

Local Government Boundary Commission for England – Proposed Electoral Review of Wiltshire

Summary

The Local Government Boundary Commission for England ('the Commission') has recently notified the Council of its intention to carry out an electoral review of the Council. The review will consider the total number of councillors on the Council, and then review the numbers and boundaries of electoral divisions within the Council.

This report sets out proposals for the creation of an Electoral Review Committee to consider the issues raised in such a review and to make recommendations to full Council. It also considers the implication of the Electoral Review on any proposals for changes to the governance arrangements for parishes within the Council's administrative area.

Proposal

It is recommended that:

- a) the Council notes the current position regarding the proposed Electoral Review to be carried out by the Commission.
- b) an Electoral Review Committee, comprising 10 members, is established to progress the proposed Review on behalf of the Council and to formulate recommendations to the Council on any submissions to the Commission during the Review process.
- c) the terms of reference for the Electoral Review Committee are as set out in the Appendix to this report.
- d) any proposed parish community governance reviews are put on hold pending the conclusion of the Electoral Review, unless the Electoral Review Committee considers otherwise in relation to specific cases.
- e) the council approves, as a one-off funding, use of the Enabling Fund Earmarked Reserve for the provision of any additional resources required for this significant programme of work.

Reason for Proposal

The creation of an Electoral Review Committee will enable proper consideration to be given to the issues arising during the Electoral Review process.

Dr Carlton Brand
Corporate Director

Local Government Boundary Commission for England – Proposed Electoral Review

Purpose of Report

1. The purpose of this report is to inform members of the forthcoming Electoral Review to be carried out by the Commission and to propose the creation of a Committee to consider the issues arising from this Review and to make recommendations to the Council as appropriate.

Main Considerations for the Council

2. The Local Government Boundary Commission for England (the Commission) is an independent statutory body, whose objectives include the provision of electoral arrangements that are fair and that deliver electoral equality for voters.
3. As part of its responsibilities, the Commission carries out reviews of electoral arrangements for principal local authorities in England. In deciding which local authorities to review, the LGBC calculates the levels of electoral imbalance in each local authority area each year. Electoral imbalances occur where voters are either over- or under- represented by their local councillor, when compared with the average levels of representation across the authority. A review is considered to be appropriate where any electoral division has a variance of 30% or more (i.e. 30% more or fewer electors than the average for the authority), or where more than 30% of divisions have an electoral variance of more than 10% from the average for the authority,
4. In June, the Commission reported that 25 (25.5%) of the electoral divisions in Wiltshire had a variance greater than 10% and 2 had a variance of more than 30%. The Commission indicated that, in view of this, it was possible that Wiltshire Council would be included in the 2018/19 review work programme.
5. By a letter dated 15 September 2017 the Commission have now confirmed that Wiltshire Council has been included in the review work programme for 2018/19.
6. The Review will first consider the overall number of councillors on the Council and will then proceed to consider future divisional arrangements, based on the preferred total number of councillors.
7. Although the formal review will start in April 2018, the Commission will expect the Council, in advance of that date, to provide it with relevant information to assist it with its considerations. This includes:-
 - a. Details of current electoral arrangements and electoral register;
 - b. Identification of parishes and their boundaries;
 - c. Other indicators which identify and build up a map of communities;
 - d. Five-year electoral forecasts;

8. The Commission will also expect the Council to provide it with an understanding of the various communities within the Council's area and how the Council and individual councillors work with those communities.
9. At the end of the preliminary period, the Commission would expect the Council to submit its proposals for the future size of the Council. This should have regard to the political management arrangements, including executive, regulatory and scrutiny functions and the representational role of councillors, both in terms of their divisional work and representing the Council on outside bodies.
10. The proposed timetable for the review process is as set out in the table below. The actual time to be taken will depend on the nature of the issues to be addressed and the availability of supporting evidence:

Stage	Action	Duration
Preliminary Period	Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, full council and, where applicable, parish and town councils. At the end of this process, the council and its political groups should submit their council size proposals for the Commission to consider.	Up to 6 months in advance of formal start of review
Council size decision	The Commission analyses submissions from local authority and/or political groups on council size and takes a 'minded to' decision on council size.	April 2018
Formal start of review		
Consultation on future division arrangements	The Commission publishes its initial conclusions on council size. General invitation to submit division proposals based on Commission's conclusions on council size	May to July 2018
Development of draft recommendations	Analysis of all representations received. The Commission reaches conclusions on its draft recommendations.	July to September 2018
Consultation on draft recommendations	Publication of draft recommendations and public consultation on them.	September – November 2018
Further Consultation (if required)	Further consultation only takes place where the Commission is minded to make significant changes to its draft	

	recommendations and where it lacks sufficient evidence of local views in relation to those changes.	
Development of final recommendations	Analysis of all representations received. The Commission reaches conclusions on its final recommendations.	November 2018 to January 2019
Final Recommendations	Publication of final recommendations	January 2019
Parliamentary Scrutiny	A draft order seeking the implementation of the final recommendation will be laid in both Houses of Parliament under the negative resolution procedure for 40 days. Parliament can accept or reject the recommendations. It cannot modify them.	Subject to parliamentary scrutiny, the Commission will 'make' the order at the end of the 40 days and inform the council that order is now complete so that it can prepare for elections on the new arrangements
Implementation	Election on new electoral arrangements: council size, division boundaries and division names come into effect at the election	Ordinary day of election 2021

