

Report to Extraordinary Council

8 November 2022

Subject:	Review of the Council's Elections Cycle
Director:	Director of Law and Governance & Monitoring Officer Surjit Tour
Contact Officer:	Electoral Services Manager, Tracey Hurst Tracey_Hurst @Sandwell.gov.uk

1 Recommendations







- 1.1 That Council considers this report and notes the findings and outcome of the public consultation detailed in **Appendix A**.
- 1.2 That Council resolves whether: -
 - a) To continue with the current cycle of elections by thirds; or
 - b) To move to whole council elections every 4 years to take effect from a date specified by council in the resolution;
- 1.3 That should council resolve to change the electoral cycle to whole council elections once every four years, council authorises the MD Commissioner to issue the necessary public information as required by the Local Government and Public Involvement in Health Act 2007 and undertake any further action necessary to give effect to the Council's decision.



2 Reasons for Recommendations

- 2.1 At its meeting on 26 July 2022, Council approved arrangements for public consultation in connection with the possible change of the election cycle from the current system of ‘election by thirds’ to ‘whole council elections’ occurring once every four years. This followed directions by the Secretary of State for Levelling Up, Housing and Communities that the council reviews its current elections cycle.
- 2.2 This report details the outcome of the public consultation and other relevant information to enable council to determine the council’s electoral cycle.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people
	People live well and age well
	Strong resilient communities 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.
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	A connected and accessible Sandwell



4 Context and Key Issues

4.1 Background

- 4.2 On 18 January 2022, Kemi Badenoch, Minister of State at 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 10th 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 26 July 2022, council considered a [Consultation Report](#) including a consultation strategy and resolved to commence a public consultation to explore changing the council’s electoral cycle (**Minute No. 104/22**).

5.0 Engagement and Consultation

- 5.1 The council undertook public consultation, which ran for six weeks from the 1 August to 16 September 2022.
- 5.2 The consultation question was:

“How often would you prefer to elect councillors to Sandwell Metropolitan Borough Council?”



The possible answers were -

Option 1 – by thirds

Option 2 – whole council elections.

- 5.3 The approach adopted was to use an online public survey published on a dedicated webpage on the Electoral Services page of the council's website. The survey was also published on the council's consultation webpage.
- 5.4 Residents were also able to respond to the consultation via paper copies of the survey. Copies of the survey as well as posters and leaflets were located in every library and Sandwell local offices. Paper copies were also posted to home addresses upon request.
- 5.5 A dedicated email address was also set up, which allowed residents to ask questions, provide further comments.
- 5.6 In total, 487 people responded to the consultation. 470 responded online and 17 responded via the paper survey. The table below shows the number of responses by channel used.
- 5.7 Of the total number of consultation responses received, 69% of consultees voted to retain the current electoral cycle of electing "by thirds".
- 5.8 Table of results.

Total of responses to the Consultation by response type				
Response	Online	Paper	Total	% of Total
Option 1 – By Thirds	325	13	338	69.4%
Option 2 – Whole Council	145	4	149	30.6%
Total	470	17	487	100%

- 5.9 Some of the repeated reasons given by consultees for preferring elections by thirds was that it provided for a regular refresh of political debate and political ideas, and newly elected members can work alongside more experienced councillors.



- 5.10 Some of the reasons given by consultees for preferring whole council elections related to that cycle providing a better use of public resources and providing more stability over a longer political period.
- 5.11 A full analysis of the consultation results outlining the methodology and additional comments received by consultees is detailed in **Appendix A** to this report.
- 5.12 For information **Appendix D** provides a table of consultation activity and information from other local authorities who have also undertaken this exercise to assist with considering and determining their local election cycle.

