

Key Decision Required:	NO	In the Forward Plan:	NO
-------------------------------	-----------	-----------------------------	-----------

CABINET

12 JULY 2013

REPORT OF THE LEADER OF THE COUNCIL

A.4 ELECTORAL REVIEW

(Report prepared by Colin Sweeney and Karen Neath)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To consider whether to request that the Local Government Boundary Commission for England conducts an electoral review of the Council.

EXECUTIVE SUMMARY

- The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament.
- The LGBCE undertakes electoral reviews of local authorities with the aim of:-
 - Delivering electoral equality for voters;
 - Establishing electoral areas for local authorities that reflect, as far as possible, community identities in that area;
 - Promoting effective and convenient government.
- An electoral review examines and proposes new electoral arrangements for a local authority including:
 - The total number of councillors to be elected to the council;
 - The names, number and boundaries of wards or divisions;
 - The number of councillors to be elected from each ward or divisions.
- The LGBCE will carry out reviews where there is electoral inequality through, for example, a major change in local population, where there are local boundary changes or where a request for a review has been made.
- Local authorities can approach the LGBCE at any time to request an electoral review. The LGBCE will consider all such requests but it is not compelled to undertake a review.
- It is proposed that the LGBCE be approached with a view to making a formal request for an electoral review to be carried out for the Council. It is the view of the Administration that as part of the reorganisation of the Authority and indeed the contraction of the Council staffing levels, it is right to examine the size of the 'Council' and that review is needed to establish an independent view on the appropriate number of councillors to comply with the LGBCE aims above.
- As a first step in the process it is proposed that full Council be asked to endorse the view that an electoral review is necessary and that the LGBCE be approached with the intention of submitting a formal request for an electoral review to be carried out.

RECOMMENDATION(S)

It is recommended to full Council that:-

- a) It is agreed that an electoral review for the Council is necessary; and**
- b) The Local Government Boundary Commission for England be approached with the intention of submitting a formal request for an electoral review to be carried out.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's priorities would continue to be delivered albeit within a different electoral framework.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

A request for an electoral review does not, in itself, have any financial implications beyond existing budgets. If agreed to by the LGBCE, additional work will be required to support LGBCE in its review and any subsequent implementation. It is not anticipated however, that additional officer resources or other finances will be required in this respect. If the number of councillors is reduced then there would be some reduction in the cost of Member related expenses. Likewise any recommendation for more councillors comes with the opposite consequence.

Risk

In the case of a proposed reduction in numbers, LGBCE will need to be assured that the reduction will not jeopardise the ability of a council to manage its business effectively. Whilst LGBCE have no absolute numbers in mind, there are obviously levels at which an authority risks being too small to discharge its statutory functions or too large to be able to function in an effective manner.

LEGAL

The manner of requests to reduce the size of the Council, are not prescribed by law. In the past elsewhere such decisions have been made by the Leader of a Council without taking a report to Council. It is the Department for Communities and Local Government's view that any formal request should have the full backing of the Council although the LGBCE do have any set criteria or threshold for this. The Council would need to demonstrate majority support as part of its request.

The LGBCE work to the Local Democracy, Economic Development and Construction Act 2009 in conducting electoral reviews.

Part 4 of the Local Government Act 2000 gives the Secretary of State a power to alter, by order, the frequency of elections to local authorities, and the years in which elections are held.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

No external consultations have taken place at this stage. Again however, consultation will be a key part of any LGBCE review.

Securing equality of representation and reflecting the identities and interests of local communities are key aspects of electoral reviews and such considerations therefore form part of formal LGBCE reviews.

Town and Parish councils would be invited to comment as part of any proposals.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Local Government Boundary Commission for England is responsible, amongst other things, for conducting reviews of local government. Electoral reviews can be initiated to ensure electoral equality. This may be because of a major change in population or because of local boundary changes. Reviews can also be carried out at the request of a local authority. The Council can at any time request that the LGBCE conduct an electoral review of the Council. The LGBCE is not compelled to agree to undertake a review. If it is agreed to undertake a review then the LGBCE will seek to include it in their rolling two year programme of reviews.

Around 6 months before the start of the formal review the LGBCE would meet with councillors and senior officers to discuss the process and gather the required information. A variety of information is required including electorate numbers and forecasts, electoral register, lists of Town and Parish Councils, maps, Council reports and statistics. Thereafter the stages for an electoral review are broadly as follows:-

Stage	Activity and Timescale
Preliminary	Desk research, information gathering, meeting with LA and other partners. Possible tour. Make draft recommendations for council size. 6-8 weeks
Council size consultation	Open consultation on LGBCE council size recommendations 6 weeks Commission considers response and prepares “minded to approve” notice of council size. 4-6 weeks
Further Information gathering and analysis	Inviting information from public focussing on communities – Commission collates community information and tours area. 10-12 weeks Commission uses responses and community information to prepare electoral equality scheme and make draft recommendations. 10-12 weeks
Consultation on draft recommendations	Public consultation with targeted events if necessary. 8 weeks
Preparation of final recommendations	Analysis of responses and preparation and publication of final recommendations. 10-12 weeks
Total	52-62 weeks

The key issues which the LGBCE will take into consideration are as follows:-

Council Size

Council size is the starting point of any review as it established the average number of electors per councillor to be achieved across all wards or divisions. In considering the size of a Council the LGBCE is clear that each local authority should be considered individually and not compared with other authorities of similar geographic or population size, or those facing similar issues and concerns. In addition, the LGBCE considers that the demographic make-up and dispersal of communities in England are such that to aim for equality in the number of electors each councillor represents as an average across the whole country would be impractical, if not unachievable. LGBCE do not therefore apply strict mathematical criteria for council size or impose nationally a formula for its calculation.

