will be changing its electoral cycle from elections by thirds to whole council elections, and also to decide the appropriate number of councillors for the authority. This must be submitted by 21 January 2022. Ward boundaries will not be considered until this phase of the process is complete.

## **8. RELEVANT CONSIDERATIONS**

- 8.1. There is no limit to the number of Councillors that can be elected to represent a ward or division. However, the Commission would not usually accept a proposal for more than three councillors to represent a ward.
- 8.2. The Council currently elects by thirds with a mixture of single, two and three member wards.
- 8.3. The Commission have informed the Authority that a mixture of single, two and three member wards would only be considered in their review if the Council held whole council elections, where all Councillors are elected at the same time every four years.
- 8.4. If the Council wished to retain elections by thirds the Commission would seek to deliver a uniform pattern of three member wards across the district, as per the legal requirements (see legal implications below). They would only move away from this if a pattern of three member wards would significantly undermine their other obligations under law – to deliver electoral equality, reflect community interests and identities and promote effective and convenient local government.
- 8.5. Members are invited to note the following possible scenarios as a result of the two options:
  - i. If the Council retains elections by thirds, all of the existing wards will be abolished through this review as would the current number of Councillors. The current 24 wards would not remain. This is to allow electoral equality as far as possible. It is likely that most, if not all, existing ward boundaries will be changed and all wards would be for 3-Members (as the number of Councillors overall must be a multiple of three). The total number of Councillors will be determined by the LGBCE, following submissions by this Council and other interested bodies. However, whilst the number of Councillors would need to be a multiple of three, there is no requirement for the number of wards to be fixed at the current 24 nor any expectation that the number of Councillors in total would increase substantially. Any submissions about Council Size, including the one prepared by this authority, will need to give clear justification for the proposals based on evidence and the need for effective and convenient local government. In this situation, the election in May 2024 would be to the new ward boundaries. Due to the various changes to the ward boundaries all seats would be up for election, (as the former wards would not exist for a candidate to be elected to) with the candidate in each ward securing the highest number of votes elected for 4 years; second highest for 3 years; and third highest for 2 years. In 2025 the scheduled County Council elections will take place, so there can be no district council elections. Elections to this Council will take place by thirds from May 2026. In 2026 those that secured the least number of votes in the 2024 election would be up for election again, this time for a 4-year term. This is illustrated in image 1 below.

