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**PERIODIC ELECTORAL REVIEWS - CONSULTATION PAPER FROM ELECTORAL COMMISSION**

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**Responsible Cabinet Member(s) - Councillor John Williams, Leader**

**Responsible Director(s) - Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To consider a response to a Consultation Paper entitled "Periodic Electoral Reviews" ('PER's') issued by the Electoral Commission ('EC') in September 2005.

**Background**

2. The EC issued a Consultation Paper in September 2005 with a twelve week public consultation period on the way reviews of local government electoral arrangements are carried out in England. The Consultation is available on the Council Intranet and is the next stage of a fundamental evaluation of the Commission's Periodic Electoral Reviews, which will culminate in new procedures and guidelines to the Boundary Committee for England for the conduct of future reviews.
3. The Commission is examining all aspects of its policies and processes guiding Electoral Reviews and wishes to take stock of lessons they have learnt from undertaking the recent PER Programme and, if necessary, consider the need for any changes to legislation. Comments on the Consultation Paper are invited by Friday, 25th November, 2005.
4. Members will recall that the Commission carried out a PER of Darlington under the Local Government Act 1992 in 2000/01 and their final recommendations were adopted by Government and have since been implemented. The prime objective under current arrangements is considering the most appropriate electoral arrangements, so far as reasonably practicable and consistent with the statutory criteria, to achieve electoral equality within a particular Council area. In doing so, the Commission has regard to the need to the need to secure effective and convenient local government and reflect the identities and interests of local communities. The Local Government Act 1972 also indicates that the number of electors per Councillor should be as nearly as possible the same in every Ward of the Borough. A five year projection of population also needs to be taken into account. The final report of the Commission, which was accepted by Government resulted in the number of Councillors being increased by one to 53. The number of Wards decreased by one to 24 and on the forecast electorate for the Year 2005 the report suggested that the number of Wards with a variance of more than ten per cent from the average would be one and that there would be no Wards with a variance more than twenty per cent from the average. This was a very satisfactory outcome to the exercise locally.

5. The Commission would like to hear views on issues such as whether the current criteria are the most appropriate factors for determining electoral boundaries and if a weighting should be applied to the criteria, and also on the evidence the Commission can use to better understand community identity at local level and what approach should be taken in future to determine the numbers of Councillors to be elected and the programming of future reviews.
6. Attached is an **Appendix** setting out a summary of the key consultation questions with suggested responses.

### **Outcome of Consultation**

7. There has been no separate consultation carried out by the Borough Council as the Electoral Commission are responsible for this initiative.

### **Legal Implications**

8. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

9. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

10. The contents of this report do not affect Council Policy.

### **Recommendation**

11. The Council is invited to endorse the comments on the key consultation questions as set out in the **appendix** to this report.

### **Reasons**

12. The recommendation is supported to provide a Council response to the consultation paper.

**Paul Wildsmith,  
Director of Corporate Services**

## **Background Papers**

- (i) Electoral Commission Administration Alert 26
- (ii) Electoral Commission Consultation Paper on Periodic Electoral Reviews September 2005
- (iii) Final recommendations of the then Local Government Commission on Future Electoral Arrangements for Darlington 15th May, 2001

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## 1. Statutory Criteria

Q1. Are the three statutory criteria (community identity, effective local government, electoral equality) the most appropriate factors for determining electoral boundaries

- Should they all have equal weight?
- Is it right to start from electoral equality?
- If greater weight were given to community identity, would higher electoral inequality be acceptable?

Q2. What evidence can the Commission use to understand community identity?

Q3. How far is it reasonable for the Commission to depart from electoral equality in reaching its decisions?

Q4. What evidence can the Commission use to indicate effective and convenient local government?

### Comments

In the past it has been proven difficult to apply standard criteria to rural areas and the EC had to depart from guidance and accept that there are exceptions. Was this something that should continue in the future?

It is felt that the greater weight should go to community identity over electoral equality as there is evidence in some local authorities that wards and community identity suffered whilst trying to achieve electoral equality. There are also instances where communities have been merged and individuals did not identify with their Member.

