



Local Government Elections (Referendum) Bill [HL] **HL Bill 18 of 2017–19**

Bill Overview

The [Local Government Elections \(Referendum\) Bill \[HL\]](#) is a private member's bill introduced by Lord Balfe (Conservative). The Bill received its first reading in the House of Lords on 28 June 2017, and is scheduled to have its second reading on 15 December 2017.

The Bill contains one operative clause. It would compel the Secretary of State to introduce a bill to provide that local authorities in England must hold a referendum on introducing proportional representation for local government elections if certain conditions are met. These conditions are that there has been a petition to the Government or to the United Kingdom Parliament signed by at least 10 percent of the electors in the local area, requesting a referendum; and that the local government body for that area has passed a resolution that a referendum should be held.¹

Lord Balfe has described the purpose of the Bill as “to enable local government in England to have some say about the way in which they are elected”.² Lord Balfe emphasised that the Bill does not prescribe a particular form of proportional representation, but would enable a local council to adopt “any form of proportional representation that has local support”. Lord Balfe stated that the Bill is intended to be permissive, as it requires the Secretary of State to introduce a bill to give effect to its provisions rather than introducing the changes in the Bill itself.

Voting Systems in the UK

Currently, different types of elections in the UK are conducted using different voting systems. Systems in which candidates must receive a majority or plurality of votes are known as majoritarian systems, including first past the post and supplementary vote. Systems in which multiple candidates are elected for each area, and each party receives approximately the same proportion of seats as votes, are known as proportional representation systems. Examples of proportional representation voting systems include the single transferable vote and closed list systems. An overview of the various voting systems currently used in the UK is provided here.

First Past the Post

Local government elections in England and Wales currently use the first past the post system, as stipulated by the Local Government Act 1983.³ Under this system each local authority district is divided into wards, each of which elects up to three councillors.⁴ Local residents can cast votes for as many council seats as are being contested.⁵ The first past the post system is also used for elections to the House of Commons, on the basis of single-member constituencies.

Supplementary Vote

If there are three or more candidates in elections for mayors in England and Wales the supplementary vote system is used, under which voters indicate a first and second choice candidate.⁶ If one candidate receives more than 50 percent of the first preference votes on the first count, then they are elected. If no candidate reaches the 50 per cent threshold, the two candidates with the highest number of votes are retained and the other candidates are eliminated. The second preferences on the ballot papers of the eliminated candidates are counted and any cast for the two remaining candidates are transferred. The candidate with the most votes at the end of this process is elected.

Single Transferable Vote

Elections for the Northern Ireland Assembly, local elections in Scotland and Northern Ireland and European Parliament elections in Northern Ireland take place using the single transferable vote system (STV).⁷ Under this system more than one representative is elected for each area. Voters rank candidates in order of preference, but are not obliged to rank a certain number of candidates. Each candidate needs a minimum number of votes to be elected. This number is calculated according to the number of seats and votes cast and is called a quota. The first preference votes for each candidate are added up and any candidate who has achieved this quota is elected. If a candidate has more votes than are needed to fill the quota, that candidate's surplus votes are transferred to the remaining candidates. Votes that would have gone to the winner instead go to the second preference listed on those ballot papers. If candidates do not meet the quota, the candidate with the fewest first preference votes is eliminated and the second preference votes are transferred to other candidates. These processes are repeated until all the seats are filled.

Additional Member System

The Scottish Parliament, the National Assembly for Wales and the London Assembly use the additional member system.⁸ Under additional member systems, voters cast two votes. The first is used to vote for a named candidate in a single-member constituency, using the first past the post system. The second vote is cast for a particular party, and representatives are elected proportionally for a larger region. The percentage of votes obtained by the parties in the second ballot determines the overall number of representatives, including those elected for the single-member constituencies, after taking into account the seats gained in each region by each party in the first ballot.⁹

Closed Party List

The closed party list system is used to elect Members of the European Parliament, with the exception of Northern Ireland which uses single transferable vote for these elections.¹⁰ Voters indicate on the ballot paper which party they wish to support and each party receives a number of seats proportionate to the number of votes it has received in each constituency. Multi-member constituencies are required for the closed party list system, which means constituencies are normally larger but elect several representatives rather than just one. As voters choose parties rather than candidates, it is for the parties to determine the order in which candidates appear on the list and are then elected.

