

Adopting the Single Transferable Vote for local elections in England

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Summary

This briefing offers a process for the UK government to achieve the transition from First Past the Post to the Single Transferable Vote (STV) form of proportional representation (the system used by Scottish local authorities since 2007) for English local elections, within the lifetime of the 2015-2020 Westminster Parliament.

It summarises the benefits of the reform; sets out the scope of necessary legislation; offers a draft timetable; demonstrates how to redraw boundaries; supplies provisional information about costs; and acknowledges other issues that will require resolution (e.g. impact on serving councillors; filling vacancies). Changes to the local voting system in Wales are subject to differing legal and political issues and these are briefly covered at the end of the paper.

Introduction

When only two parties were winning substantial vote shares, First Past the Post made it feasible for one party to get a much larger majority of council seats than its vote share. As many local authorities gained an active third party the system caused even greater disproportionality, enabling one party to gain a majority of (or virtually all) seats without having a majority of votes cast. Disproportionality has become the norm and smaller parties with significant vote share can find themselves with few or no seats and their supporters' choices not reflected in local representation. In the most extreme cases, 'one-party states' are created and there is no effective opposition.

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 current national and local elections and captured visually by the television debate featuring seven party leaders for the first time. Locally, as we see four or five parties winning increasingly 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 or voting feel a worthwhile act for most citizens, let alone good scrutiny be guaranteed, without moving to greater proportionality via a system that can properly reflect voter choice in seats won. Given that for local government – arguably more so than at national level – people are voting for an individual to represent their community's interests as much as for party, then the Single Transferable Vote (STV), a candidate-based system, can deliver that voter choice to the electorate.

Now is the perfect time to introduce STV for local elections in England. With all parties committed to devolving powers to the local level, an electoral system that provides effective scrutiny and accountability is essential.

What is the Single Transferable Vote?

The Single Transferable Vote (STV) is a form of proportional representation which uses preferential voting in multi-member constituencies.

Candidates don't need a majority of votes to be elected, just a known 'quota', or share of the votes, determined by the number of people voting and the number of positions to be filled.

Each voter gets one vote, which can transfer from their first-preference to their second-preference, so if their preferred candidate has no chance of being elected or has enough votes already, their vote is transferred to another candidate in accordance with their instructions. STV thus ensures that very few votes are wasted, unlike other systems, especially First Past the Post, where only a small number of votes actually contribute to the result.

Background and benefits

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 (see *box below*) and no councils controlled by single parties with massive, unaccountable majorities that are not reflected in the vote share. The new system has also encouraged parties to reach out to voters they would previously have ignored. Voters have far more choice, and can voice support for candidates as well as parties.

Research shows that voters in Scotland are making increased use of their preferences. Professor John Curtice reports that in 2007, 78% of voters expressed more than one preference, rising to 86% in 2012. Voters are also choosing to support more than one party. In 2007, 59% of voters ranked candidates in a 'non-partisan' manner (ie expressed support for candidates from different parties - 52% in 2012).

Councillors say they are incentivised to campaign more widely in order to gain people's second or third preferences, and claim that there is a good degree of co-operation on local community matters with councillors from other parties elected to the same multi-member ward.

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.

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

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.**

English local elections suffer from the same problems of over-dominant majorities (or 'one-party states'), uncontested seats and a failure to translate local support into fair representation on the council.

Bringing STV to English local elections would bring the same benefits as it has to Scotland, and crucially would give parties the chance to strengthen their activity across the country instead of facing 'no-go areas' where they are unlikely to win seats. Local activism and council representation are vital building blocks for parliamentary representation.

Now is an ideal time to introduce STV for local elections. All parties are committed to further devolution from Westminster to English regions and neighbourhoods. With further powers (and especially fiscal responsibilities) should come greater levels of public accountability. An electoral system that ends one-party states and guarantees an opposition is essential to help ensure higher standards of scrutiny.

Local elections: the current picture

England has the following types of local authority: counties (including unitary and two-tier or shire county councils), London boroughs, metropolitan districts; shire districts; single-tier (unitary) districts; and the Isles of Scilly and City of London. Ward sizes and electoral timetables vary (*see Appendix*), with some localities featuring a mixture of one, two or three-member wards. One of two First Past the Post systems is used for local council elections (Single Member Plurality in single seats, Multiple Non Transferable Vote in multi-member seats), whilst more

recently created single office-holders are elected using Supplementary Vote (mayors including London Mayor; Police & Crime Commissioners). By law, all councillors can be elected and retire together every four years ('whole council' or 'all up'); or by halves or by thirds. (FN Local Government Act 2000, section 85).

All 32 London boroughs and all the county councils, and some unitaries, elect all-up. Most of the more rural shire district councils elect all-up, although around 80 do not. All metropolitan borough councils and most urban unitaries elect by thirds. There are 70-80 shire district councils elected by thirds and seven elected by halves.

Legislation – what is required?

Primary legislation is required to insist on STV elections in multi-member wards for all local authorities.

