

# Report to Council

26 July 2022

<b>Subject:</b>	Council Election Cycle - Consultation to explore a change to the current schedule of elections in Sandwell
<b>Director:</b>	Director of Law and Governance & Monitoring Officer Surjit Tour
<b>Contact Officer:</b>	Electoral Services Manager, Tracey Hurst Tracey_Hurst @Sandwell.gov.uk

## 1 Recommendations

- 1.1 That Council resolves to launch a public consultation on 1 August 2022 as detailed within this report, on changing the council's election cycle from the current system of election by thirds to whole council elections occurring once every four years.
- 1.2 That council authorises the MD Commissioner, in consultation with both Group Leaders, to progress all necessary actions to enable Council, at a specially convened meeting of council, to determine whether to change the council's electoral cycle to whole council elections.

## 2 Reasons for Recommendations

- 2.1 The council agreed to consider changing the council's election cycle from the current system of election by thirds to whole council elections occurring once every four years following directions by the Secretary of State for Levelling Up, Housing and Communities.



### 3 How does this deliver objectives of the Corporate Plan?

	<p><b>Strong resilient communities</b> The corporate plan commits the council to engaging with and listening to residents, businesses and communities. The recommendations of this report seek to deliver these commitments in respect of a key element of the council's democratic arrangements and in line with the commitment to the successful delivery of Sandwell's Improvement Plan.</p>
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## 4 Context and Key Issues

### 4.1 Background

- 4.2 On 18 January 2022, Minister Kemi Badenoch from the Department for Levelling Up, Housing and Communities (DLUHC) confirmed in a [written ministerial statement](#) that after due consideration, the Secretary of State was minded to use his powers under the Local Government Act 1999 to intervene at the council.
- 4.3 The statement set out the Secretary of State's decision and invited representations from the council. The minister added "*We are also seeking their views on moving to a four yearly election cycle at the earliest opportunity and how best to achieve this*"
- 4.4 On the 10<sup>th</sup> February 2022, in its formal response to the Secretary of State, the council advised "*We are in the process of preparing a clear plan of action to progress this matter, that includes details of our consultation and engagement activity, so that an informed decision can be made at full council as soon as it is practicable to do so.*"
- 4.5 On 22 March 2022, the Secretary of State for Levelling Up, Housing and Communities announced an intervention package and a set of Directions to ensure the council was able to comply with its best value duty under Part 1 of the Local Government Act 1999. These Directions were in-part influenced by the Grant Thornton report following their Value for Money Governance Review of December 2021.



- 4.6 On the 1 June 2022, a briefing note was presented to the Council's Leadership Team in relation to a review of the Council's electoral cycle. Leadership Team agreed for a report to be prepared and presented to Council, to seek agreement to commence a public consultation on the schedule of elections at Sandwell Metropolitan Borough Council. This being in line with the Council's commitment to actively explore the move to whole council elections from the current arrangements as outlined in the council's Improvement Plan.
- 4.7 Approval is sought from Council to commence a public consultation process from 1 August to 16 September 2022 in accordance with Local Government & Public Involvement in Health Act 2007, (LGPIH) on whether the council should move from the current election cycle of elections by thirds, to whole council elections once every four years.
- 4.8 The consultation will seek public opinion and views on either retaining the current electoral arrangements of elections by thirds taking place in three years out of four or moving to a cycle of whole council elections that take place once every four years.

## 5.0 Cycles of Local Government Elections in England

- 5.1 Sandwell Metropolitan Council has 72 councillors and currently elects by thirds in three years out of four; in the fourth year there are no elections, this is known as a fallow year.
- 5.2 All out elections are where all councillors are elected to office once every four years. This means that all 72 seats, three seats for each ward, are elected at once. Historically, the last whole council elections conducted in Sandwell was in May 2004 following a Local Government Boundary Commission Review.
- 5.3 There are currently 232 councils across the country who operate a whole elections cycle. These councils are predominately district, county and London Borough councils. 116 councils elect by thirds and 7 councils elect by halves. 91% of Metropolitan Councils elect by thirds. This includes all West Midlands' Metropolitan Councils with the exception of Birmingham and Wolverhampton.<sup>1</sup>

