

Cheltenham Borough Council

Council - 26 July 2010

Four yearly elections and new executive arrangements

Report of the Chief Executive

1. Executive Summary and recommendation

1.1 The issue

1.1.1 During the budget round earlier this year, proposals were put forward as to whether the council could move to four yearly elections (ie whole council as opposed to elections by halves) as a way of saving money. This report sets out the processes which the council would need to follow if it was minded to move towards whole council elections. This would be an important democratic debate for the people of Cheltenham and, as members will see from this report, to undertake such consultation in a meaningful way it would not be feasible to deliver whole council elections in 2011.

1.1.2 This report also highlights the requirement for the council to review its form of executive arrangements and consider whether to adopt either a strong leader and cabinet model or a directly elected mayor and cabinet model by 31st December 2010. As the council already has in place a strong leader model and bearing in mind that the coalition government have indicated that they will be considering electoral reform and reform of local democratic structures and also taking in to consideration that the council has to identify and deliver major budget savings, it does not seem appropriate to divert officer resource and council funds to undertake a review. It would be better for the council to make its case to the Secretary of State for Communities and Local Government as to why a review of its executive arrangements would be an unnecessary and costly exercise at this time, particularly given the current economic climate and the need to deliver substantial reductions in public sector spending.

1.2 I therefore recommend that:

1.2.1 Council decides whether it wishes to pursue a move to four yearly elections; and if so requests officers to draw up a timetable and associated budget for undertaking the consultation and review as part of the 2013/14 budget process.

1.2.2 Council requests the Chief Executive to write to the Secretary of State to seek support for the council adopting the position of not undertaking a review of its executive arrangements by 31st December 2010.

1.3 Summary of implications

1.3.1 Financial

The current cost of a local council election is £130,000 per election or £260,000 over a 4 year period, budgeted at £65,000 per annum.

If the Council was to run a single full election this would increase the costs by £30,000 to £160,000 per election, resulting in a saving over four years of £100,000, or an average saving of £25,000 per annum. This assumes the number of bi-elections do not increase as a result of a four year cycle.

However, under legislation, the timetable for holding local elections is such that, in the first year of changing to a 4 year cycle there would be insufficient funding available, as this would be held 1 year earlier than under the planned 2 year cycle. One –off additional budget of £95k would therefore be required to support the new arrangement. There would therefore be a payback period of approximately 4 years.

In addition, there will be one-off consultation costs of the proposed changes, as yet undetermined.

Contact officer: Sarah Didcote

E-mail: sarah.didcote@cheltenham.gov.uk

Tel no: 01242 264125

1.3.2 Legal

The relevant statutory provisions and requirements are referred to in the body of the report.

Any final decisions to adopt a new electoral cycle or new electoral arrangements would have to be made by full council.

The SoS has default powers to enforce a leader and cabinet model where a council fails to adopt new executive arrangements.

Contact officer: Peter Lewis

E-mail: peter.lewis@tewkesbury.gov.uk

Tel no: 01242 264216

1.3.3 Other

Contact officer:

E-mail: @cheltenham.gov.uk

Tel no: 01242

1.4 Implications on corporate and community plan priorities

1.4.1 Delivery of either of these workstrands would direct resources away from the delivery of the corporate strategy – see paragraphs 3.6 and 4.3.

1.5 Statement on Risk

1.5.1 See attached register.

2. Introduction

2.1 The council moved from elections by thirds to elections by halves in 2002. Since then a number of councillors and some officers have queried whether there was a benefit to moving to whole council elections. The process for any change was fairly complex and would have required the Secretary of State (SoS) approval. The Local Government and Public Involvement in Health Act 2007 (LGPIH) changed the process, so that SoS approval is no longer required and sets out a process which needs to be followed should the council be minded to move to this method of election.

2.2 During the budget council, there was a proposal that the council could save money if it moved to whole council elections and there was a request that a paper be brought back to the council. Clearly officers who would lead on this matter were involved with the general and local elections but have now had an opportunity to review the process which would need to be followed should the council wish to pursue further.

2.3 In addition the LGPIH requires all councils to review their form of executive arrangements and resolve to adopt either a strong leader and cabinet model or a directly elected mayor and cabinet model. District councils have to make their decision by 31st December 2010.

