

REPORT TO EXECUTIVE

PORTFOLIO AREA: CROSS CUTTING

Date of Meeting: 22 December 2010

Public

Key Decision: No

Recorded in Forward Plan:

No

Inside Policy Framework

Title: LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND CONSULTATIONS

Report of: Deputy Chief Executive

Report reference: CE.38/10

Summary: The Local Government Boundary Commission for England (LGBCE) is conducting two consultations with a deadline for response of 31 December 2010. "Striking the Right Balance" (Appendix 1) is a consultation on the policy and procedures for conducting electoral reviews. "On the Right Lines" (Appendix 2) is a consultation on the policy and procedures for conducting principal area boundary reviews.

Recommendations:

It is recommended that the Executive respond to the consultation questions presented in the LGBCE consultation documents at Appendix 1 and Appendix 2. The questions requiring a response are at Appendix 3.

The view of the author is that these proposals represent a sound basis for future reviews and are consistent with any aspirations the council may have in relation to such future reviews.

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Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1. BACKGROUND INFORMATION AND OPTIONS

The Local Government Boundary Commission for England (LGBCE) is consulting on two types of review it will be conducting in the future. It is consulting on the policies that will be applied and the procedures that will be used for those reviews. It is not consulting on where those reviews will take place.

STRIKING THE RIGHT BALANCE

The document at Appendix 1 “Striking the Right Balance” is about the policies and procedures relating to electoral reviews. The main points of the document are outlined below.

An electoral review is concerned with the electoral arrangements for a particular local authority area. Specifically it means.

- the total number of councillors
- the number of boundaries of electoral areas
- the number of councillors returned in each area
- the name of any electoral area

The general intention is to give “electors in every ward across a Local Authority the same opportunity to participate in every local election”. This may indicate a preference for four yearly elections (see paragraph 16 on page 3).

The key principle that the Commission intends to apply are as follows.

- Have regard for the “prevailing inclination” towards localism
- Support councils in making changes to increase effectiveness and ability to represent fairly the people of their area
- Select areas for review based on clear criteria
- Give greater priority to areas when imbalances affect more electors
- Have regard to council’s electoral timetable
- Conduct reviews in a proportionate manner
- Start with no predetermined view of outcome
- Use a “triage” approach to ensure scale of review is proportionate (see types of review A, B and C below)
- Give clear guidance

The Commission proposes to use a triage approach to classify three types of review as follows.

Type A – no clear need or desire for significant change e.g. part or small scale Principle Area Boundary Review

B – a fairly small change in size desirable but in which opinions can be sought during consultation on draft recommendations

C – a request from a council for substantial change in size, establishment of a new authority following structural changes, a Principal Area Boundary Review merger or if there is likely to be controversy

Currently reviews take up to 15 months and the Commission wants to reduce duration of reviews by taking a new approach as follows.

Preliminary Period

During this period a view will be reached on the likely scale of change and the triage into type A, B or C will take place.

Determining Council size

For type 'A' and 'B' reviews this will be rolled into preliminary period. The commission does not intend to apply strict mathematical criteria as it wishes to support localism.

There are four broad areas that will be considered.

- 1) Decision making process – how is this managed in the council
- 2) Scrutiny process – members involved, number and size of committees
- 3) Quasi judicial functions (e.g. planning and licensing)
- 4) The representative role of elected member

Development of Electoral Schemes for Consultation

8-10 weeks for information gathering.

Consultation on Draft Recommendations

Currently 12 weeks (for a typical review)) but the commission is inviting views on reducing that period to 6-10 weeks (see Figure 1 page 12)

Another significant change is the approach to electoral forecasts (see page 13). Changes will now be implemented in order to bring maximal electoral equality at next election, not 5 years hence, BUT will take into account definite changes (e.g. a new housing development that has started)

ON THE RIGHT LINES

The document at Appendix 2 "On the Right Lines" is about the policies and procedures in relation to principal area boundary reviews.

A Principle Area Boundary Review (PABR) is a review to define the area covered by a local authority. The Commission recognises that there are many places “where local authority boundaries do not reflect the pattern of community life”. LGBCE see a role of facilitating change where Councils believe such change is in the interest of efficient and effective service delivery.

The Commission can undertake a PABR, at request of a local authority, the Secretary of State or on their own initiative. They envisage four types of PABRS.

- Type A. Small scale – affecting relatively few electors and whose transfer from one authority to another would have a negligible impact on electoral equality in either authority.
- Type B. Medium scale – affecting a sizeable number of electors whose transfer from one authority to another would require consequential adjustments to warding patterns in one or all of the authorities concerned, but would not have any material impact on the management of service delivery by any of the councils involved.
- Type C. Large scale – resulting in changes to the electoral arrangements of any or all principal authorities involved and which would have a significant impact on the management of services.
- Type D – the merging of local authority areas

There may also be the opportunity for “Compound Reviews” - which expand scope to address boundary anomalies in adjoining areas (see section 25 page 5). Scenarios for the different types of review are described on pages 7 to 10.

Proposed criteria for considering whether PABRs should be undertaken within an area include:

- Effective and convenient local government
- Community identities and interests
- Electoral equality in consequential electoral arrangements
- Local support
- Value for money

The Commission proposes to consider to main types of evidence when considering PABRs; local support and the financial case.

Local Support. The amount and type of evidence of local support depends upon the type of PABR being conducted. For a type A review there would be few people affected – they should be consulted along with parish (or other local) councils. At the other end of the scale a type D review (a merger) would require substantive and rigorous evidence of public support – this should take the form of an ‘advisory local poll’ (see page 13).

The Commission explains on page 13 that although demonstration of majority local support for a proposal will be very influential – it would not be an absolute requirement. If there were strong arguments relating to effectiveness of local government or the identity of communities the Commission proposes that it may still undertake a review in the absence of such a majority.

Financial Case. The financial business case required under the proposals would similarly be proportionate to the type of review being considered (page 14). For a simple type A review there would be no need for a formal financial case and it would be sufficient for councils to advise that there are no significant implications. At the other end of the scale, type D reviews would require a full business case with costs and savings profiled over four years. The business case would need to be certified by the section 151 officers from the relevant authorities.

Paragraph 50 on page 15 makes the point that substantial changes to boundaries between two-tier county council areas are unlikely to be undertaken in the near future due to the “major impact on service delivery and electoral arrangements for all county and district councils involved”.

Following a PABR there would be a consequential change to electoral arrangements (and therefore a relationship with the proposals in “Striking the Right Balance”). Continuing the theme of proportionality, the Commission proposes (pages 16 & 17) to conduct electoral reviews in line with the “triage” approach described in its proposals for electoral reviews.

The Commission is interested in views in how much notice local authorities would require of their intentions with regards to reviews. The Commission also advises that it will provide opportunities for local authorities to advise them of anticipate requests for PABRs in the future.

Conclusion

The proposals from the LGBCE presented in both documents add up to a clear, streamlined process for facilitating structural change over the coming years. The proportionate approach proposed will help to ensure that change, where beneficial, can be delivered with the pace required. It seems clear that the LGBCE has recognised that many district councils will need to consider substantial boundary changes in the interests of efficient and effective service delivery.

2. CONSULTATION

The purpose of this report is to enable the City Council’s Executive to respond to a consultation from the LGBCE. Other councillors or groups of councillors may, of course, respond as they wish.

3. RECOMMENDATIONS

As above.

4. REASONS FOR RECOMMENDATIONS

To enable the Executive to respond to a consultation from the LGBCE.

5. IMPLICATIONS

This is a response to a consultation on the LGBCEs and therefore has no direct implications for the City Council. However it may enable significant organisational change in the event of future policy decisions by the Council.