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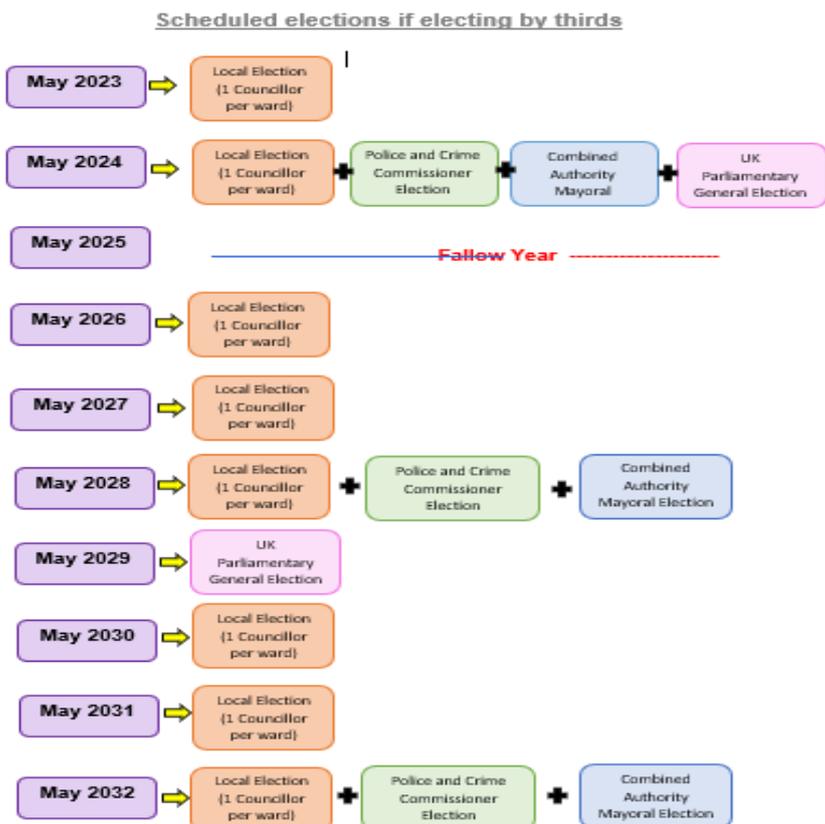
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## 6.0 Current Position and Timetable of Scheduled Elections in Sandwell

- 6.1 Local elections in Sandwell have continued to elect councillors by thirds since 2004. Each year a councillor is elected to one seat in all 24 wards. Currently, and subject to no change to the current cycle, the next Local Borough Election will take place on the 4 May 2023.
- 6.2 Table A below lists the current scheduled elections under the current electoral arrangements due to be held up until 2032.

