

REPORT FROM: CORPORATE DIRECTOR

TO: COUNCIL

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COUNCIL SIZE and FREQUENCY of ELECTIONS

PURPOSE OF REPORT:

To consider the future number of Borough Councillors and whether the frequency of Borough elections should be changed.

RECOMMENDATIONS

- (1) That the Council reaffirms its decision as to the carrying out of an electoral review.
- (2) That the Council acknowledges the need to come to an early, firm view as to the number of councillors it wishes to have in future.
- (3) That, assuming the Council wishes to consider moving to whole elections, the procedure set out in paragraph 26 be started by instructing the Corporate Director to undertake the required consultation exercise with the intention of a special meeting being convened on the same date as the next ordinary meeting (25th September).

REASON FOR RECOMMENDATIONS

To take forward the review of the number of Councillors and frequency of elections.

BACKGROUND

1. The Council last considered this on 16th December 2016 when it received the recommendations of the all party Member Governance Working Group. These were:
 - (1) *That the Council agree to the carrying out of an electoral review.*
 - (2) *That the proposed reduction in the number of Councillors be from 49 to 45 preferably in 15 wards of 3 members each.*
 - (3) *That elections remain by thirds.*
2. The Council accepted the first recommendation and asked the Governance Working Group to look further at the proposed reduction in the number of Councillors and the wards.

3. The Governance Working Group was unable to make progress largely because of the difficulty in reaching agreement on proposals which would satisfy legal and Boundary Commission criteria. It was agreed to put the matter into abeyance pending the Council's move to a Committee system bearing in mind that the Boundary Commission would want to understand the Council's governance arrangements for the foreseeable future.
4. The Leader of the Council has requested this report to enable the Council to revisit the matter.
5. The report outlines the process, the work involved and the decisions required. Appendix 1 sets out the stages of an electoral review. Appendix 2 sets out the Councillor : elector ratios as at May 2018. Appendix 3 is a comparison with the Council's "Nearest Neighbours" as defined by CIPFA.

COUNCIL SIZE AND WARDS

6. To change the number of councillors and warding arrangements, a formal electoral review by the Local Government Boundary Commission is required. The Commission would produce recommendations which would then be implemented by a Statutory Order.
7. The last electoral review was completed in 2000 when the number of councillors was reduced from 51 to 49 and there were significant changes made to existing wards. Pendle currently has 13 three-member, 3 two-member and 4 one-member wards which is a relatively complex pattern.
8. There appear to be three main reasons for reducing the number of councillors.
9. Firstly, since 2000 the nature and role of the Council has shrunk with a reduction in resources and services provided and a much streamlined officer structure.
10. Secondly the overall number of local democratic representatives has increased significantly with the creation of Nelson and Colne Town Councils. At the same time the role of all parish and town councils is growing, especially as a result of the transfer of services and facilities to them.
11. Thirdly to reduce costs. The Medium Term Financial Plan envisages savings to be realised in 2020/21.
12. The Boundary Commission is required by law to have regard to three criteria - the need to secure as near as possible the same elector : councillor ratio across the borough; the need to reflect the identities and interests of local communities; and the need to secure effective and convenient local government.
13. The Commission recognises that absolute equality of representation is impossible but it will seek ratios close to the Council average in each ward, and normally not greater than plus or minus 10%. The greater the departure from the average the stronger the case on community identity and effective and convenient local government needs to be. It is unlikely to agree to a proposal which increases inequality of representation.
14. The starting point is the number of councillors the Council should have. There is no mathematical formula for this. It is a question of what is right for the Council. Previous reports and discussions have envisaged reductions of around 4 and 15 councillors.