11. At the end of the Review process the Commission will publish its final recommendations and prepare a draft Order. This is laid before Parliament for forty sitting days and will then be confirmed, unless either of the Houses of Parliament call for a debate within that time. If a debate is called for, the draft Order may only be approved or rejected. – there is no provision for it to be amended by Parliament.
12. The Commission has produced detailed technical guidance on how it carries out electoral reviews and the information that it takes into account in such a review. The relevant guidance may be found on the link below:

<https://www.lgbce.org.uk/policy-and-publications/guidance>

As with community governance reviews, the aim is to try to ensure that, as well as providing electoral equality, any proposals reflect community identities and provide for effective and convenient local government.

13. When carrying out their Review, the Commission will take into account any changes to the numbers and distribution of electors that are likely to take place within the five years following the end of the Review.
14. The Review will involve considerable consultation with local electors and interested parties at various stages during the review process.

Initial Steps

15. As mentioned above, prior to the start of the formal review process, there is a preliminary stage, during which the Commission will meet with the Council and interested parties to explain the process and to identify the information that they will need for the review. During this period the Commission will also seek to gain an understanding of the extent and nature of the various communities within the Council's area, the relationships between those communities and how the council and individual councillors work with those communities. This will then inform their proposals on the preferred size of the Council.
16. The Commission has indicated an intention to meet with the Leader and Corporate Directors before the end of November. This will be followed by briefing sessions with group leaders, councillors and senior officers. Further information on the scope and timescale for the Review will be provided by the Commission at those meetings.

Boundary Review Committee

17. There will be a considerable amount of work involved in assisting the Commission with their Review and in formulating the Council's proposals in respect of the issues to be considered in the Review. In order to oversee this work, and to formulate recommendations on the issues involved, it is proposed to establish an Electoral Review Committee, comprising 10 members. This will be a formal committee of the Council and will be politically balanced unless the Council decides otherwise with no member voting against. On the basis that the proposed Committee is politically balanced the membership will be as follows:

Conservative Group	6
Liberal Democrat Group	2
Independent Group	1
Labour Group	1

18. The proposed Terms of Reference of this Committee are attached as Appendix 1 to this report.
19. There will be a considerable amount of work required at officer level to assist the Commission with its review, including the provision of the information required by the Commission. An officer working group will also be established to ensure that all necessary information is collated and provided to the Commission and to report to the proposed Committee.

Community Governance Reviews

20. Members will recall that a comprehensive review of parish boundaries has recently been undertaken, with the approved changes taking effect earlier this year. At the time of that review, it was agreed to postpone any consideration of the boundaries

of parishes in the Chippenham area, due to the uncertainty, at that time, of the housing allocations in that area.

21. In addition, since the completion of the last community governance review, the Council has been approached by several town and parish councils and others, with proposals for other changes to community governance within their parishes.
22. The general position of the Commission is that it is not appropriate for a principal local authority that is subject to an electoral review to carry out any community governance reviews at the same time. They consider that to do so could cause administrative difficulties and confusion for the local people affected.
23. Officers will discuss the outstanding proposals for parish reviews with the Commission. Subject to their views, it is proposed that no further action be taken on any community governance reviews until the conclusion of the electoral review. However, it is also proposed that the Electoral Review Committee should be able to approve exceptions to this general position. It should be noted that any changes to parish governance arrangements would not normally come into effect until the next parish elections in 2021 in any event.

Safeguarding Implications

24. There are no specific safeguarding implications associated with this report

Public Health Implications

25. There are no specific public health implications associated with this report.

Environmental and Climate Change Considerations

26. There are no specific environmental and climate change considerations associated with this report

Equalities Impact of the Proposal

27. There are no specific equality considerations associated with this report

Risk Assessment

28. If the Council does not properly resource its role in the review, there is a significant risk for the Council will not be able to discharge its responsibilities in relation to the conduct of the electoral review.

Financial Implications

29. Considering the amount of work that will be required and the associated timeline, this programme will need to be adequately resourced. Budgetary provision will be made available from the 'Enabling Fund' Earmarked Reserves to resource this significant programme of work.

Legal Implications

30. The Electoral Review is a statutory process carried out by the Commission in accordance with its obligations and powers as set out in the Local Democracy , Economic Development and Construction Act 2009.

Recommendations

31. Council is recommended to:

- a) note the current position regarding the proposed Electoral Review to be carried out by the Commission.
- b) establish an Electoral Review Committee, comprising 10 members, to progress the proposed Review on behalf of the Council and to formulate recommendations to the Council on any submissions to the Commission during the Review process.
- c) approve the terms of reference for the Electoral Review Committee as set out in the Appendix.
- d) put on hold any proposed parish community governance reviews pending the conclusion of the Electoral Review, unless the Electoral Review Committee recommends otherwise in relation to specific cases.
- e) approve, as a one-off funding, use of the Enabling Fund Earmarked Reserve for the provision of any additional resources required for this significant programme of work

Dr Carlton Brand
Corporate Director

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Background Papers

LGBCE Electoral Reviews – Technical Guidance 2014

Appendix – Electoral Review Committee – Terms of Reference