The LGBCE acknowledges however that various changes over time in the role and responsibilities of local government and councillors, especially following the Local Government Act 2000 and as a result of various central government and local authority initiatives, is likely to have reduced the number of councillors needed to politically manage an authority. In the case of a proposed reduction, the LGBCE will need to be assured that the reduction will not jeopardise the ability of a council to manage its business effectively. Whilst LGBCE has no absolute numbers in mind, there are obviously levels at which an authority risks being too small to discharge its statutory functions or too large to be able to function in an effective manner.

Electoral Equality

Once the LGBCE has made a decision on council size, it can work out the optimum number of electors each councillor should represent by dividing the total number of electors by the number of councillors. This produces a figure for the average councillor to elector ratio. Using the average ratio of elector per councillor, the LGBCE can measure how far the ratio in each current or proposed ward departs from that average. When formulating recommendations, the LGBCE will be seeking to achieve ratios close to the authority average in every ward. The further that electoral equality departs from the average for the authority, the stronger the evidence of the other considerations they take into account will need to be.

In practice however the LGBCE do not see reviews resulting in wards of mathematically equal size. This is because the approach to electoral equality must be tempered by other considerations which generally reflect the particular characteristics of an area under review, and its communities. This recognises that council members represent individual electors and collective communities.

Community Identity and Interest

Community identity and interest is harder to define than electoral equality for which there is a simple mathematical test. For some, community identity could be defined by the location of public facilities such as doctors' surgeries, hospitals, libraries or schools. The LGBCE is clear that it will certainly not be the case that merely saying that such facilities exist can justify a community identity argument. The LGBCE would be looking for evidence that such facilities stimulate or provide a focus for community interaction. For others, an area's history and tradition may be the basis of its sense of community identity. Communities change over time and historical considerations may not have such importance in areas which have been subject to recent development or population dispersal.

Effective and Convenient Local Government

This is also difficult to define, but will be taken into account when the LGBCE is looking at Council size. The impact of any proposals on the workload of individual councillors needs to be considered. However, it is the impact on the council's way of working rather than the individual member which is important.

Number of Councillors in Each Ward or Division

There is no upper limit in legislation regarding the number of councillors that may be returned from each ward or division. However, the LGBCE takes the view that more than three councillors results in a dilution of accountability to the electorate. The LGBCE will review whether single or multi member wards are appropriate taking account of the requirement to achieve good levels of electoral equality, reflect community identities and interest and provide for convenient and effective local government.

The publication of the LGBCE recommendations marks the end of the review process. Once these are published the LGBCE will make arrangements for the draft Order to be laid in the name of the Speaker of the House of Commons before both Houses of Parliament. It will then be subject to what is called the draft negative resolution procedure. This means that they can only confirm the Order after it has been before each house for 40 sitting days (the House of Lords and the House of Commons may have different sitting days). Draft Orders can be prayed against in either House. In such an event, a debate on the Order may take place. If a debate on a draft Order is lost, the Order will not be made; there is no provision for Parliament to modify the Order.

In a letter to all local authority leaders in England, dated 17 January 2013, the Parliamentary Under Secretary of State, Brandon Lewis MP, said that he had agreed with the LGBCE to help shorten the timetable councils faced when implementing agreed proposals.

Under this approach, he said, the aim would be that any changes could be implemented on the first practicable local election day (i.e. the first Thursday in May) following the LGBCE making the necessary Order, irrespective of when the Council would normally hold elections. To achieve this, he said, powers under the Local Government Act 2000, would be used, as necessary, to bring forward by Order, the year in which a Council held its elections.

The LGBCE, he said, would be considering its work programme and, subject to existing commitments, is open to requests for electoral reviews. Councils are asked to get in touch with the LGBCE if they are considering changes to their size and other electoral arrangements.

CURRENT POSITION

When this issue was initially looked into it soon became clear that there would be a considerable amount of work for the Council both in carrying out an electoral review and in implementing any recommended changes to local electoral arrangements. When it was understood how much work would be needed it was clear that, at a time when the Council was undergoing wide ranging Fundamental Service Reviews across the organisation, it was not possible to dedicate the resource required to enable an electoral review and any changes to be implemented in 2015. Following the receipt of the letter from Brandon Lewis the necessity to complete reviews to be implemented in line with the existing electoral cycle has been removed and a review can now progress with recommendations to be implemented on the first practicable local election day following the Commission making the necessary order.

It is proposed that the LGBCE be approached with a view to making a formal request for an electoral review to be carried out for the Council. It is the view of the Administration that as part of the reorganisation of the Authority and indeed the contraction of the Council staffing levels, it is right to examine the size of the 'Council' and that a review is needed to establish an independent view on the appropriate number of councillors and an appropriate electoral framework for the Council.

In order to approach the LGBCE, the Council will need well thought out and reasoned proposals for a revised electoral scheme and be able to demonstrate that this has support from the Council.

BACKGROUND PAPERS FOR THE DECISION

Letter dated 17 January 2013 by the Parliamentary Under Secretary of State, Brandon Lewis MP.

APPENDICES

None