
FURTHER ELECTORAL REVIEW

Responsible Cabinet Member - Councillor Bill Dixon, Leader

Responsible Director – Ada Burns, Chief Executive

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to provide an overview of the process for conducting a Further Electoral Review (FER) in Darlington.

Summary

2. A letter was sent to all members in May this year explaining that the Local Government Boundary Commission (LGBCE) had decided to carry out a FER in Darlington starting in March 2013 (**Appendix A**). Darlington was selected for a FER because at least one ward, Faverdale, has an electoral variance of more than 30% from the average number of electors per councillor. The LGBCE are responsible for carrying out the review but due to experience on other reviews have decided to begin the review early. The preliminary stage of the review has begun and an initial meeting has taken place between officers from the LGBCE and the Council. A meeting with Group Leaders has been scheduled for 15 October 2012. The LGBCE will brief all members at the Council meeting on 29 November 2012.

Recommendation

3. It is recommended that Members :-
 - (a) Note the process for conducting a Further Electoral Review.
 - (b) Call a Special Council on 20 December to consider the draft submission on Council size.

Reasons

4. The recommendations are supported by the following reasons :-
 - (a) To inform members at an early stage about the process.
 - (b) To raise public awareness about the forthcoming review.

**Ada Burns,
Chief Executive**

Background Papers

Guidance and legislation available from the LGBCE website www.lgbce.org.uk

C Whitehead : Extension 2306

S17 Crime and Disorder	There are no specific implications in this proposal for Crime and Disorder
Health and Well Being	There are no specific implications in this proposal on Health and Wellbeing
Carbon Impact	There are no specific carbon impacts beyond the conduct of the review itself.
Diversity	There are no specific issues for diversity
Wards Affected	Faverdale has been specifically identified as having an imbalance, but it is likely that all wards will be affected.
Groups Affected	There are no specific groups affected.
Budget and Policy Framework	This does not represent a change to the budget or policy framework but electoral review is a non-executive function.
Key Decision	N/A
Urgent Decision	N/A
One Darlington: Perfectly Placed	The review is a statutory process.
Efficiency	There are no specific efficiency implications at this stage of the review.

MAIN REPORT

Information and Analysis

5. A Further Electoral Review (FER) is conducted where:-
- (a) Where more than 30% of the wards have an electoral variance in excess of 10 % from the average of that authority.
 - (b) One or more wards has an electoral variance of more than 30%.
 - (c) Forecast changes to population are unlikely to correct the variance.
6. The current electoral register shows the following figures for the 24 wards in Darlington.

Ward	Elector Count	Number of Ward Councillors	Electors per Councillor	Variance
Bank Top	2856	2	1428	-4.96
Central	2844	2	1422	-5.36
Cockerton East	4145	3	1382	-8.05
Cockerton West	2970	2	1485	-1.17
College	3350	2	1675	11.48
Eastbourne	4709	3	1569	4.47
Faverdale	2197	1	2197	46.22
Harrowgate Hill	4726	3	1575	4,84
Haughton East	3092	2	1546	2.89
Haughton North	2740	2	1370	-8.00
Haughton West	4147	3	1382	-8.82
Heighington and Coniscliffe	2968	2	1484	-1.23
Hummersknott	2916	2	1458	-2.96
Hurworth	2997	2	1498	-0.27
Lascelles	2952	2	1476	-1.77
Lingfield	2870	2	1435	-4.50
Middleton St George	3575	2	1787	18.96
Mowden	3095	2	1547	2.99
North Road	4455	3	1485	-1.17
Northgate	2999	2	1499.5	-0.20
Park East	4280	3	1426.67	-5.05
Park West	2986	2	1493	-0.64
Pierremont	4075	3	1358.33	-9.60
Sadberge and Whesoe	1691	1	1691	12.54