Impact assessments

Does the change have an impact on the following?

| Equality Impact Screening | Impact Yes/No? | Is the impact positive or negative? |
|--|----------------|-------------------------------------|
| Does the policy/service impact on the following? | | |
| Age | N | |
| Disability | N | |
| Race | N | |
| Gender/ Transgender | N | |
| Sexual Orientation | N | |
| Religion or belief | N | |
| Human Rights | N | |
| Health inequalities | N | |
| Rurality | N | |

If you consider there is either no impact or no negative impact, please give reasons:

These are the policies and procedures of another organisation. – the City Council has no duty to impact assess these policies.

November 2010



Striking the right balance

A consultation on
policy and procedures for
electoral reviews

Local Government Boundary Commission for England

The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament in April 2010. It is independent of Government and political parties, and is directly accountable to Parliament through a committee chaired by the Speaker of the House of Commons.

We are responsible for conducting three main types of review:

Electoral reviews – reviews of the internal electoral arrangements (the number of councillors and the names, number and boundaries of wards) of local authorities;

Principal area boundary reviews – reviewing and making recommendations to the Secretary of State on changes to the external boundaries of borough, city, district and county councils;

Structural reviews – at his request, advising the Secretary of State on any proposals he receives for moves to unitary local government.

Our Values

Independent – we are not part of Government and our decisions are not influenced by party political considerations

Impartial – our decisions are based on evidence and reason

Professional – we strive for the highest standards in how we operate and how we work with citizens, local authorities and other key partners

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1 Introduction

1 This consultation is an opportunity for you to help us to update our policies and procedures for electoral reviews. In conducting reviews, we want to make sure that our efforts and those of local authorities are directed to the right places and that resources are used efficiently when reviews are carried out.

2 This document sets out our thoughts following an examination of policies and procedures carried out in the summer and autumn of 2010.

3 Our intention is that the new policies and procedures resulting from this consultation are in place when we begin to tackle our 2011-12 work programme. To that end, we plan to prepare and publish, in time for that programme, new technical guidance to assist local authorities and others to contribute effectively to the conduct of an electoral review. For the avoidance of doubt, the new guidance will only apply to new reviews we undertake following its publication. Our existing guidance will continue to apply to reviews currently under way.

4 Views on the approaches set out in this consultation paper are requested by **31 December 2010**.

5 The consultation paper poses some specific questions, your answers to which will help us to formulate and evaluate our conclusions on policies and procedures. You may have other points on which you wish to comment. We would be very pleased to receive all of your comments.

6 We want local people and communities, local government and Parliamentarians to have confidence in our review processes and the impartiality of our judgements. We will react to your views in ways which support that objective.

7 This paper seeks views on the review of electoral arrangements only. We are also consulting separately on our approach to Principal Area Boundary Reviews. You may wish to respond to either or both consultations.

8 The Commission can only respond to comments about its own policies and procedures. It will not be able directly to change the legislative provisions by which it must operate or the procedures of local authorities, of the Secretary of State or of any other stakeholder.

You can respond to this consultation on-line at www.lgbce.org.uk
or by sending your comments to:

The Local Government Boundary Commission for England
Layden House
76-86 Turnmill Street
London
EC1M 5LG
Fax: 020 7296 6227
Or email to: futures@lgbce.org.uk

2 Why we are reviewing our policies and procedures

9 During our first year of operation, we have given priority to completing electoral reviews already under way when the Commission was established. We have also commenced some electoral reviews to address electoral imbalances. Our approach in all of these reviews has been to use the policies and procedures in place prior to the establishment of the Commission. For the coming years, we wish to develop and maintain an ongoing programme, integrating boundary reviews with our electoral review work.

10 The policies and procedures for electoral reviews have not changed significantly since 1996, when the Local Government Commission for England commenced a periodic review of all English local authorities. At that time, it had been over twenty years since most local authorities had last been reviewed. As a result, significant and widespread electoral imbalances existed across most council areas.

11 Since the completion of that periodic electoral review programme in 2004, further electoral reviews (FERs) of particular areas have been undertaken where electoral equality has been an issue in one or more wards or divisions. There have also been reviews to establish appropriate electoral arrangements for the new unitary authorities that have been established over the last few years. Recent legislation has created further opportunities and requirements for electoral review, for example, to provide for single-member wards and divisions. In addition, we are aware that a number of local authorities are contemplating asking us to undertake reviews to address council size issues.

12 We therefore believe that this is an appropriate time for us, as a new organisation, to review and update our policies and procedures in consultation with the local government community and other interests, with a view to tailoring our approach to electoral reviews to the circumstance we find in each area. In doing so we wish to make the process more efficient and streamlined for all concerned. We also wish to make the best use of our resources and those of the local authorities with which we engage whilst compromising neither the democratic objectives of electoral reviews nor the professionalism and independence of our approach.

13 Whilst we aspire to speedier, more responsive review processes, we remain committed to the achievement of high quality review outcomes. Our consultation centres therefore on our wish to test whether speedier, more responsive reviews would be welcomed by local authorities, those with whom they work, and their electors. Those who would like to support our aspiration should also consider that their support could affect the way that they take part in a review. The shorter time periods we propose depend on the ability and desire of all those taking part to assemble and analyse information, and formulate proposals readily and efficiently. We do however give ample notice of a review, giving councils opportunity to plan how they will play their part.

3 Statutory background

Electoral arrangements means¹:

- the total number of members of the council;
- the number and boundaries of electoral areas for the purposes of the election of councillors;
- the number of councillors to be returned by any electoral area in that area; and
- the name of any electoral area.

14 We are, from time to time² required to review each principal council area. That is to say, conduct an England-wide review of every local authority at periodic intervals (periodic electoral reviews (PERs)). In addition, we can review a local authority area at any time if it seems necessary and do so if the number of electors represented by each member of a council becomes unbalanced compared with the average for the council (further electoral reviews (FERs)). The criteria we use in deciding whether to start an FER is set out in paragraph 22 below.

15 However, there are other circumstances in which a review may be undertaken. A principal council, if it elects by whole-council, can ask for a review if it wants the pattern of wards to change from multi-member (where people can vote for more than one councillor for their particular area) to single-member wards³.

16 If a council wants to change its electoral cycle from one in which elections for all councillors are held every four years (whole council elections) to one in which there are elections in alternate years for half its members (elections by halves) or elections in three years out of four for a third of its members at a time (elections by thirds), we are required to consider whether an electoral review is desirable⁴. The purpose of this provision is to ensure that, so far as is practicable having regard to our other statutory criteria, the number of councillors in each ward reflects the council's electoral cycle. This is to give electors in every ward across a local authority's area the same opportunity to participate in every local election.

17 It is also open to local authorities to ask us to conduct an electoral review to, for example, consider the appropriate number of councillors required to provide for effective and convenient local government in an area.

18 A proposal to change a council's external boundary may also give rise to an electoral review⁵.

19 When making recommendations for changes to local authority electoral arrangements, we are required⁶ to have regard to:

¹ Section 56 of the Local Democracy, Economic Development and Construction Act 2009.

² This is the wording used in the Local Democracy, Economic Development and Construction Act 2009: it replaced provisions in earlier legislation which required the interval between periodic reviews to be between 10 and 15 years.

³ Section 57 of the Local Democracy, Economic Development and Construction Act 2009.

⁴ Section 43 of the Local Government and Public Involvement in Health Act 2007, as amended by the Local Democracy, Economic Development and Construction Act 2009.

⁵ Section 8 of the Local Government and Public Involvement in Health Act 2007, as amended by the Local Democracy, Economic Development and Construction Act 2009.

⁶ Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009.