6.0 Cycles of Local Government Elections in England

- 6.1 Sandwell Metropolitan Council has 72 councillors and currently elects by thirds in three years out of four; in the fourth year, known as a fallow year, there are no scheduled elections.
- 6.2 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 the same time. Historically, the last whole council elections conducted in Sandwell was in May 2004 following a Local Government Boundary Commission Review.
- 6.3 Most recent data confirms that there are currently 226 councils across the country that operate on a 'whole elections' cycle. These councils are predominately district, county and London Borough councils. 101 councils elect by thirds and 6 councils elect by halves. Out of the 36 Metropolitan Councils (86%) 31 elect by thirds. This includes all West Midlands' Metropolitan Councils with the exception of Birmingham.¹ 29% (17) of unitary councils elect by thirds.
- 6.4 The table below shows the breakdown of election cycles across England (two authorities in the 'Sui generis councils' category are City of London Corporation which is a corporation in Isles of Scilly which is a classed as a Unitary authority have been calculated in London boroughs and Unitary for this table)

¹ <http://opencouncildata.co.uk/councils.php?model=&y=0> <https://www.lgbce.org.uk/resources/electoral-data>



Authority Type	All outs	Thirds	Halves	Total
London borough councils	33	0	0	33
County councils	24	0	0	24
District councils	122	53	6	181
Metropolitan district councils	5	31	0	36
Unitary authorities	42	17	0	59
	226	101		333

6.5 By way of information, in 2023 Wolverhampton Council will deliver whole council elections to implement the changes as part of their local government boundary review. However, they will revert to elections by thirds for local elections thereafter.

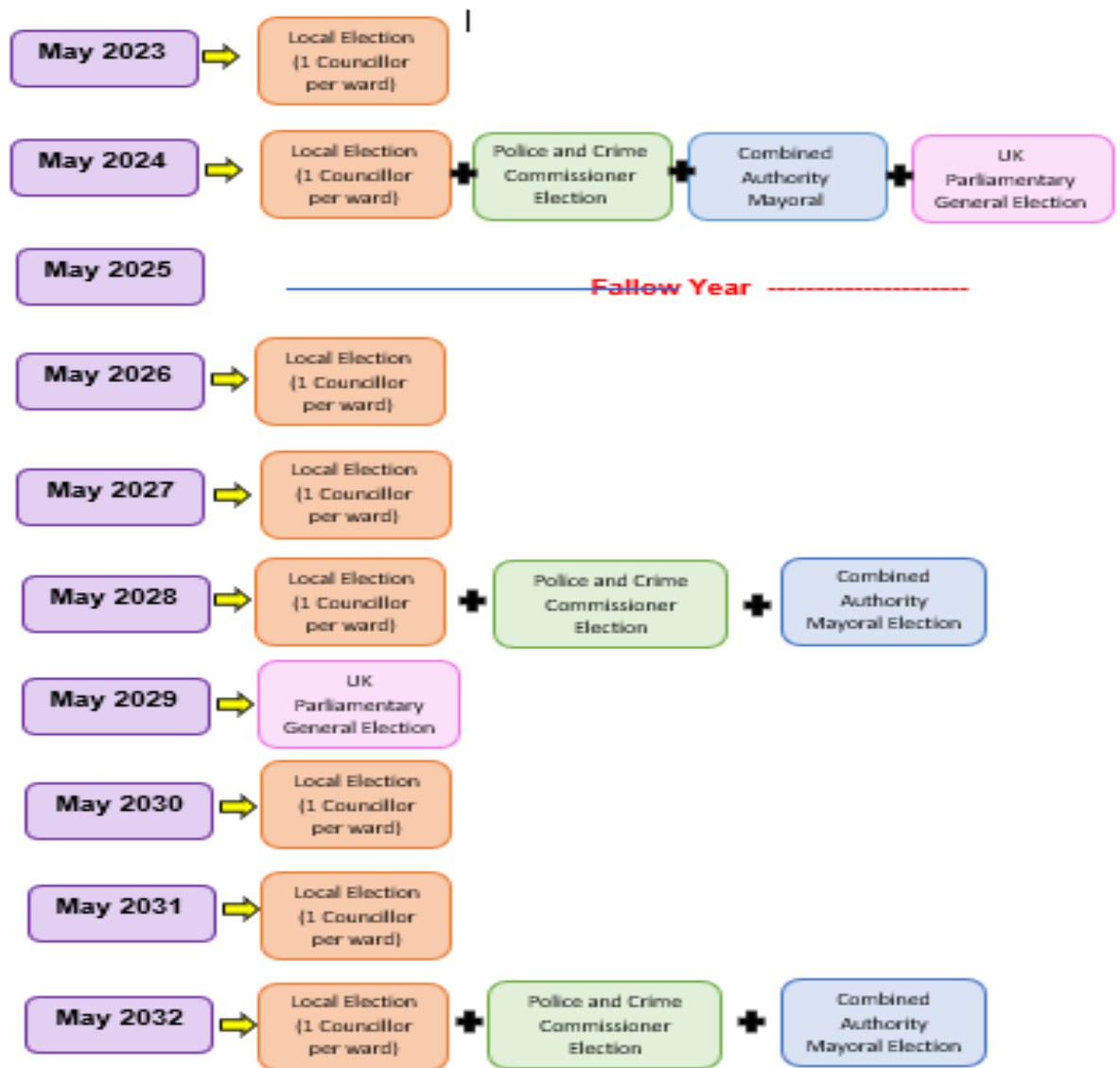
7.0 Current Position and Timetable of Scheduled Elections in Sandwell