Changing the voting system to STV requires (i) directing the Local Government Boundary Commission for England (LGBCE) to redraw boundaries to accomplish multi-member wards across England where they do not already exist and (ii) redefining the rules as to who is elected and in effect permitting voting and counting votes to take place under the new system. Directions to the Local Government Boundary Commission for England (LGBCE) will be required on the criteria to be deployed in defining the wards and the timetable. A rationalisation of electoral timetables would also be necessary to enable whole council elections across the country. Secondary legislation would address how to do an STV count, fill vacancies and timetables.

Ward size

Ward size is key, both because a larger ward size aids greater proportionality but also because of its implications for fitting wards with natural communities. Consideration is required as to how many parties are attracting significant local support. If five parties stay in play in England, then three-member wards are likely to exclude the fourth and fifth largest parties, even if they get 12-15% of first preferences. However, larger wards are not best suited to thinly populated rural areas and a balance should be struck between their needs and the aim of greater proportionality and fairness towards supporters of smaller parties. This suggests a degree of flexibility around the number of councillors per ward. So, three to five councillors should be considered the norm to start with, so long as legislation enabled wards to expand at a future date.

Alternatively, from the outset, the law could permit the Local Government Boundary Commission for England (LGBCE) to go outside the normal range (say 3-5) in exceptional circumstances, such as an isolated area that forms a natural 2-member ward, or a community that naturally forms a 6-member ward and no sensible way of splitting.

Which piece of legislation?

The provisions of the proposed Bill will need to interface with the existing English system and to any legislation that requires consequential amendment. Most relevant provisions are likely to be found in the Local Government Act 2000, but the Localism Act 2011 may also need referencing. The Local Governance (Scotland) Act 2004 made consequential amendments to and repeals of previous Scottish local government legislation whilst the sections introducing multi-member wards and the STV voting system were entirely new¹.

Several party manifestos include commitments to legislate for further local devolution and it seems likely that laws relevant to voting reform will come before the next Parliament at an early stage. However, **we would advocate a stand-alone Bill to avoid delay**. This reform should complement other devolutionary measures, especially by enhancing scrutiny, but insisting on putting it in the same Bill could cause unnecessary delay.

Timetable

There are two options: a 'big-bang' approach where reform is introduced on the same date for all authorities; or a phased transition, with different kinds of authorities adopting a new system within an agreed period. On balance, **we would advocate a phased approach** that can take into consideration councils' differing characteristics (extent of boundary redrawing; existing electoral timetable).

In Scotland, following the 2003 Scottish Parliament elections, legislation was completed by mid-2004 and the first STV elections for all 32 local authorities took place in 2007. If legislation for England is drafted and consulted on by autumn 2015, boundary redrawing where required could commence in January 2016 and a substantial batch of STV elections could be held in 2018, with the rest to follow in subsequent years. An amalgamation review commencing in January 2016 need not take longer than six months, incorporating all the relevant stages (public submissions; LGBCE Initial Draft; Public comments; LGBCE final draft), followed by three months to allow time for Parliament to approve the boundaries.

Varying electoral timetables are an obvious issue (*see Appendix*) but can be dealt with by extending the county council term by a year to 2018, enabling STV elections to take place that year. Similarly, the term of district councillors elected in May 2015 could be extended by one year until May 2020.

¹ See <http://www.legislation.gov.uk/asp/2004/9/introduction>

The first step would be implementation by amalgamating existing wards. Criteria for this could be adapted from the existing LGBCE guidance and a range of ward sizes would be specified.

For local authorities that already have all-up elections, the re-warding could be prioritised to meet the electoral timetable. For all other authorities, the year to move to all-ups should be agreed and re-warding prioritised accordingly.

Local authorities requiring a boundary change (under existing rules) would be treated as special cases – reviews initiated after the legislation would be done under the new rules with new STV-sized wards. Reviews initiated earlier would need to continue as planned, with wards being amalgamated subsequently.

Following the initial implementation, local authorities would have boundary reviews, staggered over a suitable period of 10-15 years to draw boundaries from first principles. Rules for prioritising these reviews would need to be defined, e.g. exceedance of tolerances (similar to now); local authority request (as now); and LGBCE assessment of how well community and other criteria were met by the amalgamation. Under this proposal, LGBCE would need additional staff to conduct the ward amalgamation exercise. Other than that, the workload should remain similar to now.

Example: Bristol City Council is currently elected by thirds, but there is a boundary review due to complete in 2015, combined with a move to all-up elections in 2016. A feasible proposal is for:

- The election to take place by FPTP in 2016
- An amalgamation review to take place in 2018-2019, in time for:
- First STV elections in 2020
- At some point subsequently, a full review would take place (likely to be triggered by exceedance of tolerances caused by development in city centre wards)

Costs of change

We are currently working with the Chartered Institute of Public Finance and Accountancy (CIPFA) to estimate costs for the change from FPTP to STV in England. This process requires a number of assumptions and comparisons with the adoption of STV in Scotland. This is not a straightforward exercise as Scotland had 32 unitary authorities already elected 'all-up', conducting four-yearly elections on the same day. However, this does provide the opportunity to establish the potential savings of rationalising all English local councils to be 'all-ups' against any costs of the reform. The main increase in costs in Scotland are attributable to the use of counting machines. However, as electronic counting is faster than manual, staffing costs could be reduced if local authorities moved to

shared counting centres. We are still collecting data on the costs and savings of adopting STV and look forward to sharing this soon.

