

SLOUGH BOROUGH COUNCIL

REPORT TO: Extraordinary Council
DATE: 18th January, 2022
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WARD(S): All

PART I **FOR DECISION**

PROPOSED MOVE TO WHOLE COUNCIL ELECTIONS AND REQUEST TO THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND FOR A REVIEW OF WARD PATTERNS

1. **Purpose of Report**

To advise Council on the results of the consultation on a move to whole Council elections; and on the actions flowing from the consultation results.

2. **Recommendations**

Council is requested to resolve:

- (a) That the Council move to whole Council elections to be held every four years, with the first such election to take place in May 2023.
- (b) To give notice to the Local Government Boundary Commission for England that it has resolved to move to whole council elections
- (c) To submit a request to the Local Government Boundary Commission for England to conduct an electoral review for the purpose of designing a pattern of wards consistent with the move to whole Council elections; accompanied by the Council Size Submission at Appendix A
- (d) To request the Secretary of State to exercise his powers under sections 15 (5) and (6) of the Local Government Act 1999 to make a Direction for the postponement for one year of the May 2022 elections of one third of Slough Borough Councillors and to extend terms of office accordingly.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

3a. **Slough Wellbeing Strategy Priorities**

Good governance arrangements will support all of the Slough Wellbeing Strategy Priorities and the JSNA.

3b. **Five Year Plan Outcomes**

The change to the electoral cycle and the outcome of a Local Government Boundary Commission electoral review will support delivery of all five priority outcomes of the Five Year Plan.

- Outcome 1: Slough children will grow up to be happy, healthy and successful
- Outcome 2: Our people will be healthier and manage their own care needs
- Outcome 3: Slough will be an attractive place where people choose to live, work and stay
- Outcome 4: Our residents will live in good quality homes
- Outcome 5: Slough will attract, retain and grow businesses and investment to provide opportunities for our residents

4. **Other Implications**

(a) Financial

4.1 Currently Slough funds an election in all voting areas within the Borough (other than Foxborough and Colnbook with Poyle) in three out of every four years. In years when Borough elections are combined with a national election (for example General, PCC) the cost of an election is shared. On average the cost to Slough of running a combined election is £100k. A standalone election by thirds costs approximately £187k.

4.2 The cost of running a 'whole' Council election is estimated to be £210k.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
That the Council move to whole Council elections to be held every four years, with the first such election to take place in May 2023; to request the Secretary of State to exercise his powers to direct postponement for one year of the May 2022; to give notice to the Local Government Boundary Commission for England that it has resolved to move to whole council elections; to submit a request to the Local Government	Political, Legal & Regulatory risks associated with maintaining the status quo	Existing scheme of elections by thirds.	Likelihood – Very Low – 2 Impact – Negligible – 2 Risk Score - 4	Enhanced and strengthened governance.

Boundary Commission for England to conduct an electoral review.				
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(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications arising from this report.

The Local Government and Public Involvement in Health Act 2007 contains the following provisions on the change from a scheme of elections by thirds to a scheme of whole council elections:

Section 32 Resolution for whole-council elections

- (1) A district council in England that is subject to a scheme for elections by halves or by thirds may resolve that it is to be subject instead to the scheme for whole - council elections under section 34.
- (2) A resolution under this section is referred to in this Chapter as a “resolution for whole-council elections”.

Section 33 Resolution for whole-council elections: requirements

- (1) A council must comply with this section in passing a resolution for whole-council elections.
- (2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.
- (3) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.
- [(3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.

Section 34 Scheme for whole-council elections

- (1) On passing a resolution for whole-council elections, a council becomes subject to the following electoral scheme.
- (2) Ordinary elections of the councillors of the council are to be held in -
 - [(a) the year specified under section 33(3A) in the resolution, and
 - (b) every fourth year afterwards].
- (3) All councillors are to be elected in each year in which ordinary elections are held.
- (4) On the fourth day after ordinary elections are held -
 - (a) the councillors elected in those elections are to come into office, and
 - (b) the sitting councillors are to retire.
- [(4A) Ordinary elections of councillors of the council under the previous electoral scheme are to be held in accordance with that scheme in any year that -
 - (a) is earlier than the year specified under section 33(3A) in the resolution for whole-council elections, and
 - (b) is a year in which, under the previous electoral scheme, ordinary elections of councillors of the council are due to be held.
- (4B) In subsection (4A) “the previous electoral scheme” means the scheme for the ordinary elections of councillors of the council that applied to it immediately before it passed the resolution for whole-council elections.]

Section 35 Publicity

- (1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.
- (2) The council must produce an explanatory document.
- (3) The council must make the explanatory document—
 - (a) available for public inspection at the council's principal office at all reasonable times, and
 - (b) available to the public by such other means as the council thinks appropriate.
- (4) The council must publicise these matters -
 - (a) that the council has become subject to the scheme for whole-council elections under section 34;
 - (b) when elections will first take place in accordance with the scheme;
 - (c) how the explanatory document is available in accordance with subsection (3);
 - (d) the address of the council's principal office.
- (5) It is for the council to decide how those matters are to be publicised.
- (6) An explanatory document is a document which sets out details of the new electoral scheme as it applies to the council.