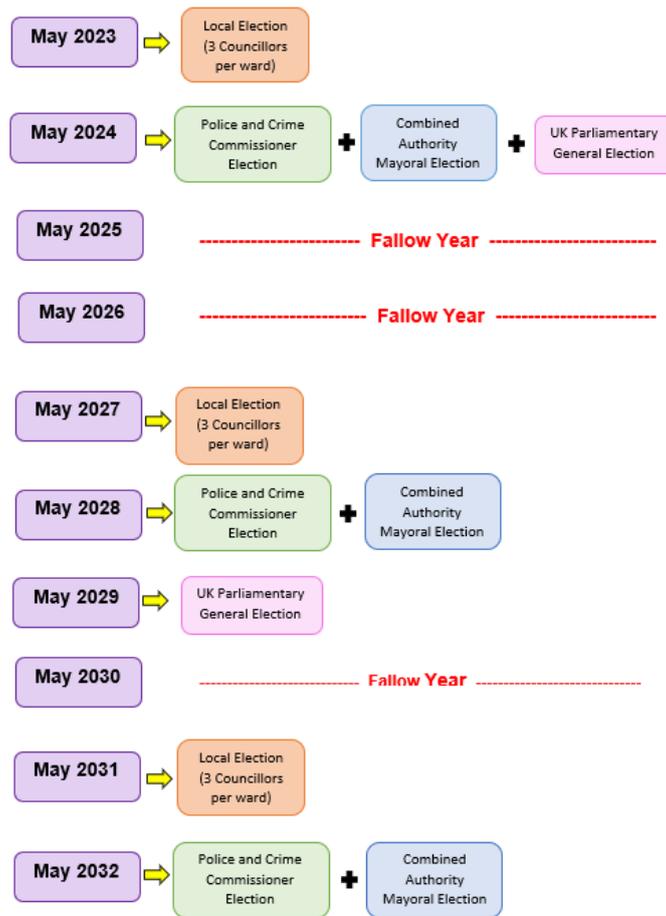


In comparison, Table B below lists the current scheduled elections with an electoral cycle of whole council elections.

ection\_Timetable\_in\_England\_2019.pdf (updated to take account of Derby City Council's recent adoption of all out elections).



**Table B Scheduled elections if holding whole council elections**



- 6.4 What is evident from Table B, and it is important to members to note, is that whilst a change to all out elections will reduce the frequency of local elections, the continued challenges and demands of both scheduled and unscheduled national elections remain.
- 6.5 On the 24 March 2022, the Dissolution and Calling of Parliament Act 2022 came into force. This repealed the Fixed-term Parliaments Act 2011. This means that between June 2022 and January 2025, a UK Parliamentary General Election may be called. The delivery of this election would be under the provision of the statutory timetable of 25 days. A “snap” unscheduled general election impacts significantly when combined with existing scheduled elections irrespective of the “cycle” of elections in place.



## 7.0 Policy context and comparisons of election cycles

7.1 The Electoral Commission (the independent body which oversees elections) recommended in its publication [The cycles of local government elections in England](#) that “ *each local authority in England should hold whole council elections, with all councillors elected simultaneously once every four years*”.<sup>2</sup> The Electoral Commission recommended a move back to whole council elections in order to provide a “stronger local democracy”, “greater clarity” for the electorate and to encourage a “greater understanding” of elections.

7.2 The table below sets out the advantages and disadvantages of each election cycle. This includes learning from the Electoral Commission, the Association of Electoral Administrators and other Local Authorities who have undertaken a review of their election cycle.

	Election by thirds	Whole council elections
Advantages	<ul style="list-style-type: none"> <li>• A regular process that is known and understood</li> <li>• More frequent opportunities for voters to engage</li> <li>• Councillors and political parties held to account by their constituents</li> <li>• Reduces the risk of local issues being confused with national issues</li> <li>• Allows for gradual change at the council and reduces the risk of significant changes every four years.</li> <li>• Can ensure that the political composition of authorities more accurately reflects the local political context</li> <li>• Provide a more current reflection of the views of local people</li> <li>• Continuity of Councillors</li> </ul>	<ul style="list-style-type: none"> <li>• Political Stability - Voters will be able to see a four-year manifesto and longer-term commitments</li> <li>• Continuity of elected members</li> <li>• Clearer opportunity for the electorate to change the political composition of the council</li> <li>• Significant cost savings</li> <li>• Income generation opportunities for core specialists’ staff to “consult” for other LAs in fallow years.</li> <li>• Increase understanding of the election cycle</li> <li>• Comparable electoral cycle to Police and Crime commissioner elections and Combined Authority Mayoral elections that take place four yearly.</li> </ul>

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[https://www.electoralcommission.org.uk/sites/default/files/electoral\\_commission\\_pdf\\_file/cycleoflocalelectfinal\\_11595-9056\\_\\_E\\_\\_N\\_\\_S\\_\\_W\\_\\_.pdf](https://www.electoralcommission.org.uk/sites/default/files/electoral_commission_pdf_file/cycleoflocalelectfinal_11595-9056__E__N__S__W__.pdf)