15. The Commission will have regard to the numbers in those councils which are the Council's "Nearest Neighbours" as defined by CIPFA. These are set out at Appendix 3. Councillors will see that there is quite a range.
16. The Commission will have an informal discussion prior to the start of the formal review with the Council's political and managerial leadership about the proposed reduction.
17. It will also look at three areas:
 - the governance arrangements of the Council, how it takes decisions and whether there are any planned changes to this
 - the internal scrutiny arrangements relating to the Council's own decision making and its responsibilities to outside bodies and whether any changes to these are being considered
 - the representational role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.
18. The Commission would expect a detailed submission to be drawn up on this which would set out the vision for the Council over the next five to ten years.
19. The Commission will then announce the Council size it considers appropriate for the preparation of warding proposals. The figure would not be set in stone but the Commission is unlikely to depart from it by more than one or two.
20. In preparing its proposals it will also have regard to the Council's electoral cycle - in other words the desirability of setting the appropriate number of councillors per ward in relation to the frequency of elections.
21. It will start with a presumption that if elections are by thirds there will be broadly a pattern of three member wards (and by implication a council size divisible by three). If the Council has resolved to move to whole council elections it would consider the desirability of single member wards. The overriding consideration however will be the statutory criteria in paragraph 12 above and it may propose single member or multi member wards depending on its assessment of the evidence.
22. The Commission will also take account of projected changes in the number and distribution of electors over the next five years e.g. as a result of migration into or out of the borough, projected house building etc.
23. It would also need to consider whether any changes to town and parish councils' wards should be made as a consequence of changes to Pendle's wards.
24. The Commission will publish draft recommendations for consultation and then final recommendations.
23. The Commission estimates that a review of this nature is likely to take 12 months. The start date would depend on the Commission's review programme and a slot being allocated in this. The implementation of changes would be at the next elections following the making of the Statutory Order, likely to be May 2020. An all-out election would be needed.
24. The potential savings would largely be as a result of fewer payments of members' basic allowances.

FREQUENCY OF ELECTIONS

25. The Council's present policy is to retain elections by thirds. It has itself the ability to decide to move from elections by thirds to whole elections.
26. To do this it must:-
 - a) consult such persons as it thinks appropriate on the proposed change
 - b) convene a special meeting of the Council
 - c) pass a resolution to change by a two thirds majority of those voting
 - d) publish an explanatory document on the decision and make this available for public
 - e) inspection, and
 - f) give notice to the Electoral Commission.
27. Realistically the Council could resolve to have the first whole elections in May 2020 assuming a Boundary Commission review is completed in time. There are all out parish and town council elections in May 2019 together the one third Borough Council elections. May 2020 will also see the next Police and Crime Commissioner elections.
29. There are strong arguments for and against elections by thirds and whole council elections. The main case for whole council elections is that four year councils are better placed to take the long term strategic decisions increasingly needed in the present economic climate.
31. There would be savings from a move to whole elections. It is impossible to state these with total accuracy. A whole election will cost more than an election by thirds but the cost of elections in other years would be saved.

CONSIDERATIONS

33. As Members will appreciate numerous alternatives on Council size are theoretically possible. It will also be apparent from Appendix 1 that at present there is a good measure of electoral equality. Some initial work has previously been undertaken on possible submissions based on 15 x three and 17 x two member wards as requested by the Governance Working Group. In both cases the outcome was a worsening of electoral equality with considerable changes required to many of the existing wards even to the extent of splitting existing polling districts.
34. Further detailed work will be required and where there is departure from the acceptable range for electoral equality, evidence developed that this can be justified on strong community identity grounds. Work will also be required on population projections. All this will be a significant undertaking which will need to be done at an early stage.
35. The Council will need to come to a firm, early view as to the number of councillors it wishes to have in future. It is suggested that to justify the work required on working up a submission and dealing with the review, and to realise a worthwhile saving in view of current financial pressures, the reduction should be very significant e.g. of at least a third.
36. The Council also needs at the outset to decide whether or not it wishes to move to whole elections. The procedure for doing this is outlined in paragraph 26 above. The eventual decision will form an important part of the backdrop to the development of the future pattern of wards.