7. The LGBCE will look at projections 2019 five years after the completion of the review. The forecasts for this date are based on a number of assumptions but they would show that the situation is likely to change in a number of wards with the result that 7 wards would have a variance of 10% or more. The LGBCE have indicated that in their view

The LGBCE

8. The LGBCE is established under the Local Democracy, Economic Development and Construction Act 2009. It is directly accountable to Parliament through a Committee chaired by the Speaker of the House of Commons.
9. The LGBCE's main role is to conduct electoral reviews of local authorities in England with the aim of ensuring that, within each council area, the number of electors represented by each councillor is approximately the same. The LGBCE is made up of a chair, a deputy chair and four commissioners.
10. The Chair is Max Caller who was appointed on inception on 1 April 2010. He was previously Chair of the Boundary Committee for England, the body whose functions the LGBCE assumed on 1 April 2010. He is also a Commissioner for the Electoral Commission.
11. The Lead Commissioner for the Darlington review will be former Chief Executive of Sunderland City Council, Dr Colin Sinclair. He is a specialist in strategic change management. Dr Sinclair has also held senior positions at Birmingham City Council and within the Society of Local Authority Chief Executives (SOLACE).

Electoral Reviews

12. The main aim of an electoral review is to try to ensure that each councillor represents approximately the same number of electors as his or her colleagues on that council. The LGBCE will conduct a review and make recommendations which will aim to improve any electoral inequality, while at the same time trying to ensure that communities in the area are reflected and that convenient and effective local government is provided for.
13. The LGBCE will have three main considerations when conducting reviews:-
 - (a) Equalising the number of electors each councillor represents;
 - (b) Reflecting community identity; and
 - (c) Providing for convenient and effective local government.
14. These considerations are set out in the legislation and there is no scope for the LGBCE to decide on different considerations.
15. The 2009 legislation (set out at Appendix 1) also requires the Commission to take into account any changes to the number and distribution of electors that are likely to take place within five years of the completion of the review. Forecasts of population are therefore being prepared to for 2019 as it is anticipated that the review will be completed in 2014. The implementation of the review will take place at the next ordinary elections in 2015.

16. The LGBCE are also required to make recommendations for changes to electoral arrangements of existing parishes when the proposed changes are directly consequential to the recommendations of the FER. The LGBCE cannot make recommendations for changes to the external boundaries between local authorities or Parishes or to consider the creation of new Parish areas. The LGBCE can initiate reviews of external changes to electoral arrangements but cannot alter them during an electoral review.
17. The LGBCE cannot make recommendations for changes to how often local authorities hold elections ie whether they are ‘all out’ or like Hartlepool ‘in thirds’, however a local authority can resolve to do so. If the Council were to do so the LGBCE would need to consider whether the number of Councillors being returned from each ward reflects the proposed electoral cycle. So that in Hartlepool for example the Council size was recommended to be a multiple of three to allow for the continued election by thirds.
18. The LGBCE cannot change or consider as a relevant factor in the review the boundaries of Parliamentary constituencies, as that is the responsibility of a different body, the Boundary Commission for England.
19. The recommendations of the review will not determine the size and shape of polling districts or the location of polling stations but reviews of these will need to take place in 2014 following the completion of the review and in time to be in place for the 2015 May elections. Given the timetable for Parliamentary approval of any recommendations it is possible that a final order will not be made until the Autumn of 2014 after the Parliamentary recess. This will give a very tight timescale for the implementation of the recommendations, and the reviews of polling districts and polling stations.

What is a Further Electoral Review?