- the need to secure that the ratio of the number of local government electors to the number of members of the council to be elected is, as nearly as possible, the same in every electoral area of the council.
- the need to reflect the identities and interests of local communities.
- the need to secure effective and convenient local government.
- any change in the number or distribution of local government electors in the area of the county council which is likely to take place within the period of five years immediately following the making of the recommendations.
- the boundaries of the electoral areas of any district council whose area is within the area of the county council (in the case of county council reviews).
- the desirability of securing that each electoral area of the district council returns an appropriate number of members of the council (in the case of a district council that is subject to a scheme for elections by halves or by thirds).

20 Where we recommend that a change should be made to the electoral arrangements for the area of a principal council, we must also recommend whether, in consequence, a change should be made to the electoral arrangements for any parish council within that area.

Policies and procedures

21 In considering whether to conduct an FER of any local government area, we have adopted the criteria originally drawn up by the Boundary Committee for England following the completion of the PER programme. This is:

- If more than 30% of a council's wards/divisions have an electoral imbalance of more than 10% from the average for that authority; and/or
- If there is one ward/division with an electoral imbalance of more than 30%; and the imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.

22 During the examination of our policies and procedures, it seemed to us that this approach to the triggering of FERs has worked reasonably well, and had withstood the passage of time. It has enabled us to focus our work and resources on those areas with the most significant and enduring imbalances. In light of that, we do not propose to alter the criteria.

Principles

23 Councils play a major part in promoting local democracy, encouraging people to register as electors, providing information about local issues and providing pathways by which people can influence decision-making. We see our task as establishing the conditions for a fair and representative democracy at local level. Fairness means that each elector should have, so far as is practicable, equal influence on the council through the exercise of his or her right to vote.

24 Our work therefore serves electors. However we also seek to serve councils at all levels by putting in place electoral arrangements that are both effective and convenient, minimising the resource cost of reviews. In initiating or responding to requests for reviews, we will:

- Have regard to the prevailing inclination, broadly-held nationally and locally, for increasing localism – that local councils should define the manner of their policies and the way in which their services are delivered;
- Support councils in making changes in order to improve their effectiveness and ability to represent fairly the people of their area;
- Respond to the need or calls for electoral review in a measured way, selecting areas for review based on clearly expressed criteria;
- In programming reviews, give priority to areas in which imbalances affect a greater number of electors than those in which a lesser number of electors is affected;
- Have regard to councils' electoral timetable, ensuring that where elections are by whole council, reviews are completed within a reasonable period in advance of elections;
- Conduct reviews in a manner that is proportionate to the scale of the electoral imbalances to be addressed, minimising the administrative and resources burdens on local authorities. Minimising the burden means informing and supporting the timely preparation of relevant and necessary information and proposals, not reducing the requirement of the Commission to a range or standard of information below that necessary for the effective conduct of a review;
- Start a review with no pre-determined view of its outcome, whether to reduce or increase council size generally throughout the country, or specifically in the case of any individual council;
- In conducting a review to address electoral imbalances, aim to improve electoral equality at the next election of the council. Where the distribution of electors at the time of the review is different from that on the basis of the five-year forecast, our recommendations will give greater weight to the reflection of the known (current) distribution of electors rather than to the reflection of anticipated (forecast) distribution;

- Introduce a “triage” approach to the review process, involving greater dialogue with the council and other key partners in the area, and more in-house desk research, before reaching a conclusion on how to make the review proportional to the scale of the electoral imbalances;
- Give clear guidance and effective support to local authority members and officers regarding the information required to enable an effective review and to address all circumstances in which the question of council size arises.

Question 1a

Do you think that setting out principles by which electoral reviews are conducted is helpful?

Question 1b

Are the principles set out above appropriate and adequate? If not, what other principles should be adopted?

4 Types of Review

25 As previously indicated, there are various circumstances in which an electoral review may be undertaken. We believe it is important to identify clearly the circumstances to be addressed and the reasons for each review as part of the “triage” approach referred to above. This will help establish the scale of change likely to take place and assist us in making the review process proportionate to the matters to be addressed. In particular, we have considered whether, for all electoral reviews, it is appropriate or necessary for us or local authorities to undertake detailed work on council size.

26 Decisions on council size are the starting point in any electoral review, since that determines the optimum councillor:elector ratio for the purposes of achieving electoral equality. Accordingly, we have hitherto, in each review, sought a detailed justification for council size, whether that be for an increase, a reduction or no change. However, we are of the view that such detailed consideration may not be appropriate in each and every case.

27 For the future, we propose that our approach to council size should vary depending on the type of review:

Type A: Reviews where there is no clear need or desire for significant change in council size. For example reviews may be triggered by electoral imbalances, single member warding requests and small-scale principal area boundary review requests. In these circumstances, if there has been an in-depth review of council size in the preceding 10 years and there are no new arguments for a change, it may not be necessary to revisit the considerations made in that earlier review;

Type B: Reviews where a fairly small change in council size is desirable but in which opinions regarding a proposed change can be sought during the consultation on draft recommendations;

Type C: Reviews which have arisen because of a council request for a substantial change in council size, the establishment of a new authority following structural change, a principal area boundary review involving a large-scale boundary change or whole-council merger, or where, following initial dialogue and assessment, it appears that a change in council size is likely to give rise particularly to contention.

Review process

28 Our current review procedure involves three and sometimes four rounds of public consultation, with the reviews themselves lasting up to 15 months:

- Preliminary period – briefings with Group Leader, councillors, local authority chief officers and parish and town councils. Provision of preliminary information on current and forecast electorates;
- Council size consultation - and our initial conclusions on the number of councillors to be elected;
- Stage 1 – invitation to interested parties to propose warding arrangements;
- Stage 2 – our consideration of proposals submitted;
- Stage 3 – publication of our draft recommendations and public consultation on them;
- Stage 4 – consideration of responses to consultation, undertaking any further consultation we feel might be appropriate, and publication of our final recommendations.

29 While such extensive consultation may have been appropriate for PERs, when local authorities had not been reviewed for very many years, taken together with our proposed approach to council size and intention of making reviews proportionate to the matters to be addressed, there is a danger of consultation overload both on local authorities and the public.

30 In light of that, we have given careful consideration to the review process and timescale. We believe that reducing, where possible, the duration of reviews would have a number of benefits, including:

- Reducing the uncertainty about future electoral arrangements which can arise during the course of a long review;
- Increasing the number of reviews we can undertake with any given level of resources;
- Enabling a local authority to manage the re-structuring of the electoral register and giving more time to undertake reviews of polling places once a review is complete.

Preliminary period

31 We propose that each review should start with a preliminary period, which would involve the “triage” element referred to in paragraph 25, to enable us to reach a conclusion as to the scale of likely change and the identification of clear review stages. Figure 1 (Appendix A) illustrates how triage will lead to the pathways appropriate to each review, having regard to the issues and circumstances to be addressed.

32 Prior to reaching conclusions on the scale of the review, we will work with elected members and local authority officers to gather the following key information:

- details of current electoral arrangements – the current electoral register;
- identification of parishes and their boundaries;
- other indicators which build up a map of communities; and
- five-year electorate forecasts.

33 We envisage extensive dialogue with the council and other key partners in the area in order to gain a clearer understanding of the extent and nature of communities and the aspirations of the political leadership.

34 The preliminary period will be made more effective by giving local authorities as much advance notice as is possible on when a review is likely to take place. This would facilitate the best use of local authority resources and activity planning, and provide opportunities for local authority staff to use their own networks for learning or to attend any particular learning opportunity which might be offered by the Commission.