IMPLICATIONS

Policy: The Council's current policies are to have elections by thirds and to ensure adequate democratic representation for electors.

Financial: By way of example potential annual savings of around £57,000 on allowances by reducing the number of councillors to 30; and of around £50,000 in non-election years by moving to whole council elections could start to be realised from 2020/21.

Legal: The Council has the necessary power to instigate an electoral review to reduce the number of councillors and the power to move to whole elections.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Climate Change: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDIX 1

Stages for electoral reviews

Stage	Action	Duration
Preliminary Period	Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, full council and, where applicable, parish and town councils. At the end of this process, the council under review and its political groups should submit their council size proposals for the Commission to consider.	Up to 6 months in advance of formal start of review
Council size decision	Commission analyses submissions from local authority and/or political groups on council size and takes a 'minded to' decision on council size.	5 weeks
Formal start of review		
Consultation on future warding/division arrangements	The Commission publishes its initial conclusions on council size. General invitation to submit warding/division proposals based on Commission's conclusions on council size.	12 weeks
Development of draft recommendations	Analysis of all representations received. The Commission reaches conclusions on its draft recommendations.	12 weeks
Consultation of draft recommendations	Publication of draft recommendations and public consultation on them.	8 weeks
Further Consultation (if required)	Further consultation only takes place where the Commission is minded to make significant changes to its draft recommendations and where it lacks sufficient evidence of local views in relation to those changes.	Up to 5 weeks
Development of final recommendations	Analysis of all representation received. The Commission reaches conclusions on its final recommendations.	12 weeks

APPENDIX 2

CURRENT COUNCILLOR : ELECTOR RATIOS (May 2018 Electoral Register)

	No of Councillors	Electorate	Councillor: Elector ratio	+/-	% +/-
Pendle	49	64,110	1.1308	-	-
Barrowford	3	3,866	1.1289	-19	-1.45%
Blacko and Higherford	1	1,414	1.1414	+106	+8.10%
Boulsworth	3	4,169	1.1390	+82	+6.27%
Bradley	3	4,121	1.1374	+66	+5.05%
Brierfield	3	3,538	1.1179	-129	-9.86%
Clover Hill	3	3,366	1.1122	-186	-14.22%
Coates	3	4,069	1.1356	+48	+3.67%
Craven	3	4,104	1.1368	+60	+4.59%
Earby	3	4,729	1.1576	+268	+20.49%
Foulridge	1	1,362	1.1362	+54	+4.13%
Higham and Pendleside	1	1,451	1.1451	+143	+10.93%
Horsfield	3	3,665	1.1222	-86	-6.57%
Marsden	2	2,434	1.1217	-91	-6.96%
Old Laund Booth	1	1,219	1.1219	-89	-6.80%
Reedley	3	4,302	1.1434	+126	+9.63%
Southfield	3	3,525	1.1175	-133	-10.17%
Vivary Bridge	3	4,091	1.1364	+56	+4.28%
Walverden	2	2,490	1.1245	-63	-4.82%
Waterside	3	3,662	1.1221	-87	-6.65%
Whitefield	2	2,533	1.1267	-41	-3.13%

APPENDIX 3 - CIPFA NEAREST NEIGHBOURS

COUNCIL	NO OF MEMBERS	ELECTIONS	POPULATION (2011 CENSUS)
Hyndburn	35	thirds	80,734
Mansfield	36	four-yearly	105,893
Kettering	36	four-yearly	93,745
Gloucester	39	four-yearly	122,000
Nuneaton and Bedworth	34	halves	127,500
Worcester	35	four-yearly	95,000
Rossendale	36	thirds	67,982
Cannock Chase	41	thirds	97,462
Ashfield	35	four-yearly	119,497
Erewash	47	four-yearly	112,081
Burnley	45	thirds	87,400
East Staffordshire	39	four-yearly	113,583
Barrow in Furness	36	four-yearly	57,000
Carlisle	52	thirds	75,306
Gravesham	44	four-yearly	105,261