	Election by thirds	Whole council elections
	<ul style="list-style-type: none"> <li>• Regular intake of newly elected members promotes the opportunity for change and new ideas</li> <li>• Enables development and builds experience of Returning Officer staff, offers the ability to implement new processes and practices regularly – regular redesign and transformation</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced voter apathy and election fatigue for voters resulting in an increase in turnout</li> </ul>
<b>Disadvantages</b>	<ul style="list-style-type: none"> <li>• Less stability – regular changes of political control can affect local businesses and council services</li> <li>• Confusing for the electorate as to which candidate is to be elected and what the process is.</li> <li>• Difficult to see though major policy decisions or large infrastructure or regeneration projects in a single year.</li> <li>• Difficult or unpopular decisions can be put off for future years rather than decided when needed, which does not support the council in its continuous improvement plan</li> <li>• Constant year on year campaigning by Councillors and political parties may lead to voter apathy and lack of interest, resulting in reduced turnout</li> </ul>	<ul style="list-style-type: none"> <li>• Risk that some electors will disengage</li> <li>• Risk that change would be perceived as less democratic</li> <li>• A large turnover of Councillors may lead to disruption of the council if changed significantly</li> <li>• Political complacency</li> <li>• Increase in by-elections impacts the financial position</li> <li>• Loss of experienced elected members</li> <li>• Less frequent elections could be detrimental to encouraging candidates to stand for election as the opportunity to serve on the council will be less frequent</li> </ul>

### 7.3 Benefits of the current system of elections by thirds

7.4 The benefits of this system have previously been stated as providing greater political stability for the council in terms of its membership. Electing by thirds reduces the risk of wholesale change and allows for succession planning because there is a mixture of new and experienced councillors.



- 7.5 It should be noted that five local authorities - Rotherham, Doncaster, Birmingham, Slough and most recently Liverpool<sup>3</sup> have moved to a cycle of whole council elections following differing levels of government intervention, to assist with creating political stability.
- 7.6 It could be argued that some smaller political parties would find it difficult to field the required number of candidates to contest all seats at a whole council election. However, electing by thirds does not necessarily create a greater availability of candidates, more so that those candidates who are willing to stand, have more frequent opportunities to do so.
- 7.7 **Benefits of whole council elections**
- 7.8 There is a limited amount of research on the subject of election cycles and their benefits. The Electoral Commission report referenced in section 7.1 of this report is the most recent official document. In this report, the Commission concluded that whole council elections would provide a clearer and more equitable system of voting for electors in the area.
- 7.9 The Commission report discusses issues around clarity and understanding for electors, which it claims is reduced by a system that elects by thirds. This confusion can particularly affect younger voters or those from BME groups. Therefore, this does highlight equality issues that need consideration before moving towards a change in the electoral system. This is further highlighted in the implications section of the report.
- 7.10 There are differing conclusions referenced in the Electoral Commission's report analysing the impact of changing election cycles. Data suggested that in some areas, a change of electoral cycle to whole council elections increased levels of turnout.<sup>4</sup> The report also suggests that turnout is marginally better amongst councils who conduct all out elections. However, there are also other factors which can affect voter turnout such as combining a local election with a UKPGE, voter engagement/apathy and the local/national political climate.

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<sup>3</sup> Local government boundary commission for England