7.1 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 elections will take place on the 4 May 2023.

7.2 Table A below lists the current scheduled elections under the current electoral arrangements due to be held up until 2032.



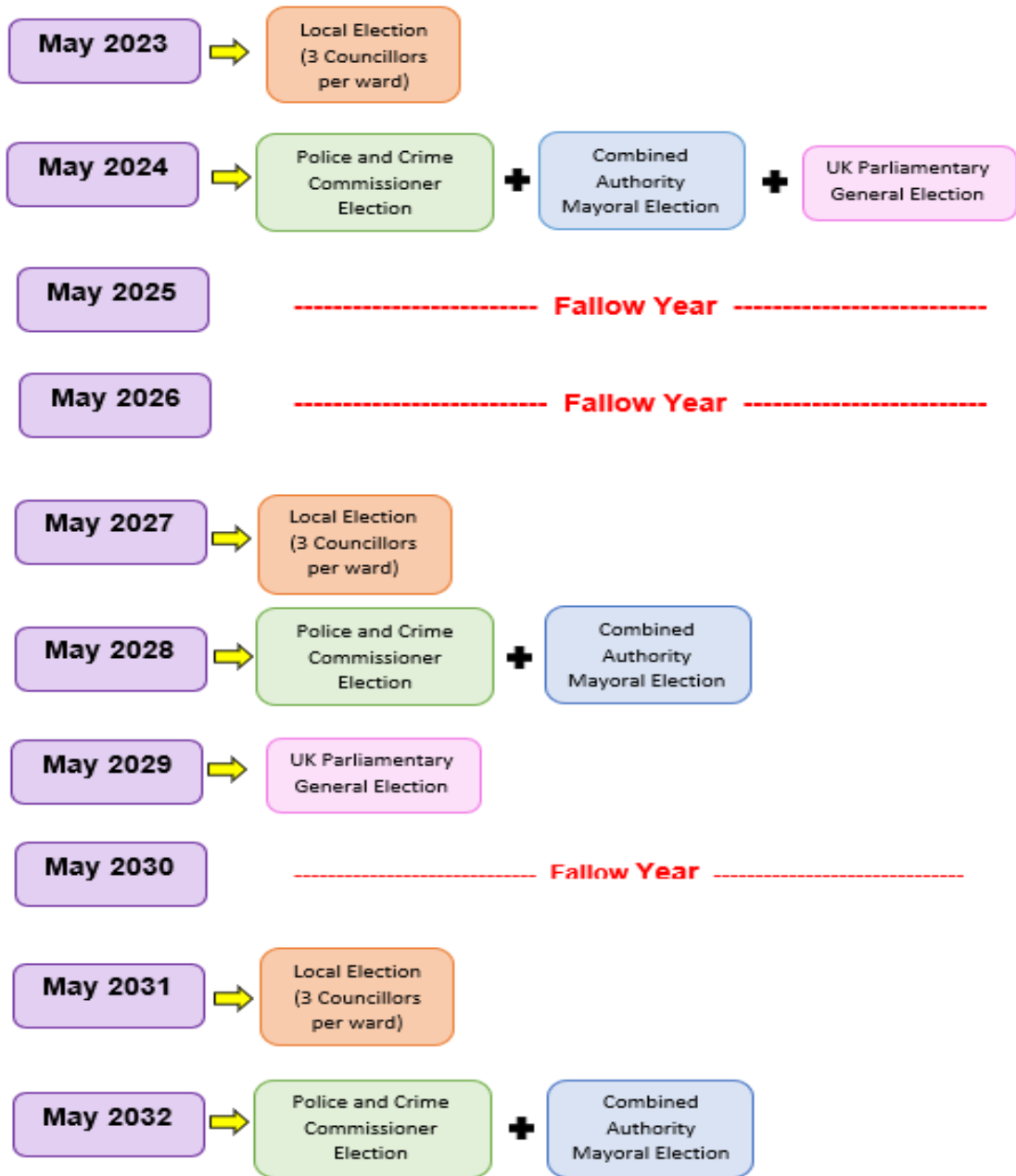
Scheduled elections if electing by thirds



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



Table B Scheduled elections if holding whole council elections



7.4 What is evident from Table B, and is important for 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 will remain.



