



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

CABINET

5 April 2023

Joint Report of the Chief Executive and Head of Legal and Democratic Services

Matter for Decision

Wards Affected: All

Consultation on draft rules for local government (principal council) elections using the single transferable vote system

Purpose of the Report

To seek approval from members on the submission of a response to the Welsh Government's consultation on the draft rules for local government (principal council) elections using the single transferable vote system.

Background

The Senedd has legislated via the Local Government and Elections (Wales) Act 2021 to allow local authorities in Wales to potentially choose the type of electoral system to be used for principal council elections.

At present, the First Past the Post System (FPTP) is used for county or county borough council elections in all 22 local authorities in Wales.

The 2021 Act enables councils to consider holding future elections using the Single Transferable Vote system (STV). However, principal councils will continue to use FPTP unless there is any determination to change.

Currently the Local Elections (Principal Areas) (Wales) Rules 2021 sets out how elections to principal councils must be conducted only where FPTP (or simple majority system) is used. They do not make provision for the conduct of elections where the STV system may be in use.

As such, revised draft STV Rules have been prepared informed by research commissioned by the Welsh Government, broadly based on election rules in force in Northern Ireland where STV is used for local elections.

In drafting the STV Rules, particular consideration was made as to whether the legislation should include provision regarding electronic as well as manual counting.

The consultation also seeks views on a variety of other areas including:-

- ballot papers; the layout of the ballot paper and how this might affect the way people vote in a poll using STV.
- changes to prescribed forms giving the voter instructions about how to cast their vote; whether these instructions are sufficiently clear.
- quota: the method to be used when calculating the quota.
- surplus transfer: how voters' preference are transferred once a candidate with the fewest votes has been eliminated or has reached the quota and is elected.
- exclusion of candidates: the rules which will apply when a candidate with the lowest number of votes is excluded.
- non-transferable ballot papers: when ballot papers are to be considered non-transferable.
- last vacancies: the provision for filling of last vacancies.
- recounts: the provision made for candidates or election agents to request a recount of votes.

Power to Change the Voting System

A change to the Council's voting system would require a resolution supported by at least a two-thirds majority of the full council (i.e. 40 out of 60 Members).

Such a resolution must be considered at a meeting specifically convened for the purpose, with written notice given to all members at least 21 days before the meetings (beginning with the day on which the notice is given).

A resolution to change the voting system would need to be passed by 15 November in the year three years before the next ordinary elections are due. To change the system for the next local government elections in 2027, this would be by 15 November 2024.

It is important to note that before a Council can exercise its power to change its voting system, it would have to consult locally. This would include people entitled to vote at the local government elections, each town/community council in the area and any other persons it considers appropriate.

It should be noted that, the election rules that govern the conduct and operations of elections that use the STV system have yet to be finalised by Welsh Government and, as such, any consultation exercise could not commence until the draft rules have been made.

Council opting to change their voting system would be required to use the new system for the next two rounds of ordinary elections. In the case of a by-election for a casual vacancy that arises in the period following the passing of resolution to change the voting system and the next ordinary local government elections, the voting method used at the previous ordinary elections would be used.

After two rounds of ordinary elections, the Council could decide whether to return to the previous voting system.

Boundary Changes

In the event of a resolution to change the voting method, the Council would have to notify Welsh Ministers and the Local Democracy and Boundary Commission of the change.

Following notification, Welsh Ministers may direct the Commission to conduct an initial review of the Council's electoral ward boundaries.

Provisions for initial reviews are set out in the 2021 Act, and include a requirement that if a Council adopts STV, the number of councillors for each electoral ward is to be no less than three, but no more than six.

The Single Transferable Vote Method (STV)

In a poll which uses FPTP, if 1 representative is to be elected for a elector ward, voters place a mark on the ballot papers (usually an X) next to the name of the candidate they wish to vote for.

A candidate is elected if they receive 1 or more votes than the other candidates.

In a multi member ward, where more than 1 candidate is to be elected, voters place a mark next to the names of however many candidates are to be elected and the appropriate number who receive the most votes are elected.

In STV systems, more than 1 representative is elected in each electoral ward and voters rank candidates in order of preference.

Voters will place “1” next to the name of their preferred candidate “2” next to their second choice and so forth. They can make as many or as few choices as they wish.

Counting votes using this method is highly complex and there is evidence that the number of spoilt votes increase in STV elections. Although it is difficult to explain and may result in voter confusion, it can allow a more proportionate weighting to an individual’s vote.

While electronic counting methods have been ruled out by the Welsh Government due to the significant costs involved, there would still remain significant cost implications attributable to administering any manual STV count process.

Other considerations

The Welsh Government are conscious that a manual STV count can be a lengthy process and experiences in other areas of the UK where STV is currently used indicate that it is not unusual for counts to last 2-3 days as a minimum.

This means that count venues will need to be accessible for at least 2 days from when ballot boxes are open, with mitigations in place for longer.

Appropriate staffing levels will also be key, particularly for the verification and the first stage of the count significantly increasing the overall cost of administering a STV count process as compared to the relatively swift count processes using FPTP.

STV counts also require regular movement of large volumes of ballot papers and it is important to ensure that this can be done in a safe and transparent manner.

Town and Community Councils

A further consideration is the handling of ordinary town/community council elections that coincide and are invariably “combined” with ordinary principal council elections.

The 2 sets of ordinary elections are combined because of the significant savings to town/community councils and the convenience of voters.

The STV voting option in the 2021 Act does not apply to town/community councils, whose elections will continue to use FPTP.

As such a council which opted for STV counting would in effect have to operate a separate counting model for both principal council and town/community council elections.

This would result in the loss of combination cost savings in administering local polls and significant potential for elector confusion.

Financial Impacts

Members are advised that the implementation of new voting arrangements would require additional financial resources to enable electoral services to implement this significant change in election arrangements. These are not quantified at this present time but any future reports will contain financial impacts associated with any proposal.

Integrated Impact Assessment

There are no direct implications arising from the recommendations in this report. However, should Council determine at some future point to progress any changes to local election arrangements, a full equality and diversity impact screening exercise would be required.

Valleys Communities Impacts

There are no direct valley community impacts as a result of the recommendations set out in this report which relate to a response to a consultation only.

Workforce Impacts

There are no direct work force impacts as a result of the recommendations set out in this report. However, should Council determine at some future point to progress any changes to local election arrangements a full assessment of the capacity demands on implementing of such a decision would be required.

Legal Impacts

There are no direct legal impacts as a result of the recommendations set out in this report.

Risk Management Impacts

There are no direct implications from the recommendations in this report. However, should Council determine at some future point to progress any changes to local election arrangements a full risk assessment of such a decision would be required.

Consultation

There is no requirement to externally consult in preparing the draft response to the Welsh Government's consultation exercise.

Recommendation

It is recommended that Members approve the draft response included at Appendix 1 and delegated authority be granted to the Chief Executive to submit this response on the part of Neath Port Talbot County Borough Council.

Reasons for Proposed Decision

To respond to the Welsh Government's open consultation on the draft Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023.

Implementation of Decision

In consultation with the scrutiny chairperson it is requested that the implementation be for immediate effect.

Appendices

Appendix 1 – Draft response in relation to proposed rules for local government (principal council) elections using the single transferable vote system.

List of Background Papers

[Welsh Government Consultation Documents](#)

[Draft Welsh Statutory Instruments](#)

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