

<b>MEETING</b>	<b>EXTRAORDINARY COUNCIL</b>
<b>DATE</b>	<b>24 OCTOBER 2024</b>
<b>TITLE OF THE REPORT</b>	<b>Local Government and Elections (Wales) Act 2021 ("The Act") –Decision on the adoption of a Single Transferable Vote ("STV") system for Cyngor Gwynedd elections.</b>
<b>STATUTORY DECISION</b>	<b>In accordance with Section 8 of the Local Government and Elections (Wales) Act 2021, that the Council decides to adopt a single transferable vote system for Cyngor Gwynedd elections hereafter.</b>
<b>CABINET MEMBER</b>	<b>Cllr Menna Trenholme</b>
<b>AUTHOR</b>	<b>Iwan G D Evans – Head of Legal Services</b>

## **1. Background**

1.1 Section 5 of the Local Government and Elections (Wales) Act 2021 permits any Principal Council to choose between two Local Government voting systems for Principal Councils:

- Simple majority system ("first past the post")
- Single Transferable Vote System ("STV")

This option is available to each of the 22 Principal Councils in Wales individually. The Explanatory Note to the Local Government and Elections (Wales) Bill in Appendix 1 explains the legislative background. Following the Council's decision in December 2023 to hold a consultation on changing the voting system, this report is intended to bring this decision before the Council following the consultation.

## **2. STV System**

2.1 STV is a preferential voting system and operates in multi-member constituencies. Voters list candidates in order of preference by marking 1, 2, 3 etc. against the names of the individual candidates on the ballot paper. Candidates must have a certain quota of votes in order to be elected.

2.2 The following summarises the STV system that would be adopted. It resembles the Northern Ireland Assembly system - the "Gregory" System.

- Voters express their choice by ranking candidates in order of preference for the available seats. Therefore, vote by numbering candidates according to the preference of the elector on the ballot paper.
- A "quota" is then established. This is based on dividing the number of valid ballot papers by the number of seats contested + 1. If a candidate receives a number of first preference votes equal or above the "quota" then they are elected.
- If all seats are not filled after the first phase, then the remaining votes of the successful candidates above the quota are apportioned and re-distributed according to second preference recorded on those papers. (A formula is applied in terms of counting the value of the votes that are transferred)
- If a combination of a candidate's first and second preference votes reaches the quota after this stage they are elected.
- If there are empty seats remaining the process is repeated using the remainder of the votes.
- There is a procedure for removing candidates who do not reach the quota and a procedure for electing the remaining candidates if there are empty seats remaining.

2.3 The Regulations, the Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023, already in force establish the detailed electoral arrangements for the conduct of elections through this system should any Council in Wales adopt the STV system.

### **3. What is the process for changing systems?**

3.1 Unless the Council decides to change the system and adopt a STV system, a simple majority system will be used in Cyngor Gwynedd elections. Changing is the decision of the Full Council that cannot be delegated. Any Principal Council in Wales can do this. It is not dependent on the position or decision of any other Council. It can mean that one Council uses a current system of a simple majority, and the neighbouring Council uses a STV system. This change is not open to Town and Community Councils which will continue with the current system regardless of the county decision. Specific steps need to be followed if an alternative system is to be determined.

3.2 Before a decision is made to change the system, a consultation must be held in accordance with the statutory requirements and the process followed and the results are reported in the following section. The Council decided to consult with Gwynedd local government constituents and the Town and Community Councils only, which is the statutory requirement. Following a consultation on the proposal, an extraordinary meeting of the Full Council must be called specifically for this decision only. 21 days' advance notice of the meeting must be given. In order to adopt a proposal to change

the system, the number of members who vote in favour must be at least two thirds of the number of seats on the Council, namely 46/69.

3.3 The decision must be made before 15 November in the year that is three years before the election year, namely 15 November 2024 in this term. If the system is changed it will not be possible to exercise the power to change again until 2 local government terms have elapsed. If it is decided to switch to a STV system, the Welsh Ministers and the Local Democracy and Boundary Commission must be notified in a specific form and timetable.

#### 4. Consultation

4.1 Following the delay of the proposed programme due to the UK General Election, a broad consultation process was undertaken between 15 July 2024 and 15 September 2024 with residents who are registered to vote in Gwynedd and Community/Town/City Councils. The Council's Communications and Engagement Service was commissioned to prepare, carry out and promote the consultation. In accordance with the decision of the Council, a consultation document (Appendix 2) was prepared with the approval of the Leaders of the Political Groups and the Cabinet Member.

4.2 The steps in 5. were followed in order to carry out the consultation.

#### 5. Single Transferable Vote Consultation

5.1 An electronic questionnaire was produced for Gwynedd residents on the electoral roll, asking the following question:

**"What voting system would you want Cyngor Gwynedd to use to elect Councillors? Choose one of the following answers**

Simple Majority (*first past the post*)

Single Transferable Vote (*proportional voting or 'proportional representation' system*)

No opinion

**Explain why**

Paper versions of the questionnaire were available at all libraries and Siopau Gwynedd across the county. It was also possible to request a paper copy by post or a copy of the questionnaire in a different format/language (other than Welsh or English) by calling Galw Gwynedd.

