

Open

Special Council

Agenda

6.00pm
Wednesday, 24th July 2013
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Council

Public Information

1. If you have any questions regarding the agenda, the attached papers or the meeting being webcast, please do not hesitate to contact the officer named below.
2. The Council meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting
3. The public are welcome to speak at meetings of Council provided they have requested to speak in advance of the Agenda being published. Details of the guidance for public speaking can be found on our website www.wyreforestdc.gov.uk
4. If you have any special requirements regarding access to the venue and its facilities including audio and visual needs please let us know in advance so that we can make arrangements for you.
5. This Agenda can be made available in larger print on request; if you require a copy please contact:

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16th July 2013

SPECIAL COUNCIL MEETING

TO ALL MEMBERS OF THE COUNCIL, HONORARY ALDERMEN,

PRESS AND PUBLIC

Dear Member

YOU ARE INVITED to attend a Special meeting of the Wyre Forest District Council to be held **at 6.00p.m. on Wednesday 24th July 2013**, in the Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster.

This is a special meeting of Wyre Forest District Council convened in accordance with section 33(3) of the Local Government and Public Involvement in Health Act 2007, for the purpose of considering whether to pass a resolution for whole-council elections.

The Agenda for the meeting is enclosed.

Yours sincerely,

A handwritten signature in black ink that reads "I R Miller".

Ian Miller
Chief Executive

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

(A) TERMS OF REFERENCE OF THE COUNCIL

The Council

1. Is the ultimate decision making Body.
2. Determines the Budget (but reserves powers to itself in relation to requirements).
3. Is responsible for appointing (and dismissing) the Leader of the Council.
4. Appoints at its Annual Meeting, the Regulatory Committees, the Overview and Scrutiny Committee and any other Committees/Forums necessary to conduct the Council’s business.
5. Decides on matters where the Cabinet is not minded to determine a matter in accordance with Council policy.

(B) MATTERS RESERVED TO THE COUNCIL

1. Those reserved by Law e.g. levying a rate, borrowing money, promotion of or opposition to a Bill in Parliament.
2. Matters reserved to the Council by financial regulations.
3. The adoption and amendment of Standing Orders, including the powers and duties of Committees and other forums.
4. Power to make, amend, revoke or enact or enforce any byelaws.
5. The determination of the objectives of the Council.
6. Matters of new policy or variation of existing policy as contained within the budget and policy framework.
7. Local Development Framework adoption.
8. Any function where a decision would be contrary to a plan, policy, budget or strategy previously adopted by the Council, which would be contrary to the Council’s Standing Orders, Financial Regulations or Executive arrangements.
9. The Scheme of Delegations to Officers.

WEBCASTING NOTICE

This meeting is being filmed for live or subsequent broadcast via the Council's website site (www.wyreforestdc.gov.uk).

At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.

Wyre Forest District Council

Special Council

Wednesday, 24th July 2013

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Prayers To be read by Rose Lawley of Kidderminster Parish Church Team Ministry and Industrial and Workplace Chaplain for Kidderminster and Wyre Forest.	
2.	Apologies for Absence	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Electoral Arrangements for Wyre Forest District Council To receive a report from the Chief Executive which asks Council to decide whether or not to change the cycle of elections for Wyre Forest District Council.	7

WYRE FOREST DISTRICT COUNCIL

SPECIAL MEETING OF COUNCIL

24TH JULY 2013

Electoral Arrangements for Wyre Forest District Council

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	-
CORPORATE PLAN AIM:	Delivering together, with less
CABINET MEMBER:	Leader of the Council
DIRECTOR:	Chief Executive
CONTACT OFFICER:	Ian Miller, Ext. 2700 ian.miller@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 – consultation paper on electoral cycle, June 2013

1. PURPOSE OF REPORT

- 1.1 To consider whether or not to change the cycle of elections for Wyre Forest District Council.

