

Briefing



Cities and Local Government Devolution Bill

House of Commons – Committee Stage Day 2

Tuesday, November 17th 2015

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Votes at 16

The Electoral Reform Society **strongly opposes Amendment 61**, which removes Clause 20 – introduced into the Bill by the House of Lords to enfranchise 16- and 17-year-olds in local elections. Enfranchising younger people is one of the ways we can try to build a better democracy in the UK.

There is a widening gulf between people and politics – we see lowering the franchise as vital to nurturing more active citizens for the future health of our democracy. Amending the Cities and Local Government Devolution Bill to give 16- and 17-year-olds a vote provides an opportunity to get the next generation more engaged with politics.

The next generation of voters are the first to have received citizenship education, yet are being denied their full rights as citizens. This is the first generation to have ever needed to study our democracy, our electoral system and the importance of voting. Lowering the voting age to 16 would allow a seamless transition from learning about voting, elections and democracy to putting such knowledge into practice. If young people are registered early and get into the habit of voting, we will see lasting improvements in turnout. **If they vote early, they vote often!**

In June Holyrood voted unanimously to give 16- and 17-year olds the vote in Scottish Parliamentary elections. The House of Commons missed the opportunity to do so for young people across the UK but **it is not too late to give young people a voice.** In Wales, similar measures are being considered. These decisions form a constitutional precedent.

Better registration and engagement

Younger citizens (18-24 year olds) are much less likely to be registered than older voters, particularly students and private renters. Reaching young people when they receive their National Insurance number and whilst they are still living with their parents could massively improve registration rates for this age group.

Over 89% of 16- and 17-year-olds registered for the Scottish independence referendum. Lowering the voting age to 16 will improve registration rates and engage younger voters, developing better political relationships that will be carried through to later life.

Turnout and political interest

It is a myth that 16- and 17-year-olds are insufficiently interested in politics to deserve the vote. Evidence from the Scottish independence referendum substantiated by research from Austria and Norway, shows – aided by the encouragement of families and schools – **16- and 17-year-olds have higher rates of turnout than 18- to 34-year-olds.**

Research¹ from the Independence referendum shows 16-and 17-year olds accessed more information from a wider variety of sources than any other age-group during the referendum campaign; Discussing political issues in schools greatly increased their confidence in their political understanding and in addition, far more 16- and 17-year-olds polled after than before the independence referendum campaign felt closer to a political party: these young people are the political activists of the future.

A constitutional precedent

The enfranchisement of 16- and 17-year-olds in Scotland was such a success, the Scottish Parliament introduced Votes at 16 for Scottish Parliament and Scottish local elections. This legislation was supported by many people who had opposed Votes at 16 before the Independence referendum, including Leader of the Scottish Conservatives Ruth Davidson.

Now 16- and 17-year-olds in Scotland can vote, it would be unacceptable if their peers elsewhere in the United Kingdom could not. **Something as basic as the franchise itself should not be another wedge driven between the nations of the Union.**

Local electoral reform

The Electoral Reform Society welcomes the Cities and Local Government Devolution Bill. Bringing politics closer to people, to where they feel connected and engaged in the issues that matter to them, can help tackle political disillusionment and disengagement.

However, a crucial part of devolving power is ensuring accountability to match. Reforming the electoral system at the local level would strengthen devolution, ensuring better democratic outcomes, improved accountability and better governance.

The Society **cautiously welcomes New Clause 3**, allowing local authorities to choose their own electoral system. This is an important step in the right direction, but ERS has reservations given that the councils most in need of electoral reform will be those least likely to enact it.

ERS supports the use Single Transferable Vote (STV) for all elections, including local elections.

Over the last twenty years, whenever power has been devolved it has been accompanied by a change to a more proportional voting system. Further devolution of powers is put at risk if it is not matched by improved scrutiny and governance arrangements.

¹ Eichhorn, J. (2014) 'How lowering the voting age to 16 can be an opportunity to improve youth political engagement: Lessons learned from the Scottish Independence Referendum, Dpart: Think Tank for political participation.

We strongly support amending the Bill so that it introduces the STV for local government elections. This would improve local authority governance for a number of reasons, three of which are:

- One-party states
- Uncontested seats
- Corruption risk

Multi-party politics is now firmly established in the UK, as illustrated by the increasing strength of support for a wider range of parties in the national and local elections. Locally, as we see four or five parties winning significant vote shares, the gap between council seats and voters' wishes as expressed at the ballot box will widen. It is hard to see how trust can be sustained and good scrutiny guaranteed without moving to greater proportionality.

In local government people are voting for an individual to represent their community's interests, as much as for a party. STV, a form of proportional voting and a candidate-based system, can deliver that choice to the electorate.

STV was adopted in Scotland and used for all council elections in 2007 and 2012. Since then, there is strong evidence to demonstrate the positive contribution the system has made towards the quality of local democracy. There are no longer any uncontested seats in Scotland and no councils controlled by single parties with massive majorities that are not reflected in the vote share. As the UK government introduces ambitious proposals for devolution, with potential to take root across England, it is vital that scrutiny and governance are given greater consideration than the bill currently makes provision for.

One Party States

Under First Past the Post many cities have become politically 'one party states' where a single party controls all, or a substantial majority of, the council seats despite other parties commanding significant support from the electorate. One party states can, of course, provide an effective service but they lack democratic scrutiny and accountability and do nothing to inspire confidence in the outcomes of local democracy.