Alternative Vote Referendum

The Coalition Agreement included a commitment to hold a referendum on introducing the alternative

vote system for elections to the House of Commons, and to bring forward a bill to make provision for its introduction subject to the outcome of the referendum.¹¹ This commitment was given effect by the Parliamentary Voting System and Constituencies Act 2011, which received royal assent on 16 February 2011.

On 5 May 2011, a referendum was held on introducing the alternative vote system for general elections. 67.9 percent of votes were cast in opposition to the proposed change, and 21.1 percent were in favour.¹² Speaking after the results were declared, the then Leader of the Liberal Democrats, Nick Clegg, who campaigned in favour of the change, said “I’m a passionate supporter of political reform but when the answer is as clear as this, you have got to accept it”.¹³ The then Prime Minister, David Cameron, said that the result had delivered a “resounding answer that settles the question” of electoral reform.¹⁴

Parliamentary Debate

During the passage of the Cities and Local Government Devolution Act 2016, Lord Shipley (Liberal Democrat), Vice-President of the Local Government Association, proposed introducing proportional representation for elections to any combined authority created under the Act. Lord Shipley argued that proportional representation would “strengthen governance, increase transparency and improve accountability because there would be more opposition councillors”.¹⁵ Lord Shipley drew a comparison between local government elections in England, where first past the post is used, and Scotland, which uses the single transferable vote (STV):

In Scotland there are no longer uncontested council seats and there are no one-party states that do not reflect that party’s share of the vote. In England and Wales there are more than 100 councils where one party has more than two-thirds of all seats. Scotland has none. In England in 2011, 24 councils saw 10 percent or more of their seats uncontested. Scotland has not had an uncontested election since STV was introduced in 2007.¹⁶

Responding for the Government, Baroness Williams of Trafford argued that changing the voting system for local government elections would require a review of local government electoral areas in order to introduce multi-member areas, and that counts would take more time and be more expensive.¹⁷ The amendment was withdrawn.

Proportional representation was discussed again in a debate on democracy and local government in the House of Lords in January 2016. Responding for the Government, Viscount Younger of Leckie argued against proportional representation:

I would like to state that there should be a strong defence of first past the post. It is a well-established system. It provides a clear and well-understood link between constituents and their elected representatives. I believe that proportional representation weakens that link. Proportional systems more often lead to councils or, indeed, Parliament not having a clear majority party. The result is that the programme followed by the Executive—a coalition—is not something that anyone voted for: rather, it is often a mish-mash of policies hammered out behind closed doors, which I argue is hardly democratic.¹⁸

On 30 October 2017, a debate was held in the House of Commons on introducing proportional representation for Westminster elections. During this debate the advantages and disadvantages of different voting systems generally were discussed. Jonathan Reynolds, Shadow Economic Secretary to the Treasury, argued in favour of the additional member system as one that retains a local representative but

delivers a more proportional result.¹⁹ Concluding the debate, Parliamentary Secretary for the Cabinet Office, Chris Skidmore, said that the Government favours the first past the post system over proportional representation because it is less complicated, takes less time and resources to administer and is better understood by the electorate.²⁰

Manifesto Commitments

The Conservative Party manifesto published ahead of the 2017 general election included a commitment to retain first past the post elections for general elections.²¹ It also promised to extend this system to police and crime commissioner and mayoral elections, which currently use the supplementary vote system.