20. It will look at four things:-

- (a) The total number of councillors
- (b) The number of wards
- (c) The name of any ward
- (d) Boundaries of Wards

21. The review process is normally in four distinct stages

Stage	Details	Length
Preliminary stage	Briefing and meetings with local authority	6-8 weeks
Council size consultation	Where possible and practicable a short consultation specifically on council size will be conducted	10 Weeks
One	The initial consultation stage on electoral arrangements	Typically 12 weeks

Two	The LGBCE's deliberation and analysis of representations received	Typically 10 – 14 weeks
Three	Publication of the LGBCE's draft recommendations and consultation on them	Typically 12 weeks
Four	The LGBCE considers representations on the draft recommendations and publishes the final recommendations	Typically 10-14 weeks

Council Size

22. The LGBCE have indicated that the review will include council size. There will be a period of 12 weeks (approx) on this issue prior to the review.
23. Factors influencing size will be:-
- (a) Governance and Decision Making
 - (b) Scrutiny Functions
 - (c) The representational role of councillors in the local community
 - (d) The future
24. The LGBCE have provided a useful set of questions and discussion to aid the preparation of a submission.
25. A draft submission will need to be made by 21 December 2012 with final submission on 25 January 2013. It is proposed to call a special council for 20 December and a Special Council will also be due to take place on 24 January to allow consideration of the submission by the Council as a whole.
26. The LGBCE will carry out a consultation exercise thereafter with the public before coming to a 'minded' decision in relation to Council size. The substantive review of ward boundaries will follow thereafter.

Ward Boundary Review

27. The substantive review is likely to include the following:-
- (a) Information gathering of 10 weeks on warding patterns
 - (b) Proposals on all or part from Council, public, parishes etc.
 - (c) LGBCE will also tour the area
 - (d) Draft recommendations

- (e) 10-12 weeks of consultation
- (f) Final recommendations
- (g) Further period of consultation 10-12 weeks
- (h) Final recommendations by order in the Houses of Parliament (July 2014 ish).

28. The Council will be invited to make a further submission in relation to the wider review. The most successful submission will be a scheme which:-

- (a) Gives good electoral equality
- (b) Balances other statutory criteria
- (c) Has cross-party support
- (d) Has been consulted on locally.

Final Recommendations and Implementation

29. The publication of the final recommendations will signify the end of the electoral review process. There is no provision in the legislation for representations to be made on the final recommendations. Technical changes can be made to a draft Order before it is laid. The draft Order will show any new ward and Parish ward name and boundaries that are the subject of those final recommendations. The Draft Order will be laid before the Houses of Parliament and will be subject to a 40 sitting day procedure which could entail formal debate on the Order. However there is no provision to allow for modification of the Order it will be either accepted or rejected by Parliament. If an Order is made it will come into force at the whole Council elections in 2015. It is proposed that the Order will be laid in July 2014 which may mean that the Order will not be made until the House reconvenes. There will be significant preparatory work in the lead up to the elections in 2015 as well as the usual work approaching an 'all out' local government election and parish elections. If the legislation for five year term for Parliamentary elections goes through, the Parliamentary election will also take place in 2015.
30. A Parliamentary Review is also underway with initial proposals having been submitted, and second stage proposals due in October this year with final recommendations in October 2013. The current proposals suggest that Middleton St George and Sadberge and Whessoe will be within the Sedgefield and Yarm Constituency with all other Wards in the Darlington Constituency. These changes are due to be implemented at the next Parliamentary election in 2015.
31. There is also a proposal to implement the new Individual Electoral Registration, with the canvas for that taking place in January 2014 and the European Elections will take place in that year also.

Timetable for preparation of Draft Submission

Meeting	Date	Action
LGBCE Meeting with Officers	3 September 2012	Initial introduction to process and the issue of Council size.
Council Report	27 September 2012	Initial report to all Members on the scope of the Review
LGBCE meeting with Group Leaders	15 October 2012	Initial consultation on Council Size and Review with Group Leaders by Lead Commissioner and LGBCE
Council	29 November 2012	Introduction by the LGBCE to all Members, presented by the Lead Commissioner
Special Council	20 December 2012	Presentation of the draft Submission on Council Size
LGBCE	21 December 2012	Draft Submission to LGBCE of Council Size
Special Council	24 January 2013	Final approval of Council size submission
LGBCE	25 January 2013	Final submission to LGBCE on Council size.
LGBCE	March 2013 10 – 12 weeks	Public consultation on Council size