**However, it is important that the need for balanced representation is not completely lost in the quest for community identity; it would be unacceptable if certain wards were to be overrepresented, i.e. fewer electors per Councillor, solely as a result of applying the community identity criteria.**

It is difficult to put a figure on what level of inequality is acceptable and perhaps that should be flexible.

The EC is asking for something that may not exist when seeking evidence on community identity. Generally the EC should be more receptive to communities' views of identity as opposed to seeing evidence of it.

The EC need to be clear about what they are trying to achieve. In the past, there have been instances where authorities have submitted proposals to achieve the balance required and the EC has undone this and imposed their own balance, which leads to frustrations locally.

More weight should be given to community identity based on people's views on what a community is. It is also felt that an indication of the level of public consultation on PERs would be useful and the public should be involved at an early stage.

## **2. Council Size**

Q8. Should the Commission maintain its current approach to determining council size or give more specific guidance, such as a formula or banding scheme, linked to councils' electorate size and functions?

Q10. Should the Commission be prescriptive about the numbers of councillors per ward/division, such as having one councillor per ward/division?

### **Comments.**

Guidance from the EC on what sizes of council and management systems were in place would be more useful than having sizes prescribed. An indicative size rather than prescribed bands is advised as it is more appropriate for local authorities to make their own assessment in conjunction with information and guidance from the EC. The most useful evidence on Council size is evidence based on the political management structures, and councillors' roles, of the authority in question.

The number of Members can affect the management system and vice versa and prescriptions such as the 3 or derivative of 3 Members per ward in Metropolitan Councils, for example, is not helpful. This process should be more flexible.

## **3. Electorate Forecasts**

Q9. Should the Commission continue to expect all local authorities to provide five-year electorate forecasts? Should the Commission provide guidance on this?

### **Comments**

There is mixed success on forecasting electorate changes but despite this it is felt that a mechanism is needed to enable local authorities to highlight growth/development areas.

Overall, the forecast figures should be treated with caution as a number of issues could affect a change, for example, change of political control and priorities.

## **4. Programming Issues**

Q5. Are the criteria the Commission uses to decide when to undertake a Further Electoral Review (30% of wards with a variance in excess of 10%, or one ward with a variance of 30%) appropriate?

Q6. Should the Commission make plans for another programme of PERs?

Q7. Should the Commission aim to review two-tier areas simultaneously or should it overlap the county review with that of the districts?

Q11. Should the Commission make any changes to the length and nature of the stages of a PER (e.g. consider council size ahead of Stage One?)

## Comments

**This is not relevant to a unitary authority but in two-tier areas District and County** PERs should be conducted as the same time, as to conduct them at different times causes problems.

A different approach is proposed for undertaking PERs. It is felt that they should be undertaken on an ad hoc basis, at the instigation of either the electorate or the local authority as and when changes arose. To undertake PERs across the whole country is a waste of resource and capacity when no significant changes may have occurred within the electorate in many areas.

The Criteria the EC use to decide when to undertake Further Electoral Reviews, needs to be explained and justified.

## 5. Other Issues

Q12. What can the Commission do to increase awareness of/involvement in PERs?

Q13. Should the name of a ward be open to change without the need for a review?

Q14. Are there any other changes the Commission could make to enhance the process for conducting reviews?

## Comments

Power to change ward names should be given to local authorities, as some local authorities have received complaints from the electorate on inappropriate or misleading ward names given by the Boundary Commission for England.

In areas where wards are split, the EC could do more work locally to communicate with communities.

When representations are made direct to the EC by the electorate, local authorities would find it useful to be copied into or informed of the representation. Increased communication on this issue would help. On the same issue, there is concern that the EC appears to give equal weight to submissions from Councils which have been subject to extensive consultation, and to submissions from individuals or organisations which have been subject to no consultation at all.

**When changes are made to ward boundaries as a result of a PER, parliamentary boundaries remain unaltered until the next Parliamentary Boundary Review. This can mean wards are split between different constituencies and can lead to confusion for the electorate. Consideration should be given to giving the EC power to make minor adjustments to Parliamentary boundaries where that would make sense following a PER.**