One party dominant councils are a feature of local government in England and Wales. There are over 100 such 'one party states' in England and Wales, where one party commands over two-thirds of the seats. **Since STV was introduced, Scotland has no single party dominated councils.**

Uncontested Seats

Uncontested seats are a demonstration of democratic failure. They occur where there is so little incentive for rival parties to campaign that they fail even to put up candidates to contest elections, and the dominant party wins the seat by default. Devolution will bring significant powers to neighbourhoods, yet the current voting system will deny voters in some areas the opportunity to select local representatives charged with exercising these powers.

In England in 2011 there were 24 local authorities which saw at least 10% of their seats go uncontested. Between 2011 and 2014 there were nearly 400 uncontested elections in England. In Wales in 2012 there were 96.

In the last Scottish election conducted under First Past the Post (in 2003) there were 61 uncontested seats. But **since 2007, when STV was introduced, there has not been a single uncontested seat.**

Corruption risk

The elimination of uncontested seats and one party states may also have wider benefits. Research² looking at the impact of weak electoral accountability on public procurement at the local level in England suggests that weak accountability through uncontested seats or single party dominance may lead to **substantially higher corruption risk and lower procurement cost savings.**

Comparing councils with uncontested seats to competitive councils (where all seats are contested)³ reveals a relationship between those with uncontested seats and higher corruption risk. These uncompetitive councils are found to score higher on a corruption risk index (CRI) - which measures a range of public procurement 'red flags' using councils own procurement data. They are also found to make lower price savings on tendered contracts compared to competitive councils (a higher price saving suggesting healthier competition amongst bidders). Likewise comparing those councils with long term (at least three electoral cycles) single party dominance to councils with stronger electoral accountability finds the same relationship. These 'one party states' score higher on the corruption risk index and make lower price savings on procurement contracts on average.

Whilst there is great variation between councils, on average those with weak electoral accountability have roughly 50% higher corruption risk than their competitive counterparts and they are also making smaller savings on procurement contracts – 1 to 4 percent of contract value – which, given the total value of local authority procurement, is significant.

Rationalising elections

There are also potential cost savings and other benefits to be derived from rationalising electoral cycles in England. Whilst all London boroughs, county councils and some unitaries elect all-up every four years (as well as most rural shire district councils), all metropolitan borough councils and most urban unitaries elect by thirds. There are also 70-80 shire district councils elected by thirds and seven elected by halves.

Introducing STV for local elections would mean councils currently electing by thirds or halves moving to all-up elections every four years reducing election costs. Reducing the frequency of elections counterbalances initial increases in costs from changing the system and offers the possibility of future ongoing savings on electoral costs.

A Constitutional Convention

The Electoral Reform Society **supports New Clause 19**, establishing a Constitutional Convention. The Society's support for a Constitutional Convention is based on in-depth knowledge of international examples and expertise in public engagement in the UK, combined with a recognition of the particular challenges presented by a UK-wide Convention.

² Fazekas, M., (forthcoming) Lack of Electoral Accountability and Public Procurement Corruption, report for ERS

³ In England, excluding London.

What is a Convention and why do we need one?

A Constitutional Convention is a process for **involving members of the public in making decisions about the constitutional shape of a country, region, nation or state**. Conventions and assemblies on constitutional issues have been held in a number of countries and regions, including Ireland, Iceland and British Columbia. The UK also has experience of constitutional conventions, most notably the Scottish Constitutional Convention, which paved the way for the creation of the Scottish Parliament.

The question of **constitutional reform has become a major political issue** in recent years, with English Votes for English Laws, local devolution, and the Prime Minister's post-election pledge 'to create the strongest devolved government anywhere in the world' in Scotland. But the complex and often divisive nature of these challenges demand that innovative approaches are taken that can create new ways of dealing with difficult questions. There is a public expectation and desire to be more involved in important political decisions, combined with a worrying lack of trust in politics to deliver. These constitutional decisions need to be made with the **input and support of citizens** across the UK.

How would it work?

Given the amendment inserts a Clause into a Bill on localism and devolution, the Convention might consider questions around **local, regional and national devolution** as well as other issues like the composition and role of the second chamber and the future of the electoral system. It might recommend further issues for future consideration. By being a citizen-led forum dealing with the distribution of power, the Convention will be able to provide a crucial non-partisan voice in an often fractious debate.

A clear mechanism for enacting the outcomes is the only way to **get buy-in from participants** and ensure the process is taken seriously. This will be achieved by ensuring that the Government responds fully to the recommendations of the Convention. Although the Convention should be **citizen-led**, it is vital that elected representatives have a role and input into the convention, in order to ensure that the process retains political legitimacy. In a citizen-led model of deliberative democracy, sectional/group interests are not represented in the convention itself.

This amendment represents a chance to create a democratic solution to the many urgent and often divisive constitutional questions that the UK faces today.

Pilot Citizens' Assemblies

To lay the ground for a Constitutional Convention, the Electoral Reform Society launched in conjunction with leading academics the Democracy Matters project with ESRC funding – hosting Assembly North and Assembly South in Sheffield and Southampton. They focused on the relationship between national and local government. These met for two weekends each to explore constitutional concerns, hear from advocates of different solutions and deliberate amongst themselves, demonstrating members of the public are able and willing to grapple with complex constitutional issues.

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