<sup>4</sup> Local Government Chronical Elections Centre, University of Plymouth



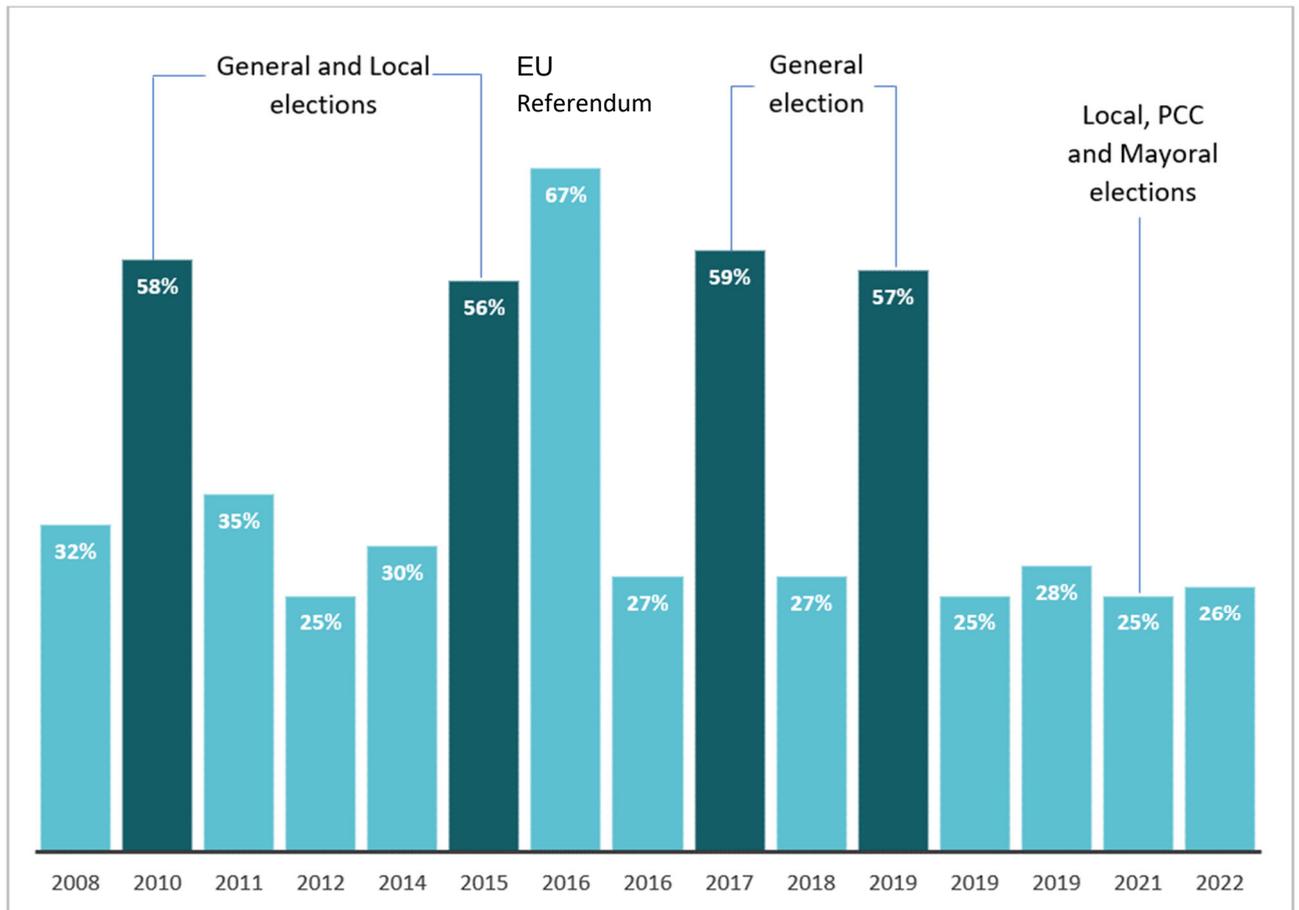
7.11 The table below shows the election turnout figures for three metropolitan councils who moved from elections by thirds to whole council elections

	Last election elected by thirds		First election whole council elections		Subsequent whole council elections	
<b>Birmingham</b>	2016	32%	2018	32%	Scheduled for 2022	
<b>Doncaster</b>	2014	33%	2017	29%	2021	28%
	2015	56% (combined UKPGE)				
<b>Rotherham</b>	2014	35%	2016	33%	2021	29%
	2015	59% (combined UKPGE)				

7.12 The research shows no significant impact on voter turnout levels in changing electoral cycles. It is clear however, that turnout increases when local elections are combined with general elections, this trend is seen on a national scale.