35 We propose that, with the exception of those electoral reviews where council size is clearly an issue (the type C reviews referred to above), the council size process be rolled into the preliminary period (see Figure 2). In our experience, the council size stage does not elicit informed public as opposed to local authority or political group involvement. We believe that for type A and B reviews, it will be possible to capture sufficient informed views in relation to council size in our dialogue with elected members and officers as to enable us to reach conclusions without the need for a discrete consultation stage.

Determining council size

36 As previously mentioned, council size is the starting point for the setting of electoral arrangements for local authorities. In 1979, the House of Lords⁷ established that council size must be established “in the interests of effective and convenient local government” and it is following the determination of council size that electoral equality should be addressed in the way that ward boundaries are drawn.

37 Statistical analysis of current council sizes by electorate shows that authorities with more electors (usually) have more councillors. This may reflect, however, a simplistic approach to determining council size – the preparation of proposals that follow a statistical norm. Recent local government reorganisations have, however, seen the establishment of a number of unitary authorities requiring a more detailed examination of those councils’ needs in business management terms. The financial pressures currently facing councils also appear to be leading some councils to examine their way of doing business.

38 Legislative changes which stem in particular from the Local Government Act 2000 and its provisions for executive arrangements continue to require, or to provide opportunity for, councils to consider their political management and governance

⁷ London Borough of Enfield v Local Government Boundary Commission for England and another. All England Law Reports, 4 December 1979.

structure. Finally, the development and the sharing of knowledge provides opportunities for councils to learn from their own experience and that of others, encouraging innovation.

39 Our experience is, in general, that local authority proposals for council size that start from a retention or variation of an existing political management structure outnumber those which have been formulated from a first-principles analysis of what may be required. This may mean missed opportunities either to reflect new models of political management or changes in the responsibilities of local authorities.

40 Consistent with our desire to support localism, we are unwilling to apply strict mathematical criteria for council size or impose nationally a formula for its calculation. That being the case, it is important that, if we are to reach clear and transparent views on council size, we receive well-reasoned proposals. We believe the factors that influence council size can be drawn together into four broad elements:

- The decision-making process – what decisions, taken where, and how is it managed?
- The scrutiny process – what is scrutinised and how is the total scrutiny workload managed?
- Quasi-judicial processes – e.g. planning and licensing – what is the workload and how is it managed?
- The representative role of the elected member.

Question 3a

Is a criteria based approach to determining council-size desirable?

Question 3b

Are the elements set out above for criteria-based decisions appropriate and adequate? If not, what other elements should be included?

41 We will test proposals to increase council size in order to establish whether there is a sound business management case for the proposed increase. In the case of a proposed reduction in council size we will require assurances that the reduction will not jeopardise the ability of a council to manage its business effectively. Figure 3 (Appendix B) shows how the consideration of council size will be handled depending on the factors to be addressed.

Development of electoral schemes for consultation

42 Once we have reached and publicised our initial conclusions on council size, we currently undertake a public consultation (Stage 1), inviting the submission of proposals for electoral areas (ward or divisions), the number of councillors to be returned from each and the names of electoral areas.

43 We propose to dispense with a formal Stage 1 consultation. Instead, we propose to introduce a period of eight to ten weeks (depending on the nature of the review) for information gathering. During this period, which would be regarded as an extension to the preliminary period, local authorities and others could provide us with the further information about their areas and communities which would enable us to develop our draft recommendations.

Consultation on draft recommendations

44 We considered carefully whether there was scope to reduce the period we consult over our draft recommendations. The Cabinet Office guidelines on written public consultation, to which we have regard but are not subject, say that 12 weeks should be the minimum period. However, there have been a number of instances in which we have reduced that timeframe in order to meet particularly tight deadlines for the completion of reviews. Provided we have given sufficient advance notice of our consultation period, this does not appear to have had an adverse effect on respondents' (local authorities or the public) ability to respond.

45 We therefore invite views on reducing the consultation period on draft recommendations making the period commensurate and proportional to the scale of change being consulted on. Figure 1 shows how this approach would relate to the schedule of activities during the conduct of a review and its overall duration.

Figure 1 - proposed stages for electoral reviews

| Stage | Type A review: | Type B review: | Type C review: |
|--|---|---|--|
| Preliminary | Desk research, information gathering, meeting with LA and other partners. Production of draft recommendations. 8 weeks | Desk research, information gathering, meeting with LA and other partners. Possible tour. Commission prepares “minded to approve” notice of council size. 6 weeks | Desk research, information gathering, meeting with LA and other partners. Possible tour. Finish with draft recommendations for council size. 6 weeks |
| Council size consultation | N/a | N/a | Open consultation on LGBCE council size recommendations. 4 weeks |
| | N/a | N/a | Commission considers response and prepares “minded to approve” notice of council size. 3 weeks |
| Further information-gathering and analysis | | Inviting information from public focussing on communities - Commission designs outline ‘electoral equality’ scheme and collates community information and tours area. 8 weeks | Inviting information from public focussing on communities - Commission designs outline ‘electoral equality’ / coterminosity scheme and collates community information and tours area. 10 weeks |
| | | Commission uses responses and community information to prepare electoral equality scheme and make draft recommendations. 6-8 weeks | Commission uses responses and community information to prepare electoral equality scheme and make draft recommendations. 6-10 weeks |
| Consultation on draft recommendations | Public consultation on draft proposals for specific area (i.e. wards with imbalances addressed through boundary changes or adding/taking away councillors). 10 weeks | Public consultation with targeted events if necessary. 6 weeks | Public consultation with targeted events if necessary. 8 weeks |
| Supplementary consultation | <i>If necessary - further consultation in targeted areas.</i> 6 weeks | | |
| | <i>Analysis of responses.</i> 4 weeks | | |
| Preparation of final recommendations | Analysis of responses and preparation of final recommendations. 4 weeks | Analysis of responses and preparation of final recommendations. 6-8 weeks | Analysis of responses and preparation of final recommendations. 8-10 weeks |
| Total | 24-34 weeks | 32-36 weeks | 45-51 weeks |

Question 4a

Are the stages of the reviews as shown in Figure 1 clear and appropriate?

Question 4b

Do you think that trying to reduce the duration of review periods is helpful?

Question 4c

Does the timescale for each stage provide sufficient opportunity for councils and other bodies to make necessary decisions, having regard to the frequency and timing of formal council meetings?

Electorate forecasts

46 In reaching conclusions on our draft and final recommendations, we are required to have regard not just to the current electorate of a local authority but also a forecast of electorate five years from the end of a review. In past reviews, our greater focus has been to provide for longer term equality as indicated by electorate forecasts. The effect of this has been, in some reviews, an immediate worsening of electoral inequality in order to accommodate future expected changes in electorates arising from, for example, planned housing developments. Whilst generally, electorate forecasts have proved to be reasonably good, there have been cases where expected developments have not materialised and the attempts to accommodate them in electoral terms have resulted in major long-term imbalances.

47 We now believe that our recommendations should be seen always to bring the greatest improvement to electoral equality at the first election at which they come into effect. We are still required to consider electorate forecasts but we propose that our recommendations should place greater importance on the reflection of electoral equality for the known (present) distribution of electors rather than to the reflection of anticipated (future) distribution. However, there are likely to be circumstances in which there will be certainty that developments will take place and will be occupied by new electors by the end of the forecast period. Where the effect of these developments would be to create significant and lasting imbalances in an electoral scheme based on the present-day electorate, we will of course, take them into account.

Question 5a

Should LGBCE shift the emphasis to maximising electoral equality at the first election to follow a review from the maximisation of equality in five years' time?

Question 5b

How should we decide whether a forecast of future patterns of electorate is sufficiently reliable to encourage us to recommend short-term imbalances in favour of good electoral equality in five years' time?