2. RECOMMENDATION

Council is RECOMMENDED to RESOLVE:

- 2.1. **EITHER to implement whole council elections in May 2015 and every four years thereafter. To be passed, such a resolution requires the support of two thirds of members who are present and voting;**
- 2.2 **OR to retain the current arrangements of elections by thirds.**

3. BACKGROUND

- 3.1 Since the first elections to the Council in 1973, elections have been held by thirds, which means generally that elections for 14 councillors are held in three successive years. In the fourth year, elections to Worcestershire County Council are held.
- 3.2 As a result of the electoral review being conducted by the Local Government Boundary Commission for England, there will be whole council elections in May 2015 to implement a reduced number of councillors on a new pattern of ward boundaries. There is a report about the Commission's proposals for size of the Council on the agenda for tonight's ordinary meeting.
- 3.3 The electoral review gives an opportunity for the Council to review its electoral arrangements. Under section 32 of the Local Government and Public Involvement in Health Act 2007, the Council can resolve to move from the present arrangements of election by thirds to whole council elections. There are some important statutory requirements about making such a decision which are set out in section 33 of the 2007 Act:

- 3.3.1 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. A public consultation has been undertaken on this topic and the results are reported in section 4 below;
- 3.3.2 the resolution must be passed -
 - at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - by a majority of at least two thirds of the members voting on it;
- 3.3.3 the resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected. This is covered by the wording of paragraph 2.1 above;
- 3.3.4 the year specified may not be a county council elections year. "County council elections year" means 2013 and every fourth year afterwards. Thus, if the Council decides to change its electoral arrangements, its elections cannot be held in 2017, 2021 etc.

4. KEY ISSUES

- 4.1. The Council's decision about its electoral arrangements is relevant to the electoral review being conducted by the Boundary Commission. The Commission must, by law, take into account several statutory criteria when taking decisions on an electoral review. They include the need to ensure that the electoral arrangements of a local authority reflect its electoral cycle.
- 4.2. The electoral cycle has an impact on the shape of the Commission's recommendations. The Commission's proposal for the size of the Council (33 members) could operate successfully whether the Council retains election by thirds or moves to whole council elections.
- 4.3. If the outcome of this special meeting of the Council is that election by thirds continue, then it is inevitable that the number of councillors will be a multiple of three. The Commission will start from the presumption that its recommendations will be based on three member wards. It will depart from this approach only if there would be conflict with the statutory criteria for its reviews. It is not guaranteed therefore that, if the Council decides to continue elections by thirds, the present mixture of multi-member wards of 3 or, in some cases, 2 members and of single-member wards would continue.
- 4.4. If the outcome of this special meeting of the Council is that the Council resolves to move to whole council elections in 2015 and every four years thereafter, the Commission's decision on the number of councillors does not have to produce a number that is divisible by three. The Commission will start from the premise of single member wards. However it has flexibility and in practice it often makes recommendations that involve a mixture of single-member and multi-member wards, with the general approach being single member wards in rural areas and multi-member wards in urban areas.

- 4.5. The Council’s decision on its future electoral arrangements will therefore influence the shape of the Commission’s review in terms of the pattern of wards and the number of councillors that each ward has, and may also have an impact on the number of councillors.
- 4.6. The arguments in favour of elections by thirds and whole council elections have been set out in the consultation paper, in Appendix 1.

RESULTS OF PUBLIC CONSULTATION

- 4.7. In 2011, a consultation exercise on priorities resulted in spending less on “members and committees” being selected as by far the most popular area among the public for reducing expenditure. It was also the second most favoured area for reduction by councillors themselves. This is consistent with consultation on the budget proposals in early 2012 which produced 250 responses. By far the strongest support for any proposal related to reducing the number of councillors and their costs: 65% strongly supported the proposal and a further 24% supported it, with only 5% opposing or strongly opposing the proposal.
- 4.8. In compliance with the statutory requirement, the Council has conducted a public consultation on the specific issue of the electoral arrangements for the Council. This ran from 13 June to 12 July. The consultation paper was published on the web site and made available at the Worcestershire hub. Members of the public and other interested parties were able to take part in the consultation by completing a simple response form on the web site or by returning it in hard copy.
- 4.9. The results of the consultation were as follows:

	Responses	Percentage
I support changing to whole council elections every four years	175	75.1%
I support retaining elections by thirds (the present system)	55	23.6%
I do not mind which electoral cycle is used	3	1.3%
Total	233	100.0%

- 4.10. As with any decision following consultation, the Council should carefully consider and have regard to the results of the public consultation. That does not mean it is bound to implement the most popular option, as there are a range of factors that the Council has to take into account.