7.13 On a local level the table below sets out turnout for Local and National elections in Sandwell from 2008 to 2022.





The turnout figures for standalone local elections are similar year upon year, similarly as shown in the table above the significant increase in turnout are where elections are combined with General Elections. Members will need to consider the impact of combined cycles in the final decision-making process of changing electoral cycles.

- 7.14 Since 2003, there has been a notable shift by councils from electing in thirds to whole council elections. The most cited reason are the financial benefits and the argument that whole council elections support better long-term decision making and stability.
- 7.15 More recently in April 2021, a Best Value Report on Liverpool City Council by the Government Appointed Lead Inspector, Max Caller CBE, recommended that the City Council move from electing by thirds to a whole council electoral system, noting that *“LCC being in election mode every year provides less opportunity to scrutinise the Mayor’s*



*actions.....and that a whole council electoral system would provide LCC a better ability to have a longer term focus”<sup>5</sup>*

- 7.16 It is also notable that Slough Borough Council commenced a public consultation in December 2021 (for a period of six weeks) with a view to moving to whole council elections as part of its response to addressing its governance and financial difficulties.<sup>6</sup>
- 7.17 Similarly in 2021, as part of the Local Government Association’s Corporate Peer Challenge for Wokingham Borough Council, it was recommended that the council should formally consider the benefits of moving to whole council elections.
- 7.18 The Elections Act 2022 seeks to improve the security, accessibility and transparency of elections and campaigning. A significant part of the elections act is the introduction of Voter ID in polling stations.
- 7.19 It is intended that Voter ID will be implemented for any elections in England in 2023. Members will need to consider the impact of the introduction of Voter ID alongside the change in electoral cycle and potential combination elections, when it makes its final decision on whether to change the election cycle.

## **8.0 Financial Implications for changing electoral cycles**

- 8.1 It is the case that whole council elections cost less to run in the long term than electing by thirds, particularly when those whole council elections are combined with other national elections.
- 8.2 It is important to note that if the council were to move to whole council elections, the costs for the delivery of the local election would rise marginally. These increased costs would include:
- Printing costs (ballot papers are likely to be larger)
  - Postal vote issue and opening costs
  - Training costs for Returning Officer staff

<sup>5</sup> <https://liverpool.gov.uk/council/vision-aims-and-values/best-value-inspection-report/>

<sup>6</sup> <https://www.gov.uk/government/collections/intervention-at-slough-borough-council#:~:text=Slough%20Borough%20Council%20was%20one,of%20an%20external%20assurance%20review.>



- Additional costs for the counting of the votes. (increased length of time counting would take)

8.3 The estimated revenue cost of running a standalone whole council election is £420,000.

8.4 Table C below provides estimated costs under whole council and elections by thirds over a ten-year period. It should be noted that actual costs and savings may vary depending on the number of by-elections, and whether combination elections are run (i.e local elections and UKPGE, Police and Crime Commissioner and/or Combined Authority Mayoral Elections).

**Table C. Cost of elections by third compared to whole council elections over a ten year period**

Year	Election(s)	All out elections every four years	Elections by thirds
2023	Local	£420,000	£380,000
2024	Local, Police and Crime Commissioner, Combined Authority Mayoral, UKPGE?	£0	£225,000
2025	Fallow year	£0	£0
2026	Local	£0	£380,000
2027	Local	£420,000	£380,000
2028	Local, Police and Crime Commissioner, Combined Authority Mayoral.	£0	£260,000
2029	UKPGE?	£0	£0
2030	Local	£0	£380,000
2031	Local	£420,000	£380,000
2032	Local, Police and Crime Commissioner, Combined Authority Mayoral	£0	£260,000
2033	Fallow year	£0	£0
	<b>Total Costs</b>	<b>£1,260,000</b>	<b>£2,645,000</b>

8.5 The table shows the savings that could be achieved over a ten-year period are £1.38m. Any unscheduled combination elections would result in the revenue savings being more significant.

8.5.1 Over a four-year period, subject to no unscheduled “snap” elections the savings would be in the region of £550,000.