5 Next Steps

48 We will consider responses to this consultation in February 2011. As with all other consultations we undertake, all the responses will be published on our website. We will apply any new policies and procedures to any reviews commenced shortly after the publication of guidance on electoral reviews in April 2011.

49 For this reason views on this consultation paper are requested by **31 December 2010**.

Please send your comments to:

The Local Government Boundary Commission for England
Layden House
76-86 Turnmill Street
London
EC1M 5LG

Fax: 020 7296 6227

Or email to: futures@lgbce.org.uk

6 Consultation Summary

50 This consultation relates to how the Commission may respond both to a need for further electoral reviews arising from the changing number of electors and to requests for reviews by councils and others seeking to improve things in their own area. The matters which the Commission would like to hear about are summarised below. Whilst the questions can be answered with a simple “yes” or “no”, the Commission is eager to hear your response to its proposals in more detail. For example, if the proposals set out in this consultation are not acceptable, what would make them better? What considerations cause you to take the view that you do?

Question 1a

Do you think that setting out principles by which electoral reviews are conducted is helpful?

Question 1b

Are the principles set out appropriate and adequate? If not, what other principles should be adopted?

Question 2

Is the classification of types of review set out appropriate and adequate?

Question 3a

Is a criteria –based approach to determining council-size desirable?

Question 3b

Are the elements set out above for criteria-based decisions appropriate and adequate? If not, what other elements should be included?

Question 4a

Are the stages of the reviews as shown in Figure 2 clear and appropriate?

Question 4b

Do you think that trying to reduce the duration of review periods is helpful?

Question 4c

Does the timescale for each stage provide sufficient opportunity for councils and other bodies to make necessary decisions, having regard to the frequency and timing of formal council meetings?

Question 5a

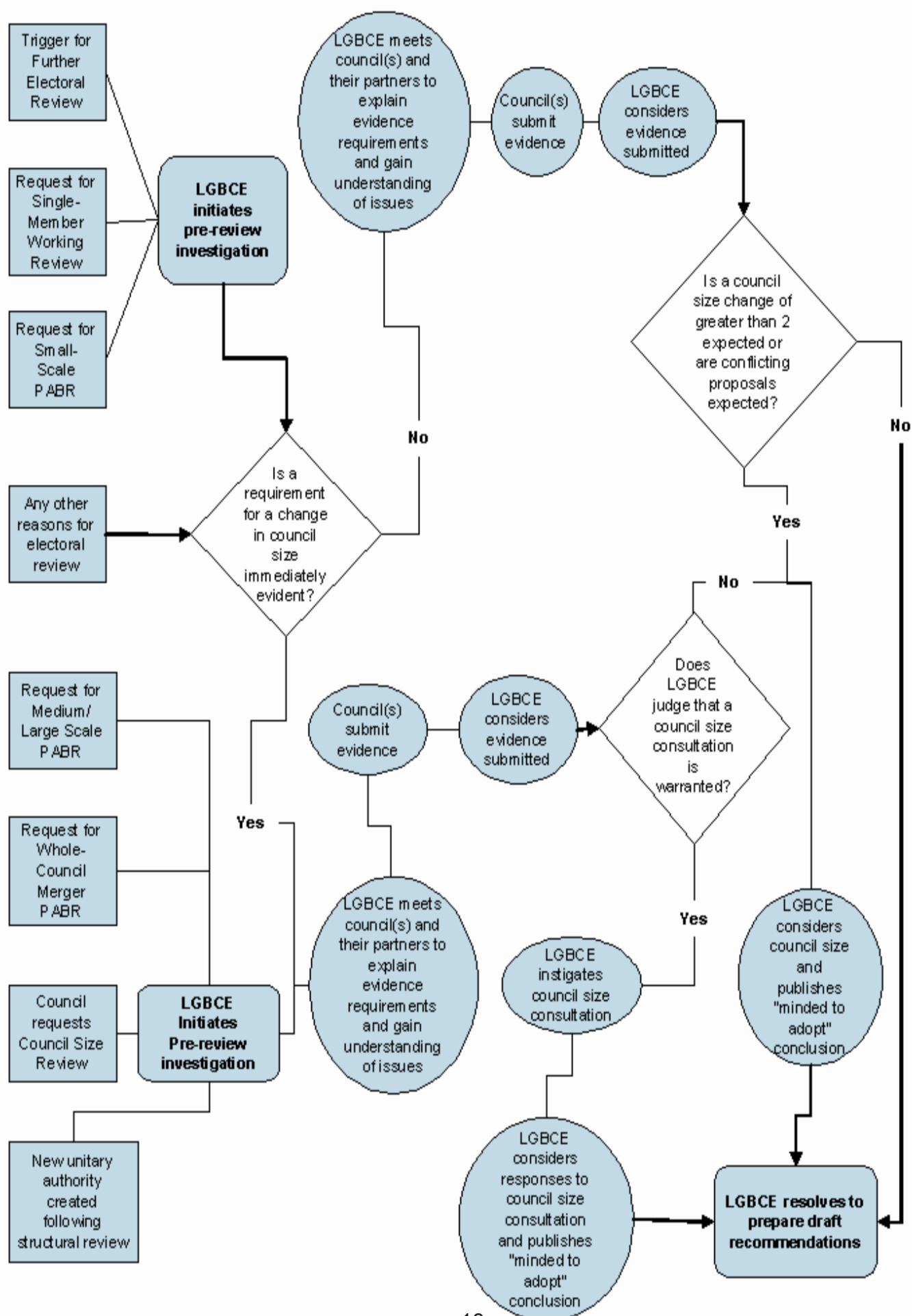
Should LGBCE shift the emphasis to maximising electoral equality at the first election to follow a review from the maximisation of equality in five years’ time?

Question 5b

How should we decide whether a forecast of future patterns of electorate is sufficiently reliable to encourage us to recommend short-term imbalances in favour of good electoral equality in five years’ time?

You might want to comment about matters that do not appear in this document: please feel free to do so.

7 Appendix A: Figure 2 - Electoral review initiation



8 Appendix B: Figure 3 - matrix of criteria and methods to assess council size

| | Focused discussions on council size earlier within preliminary period | 'Collaborative' approach with LA to decide appropriate council size | Working with partners from the local government family | Analysis of roles, responsibilities and workload of members |
|---|---|---|--|---|
| FER (triggered by electoral imbalances) | ✓ | ✓ | | ✓ |
| New authority created by SoS | ✓ | ✓ | | ✓ |
| 'Special' circumstances | ✓ | ✓ | ✓ | ✓ |
| Specific consideration of council size requested by authority as part of FER/SMWR | ✓ | ✓ | | ✓ |
| SMWR request from council | ✓ | ✓ | | ✓ |
| Significant increase/reduction of council size desired by authority | ✓ | ✓ | ✓ | ✓ |
| Desire for status quo or minor increase/reduction in council size | ✓ | ✓ | | ✓ |
| FER following PABR: Anomaly | | | | |
| FEAR following PABR: Medium/Large | ✓ | ✓ | | |
| FER following PABR whole-council merger | ✓ | ✓ | | ✓ |
| Strong local support for significant increase/reduction in council size submitted to LGBCE during an electoral review | ✓ | ✓ | ✓ | ✓ |
| FER within five year period of previous review to address electoral imbalances | | ✓ | | ✓ |
| Electoral review requested primarily to amend council size | ✓ | ✓ | | ✓ |