### NHDC elections from 2024 if electing by thirds

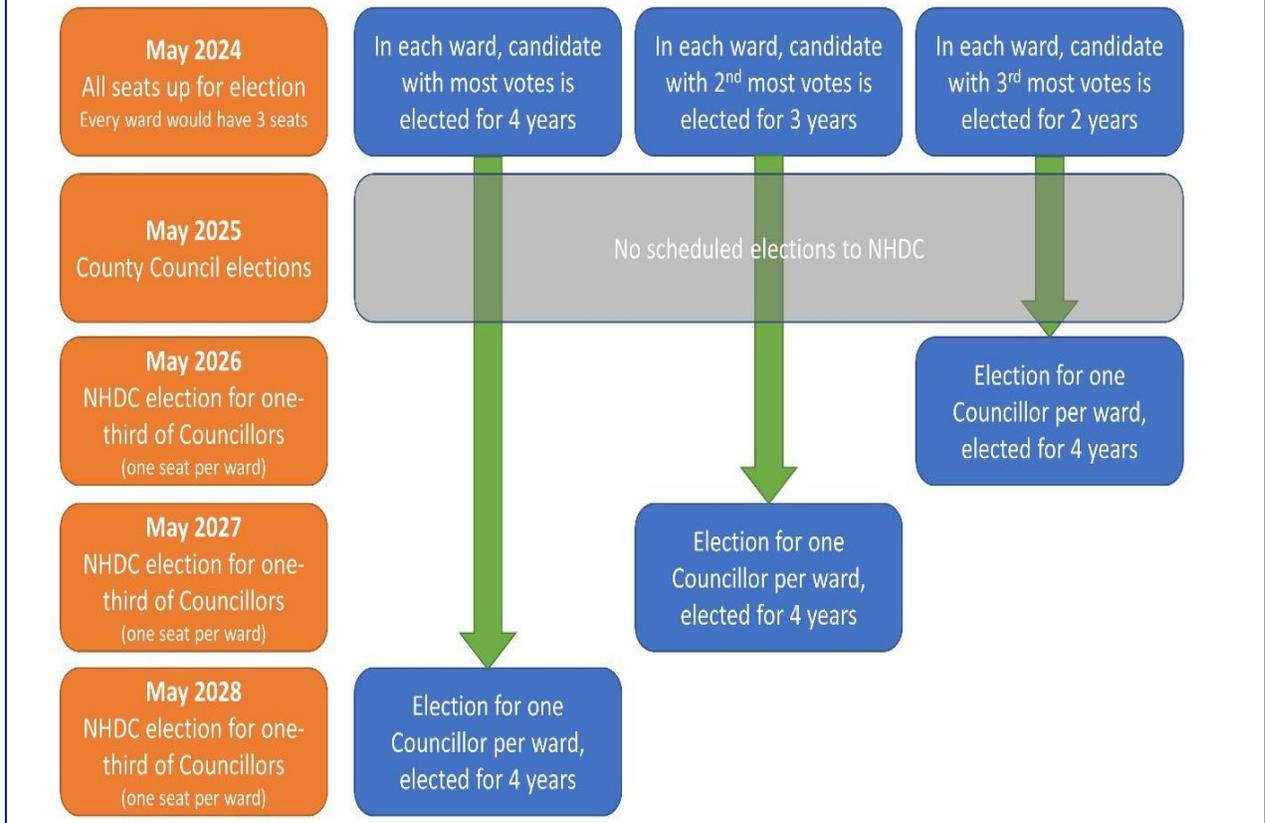


Image 1

- ii If the Council chooses to move to whole council elections, all the existing 24 wards will be abolished through this review. New ward boundaries will be developed, allowing for electoral equality as far as possible. New wards would be for a mixture of 1, 2 and 3 Member wards. Many ward boundaries may be changed. There would be no need for the number of Councillors to be a multiple of three. In this situation, the election in May 2024 would be to the new ward boundaries. All seats would be up for election, with the successful candidates elected for 4 years and scheduled elections to this Council every four years thereafter. This is illustrated in image 2 below.