8.5.2 Should council approve the recommendations set out in this report to commence a consultation on changing the council’s electoral cycle, a more detailed financial analysis would be



provided as part of a final report presented to council on 22 October 2022.

## 9.0 Legal Process of changing election cycles

- 9.1 The decision to commence a consultation would need to be taken by full council under section 33(2) of Local Government and Public Involvement in Health Act 2007.
- 9.2 Should council approve the recommendations in this report and commence the process to explore the move to whole council elections, there are certain steps that must be taken, which are required and in accordance with the legislation.
- 9.3 The council must take reasonable steps to consult with those that it thinks are appropriate on the proposed change.
- 9.4 A draft consultation strategy is set out in **Appendix A**.
- 9.5 Whilst the consultation period is not prescribed, it is considered, following a benchmarking exercise with other Local Authorities, that a six-week period is proportionate and reasonable.
- 9.6 It is important to note that proceeding with a public engagement consultation does not bind the authority to pass a resolution to amend the election cycle.
- 9.7 Subject to approval of the recommendations within this report, following the consultation, the results will be reported back to the Governance and Constitution Review Committee. The committee will share all relevant information. the results of the consultation and, if it wishes to do so, make a formal recommendation to an extraordinary meeting of council. Council will be the final arbiter on whether the council changes its election cycle.
- 9.8 Under section 33(3) of the LGPIH Act 2007, the council must then vote, with a two thirds majority, to resolve to move to whole council elections. The if this threshold is not met, the current election cycle would continue.



- 9.9 The resolution must specify the year for the first ordinary elections of the council of which all councillors are to be elected.
- 9.10 If the resolution is passed, the council is required to produce an explanatory document available for public inspection and give the Local Government Boundary Commission for England notice that the resolution has been passed.
- 9.11 There is then a detailed process for the implementation of the change to the electoral cycle that is detailed through the Act and related guidance.

## 10.0 Decision Timetable

- 10.1 The earliest practicable opportunity to implement any change approved by council to the cycle of elections is May 2022 providing a decision by Council is made before the end of November 2022.
- 10.2 **Appendix B** sets out the timetable for Council to make the final decision on whether to change the election cycle.
- 10.3 The further report to Council will provide details on the operational implications linked to the implementation of whole elections, which vary depending on the year any change is introduced. These are considerations relevant to the subsequent decision rather than for the decision to go out for consultation which is the focus of this report.
- 11.0 **Local Government Boundary Commission for England (LGBCE): Sandwell Electoral Review.**

- 11.1 The council was informed in September 2021 the LGBCE intends to undertake an electoral review in Sandwell. The last review of this kind in Sandwell was in 2004.
- 11.2 Following a response from Officers to the LGBCE in December 2021, the council was advised that the review would commence following the local elections in 2023 and the implementation of the review would take effect in 2026 with whole council elections and all seats contested.
- 11.3 In view of the council's commitment to explore the change of elections cycle to move to whole council elections, the LGBCE have confirmed their support that should council resolve to implement whole council



elections in 2023 or 2024, the review would be delayed which would then enable a uniform pattern for whole council elections of every four years. Therefore, if whole council elections were to take place in 2023, all elected councillors would serve a four-year term as opposed to a reduced term of three years.

## 12.0 Alternative Options

12.1 There are no alternative options to consider. The council's Improvement Plan which was approved by Council confirmed a commitment to adhere to the directions issued by the Secretary of State. This included the need to consider the change to whole council elections as soon as practicable possible.