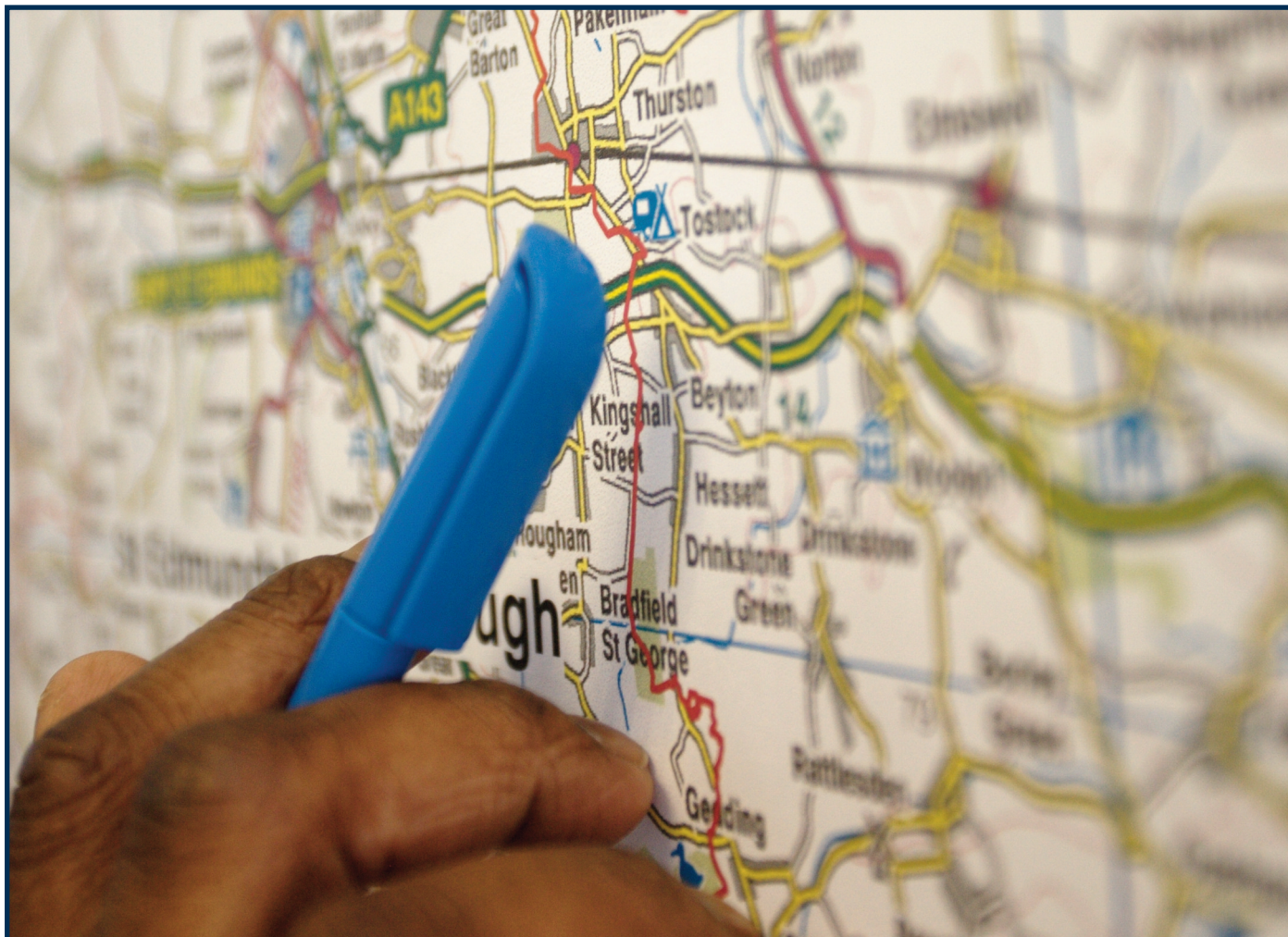
| | Consultation with wider public | Consultation with relevant stakeholders | Consideration wider local issues to inform council size e.g. under-performing authority | Desk research | In-depth consideration of council size |
|---|--------------------------------|---|---|---------------|--|
| FER (triggered by electoral imbalances) | | ✓ | | | |
| New authority created by SoS | ✓ | ✓ | | ✓ | ✓ |
| ‘Special’ circumstances | ✓ | ✓ | ✓ | ✓ | ✓ |
| Specific consideration of council size requested by authority as part of FER/SMWR | ✓ | ✓ | | | ✓ |
| SMWR request from council | | | | | |
| Significant increase/reduction of council size desired by authority | ✓ | ✓ | | ✓ | ✓ |
| Desire for status quo or minor increase/reduction in council size | | ✓ | | | |
| FER following PABR: Anomaly | | | | | |
| FER following PABR: Medium/Large | | | | ✓ | |
| FER following PABR Whole-council merger | ✓ | ✓ | | | ✓ |
| Strong local support for significant increase/reduction in council size submitted to LGBCE during an electoral review | | ✓ | | ✓ | ✓ |
| FER within five year period of previous review to address electoral imbalances | ✓ | ✓ | | | |
| Electoral review requested primarily to amend council size | ✓ | ✓ | | | ✓ |

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The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament in April 2010. It is independent of government and political parties, and is directly accountable to Parliament through a committee chaired by the Speaker of the House of Commons. It is responsible for conducting boundary, electoral and structural reviews of local government in England.

November 2010



On the right lines?

A consultation on
policy and procedures for
principal area boundary reviews

Local Government Boundary Commission for England

The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament in April 2010. It is independent of Government and political parties, and is directly accountable to Parliament through a committee chaired by the Speaker of the House of Commons.

We are responsible for conducting three main types of review:

Electoral reviews – reviews of the internal electoral arrangements (the number of councillors and the names, number and boundaries of wards) of local authorities;

Principal area boundary reviews – reviewing and making recommendations to the Secretary of State on changes to the external boundaries of borough, city, district and county councils;

Structural reviews – at his request, advising the Secretary of State on any proposals he receives for moves to unitary local government.

Our Values

Independent – we are not part of Government and our decisions are not influenced by party political considerations

Impartial – our decisions are based on evidence and reason

Professional – we strive for the highest standards in how we operate and how we work with citizens, local authorities and other key partners

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1 Introduction

1 This consultation is an opportunity for you to help us shape our policies and procedures in a new area of activity for the Commission. In conducting principal area boundary reviews (PABRs), we want to ensure that our efforts, and those of local authorities, are directed to the key issues and that resources are used efficiently when reviews are carried out.

2 This document sets out our thoughts about the conduct of PABRs following a wider review of policies and procedures carried out during the summer and autumn of 2010.

3 Our intention is that appropriate policies and procedures are in place when we begin to tackle our 2011-12 work programme, some of which will involve PABRs. To that end, we plan to prepare and publish, in time for that programme, new guidance to assist local authorities and others to contribute effectively to the conduct of a review.

4 For this reason, views on the approaches set out in this consultation paper are requested by **31 December 2010**.

5 The consultation paper poses some specific questions, your answers to which will help us to formulate our conclusions on policies and procedures. There may be other, more general, points about which you wish to comment. We would be pleased to receive all such observations.

6 We want local people and communities, local government and Parliamentarians to have confidence in our review processes and the impartiality of our judgements. We will take account of all of your views in securing that objective.

7 This paper seeks views on PABRs only since we are consulting separately on our approach to electoral reviews and the determination of council size. You may wish to respond to either or both consultations.

8 The Commission can only respond to comments about its own policies and procedures. It can neither modify the legislative provisions within which it must operate nor the procedures of local authorities, of the Secretary of State or of any other stakeholder.

9 You can respond to this consultation online at www.lgbce.org.uk or by sending your comments to:

The Local Government Boundary Commission for England
Layden House
76-86 Turnmill Street
London EC1M 5LG

Fax: 020 7296 6227
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2 Background

10 During our first year of operation, we have given priority to completing our predecessor's programme of electoral review work, completing electoral reviews already under way when the Commission was formed. We have also commenced some electoral reviews to address electoral imbalances. However, for the coming years, we wish to develop, and maintain, an ongoing programme of boundary reviews, alongside our electoral review work.