7.5 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 must be called. The delivery of this election would be under the provision of the statutory timetable of 25 working days. A “snap” general election impacts significantly when combined with existing scheduled elections irrespective, of the “cycle” of elections in place.

8.0 Policy context and comparisons of election cycles

8.1 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”.² 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.

8.2 The table below sets out some of the key considerations 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
<ul style="list-style-type: none"> • A regular process that is known and understood • More frequent opportunities for voters to engage • Councillors and political parties held to account by their constituents 	<ul style="list-style-type: none"> • Political Stability - Voters will be able to see a four-year manifesto and longer-term commitments • Continuity of elected members • Clearer opportunity for the electorate to change the political composition of the council

² https://www.electoralcommission.org.uk/sites/default/files/electoral_commission_pdf_file/cycleoflocalelectfinal_11595-9056__E__N__S__W__.pdf



<ul style="list-style-type: none"> • Reduces the risk of local issues being confused with national issues • Allows for gradual change at the council and reduces the risk of significant changes every four years. • Can ensure that the political composition of authorities more accurately reflects the local political context • Provide a more current reflection of the views of local people • Continuity of Councillors • Regular intake of newly elected members promotes the opportunity for change and new ideas • Enables development and builds experience of Returning Officer staff, offers the ability to implement new processes and practices regularly – regular redesign and transformation 	<ul style="list-style-type: none"> • Significant cost savings • Income generation opportunities for core specialists’ staff to “consult” for other LAs in fallow years. • Increase understanding of the election cycle • Comparable electoral cycle to Police and Crime commissioner elections and Combined Authority Mayoral elections that take place four yearly. • Reduced voter apathy and election fatigue for voters resulting in an increase in turnout
<ul style="list-style-type: none"> • Less stability – regular changes of political control can affect local businesses and council services • Confusing for the electorate as to which candidate is to be elected and what the process is. • Difficult to see though major policy decisions or large infrastructure or regeneration projects in a single year. • 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 • Constant year on year campaigning by Councillors and political parties may lead to voter apathy and lack of interest, resulting in reduced turnout 	<ul style="list-style-type: none"> • Risk that some electors will disengage • Risk that change would be perceived as less democratic • A large turnover of Councillors may lead to disruption of the council if changed significantly • Political complacency • Increase in by-elections impacts the financial position • Loss of experienced elected members • 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

8.3 Consideration of the current system of elections by thirds

8.4 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.



- 8.5 It should be noted that five local authorities - Rotherham, Doncaster, Birmingham, Slough and most recently Liverpool³ have moved to a cycle of whole council elections following differing levels of government intervention, to assist with creating political stability.
- 8.6 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.
- 8.7 **Consideration of whole council elections**
- 8.8 There is a limited amount of research on the subject of election cycles and their benefits. The Electoral Commission report referenced in section 8.0 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.
- 8.9 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.
- 8.10 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.⁴ 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.