### NHDC elections from 2024 if electing all-out

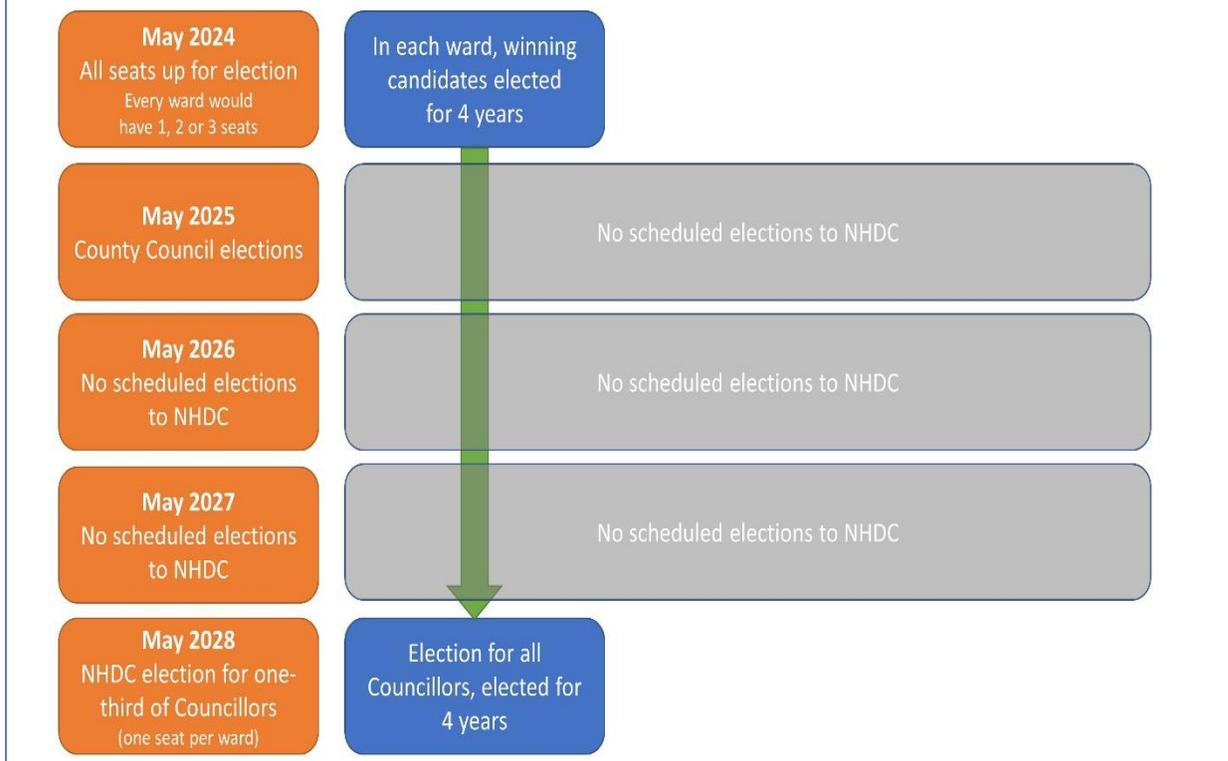


Image 2

- 8.6. There is a further electoral cycle permutation to whole council elections or elections by thirds, being to elect by halves, where elections are held every alternate year for half of the Councillors to be elected. If the council were to elect by halves, all existing wards will be abolished through this review as would the current number of Councillors, again to allow electoral equality as far as possible. Wards will be replaced by two Member wards. It is likely that most, if not all, existing ward boundaries will be changed. As all wards would be for two Members, the number of Councillors overall must be a multiple of two. In this situation, the election in May 2024 would be to the new ward boundaries. Due to the various changes to the ward boundaries all seats would be up for election, (as the former wards would not exist for a candidate to be elected to), with the candidate in each ward securing the highest number of votes elected for 4 years and the second highest candidate being elected for 2 years. In 2025 the scheduled County Council elections will take place so there would be no district council elections. In 2026 those that secured the least number of votes would be up for election, this time for a 4 year term.
- 8.7. Members are invited to note that, whichever electoral cycle is chosen, all current wards will cease to exist from the May 2024 elections and they will be replaced with a new configuration of wards that meet the needs of local people, reflects local interests and identities and is conducive to effective and convenient local government. It is possible that some of the 'new' wards will be identical to the existing wards; however, it is prudent to assume none of the existing wards will continue unchanged and certainly no wards will have a protected status. One way to think of it is as a 'blank sheet' exercise. That is, none of the existing ward boundaries should be considered immovable. The number and configuration of wards will depend on the number of Councillors determined by the

LGBCE following their current consultation. Warding arrangements for a future part of the LGBCE review, and wards are built upon community identities and interests. At this stage, Members are invited to approve the public consultation regarding future electoral cycles (by thirds or whole council elections). The number of Councillors that this authority proposes will be discussed at a future meeting for approval and submission to the LGBCE. The warding arrangements will then follow later next year. Essentially, there are three stages to note at this stage:

- i. Stage 1 – Does the Authority wish to elect by thirds, or whole council elections?
  - ii. Stage 2 - How many Councillors does the Authority need to fulfil its business? (This will be based on stage 1)
  - iii. Stage 3 - Warding arrangements, based on the final approved Council Size by the LGBCE (next year). These will be built using existing parish areas where possible. If electing by thirds, the number of wards is council size divided by 3; if electing by whole council elections, the number of wards is determined by the best configuration of 1, 2 and 3 Member wards. Whatever happens at stage 1, all current wards will cease to exist from May 2024.
- 8.8. Otherwise, to provide some context as to the more usual electoral cycles this link provides details of the Election Timetable for Authorities throughout England (based on 2019 figures).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/920186/Election\\_Timetable\\_in\\_England\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/920186/Election_Timetable_in_England_2019.pdf)

Of district councils:  
131 have whole council elections;  
54 elect by thirds; and  
7 elect biennially

- 8.9. A council cannot pass a resolution for whole council elections unless it has taken reasonable steps to consult “such persons as it thinks appropriate on the proposed change”. Therefore, Members are requested to approve public consultation as per the recommendation, in order for a later decision to take place as to whether to opt for all out elections or retain elections by thirds.