3. Four yearly elections

3.1 The LGPIH sets out the processes to be followed to change the election cycle. The council cannot effect a change unless it had taken reasonable steps to consult such persons as it thinks appropriate on the proposed changes. Although there is no prescription in the LGIHP as to how the council should consult, given the nature of the decision, it would be important that there was meaningful public consultation so that members of the public and our stakeholders fully understood the implications. The council may also wish to hold member seminars before it made a resolution so that councillors were fully briefed on the strengths and weaknesses of such an approach, and would also need to engage with parish councils as well on the proposed changes.

3.2 A resolution to change the electoral cycle must be passed at a council meeting specially convened for the purpose and the vote would need to be carried by at least two thirds of members voting on it. This decision would need to be taken between the 2010 annual council meeting and 31 December 2010 or between the annual

council meeting in 2014 and 31 December 2014, or in any fourth year after that. The council would need to publicise that it had taken such a decision and produce an explanatory document.

- 3.3 If the council moved such a resolution the elections would be held in 2011, if passed this year, or in 2015 following a resolution in 2014. Clearly no prior indication has been given to either the public or candidates in this year's election that the term of office would be for one year.
- 3.4 If the council decides to take advantage of the LGPIH and move to whole council elections, consideration will also need to be given as to consequential changes to the parish electoral arrangements to align the parish electoral cycle with that of the borough.
- 3.5 It is envisaged that any changes to the electoral cycle would save in the region of £100k over a four year period. The council has not budgeted for any consultation during this year and if it held elections next May would have to meet the cost of these additional elections and the cost of any associated parish elections none of which has been taken into account in the current MTFS. The financial implications are set out paragraph 1.3.1 above.
- 3.6 The elections team have already set within their workplan for 2010-11 a certain number of additional operational tasks which they undertake in the year when we do not have elections. They are already considering the impact on their workplan if there is a referendum on the voting system next year. The partnerships and performance team have already agreed to support consultation on the budget and therefore any additional consultation may require external support for that team or the shifting of resources from elsewhere.

4. Executive arrangements under the Local Government and Public Involvement in Health Act 2007

- 4.1 The LGPIH has restricted council executives to two types: strong leader and cabinet, directly elected mayor and cabinet. The Act also goes further and requires councils with executive arrangements to expressly adopt one of the two options under the LGPIH. In the case of district councils this adoption must be by 31 December 2010 at a special council meeting called for that purpose. The new arrangements must take place on the third day after the local elections which follow the council resolution.
- 4.2 The council is required to consider the extent to which the options would be likely to assist in securing continuous improvement to its functions having regard to economy efficiency and effectiveness. It must take reasonable steps to consult local government electors and interested parties in its area and whilst such consultation may be 'light touch' it must be meaningful and should be over a reasonable period, say 12 weeks. The council may but is not obliged to hold a referendum on the options.
- 4.3 The council adopted a leader and cabinet model in 2001 following a referendum for an elected mayor. The result of the referendum was very clear that there was no appetite for an elected mayor, and the then editors of both the Echo and Citizen ran anti mayoral campaigns. The council's current leader and cabinet model incorporates a strong leader, meaning that full Council appoints the Leader and the Leader then

decides the Cabinet size, Cabinet appointments and portfolios and delegations. This is known as an 'old style' strong leader model and it is almost identical to the new strong leader and cabinet model under the LGPIH save that the Leader is appointed for two years to coincide with the council's elections by halves, as opposed to a four year term specified in LGPIH. It should be noted that many councils have or have had in place 'weak' leader arrangements whereby the council appoints the leader and the cabinet.

- 4.4** Given the new coalition government's intention to review democratic processes and structures and the current budget situation, it seems more appropriate for members and officers to spend their time considering how we can deliver outcomes and make the necessary savings to deliver the gap within the MTFs rather than undertaking any further work or consultation on pursuing new executive arrangements, particularly when our current arrangements are so closely aligned with the new strong leader model in the LGPIH. Therefore, I am recommending that I write to the SoS setting out our position and looking for his support in adopting that position.
- 4.5** If we were to receive an unsympathetic response from the SoS then I would have to consider bringing back a further report setting out the plan and budget for a formal review of our executive arrangements.
- 4.6** It should be noted that the LGPIH empowers councils to pursue the adoption of new executive arrangements at any time and so if, in the future, there was a ground swell of opinion to pursuing the mayoral model, then this could be considered at that stage.

Appendices

- | | |
|----------|-----------------|
| 1 | Risk assessment |
|----------|-----------------|

Background Papers

Contact Officer	Jane Griffiths, Assistant Chief Executive, 01242 264126, jane.griffiths@cheltenham.gov.uk
Accountability	Cabinet member corporate services
Scrutiny Function	Economy and business improvement