5.2 The electronic questionnaire was available on the Council’s website – [www.gwynedd.llyw.cymru](http://www.gwynedd.llyw.cymru) - along with information about the Single Transferable Vote system, a video by the Electoral Commission explaining the system and a link to the report to the Council in December 2023.

5.3 A specific electronic questionnaire asking the same question was prepared for Community/Town/City Councils. An e-mail was sent to each Community/Town/City Council, which included a consultation background document and a link to the electronic questionnaire, from the Legal Services on 15 July 2024, with a further reminder on the 13 September.

5.4 A detailed communication plan was drawn up for the duration of the consultation (8 weeks), which included:

(i) a press release which was printed in the Cambrian News newspaper on 24 July, and appeared in four on-line articles in the Herald, Cambrian News, Nation.Cymru and the Electoral Reform Society (links to articles below).

[Gwynedd: Have your say on fairer elections – Electoral Reform Society – ERS \(electoral-reform.org.uk\)](https://www.electoral-reform.org.uk/news/gwynedd-have-your-say-on-fairer-elections)

[Three councils. One goal: Fairer local democracy \(nation.cymru\)](https://www.nation.cymru/news/3-councils-one-goal-fairer-local-democracy)

[Last chance to have say on Gwynedd voting system | cambrian-news.co.uk](https://www.cambrian-news.co.uk/news/last-chance-to-have-say-on-gwynedd-voting-system)

[Last chance to have your say on the voting system in Gwynedd - Herald.Wales](https://www.herald.wales.com/news/last-chance-to-have-your-say-on-the-voting-system-in-gwynedd)

(ii) several social media posts which were monitored in terms of response throughout the period. They created a total of 312 clicks and 78 shares on Facebook and X (full table below).

**Social Media response statistics (Facebook and X)**

Date of messages	Number who clicked on the link	Number of shares
17/07/24	119	33
29/07/24	26	3
06/08/24	40	3
14/08/24	20	7
22/08/24	22	7
30/08/24	11	4
05/09/24	36	8

08/09/24	20	6
13/09/24	18	7
<b>Total</b>	<b>312</b>	<b>78</b>

- 5.5 Visits to the consultation page on the website were also monitored. After a few weeks it was decided that a pop-up message was needed on the website to draw attention to the consultation. This significantly increased the number of responses. The page on the website received a total of 5,657 views during the consultation period.
- 5.6 There was a message promoting the consultation in the weekly Members' Bulletin throughout the consultation period and information also appeared on the Members' Intranet.
- 5.7 The consultation was promoted amongst staff by including information 3 times in the weekly e-bulletin for staff 'Gair Wythnosol' (25/7, 1/8, 15/8) and on the staff intranet homepage throughout the consultation.
- 5.8 A process of checking the name and post code of each person who responded against the Electoral Roll was carried out by the Electoral Service, to make sure that only the responses of Gwynedd voters over the age of 16 were analysed by the Council's Research Team.

**Visits to the page on the Cyngor Gwynedd website during the period:**

Total of 5,657

**6. Consultation Results**

- 6.1 A report prepared by the Council's Research Team on the results of the consultation process is attached in Appendix 3. 1% of constituents responded to the consultation and 23% of the county's Town and Community Councils. The objective of a consultation is to seek views on a proposal and not to hold a referendum on the question. There are also two separate statutory classes of consultation. Therefore, it is necessary to evaluate the specific responses from constituents and also the Town and Community Councils who state their views as a public body. The results of these processes are comprehensively reported in the report with data analysis regarding the individual respondents. Like every consultation, the result contributes to the considerations and does not rule the direction. The decision, whatever it may be, has to be based in the range of considerations including the evaluation of these results.

**7. Boundaries Review**

7.1 Should the Council decide to adopt the STV system then specific legal action needs to be taken which is to formally inform the Welsh Ministers of the decision. This will result in a direction from the Minister to the Democracy and Boundary Commission for Wales to undertake a review of the Electoral Arrangements for Cyngor Gwynedd and to set a date for the completion of the review. Council "Electoral Arrangements" are defined as (i) the number of councillors in the area (ii) the number, size and boundaries of wards (iii) the number of councillors for each ward (iv) the name of each ward.

7.2 The objective of the process will be to create new wards of between 3 and 6 members which are required for the implementation of the system. The Commission in accordance with the direction received will conduct a process similar to the previous electoral review in 2017-21. According to the Local Government and Elections (Wales) Act 2021 the Commission, through a consultative process, must develop a model in accordance with the following requirements:

"1.(a) seek to ensure that the ratio of local government electors to the number of councillors of the principal council to be elected for the area under review is the same in each electoral ward of the council area, as close as it may be, and

(b) have regard to —

(i) the desirability of setting boundaries for easily identifiable electoral wards and that they will remain so, and

(ii) the desirability of not breaking the local connection when setting boundaries for electoral wards.