The Labour Party's 2017 manifesto did not address the issue of voting systems specifically, however it said that a Labour government would "establish a Constitutional Convention to examine and advise on reforming the way Britain works at a fundamental level".²²

The Liberal Democrats' 2017 general election manifesto included a commitment to introduce proportional representation, in the form of STV, for local government elections in England and general elections.²³

A number of other parties support the introduction of proportional representation. The UKIP 2017 manifesto argued that "a proportional electoral system that delivers a Parliament representative of the number of votes cast, while retaining a constituency link, is one we strongly advocate".²⁴ In its manifesto, the Green Party said it would "introduce proportional representation for parliamentary and local elections".²⁵

Welsh Government Proposals

The Wales Act 2017 contains provisions which, if brought into force, would transfer competence to the National Assembly for Wales to legislate in relation to the administration of local government elections.²⁶

In January 2017, the Welsh Government issued a white paper setting out its policies for local government in Wales, including reforms to local government elections. The Welsh Government stated its preference for the STV system, but also its belief that councils should be able to decide which voting system to use:

The Welsh Government considers that, because of the substantial presence of independent candidates, among the alternatives, the other electoral system which best reflects the current and future needs of local government in Wales is the 'Single Transferable Vote'. As such, the Welsh Government proposes to make legislation which will allow Councils in Wales to decide which voting system best reflects the needs of their local people and communities.²⁷

In July 2017, the Welsh Government launched a consultation on electoral reform for local government. The consultation document solicited views on whether local councils should be able to choose to use the STV system rather than first past the post.²⁸ As of 4 December 2017, the Welsh Government had yet to respond to the consultation.²⁹

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- ¹ [Local Government Elections \(Referendum\) Bill \[HL\] 2016–17](#), clause 1(3).
- ² Information provided by Lord Balfe on request from the House of Lords Library.
- ³ Representation of the People Act 1983, schedule 1 para 50.
- ⁴ Department for Communities and Local Government, '[Local Government Structure and Elections](#)', 11 January 2016.
- ⁵ London Councils, '[How the Elections Work](#)', accessed 8 November 2017.
- ⁶ Local Government Act 2000, s 9HC and schedule 2 paras 1–3.
- ⁷ UK Parliament website, '[Voting Systems in the UK](#)', accessed 8 November 2017.
- ⁸ *ibid.*
- ⁹ For a full explanation of how this system works in Scotland, see: Scottish Parliament Information Centre, '[Scottish Parliament Electoral System](#)', 8 June 2011, p 2.
- ¹⁰ UK Parliament website, '[Voting Systems in the UK](#)', accessed 8 November 2017.
- ¹¹ HM Government, '[The Coalition: Our Programme for Government](#)', 20 May 2010, p 27.
- ¹² BBC News, '[Vote 2011: UK Rejects Alternative Vote](#)', 7 May 2011.
- ¹³ *ibid.*
- ¹⁴ *ibid.*
- ¹⁵ [HL Hansard, 29 June 2015, col 1911.](#)
- ¹⁶ *ibid.*
- ¹⁷ *ibid.*, col 1915.
- ¹⁸ [HL Hansard, 28 January 2016, col 1440.](#)
- ¹⁹ [HC Hansard, 30 October 2017, col 245WH.](#)
- ²⁰ *ibid.*, col 283WH.
- ²¹ Conservative Party, '[The Conservative Party Manifesto 2017](#)', 18 May 2017, p 43.
- ²² Labour Party, '[The Labour Party Manifesto 2017](#)', 16 May 2017, p 102.
- ²³ Liberal Democrat Party, '[The Liberal Democrat Manifesto 2017](#)', 17 May 2017, p 90.
- ²⁴ UKIP, '[The UKIP Manifesto 2017](#)', May 2017, p 58.
- ²⁵ Green Party, '[The Green Party Manifesto 2017](#)', May 2017, p 21.
- ²⁶ Wales Act 2017, ss 5–8; and Welsh Government, '[Electoral Reform in Local Government in Wales](#)', 18 July 2017, p 6.
- ²⁷ Welsh Government, '[Reforming Local Government: Resilient and Renewed](#)', 31 January 2017, p 49.
- ²⁸ Welsh Government, '[Electoral Reform in Local Government in Wales](#)', 18 July 2017, p 14.
- ²⁹ Welsh Government, '[Electoral Reform in Local Government in Wales](#)', 11 October 2017.

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