11 Policies and procedures for boundary reviews have not been overhauled since the last comprehensive programme of PABRs was completed in 1992. We believe our first task is to bring them up to date, engaging with the local government community and other interests over the factors that should be taken into account in responding to requests for reviews. We are also considering how a PABR should be carried out and the factors we should take into account in reaching conclusions on our recommendations.

12 Ensuring that local government boundaries reflect communities and that councils can deliver effective and efficient services has been described as 'a keystone of effective democratic local government'. Since 1992, when the last major overhaul of the local government map was completed, most changes to the external boundaries of principal local authorities in England have been a consequence of structural reviews, directed by the Secretary of State.

13 There now appear to be many places where local authority boundaries do not reflect the pattern of community life. Some councils believe that their boundaries inhibit the efficient delivery of good services to some residents and council tax payers. In addition, some councils are of the view that, given the financial and other pressures facing local government, there is a case for merging not just services but areas.

14 Councils cannot change their own boundaries; nor can the Secretary of State in the absence of a recommendation from the Commission. We see our role as being an objective facilitator of boundary change in circumstances where councils believe such change is in the interests of the efficient and effective delivery of local government services to communities and individual citizens.

15 The Local Democracy, Economic Development and Construction Act 2009, which established the Commission, transferred to it the responsibility for electoral and boundary reviews that previously rested with the Electoral Commission's Boundary Committee for England. The same Act, in amending the Local Government and Public Involvement in Health Act 2007, provided for the Commission to undertake boundary reviews. Under the 2007 Act we can undertake PABRs at the request of a local authority, at the request of the Secretary of State, or on our own initiative.

16 At this stage, we believe that local authorities should be the primary instigators of PABRs where they have identified the need for, and benefits of, changes to their boundaries. Accordingly, we do not anticipate undertaking a PABR of any area without the agreement of all the potentially affected local authorities. However, in undertaking reviews, we will need to be satisfied that any proposed change also meets our statutory and other criteria, and that the change has local support.

17 The scope of our recommendations on boundary reviews is limited by the 2007 Act. After a review, we may recommend to the Secretary of State, any of the following or any combination¹:

- the alteration of a local government area boundary;
- the abolition of a local government area;
- the constitution of a new local government area;
- that an alteration is not made to a local government area.

18 There are, however, a number of constraints on what we may recommend. For example, we cannot make a recommendation which would lead to the abolition of a single-tier council and its replacement by a two-tier council, or vice-versa, or the creation of a new council area, and the abolition of an existing local government area, which is a combination of single-tier and two-tier areas. Also, we have no power to recommend changes to the boundaries of parishes but, in implementing changes to the boundaries of a principal area, the Secretary of State may do so.

19 Where we make a recommendation to change a boundary or create a new council area, the Secretary State of may²:

- implement the recommendation, with or without modification, or
- decide to take no action with respect to the recommendation, or
- make a request for a further review.

20 If we recommend no change to boundaries the Secretary of State may:

- request a further review; or
- decide not to make such a request.

21 In considering whether (and, if so, what) boundary change is desirable, we must have regard to certain statutory criteria, i.e. the need to:

- secure effective and convenient local government; and
- reflect the identities and interests of local communities.

22 If we recommend any change to boundaries, we must also recommend to the Secretary of State whether, as a consequence, a change should be made to the:

- electoral arrangements of the area of a local authority, and
- electoral arrangements of the area of a parish council.

¹ Section 8 of the Local Government and Public Involvement in Health Act 2007, as amended by the Local Democracy, Economic Development and Construction Act 2009.

² Section 10 of the Local Government and Public Involvement in Health Act 2007, as amended by the Local Democracy, Economic Development and Construction Act 2009.

23 The Secretary of State has no power to modify recommendations we make to him for changes to local authority electoral arrangements.

Electoral arrangements means the:

- total number of members of the council;
- number and boundaries of electoral areas for the purposes of the election of councillors;
- number of councillors to be returned by any electoral area in that area; and
- name of any electoral area.

3 Types of Review

24 We believe it important that, both for the Commission and the local authorities involved in any PABR, the use of resources should be proportionate to the scale of change likely to be involved. Accordingly, we have identified four types of review, which reflect the likely number of electors affected, and the electoral and other consequences of change. These are:

Type A: ‘small-scale’ reviews, affecting relatively few electors and whose transfer from one authority to another would have a negligible impact on electoral equality in either authority.

Type B: ‘medium-scale’ reviews, affecting a sizeable number of electors whose transfer from one authority to another would require consequential adjustments to warding patterns in one or all the authorities concerned but would not have any material impact on the management of service delivery by any of the councils involved.

Type C: ‘large-scale’ reviews, resulting in changes to the electoral arrangements of any or all principal authorities involved and which would have a significant impact on the management of services.

Type D: the merging of local authority areas.

25 Opportunities for “compound” reviews might arise. For example, a proposed large-scale review or merger might provide the opportunity to address other boundary anomalies with adjacent areas. Whilst expanding the scope of reviews in this way might lead to the speediest resolution of some matters, (since a further review might not then be required), controversy over a relatively minor matter may delay or jeopardize the resolution of major issues for which there may be common accord. Therefore, when we have undertaken to conduct a review in response to a joint request from councils, we would not expect to extend the scope of that review to involve a further council area without the agreement of the initial proposers of the review.

Question 1a

Do you think that classifying PABRs is helpful and is the proposed classification appropriate?

Question 1b

Under what circumstances should ‘compound’ reviews be carried out?

4 Procedure for PABRs

26 We want to assist councils who wish to make changes for the benefit of people living in their area, and requests which are jointly made by all the councils involved will weigh significantly in our decision about whether, and when, to conduct a review. This should not, however, be taken to imply that by commencing a review we would be bound to recommend a boundary change to the Secretary of State.

27 In order to persuade the Commission that a review would be an appropriate use of resources, councils making a request for a boundary review should demonstrate that their proposal has merit in terms of the criteria which we will use when deciding whether or not to recommend a change.

28 These key criteria we have identified in assessing a PABR are:

Statutory Criteria

- effective and convenient local government;
- community identities and interests; and
- electoral equality in consequential electoral arrangements.

Other Criteria

- local support; and
- value for money.

Question 2a

Are the review criteria relevant and/or should there be other criteria?

Question 2b

Do you think that local authorities and others would be able to assemble evidence showing how a proposed boundary change would have merits in terms of the criteria?

29 Whatever process the Commission adopts for PABRs must be consistent, and applicable not just in situations where there is a strong desire for change on the part of the local authorities concerned but also when a more controversial change is proposed. As indicated above, whilst we do not anticipate commencing PABRs at this stage without the agreement of all relevant councils this might not always be the case. Therefore, it is important that for each type of review, local authorities would have little or no difficulty in providing the relevant information we would need in order to reach conclusions about what to recommend to the Secretary of State. Our current view on information requirements for each type of PABR is set out below.

30 For each type of PABR, we propose an initial pre-review stage, leading to a “gateway” process – the point at which we would decide formally whether or not to undertake a review.

31 On receiving a request for a PABR, therefore, our first step would be to consider whether there was a *prima facie* case for a boundary change. This would include: an assessment of the nature of the proposal; whether it was within our powers to address the proposal being made; and whether the proposal related clearly to the issue that it was purported to resolve. This assessment would enable us to indicate at an early stage whether and when (having regard to our planned work programme) a review could take place, and to determine the type of review, namely Type A, B, C or D. On receiving our view about both the type of review and the timing, the proposers of PABR may wish to reconsider their initial request. In such circumstances the benefit of this first step would be the early avoidance of unproductive effort and use of resources by all concerned.