5. FINANCIAL IMPLICATIONS

- 5.1. The decision on electoral arrangements will have financial implications. Retaining elections by thirds results in no additional costs as the budget is already based on this pattern of elections. A decision to move to whole council elections would save significant sums of money in future, and would therefore reduce the amount by which the Council needs to cut expenditure on services in order to produce a fully balanced budget.

- 5.2. The respective costs of the two options for the period from 2014 to 2020 are set out in the table below. Whole council elections cost more than elections by thirds as they involve elections across the whole district, whereas in each year of elections by thirds elections are held over the majority of the district.

£	Elections by thirds	Whole council elections
May 2014	82,000	82,000
May 2015	86,000	86,000
May 2016	82,000	0
May 2017 (county council elections)	0	0
May 2018	82,000	0
May 2019	82,000	86,000
May 2020	82,000	0
Total 2014-2020	496,000	254,000
Saving compared to present budget	0	(242,000)

Note: There will be elections for 14 councillors in May 2014. There will be whole council elections in May 2015 to implement the outcome of the Boundary Commission's review. Estimates are based on actual cost of district council elections in 2012 (£82,000) and county council elections in 2013 (£86,000).

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The relevant provisions of the Local Government and Public Involvement in Health Act 2007 have been mentioned above.
- 6.2 For the avoidance of doubt, a two thirds majority of councillors voting in order to pass a resolution to implement whole council elections means that the number of councillors in support that is needed to pass the threshold can vary depending on how many members are present. For example, if 42 or 41 councillors are present, the threshold is 28 members in support; while if 40 councillors are present, the threshold is 27 members in support; and if 39 or 38 councillors are present, the threshold is 26 members.
- 6.3 If the Council passes a resolution to implement whole council elections, the 2007 Act imposes duties on the Council to publish an explanatory document about the change for the benefit of the public, and to give notice to the Electoral Commission of the change. These steps will be put in hand depending on the outcome of the Council's consideration of this matter.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 The proposals in this report have been screened for their impact on the various equality strands. No adverse impact has been identified and a full impact assessment is not therefore required.

8. RISK MANAGEMENT

- 8.1 Any decision of the Council is subject to the potential for judicial review and therefore Council needs to take into account relevant considerations and information about the issue. There is a risk of damage to the Council's reputation with the public and of greater reductions in expenditure in front-line services if the Council decides to retain elections by thirds.

9. CONSULTEES

- 9.1 Cabinet.
9.2 Group Leaders.
9.3 Corporate Management Team.

10. BACKGROUND PAPERS

(The background papers are available electronically)

Local Government and Public Involvement in Health Act 2007, Part 2, Chapter 1

<http://www.legislation.gov.uk/ukpga/2007/28/part/2/chapter/1/crossheading/power-of-district-councils-to-change-to-wholecouncil-elections>

The provisions have been amended by section 24 of the Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/section/24>

The main change is to remove the designated period during which resolutions can be passed.

Consultation paper on electoral cycle, June 2013



Wyre Forest District Council – consultation on electoral cycle

We need your views!

Wyre Forest District Council is consulting on how often local residents should vote for our councillors. We're interested in your views on whether we should change to whole council elections every four years starting in May 2015, or retain the existing system of 'elections by thirds'. The change would see the whole council elected at the same time. This document gives background information and the arguments for both electoral cycles to help you give an informed view on the issue.

The consultation closes at 5pm on Friday 12 July 2013.

Our council

Wyre Forest District Council has 42 Councillors representing 17 wards. Twelve wards are represented by three councillors, three wards by two councillors and three wards by one councillor. Each councillor is elected for a four-year term of office.

Current cycle - elections by thirds

Currently the Council holds 'elections by thirds' which means that district council elections are held for 14 seats each year for three successive years out of four. In wards that have three councillors, voters go to the polls three times over a 4 year period: each time, they elect one councillor for their ward. Voters in wards with two councillors will have two district council elections in a four year period, while voters in wards with one councillor (Cookley, Rock, Wolverley) have only one district council election in a four year period.