## 6 Implications

<p><b>Resources:</b></p>	<p>A change to the Council's current electoral cycle from election by thirds to whole council elections would save an estimated £550,000 over the four-year period.</p> <p>The current budget resource for Electoral Services covers both Elections and Registrations for which there is an ongoing budget pressure. The 2021/22 outturn position was breakeven with a pressure of £0.189m being funded through Covid 19 Emergency Grant funding to offset the additional cost of Elections due to Covid19.</p> <p>The financial implications are outlined in the main body of the report.</p>
<p><b>Legal and Governance:</b></p>	<p>The legal implications are set out in the main body of the report. To move to whole council elections, the council must fulfil the requirements of sections 32 – 36 of the Local Government and Public Involvement in Health Act 2007.</p> <p>The Local Government and Public Involvement in Health Act 2007 does not stipulate how the Council</p>



	<p>must consult on changes to its electoral cycle. The Act states that the Council need to have ‘taken reasonable steps to consult on the change’ and that ‘it is for the council to decide which persons it is appropriate to consult’. No minimum or maximum timescale for consultation is described.</p> <p>The Consultation must give sufficient reasons for its proposals. This is to allow consultees to clearly understand and respond to the consultation adequately and within adequate timescales. All responses must be given due consideration and form part of the final decision-making process resolved at a specially convened meeting of the council in December 2022</p> <p>The decision to formally change electoral cycles can only be made after consultation and at an extraordinary meeting of the council. This requires a two-thirds majority vote in favour of the change.</p> <p>A decision to proceed to consultation on exploring the change of election cycle would require a simple majority vote.</p>
<p><b>Risk:</b></p>	<p>In March 2022, Sandwell Council received Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities. (DLUHC) The Directions set out the requirement of the council to develop, agree and deliver an Improvement Plan.</p> <p>In response to the directions on the 1 June 2022, the council published its Improvement Plan. The plan outlines a number of objectives, workstreams and aims. Page 24 of the plan, Theme 4 - Decision Making states the council will “explore options around a four-year electoral cycle”</p> <p>The recommendations within this report support the council’s commitment to the effective and successful delivery of the council’s Improvement Plan.</p>



	<p>Should the Council not agree to take positive steps to explore the move to a system of whole council elections, the Secretary of State holds the power to require a change by order laid in Parliament, under the provision of Section 86 (A10) of the Local Government Act 2000 as amended.</p> <p>This power has been exercised on three councils in recent years. These are Stoke, Birmingham and Doncaster who have all been required to move to whole council elections.</p> <p>The draft Liverpool order was laid in Parliament in January 2022 with a requirement to cancel the scheduled elections for May 2022 and introduce whole council elections in 2023.</p>
<p><b>Equality:</b></p>	<p>In its report, the Electoral Commission references research which suggests that both younger age groups and those with an ethnicity other than white, were less likely to be aware of when local elections were taking place and that moving to a pattern of whole council elections would improve enfranchisement for these groups compared to those who do not share their characteristics. The Council is under duty to advance equality of opportunity between persons who share a relevant protected characteristic (in this particular case age and ethnicity). A move to whole council elections may provide an opportunity for the council to positively impact on the opportunities of these groups to participate and vote in elections.</p> <p>An equalities impact assessment will be undertaken to ensure that the consultation will be carried out with due regard to facilitating participation by those with protected characteristics under the Equality Act 2010. Subject to the recommendations of this report being agreed, this would be considered by a specially convened meeting of the Council in October 2022.</p>



<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no social value implications arising from this report.

## 7 Appendices

- Appendix A - Changing Electoral Cycles – Draft Public Consultation Strategy
- Appendix B - Decision Timetable

## 8 Background Papers

- The Electoral Commission *The cycle of local government elections in England*, January 2004
- Local Government Boundary Commission for England <https://www.lgbce.org.uk/policy-and-publications/policy-and-researchList>
- External Assurance Review DLUCH2 November 2021.
- Local Government Chronical Elections Centre, University of Plymouth
- Sandwell Council’s Improvement Plan
- Election timetables in England.gov.uk <https://www.gov.uk/government/publications/election-timetable-in-england>
- Local Government Association <https://www.local.gov.uk/our-support/leadership-workforce-and-communications/comms-hub-communications-support/resident>
- Turnout at Elections <https://commonslibrary.parliament.uk/research-briefings/cbp-8060/>
- [Briefing Note - LEADERSHIP TEAM - Electoral Cycle Review \(June 2022\).docx](#)