³ Local government boundary commission for England

⁴ Local Government Chronical Elections Centre, University of Plymouth



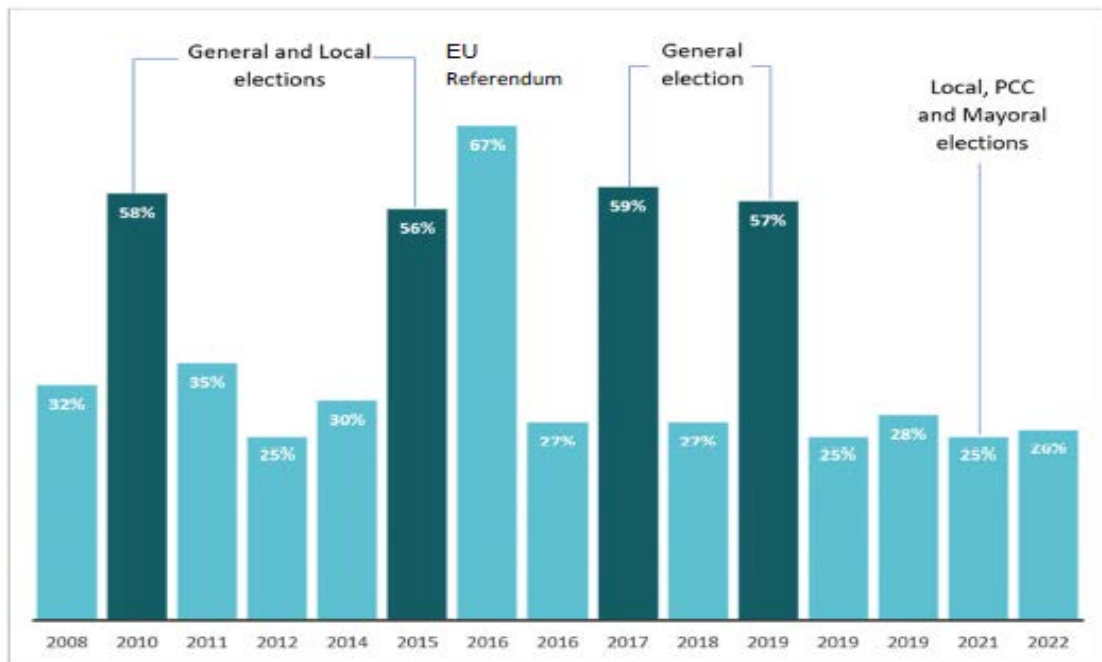
8.11 The table below shows the election turnout figures for three metropolitan councils who moved from elections by thirds to whole council elections

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

8.12 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.

8.13 At a local level, the table below sets out turnout for local and national elections in Sandwell from 2008 to 2022.





- 8.14 The turnout figures for standalone local elections are similar year upon year. Significant increases in turnout are where elections are combined with general elections. Members will need to consider the impact of combined elections in the final decision-making process of changing electoral cycles.
- 8.15 Since 2003, there has been a notable shift by councils from electing by thirds to whole council elections. The most cited reasons are the financial benefits and the argument that whole council elections support better long-term decision making and political/broader stability.
- 8.16 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”*⁵
- 8.17 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

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



moving to whole council elections as part of its response to addressing its governance and financial difficulties.⁶

8.18 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.

8.19 The Elections Act 2022 seeks to improve the security, accessibility and transparency of elections and campaigning. A significant part of the Act is the introduction of Voter ID in polling stations.

8.20 It is intended that Voter ID will be implemented for any elections in England from May 2023. Members will need to consider the significant impact of the introduction of Voter ID alongside the change in electoral cycle and potential combination of elections when it makes its final decision on whether to change the election cycle.

9.0 Financial Implications for changing electoral cycles

9.1 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 national elections.

9.2 The estimated revenue cost of running a standalone whole council election once every 4 years is £420,000. This equates to an approximate an increase of £40k as shown below in table C.

9.3 The table below lists the anticipated **additional costs** for delivery of whole council elections:

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



Additional Expenditure	Cost £	Detail
Staffing	12,500	increased hours for all counting staff, PV and ballot paper checking and box filling. Postal vote proofing and nomination process.
Staff Training	7,300	Face to face training for all count assistants
Equipment and Supplies	8,850	Counting boards for multimember counting. Additional printing for booklets for count and count tickets for 3 x number of candidates. New TDVs for polling stations for longer ballot papers.
Premises Hire	6,800	Additional hire with staff and security
Printing and Production of election material including postage	3,750	Longer ballot papers/changes to Postal Pack accommodate number of candidates
Total	39,200	

9.4 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 combination of elections (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
	Total Costs	£1,260,000	£2,645,000

9.5 Table C 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 as the costs can be apportioned



between all the elections being held and government funding is provided for non-local elections.