The current cycle of elections in Wyre Forest

May 2010	District council elections, 14 wards elect one councillor
May 2011	District council elections, 14 wards elect one councillor
May 2012	District council elections, 14 wards elect one councillor
May 2013	County council elections (whole council election)
May 2014	District council elections, 14 wards elect one councillor
May 2015	District council elections (whole council election following review by Local Government Boundary Commission for England)

Whole council elections

Under the Local Government and Public Involvement in Health Act 2007, the Council has the power to change its electoral arrangements to 'whole council elections' which would mean that all seats on the Council would be elected at the same time, once every four years.

Please note that the elections for the UK Parliament and the European Parliament will not be affected by any future change in Wyre Forest District Council's electoral cycle.

Timing of any change

The Local Government Boundary Commission for England is currently reviewing Wyre Forest ward boundaries. The Commission's review is due to be implemented by a whole council election in May 2015. We do not know yet how many councillors each new ward will have – there may still be some wards that have only one councillor.

The all-out election in 2015 will affect all councillors serving at that point, so there is a clear opportunity to change the pattern. If a 4 year cycle is approved, the appropriate date to change to a 4 year cycle would be May 2015 with the following elections in May 2019, 2023 etc.

Full council meeting - outcome of the consultation

A special meeting of the Full Council on Wednesday 24 July 2013 will consider the issue further. The meeting will be webcast live on our webcast page www.wyreforestdc.public-i.tv/core/portal/home or you can attend in person.

Reasons to have elections by thirds

- In wards that elect three councillors, elections in three years out of every four provide frequent opportunities for electors to vote and to influence the political make up of the Council. This may therefore provide more immediate political accountability and provide a more up-to-date reflection of the views of local people.
- Electing by thirds means that there is more continuity among councillors. There is no chance for most or all of them to be replaced in a single election.
- Voting for one councillor at a time under 'elections by thirds' is understood by voters. Voting for more than one councillor at the same time under 'whole council elections' might cause confusion. (However electors in Stourport elect two county councillors at the same time, and most parish and town council elections are for more than one councillor.)
- Election by thirds provides a regular influx of newly elected councillors who can bring new ideas and fresh approaches to the Council.
- Elections by thirds is the system that most electors in the district are used to. The withdrawal of the opportunity to vote more frequently may disengage some of the district's electors if they vote once in every four years, as opposed to the three elections they vote in under elections by thirds.

Reasons to have whole council elections every four years

- A clear mandate from the electorate once every four years could enable the Council to adopt a more strategic, long-term approach to policy and decision making - and focus less on yearly election campaigning. It would provide stability in the membership of the council, meaning that the councillors (whatever the political make up) would have to work together over four years.
- A single 4 yearly election would allow focus on the district council and its future policies and spending. There would be a clearer opportunity for the electorate to change the political composition of the council.
- Results from whole council elections are simpler and more easily understood by the electorate. This may increase turnout at local elections.

- All other bodies elected by voters in Wyre Forest have all out elections: parish and town councils, Worcestershire County Council, the UK Parliament and the European Parliament. Two thirds of shire district councils across England now have elections every four years, so the arrangements in Wyre Forest differ from the majority of other district councils.
- Electors in wards with a single councillor are already used to having a district council election once in every four years.
- Holding whole council elections once every four years, rather than smaller elections in three years out of four, would save money (£240,000). It would be less disruptive for public buildings used as polling stations (such as schools).

How to respond

Complete the simple survey on our website www.wyreforestdc.gov.uk/viewsonvoting
Or return the slip below to :

Wyre Forest District Council
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

You can also hand it during normal opening hours at the Worcestershire Hub in:

- Town Hall, Kidderminster
- Riverside House (Community Housing Group), High Street, Stourport
- Load Street, Bewdley

We need to receive your response by 5pm on Friday 12 July 2013

**Wyre Forest District Council
Consultation on electoral cycle
Tick one of the boxes below**

I support changing to whole council elections every four years

I support retaining elections by thirds (the present system)

I do not mind which electoral cycle is used

Please say where you live:

Kidderminster

Bewdley

Stourport on Severn

Other (please specify)

Thank you for taking part in the consultation