## **9. LEGAL IMPLICATIONS**

- 9.1. Paragraph 2, Schedule 2 of the Local Democracy, Economic Development and Construction Act 2009 states that where a Council holds elections in three years out of every four (where a third of councillors are elected at each election) that this should be divisible by three as per 2(3d),(5 b)(c)(ii), albeit that the Commission Guidance indicates that they would not normally accept more than three per ward, and should seek to deliver a pattern of three member wards across the district. In the case of elections by halves 2(3d) and (5b)(c)(i) states that the number of Councillors should be divisible by two.
- 9.2. The Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007) provides that a district council that elects by halves or by thirds may resolve to move to a scheme of whole-council elections.
- 9.3. A council must comply with section 33 of the LGPIHA 2007 when passing a resolution for whole-council elections and must not pass the resolution unless it has taken

reasonable steps to consult “such persons as it thinks appropriate on the proposed change”. Or in the case of elections by halves, the council must comply with section 38 of the Act.

- 9.4. Having consulted, a resolution to move to whole council elections (or elections by halves) is required:
  - (a) at a meeting which is specially convened for that purpose; and
  - (b) by a majority of at least two thirds of the members voting on it.
- 9.5. The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected and in the case of this Authority could not be the same year as the County Council elections (as specified in the Localism Act 2011). The decision is subject to publicity and notification requirements.
- 9.6. If a Council passes a resolution to change its electoral cycle it may not pass another opposing resolution before the end of five years beginning with the day on which the resolution was passed.
- 9.7. Legislation places several obligations on the Commission in conducting the review and it also places a requirement on the Authority to, if requested by the LGBCE, provide any information as they may reasonably require.

## **10. FINANCIAL IMPLICATIONS**

- 10.1. The Council has implemented a budget challenge process to identify potential savings that could help meet a projected funding gap. As part of this process, the move to four-yearly elections is estimated to generate savings equivalent of around £40k per year. The precise saving would depend upon whether the district elections were combined with any another election, and whether the formulation of the Fees and Charges Order for any elections paid for by central Government were included, as that varies from election to election.
- 10.2. There could be further savings if the overall number of members were reduced. For example, if there were to be a reduction of Members by approximately 10%, to 44, it would generate a saving of at least £25k, based on the current scheme of basic allowance of £5,100 per annum per Member. There could also be savings in other costs, such as the provision of IT equipment and licenses.

## **11. RISK IMPLICATIONS**

- 11.1. The LGBCE has been clear in the preliminary stages with the Authority in that a retention of the status quo will not be accepted by the Commission given that 33% of wards now have a variance outside the 10% threshold and the Council elects by thirds with a mixture of single, two and three member wards.
- 11.2. The Council is required to consult if it is to make a decision whether or not to move to a scheme of whole council elections.

## **12. EQUALITIES IMPLICATIONS**

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. To retain elections by thirds would not provide electoral equality as all wards are not represented by three Members and the voter does not have an equal opportunity to influence the makeup of the council at each election. The Commission would seek to deliver a pattern of three member wards across the district and would only move away from this if a pattern of three member wards would significantly undermine their other obligation under law – to deliver electoral equality, reflect community interests and identities and promote effective and convenient local government.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1. The Social Value Act and “go local” requirements do not apply to this report as this is not a procurement exercise or contract.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

## **15. HUMAN RESOURCE IMPLICATIONS**

- 15.1 The appointment of the Consultant to undertake the Boundary Review has assisted to alleviate some of the pressure within the Democratic Services Team whilst it is significantly under resourced.

## **16. APPENDICES**

- 16.1 Appendix A – Electoral Review Timetable as agreed with the LGBCE (included within the briefing documents provided to Members on 14 July 2021).
- 16.2 Appendix B – Consultation Document – ‘How should Councillors for North Hertfordshire District Council be elected?’

## **17. CONTACT OFFICERS**

- 17.1 Melanie Stimpson, Democratic Services Manager/Returning Officer  
[melanie.stimpson@north-herts.gov.uk](mailto:melanie.stimpson@north-herts.gov.uk)  
01462 474208
- 17.2 Jeanette Thompson, Service Director Legal and Community/Deputy Returning Officer  
[Jeanette.thompson@north-herts.gov.uk](mailto:Jeanette.thompson@north-herts.gov.uk)  
01462 474370

## **18. BACKGROUND PAPERS**

- 18.1 Presentation by the LGBCE to Members on 14 July and the accompanying LGBCE 'Electoral Review of North Hertfordshire – A Guide for Councillors' circulated to all Members on 14 July.