There are different ways of counting votes under STV. Whilst not essential for every method, machine counting is faster and limits use of counting halls for long periods, which after taking into account initial machine costs, is a considerable advantage in reducing staff time and keeping community facilities open.

Impact on serving councillors

An important issue is the impact on serving councillors, another reason for a phased approach allowing different areas to plan appropriately. A combination of term extensions and truncation would be required, depending on the local electoral timetable. In Scotland, serving councillors whose terms were truncated received compensation. Legislation would need to provide appropriately for pensions and severance provisions.

Northern Ireland and Scotland

Both Northern Ireland and Scotland had uniform schemes of single-member wards immediately before STV-PR was introduced. Very different approaches were taken to devising the schemes of multi-member wards. In NI, the 1972 legislation specified ward sizes electing from four (minimum) to eight (maximum) councillors, with five, six or seven to be regarded as "the desirable number". The Boundary Commission was required first to devise an acceptable scheme of single-member wards at each Review and then amalgamate those single-member wards into acceptable district electoral areas to elect four to eight councillors. In Scotland, ward sizes were restricted to either three or four councillors and this remains the case today.

Where is STV used?

- Local elections in Scotland, from 2007
- All elections in the Republic of Ireland, except elections for the presidency and by-elections which are both conducted using the Alternative Vote
- Assembly, European and local government elections in Northern Ireland
- The Australian Senate
- The Tasmanian House of Assembly
- The indirect elections to the Rajya Sabha, the upper house of India's federal Parliament
- All elections in Malta
- Various local authorities in New Zealand

- Many UK student unions (it is promoted by the National Union of Students as the fairest electoral system), the Church of England and many other private organisations

Wales

As in England, members of Wales' 22 unitary local authorities are elected by First past the post. At the last Wales-wide local elections in 2012, over 90 candidates were elected unopposed, the majority of which were in single-member wards; depriving over 40,000 electors of the opportunity to vote.

Whilst the National Assembly for Wales has legislative competence over the electoral arrangements for local authorities it does not have power over the local government franchise, electoral registration and electoral administration. Changing the voting system is considered to be a 'ghost matter' (ie. the Government of Wales Act 2006 does not state where the power lies). As such, any current attempt by the National Assembly to change the voting system could be subject to legal challenge in the UK Supreme Court.

However, there is a cross-party consensus that this power ought to be devolved. The UK Government accepted a recommendation by the Commission on Devolution in Wales (The Silk Commission) to devolve power over the voting system, and the Labour Party has also announced its support for such a move. As an existing function of a Secretary of State, power to alter the voting system can be devolved to the National Assembly or the Welsh Government through an Order in Council. A transfer of function could also be included in UK Parliament primary legislation.

We support the devolution of this power, based on the following criteria:

- Power to alter the voting system should be devolved as a legislative competency of the National Assembly for Wales, and not as a power for Welsh Ministers
- Power to alter the voting system for local elections in Wales should be subject to a simple majority of voting Assembly Members
- The next UK Government should act swiftly to transfer this power, ahead of the next scheduled local elections in Wales in 2017

The Local Democracy and Boundary Commission for Wales would follow broadly the same review process as outlined above. As Wales' 22 unitary authorities already have all-up elections and a major boundary review to merge councils is already envisaged, adopting STV could be relatively straightforward. Flexibility could be required, especially for the larger, rural, geographically dispersed communities with single-member wards currently. Rural Scotland could offer valuable lessons in how to draw sensible boundaries.

Appendix

Election Timetable in England

Type of Authority	No	Cycle	Election Years
Counties¹	33	All councillors elected once every four years (whole council elections).	2013, 2017, and every fourth year
London Boroughs	32	All councillors elected once every four years (whole council elections).	2014, 2018, and every fourth year
Metropolitan Districts	36	Councillors elected for a four year term by thirds (i.e. at each election a third of the council is elected). Elections are held every year except the county council year.	2012, 2014, 2015, 2016 and so on
Shire Districts	67	Councillors elected for a four year term by thirds (i.e. at each election a third of the council is elected). Elections are held every year except the county council year.	2012, 2014, 2015, 2016 and so on
Shire Districts	127	All councillors elected once every four years (whole council elections).	2011, 2015 and every fourth year
Shire Districts	7	Councillors elected for a four year term biennially (i.e. at each election a half of the council is elected). Elections held every two years.	2012, 2014, 2016, and every alternate year
Single Tier Districts	19	Councillors elected for a four year term by thirds (i.e. at each election a third of the council is elected). Elections are held every year except the county council year.	2012, 2014, 2015, 2016 and so on*
Single Tier Districts	30	All councillors elected once every four years (whole council elections).	2011, 2015, and every fourth year
Isles of Scilly and City of London	2	All councillors elected once every four years (whole council elections).	2013, 2017, and every fourth year

¹ Counties includes Unitary County Councils