The LGBCE Darlington Timetable

Timetable

Stage	Date start	Date finished
Preliminary period	August 2012	
LGBCE: Decision on type of review	12 March 2013	
Council size consultation	26 March 2013	7 May 2013
LGBCE analysis and deliberation for 'minded' council size	8 May 2013	11 June 2013
Further information gathering for warding arrangements	16 June 2013	23 September 2013
LGBCE analysis and deliberation	24 September 2013	13 November 2013
Draft recommendations published	21 January 2014	
Draft recommendations consultation	21 January 2014	14 April 2013
LGBCE analysis and deliberation	14 April 2014	June 2014
Final recommendations published	July 2014	

Outcome of Consultation

32. There has been no formal consultation in the preparation of this report. It is proposed that there will be significant consultation with Members and public as the review moves forward.

Review of electoral arrangements (S56)

(1) The Local Government Boundary Commission for England must from time to time—

- (a) conduct a review of the area of each principal council, and
- (b) recommend whether a change should be made to the electoral arrangements for that area.

(2) The Local Government Boundary Commission for England may at any time—

- (a) conduct a review of all or any part of the area of a principal council, and
- (b) recommend whether a change should be made to the electoral arrangements for the area of the principal council.

(3) In this Part “principal council” means—

- (a) a county council in England;
- (b) a district council;
- (c) the Council of the Isles of Scilly;
- (d) a London borough council.

(4) In this Part “electoral arrangements”, in relation to the area of a principal council, means—

- (a) the total number of members of the council (“councillors”),
- (b) the number and boundaries of electoral areas for the purposes of the election of councillors,
- (c) the number of councillors to be returned by any electoral area in that area, and
- (d) the name of any electoral area.

(5) Where under this section the Local Government Boundary Commission for England recommends that a change should be made to the electoral arrangements for the area of a principal council, the Commission must also recommend whether, in consequence, a change should be made to the electoral arrangements for the area of any parish council, where that area is within the area of the principal council.

(6) In this Part “electoral arrangements”, in relation to the area of a parish council, means—

- (a) the total number of members of the parish council (“parish councillors”),
- (b) arrangements for the division of the parish or (in the case of a common parish council) any of the parishes into wards for the purposes of the election of parish councillors,
- (c) the number and boundaries of any wards,
- (d) the number of parish councillors to be returned by any ward or, in the case of a common parish council, by each parish, and
- (e) the name of any ward.

(7)Section 6(2)(a) of the Local Government Act 1972 (c. 70) (electoral divisions of non-metropolitan county to return one councillor each) does not limit the recommendations that may be made under this section.

(8)Schedule 2 (which makes further provision relating to recommendations under this section) is part of this Part.

(9)A principal council or parish council must, if requested by the Local Government Boundary Commission for England to do so, provide the Commission, by such date as it may specify, with any information that it may reasonably require in connection with its functions under this section.

Review procedure (s58)

(1)As soon as reasonably practicable after deciding to conduct a review under section 56, the Local Government Boundary Commission for England must take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of—

(a)the fact that the review is to take place, and

(b)any particular matters to which the review is to relate.

(2)In conducting a review under section 56, the Local Government Boundary Commission for England must—

(a)prepare and publish draft recommendations,

(b)take such steps as its considers sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which representations with respect to them may be made, and

(c)take into consideration any representations made to the Local Government Boundary Commission for England within that period.

(3)The Local Government Boundary Commission for England may at any time before publishing draft recommendations under subsection (2)(a) consult such persons as it considers appropriate.

(4)As soon as practicable after conducting a review under section 56, the Local Government Boundary Commission for England must—

(a)publish a report stating its recommendations, and

(b)take such steps as it considers sufficient to secure that persons who may be interested in the recommendations are informed of them.