9.6 Over a four-year period, subject to no unscheduled “snap” elections, the savings would be in the region of £565,000.

10.0 Legal Process of changing election cycles

10.1 The Local Government and Public Involvement in Health Act 2007 enables the Council to change its electoral cycle by way of a resolution at Full Council

10.2 If council resolves to move from the current electoral cycle of electing by thirds to whole council elections once every 4 years it must in accordance with S32 - 36 of the Local Government and Public Involvement in Health Act 2007, as amended by Schedule 2 of the Localism Act 2011 do the following:

- Consult such persons as it thinks is appropriate on the proposed change
- Convene an extraordinary meeting of the council
- Pass a council resolution to change the electoral cycle by a majority of at least two thirds of the elected members voting.
- Publish an explanatory document on the decision and make this available for public inspection; and
- Give notice to the Local Government Boundary Commission and the Electoral Commission

10.3 The resolution to move to whole council elections must specify the year for the first ordinary elections of the council at which all 72 councillors are to be elected.

11.0 Timing of implementation of whole council elections

11.1 Should council resolve to change the current electoral cycle and move to whole council elections, the earliest opportunity to implement any change approved by council to the cycle of elections is May 2023. Members may resolve to implement all out elections in subsequent years, however, the implications and impact of this must be considered as part of the decision-making process.



- 11.2 **Appendix B** to this report details the operational implications and risks linked to the implementation of whole council elections, which vary depending on the year any change is introduced. Members should note that these implications detailed should be considered alongside the other information contained within this report.
- 11.3 Noting that whilst it is for members to decide, officers consider that the most practicable year for the implementation of whole council elections would be 2023.
- 12.0 **Local Government Boundary Commission for England (LGBCE): Sandwell Electoral Review.**
- 12.1 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.
- 12.2 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.
- 12.3 In view of the council's commitment to explore the change of elections cycle to move to whole council elections. The LGBCE has 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.
- 12.4 The LGBCE have more recently confirmed an indicative timeline to conduct the local boundary review should the council resolve to remain under the current election cycle of elections by thirds. The implementation of any boundary review will result in "whole council" elections regardless of the council's electoral cycle.
- 12.5 More information together with a draft timetable of the review is detailed in **Appendix C** for information.



13.0 Alternative Options

- 13.1 There are no alternative options to consider. The council's Improvement Plan approved by council confirmed a commitment to adhere to the directions issued by the Secretary of State. This included the need to explore and consider the change to whole council elections as soon as practicable.
- 13.2 The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") enables councils to set their own election cycle. It allows Councils to consider passing a resolution to change to whole Council elections, or where they previously elected by thirds but have moved to all out elections to revert again to thirds. It does not allow Councils to move from elections by thirds to election by halves or from elections by halves to elections by thirds."

14 Implications

<p>Resources:</p>	<p>A change to the Council's current electoral cycle from election by thirds to whole council elections would save an estimated £565,000 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>Legal and Governance:</p>	<p>The Local Government and Public Involvement in Health Act 2007 enables the Council to change its electoral cycle by way of a resolution at Full Council</p> <p>If council resolves to move from the current electoral cycle of electing by thirds to whole council elections</p>



	<p>once every 4 years it must in accordance with Sections 32 – 36 of the Local Government and Public Involvement in Health Act 2007, as amended by Schedule 2 of the Localism Act 2011 do the following:</p> <ul style="list-style-type: none"> • Consult such persons as it thinks is appropriate on the proposed change • Convene an Extraordinary meeting of the council • Pass a Council resolution to change the electoral cycle by a majority of at least two thirds of the elected members voting. • Publish an explanatory document on the decision and make this available for public inspection; and • Give notice to the Local Government Boundary Commission and the Electoral Commission <p>The resolution must specify the year for the first ordinary elections of the Council at which all councillors are to be elected</p>
<p>Risk:</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>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</p>



	<p>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>The recommendations within this report support the council's commitment to the effective and successful delivery of the council's Improvement Plan.</p>
Equality:	<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 (EIA) is attached in Appendix E to this report.</p>
Health and Wellbeing:	<p>There are no health and wellbeing implications arising from this report.</p>
Social Value	<p>There are no social value implications arising from this report.</p>



15 Appendices

- Appendix A - Electoral Cycles Public Consultation Report – Results
- Appendix B - Timing of the Implementation of Whole Council Elections – Impact and Considerations
- Appendix C - Local Government Boundary Commission – Indicative Timetable for Boundary Review
- Appendix D - LA Case Study Changing Electoral Cycles
- Appendix E - Equality Impact Assessment

16 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](#)