Section 36 Notice to Local Government Boundary Commission for England

- (1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.
- (2) The council must give the Local Government Boundary Commission notice that it has passed the resolution.

(d) Equalities Impact Assessment

There is no identified need for an EIA at this stage.

5. Supporting Information

5.1 On 8th July 2021 the Council's Electoral Cycle and Parliamentary Boundary Review Working Group resolved that there should be a public consultation during the Autumn of that year on a change to the electoral cycle.

5.2 A consultation ran from 22 November 2021 until 1st January 2022, both online and in the form of hard copies delivered to every household in the Borough. It was entitled "Local elections – have your say" and invited views on whether the Council should change to whole council elections every four years or retain the existing system of election by thirds.

5.3 There were 631 admissible responses to the consultation: 242 (38.35%) respondents supported retaining the existing system of election by thirds; 389 (61.65%) respondents favoured a move to whole council election held every four years. Analysis of the consultation results is at Appendix B.

5.4 In July 2021 the Secretary of State commissioned Jim Taylor to conduct a review of the strength of the Council's governance arrangements and Mr Taylor's report was published in September 2021. Among Mr Taylor's findings, he made the following observation: "*Improvement for Slough BC will rely on stability in political leadership and it would be advisable that the council moves towards a four yearly election cycle at the earliest opportunity.*" This extract was later quoted in a letter to the Council's Acting Chief Executive, dated 25th October 2021 from the Deputy Director, Local Government Stewardship at the Department for Levelling Up

Housing and Communities, in which the Council was invited to give its views on how best to achieve this.

5.5 On 1st December 2021, the Secretary of State made Directions under sections 15 (5) and 15 (6) of the Local Government Act 1999 and also appointed a Lead Commissioner and a Finance Commissioner for the purposes of the Directions. The covering letter advising the Acting Chief Executive of the Directions and the appointment of Commissioners included the comment that *“The Secretary of State was pleased to note that the Authority has started to look at moving to whole council elections to be held in Slough every four years. This will be another matter on which the Authority should work closely with Commissioners and the Secretary of State is expecting updates from his Commissioners. The Secretary of State is clear that moving to whole council elections will be an important step in the Authority’s recovery”*.

5.6 The Directions strongly recommend an early move to whole council elections; and to work closely with the Commissioners in the process. The Commissioners have commented that they are pleased with the work the Council is doing in this regard. The Lead Commissioner has given his view that the Council must move to a four yearly cycle of whole council elections at the earliest opportunity, namely May 2023, and that the change should be accompanied by a revised pattern of wards, meaning that the Local Government Boundary Commission for England (LGBCE) should be requested to conduct an electoral review at the earliest opportunity. The LGBCE is next due to meet on 20th January 2022 and has given an indication that it would be prepared to accept the Council’s request for review, subject to Council’s decision at its extraordinary meeting on 18th January.

5.7 The three Parish Councils within the Borough all operate on a four yearly election cycle of whole council elections and their next scheduled elections are to be held in May 2023.

6. **Comments of Other Committees and of the Commissioners**

This report was considered at a meeting of the Member Working Group on the Electoral Cycle and Parliamentary Boundary Review on 6th January 2022. Members noted the results of the consultation on the elections cycle which ran from 22nd November 2021 until 1st January 2022. Members gave their unanimous support to recommendations (a) to (c) and adopted a neutral position as to recommendation (d), commenting that they would leave this as a matter purely for Council to vote upon at its Extraordinary Meeting on 18th January 2022.

The Commissioners’ comments are set out at 5.6 above.

7. **Conclusion**

A move to a scheme of four yearly, whole council elections with effect from May 2023 will meet the Secretary of State’s expectations and achieve an important step in the Council’s recovery. If the Council is to adopt the new elections cycle, it would be an imprudent use of public funds to hold the scheduled election of one third of Councillors in May 2022. The Council should also have regard to the Lead Commissioner’s view that a change to the elections cycle prompts the need for an electoral review.

8. **Appendices**

'A' Proposed Council Size Submission **(TO FOLLOW)**

'B' Analysis of consultation responses.

9. **Background Papers**

1. DLUHC (formerly MHCLG) Governance Review dated September 2021, published 25th October 2021
2. DLUHC "minded to" letter dated 25th October 2021
3. DLUHC letter dated 1st December 2021
4. Slough Borough Council: Directions made under the Local Government Act 1999 dated 1st December 2021
5. Slough Borough Council: Explanatory Memorandum dated 1st December 2021
6. Slough Borough Council: Commissioner appointment letters dated 1st December 2021.