(2) For the purposes of sub-paragraph (1)(a) consideration must be given to

—

(a) any discrepancy between the number of local government electors and the number of persons eligible to be local government electors (as seen in relevant official statistics), and

(b) any change in the number or distribution of local government constituents in the area under review that is likely to occur in the five-year period commencing immediately after recommendations are made.

At the end of the process, the Commission will prepare a report to the Minister with recommendations and based on the report an order will be made formally changing the boundaries for the May 2027 election.

## **8. Resource Implications**

- 8.1 From decision to adoption of STV, the main demand on resources regarding staff time would be working on the Electoral Arrangements review in the first instance and adapting and updating electoral IT systems to incorporate the new wards into registers and maps. A proportional representation system has been in place in Senedd Cymru elections and, therefore, this type of voting system is familiar to polling station staff.
- 8.2 Ideally, a STV system would use an electronic counting system. However, the Government acknowledges that such a system is very costly. Therefore, a STV system called the Simple Gregory Method is used which can be counted by hand. However, the experience of counting by hand across the UK shows that the system is time-consuming and the counting process can take two days or more. There will also be a need for storage for ballot paper that may come in for further rounds of counting later on in the count. Therefore, the main impact will be in the post-poll count. It is estimated that this would involve an additional cost on an election of around £16,000 per day (mainly staff and count centre hire) which can be funded from current resources.

## **9. Impact Assessment**

- 9.1 An Equality and Language Impact Assessment has been prepared which can be seen in Appendix 4. As part of the consultation process, data was collected to support this assessment. As noted, there are no specific impacts deriving from a change in voting system whether this is positive or negative.

## **10. Decision**

- 10.1 Due to the provisions of the Local Government and Elections (Wales) Act 2021 there are statutory requirements regarding this decision.
- A. In order to adopt a single transferable vote system, 46 elected members must vote in favour of adoption.
  - B. It is therefore necessary to decide on the specific question of whether or not the Council wants to adopt a single transferable vote system.
  - C. As a result, the statutory question is set forth in the report and this will require a specific vote to ensure a proper decision whether in favour or not.
  - D. If 46 members do not vote in favour of adopting a single transferable vote system then the regime will not change for the 2027 elections and an Electoral Arrangements review will not commence.

### **Statutory Decision**

**In accordance with Section 8 of the Local Government and Elections (Wales) Act 2021, that the Council decides to adopt a single transferable vote system for Cyngor Gwynedd elections hereafter.**

**Monitoring Officer**

Author of the report

**Finance Officer**

*The report notes that the counting of votes under the STV system will likely be more intense on resources than the current arrangements. Part 8 of the report sets out the financial implications and the estimated additional costs. However, the report also notes that these additional costs will be able to be met out of existing budgets. Therefore, the financial considerations are not in themselves a barrier to changing the arrangements if that is the Council's aspiration."*

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## **APPENDIX 1**

### **Explanatory Note - Local Government and Elections (Wales) Act 2021**

#### **Voting system - offer a choice: first past the post or single transferable vote**

3.28 The first past the post system, also known as the "simple majority system", is the only voting system to be used to elect local councils in Wales since the introduction of elected local government at the end of the 19th century. This is also the system used to elect MPs, constituency Assembly Members and Welsh town and community councillors. Consequently, this is the voting system that Welsh electors are most familiar with.

3.29 Supporters of the 'First Past the Post' system argue that the voting and counting procedures are simple, familiar and relatively cheap, and there is an obvious link between the candidates' position after counting the votes and whether or not they are elected.

3.30 The White Paper - Local Government Reform: Resilience and Renewal' included a proposal to permit individual principal council to choose their voting system, of either the first past the post system or the single transferable vote system.

3.31 The single transferable vote is a voting by preference system, meaning that the electors must rank the candidates in order, using numbers. Electors may include all the available candidates or only those of their choosing. The single transferable vote is considered to be a "proportional representation" system. Typically, it leads to results that overall reflect the proportions of votes made for the different political parties, groups and independent candidates in individual electoral areas and in the election overall.

3.32 Every principal council election is a stand-alone election, restricted to the council area. It is appropriate for the council to determine its own voting system, choosing the option that reflects the needs of local people and communities.

3.33 The Bill provides that every principal council can decide for itself which voting system to use, the first past the post or the single transferable vote. Principal councils will continue to use the existing electoral system, until they decide to change. To change the voting system, it will need to be supported by at least two thirds of the total number of councillors on the council (be they in attendance and voting on the motion to change or not). If the council has considered and refused the proposal to change the voting system, the council cannot consider this matter again within the same electoral cycle.

3.34 A provision is made to prevent a principal council who has changed to a different voting system from returning to the old procedure until at least two elections have been held under that new system.

3.35 To change from one voting system to another, a new review of the council area's electoral arrangements would be required, and would be conducted by the Local Democracy and Boundary Commission for Wales.