32 We set out below the pathways that we have in mind for each type of PABR, reflecting the scale of change envisaged. For the most part, the differences will feature prior to the Commission's decision to undertake a PABR and prepare and publish draft recommendations.

| Type A review |
|---|
| Scenario: A small-scale boundary alteration required to address an apparent minor anomaly which involves very few properties and electors. The change to the boundary would not change the financial position of the authorities involved and would have a negligible effect on electoral equality. There is no other significant reason why, for the councils involved, electoral arrangements would need modification. |
| Typical process |
| LGBCE meets the local authorities concerned to discuss evidence requirements and review procedure. |
| Local authorities assemble and submit evidence on: <ul style="list-style-type: none"> ■ Effective and convenient local government. ■ Community identity. ■ The views of residents affected. |
| LGBCE considers evidence for PABR and verifies whether existing electoral arrangements would continue to be acceptable. |
| If evidence supports the case for a PABR, LGBCE resolves to review boundaries. |
| LGBCE prepares and publishes its draft recommendations for consultation. |
| LGBCE considers the response to consultation. |
| LGBCE prepares and publishes its final recommendations to the Secretary of State. |

| Type B review |
|---|
| <p>Scenario: A medium-scale boundary alteration required to address a substantial apparent anomaly or opportunity to reflect community interactions. The change to the boundary <u>would</u> create a need to change the electoral arrangements of one or more councils involved although would not in itself present a need to consider a change to council size. It may be possible to “contain” changes to wards within a part of the any of the local authorities affected. The change would not impact significantly on the financial position of either authority or on the capacity to provide any council services, or the way services are delivered.</p> |
| <i>Typical process</i> |
| <p>LGBCE holds meetings with councils affected to:</p> <ul style="list-style-type: none"> ■ Explain review procedure. ■ Set out evidence requirements. ■ Hear from the councils the local issues raised and to be addressed by the review and whether the consequential electoral arrangements could be contained to wards within part of each authority. |
| <p>Local authorities assemble and submit evidence on:</p> <ul style="list-style-type: none"> ■ effective and convenient local government. ■ community identity. ■ the views of residents affected. ■ cost and organisational impact (S151 officer certification). ■ consequential electoral arrangements. |
| <p>LGBCE considers evidence for PABR and verifies whether boundary change criteria would be met. LGBCE’s determines whether the proposed change would impair the councils’ capacity to deliver services whilst improving effective representation.</p> |
| <p>If evidence supports the case for a PABR, LGBCE resolves to review boundaries.</p> |
| <p>LGBCE prepares and publishes its draft recommendations for consultation.</p> |
| <p>LGBCE considers the response to consultation.</p> |
| <p>LGBCE prepares and publishes for its final recommendations to the Secretary of State.</p> |

| Type C review |
|---|
| <p>Scenario: A large-scale boundary alteration required to address a substantial transfer of communities from one authority to another. The change to the boundary would create a need to change <u>all</u> the electoral arrangements of one or more of the local authorities involved. The change would be likely to impact significantly on the financial position of either authority or on the capacity to provide council services, or the way in which services would be delivered.</p> |
| <i>Typical process</i> |
| <p>LGBCE holds meetings with councils affected to:</p> <ul style="list-style-type: none"> ■ Explain review procedure. ■ Set out evidence requirements. ■ Hear from the councils the local issues raised and to be addressed by the review, and discuss the approach to reviewing the electoral arrangements of each authority |
| <p>Local authorities assemble and submit evidence on:</p> <ul style="list-style-type: none"> ■ effective and convenient local government. ■ community identity. ■ the views of residents affected. ■ cost and organisational impact (S151 officer certification). |
| <p>LGBCE considers evidence for PABR and verifies whether boundary change criteria would be met. LGBCE determines whether the proposed change would impair the councils' capacity to deliver services whilst providing effective representation.</p> |
| <p>If evidence supports the case for a PABR, LGBCE resolves to review boundaries and requests information necessary for preparation of ward boundary proposals, including council proposals.</p> |
| <p>LGBCE prepares and publishes its draft recommendations for consultation.</p> |
| <p>LGBCE considers the response to consultation.</p> |
| <p>LGBCE prepares and publishes for its final recommendations to the Secretary of State.</p> |

| Type D review - whole council merger |
|---|
| Scenario: A merger of whole council areas and the abolition of at least one of the councils involved. |
| Typical process |
| <p>LGBCE holds meetings with councils affected to:</p> <ul style="list-style-type: none"> ■ Explain review procedure. ■ Set out evidence requirements. ■ Hear from the councils the local issues raised and to be addressed by the review, and discuss the approach to reviewing the electoral arrangements. |
| Councils assemble and submit evidence on effectiveness, convenience and community identity. |
| Councils assemble evidence on cost and organisational impact – <i>S151 Officer(s) sign-off VfM Acceptability.</i> |
| LGBCE considers evidence for PABR and verifies whether it would be minded to conduct PABR subject to evidence of public support. |
| If key criteria are met, LGBCE recommends that councils undertake an advisory local poll if one has not yet been conducted. |
| LGBCE considers advisory local poll result. If the poll does not indicate clear support, Commission considers result in context of the business case for the proposed merger. |
| If evidence supports the case for a PABR, LGBCE resolves to review boundaries and requests information necessary for preparation of ward boundary proposals, including council proposals. |
| LGBCE prepares and publishes its draft recommendations for consultation. |
| LGBCE considers the response to consultation. |
| LGBCE prepares and publishes for its final recommendations to the Secretary of State. |

33 We have identified types of review and propose different procedures for each to show how we may undertake speedier and more responsive reviews, whilst optimising the use of financial and manpower resources in carrying them out. We remain committed to the achievement of high quality review outcomes. Our consultation centres therefore on our wish to test whether speedier, more responsive reviews would be welcomed by local authorities, those with whom they work, and their electors. Those who would like to support our aspiration should also consider that their support could affect the way that they take part in a review. The procedures we propose depend on the ability and desire of all those taking part to assemble and analyse information, and formulate proposals readily and efficiently. We do however give ample notice of a review, giving councils opportunity to plan how they will play their part.

Question 3

Is the initiation process clear and reasonable? If not, how could it be improved?

5 Evidence required for PABRs

34 It can sometimes be difficult to make a strong case for a review, even though boundary changes have the potential to improve the efficiency and effectiveness of local government. It may also be difficult to predict whether a review would be controversial. Even seemingly minor changes have the potential to stir local controversy amongst people living within a given locality, there might be a variety of definitions of community identity and people's strength of association may vary from place to place or from time to time. Additionally, people affected by a boundary change may see a change in their council tax bills as one council takes over from another. For these reasons, the provision of evidence will be important in enabling the councils involved to demonstrate to people in their area, the impact and merits of a proposed change and enable the Commission to make consistent decisions.

Local Support

35 Local authorities making a request for a review will need to demonstrate the extent of local support identified either by canvassing opinion by survey of those affected or, specifically for merger proposals, by a more formal means such as a local poll.

36 While 'local support' includes the residents of an area, it will also mean the formal resolution of the councils promoting change – and any principal area boundary review will involve at least two councils. It will also include political leadership in the area – and this may include parties who are in opposition to the council's controlling group. Finally support may be from the council's partners in public service delivery and other stakeholders.

Type A reviews

37 For these reviews, we would expect local authorities to consult directly with those living in the area(s) which may be affected by a boundary change. By the nature of this type of review, there will be few people involved. We would also expect to see the views of any local (town, parish, village, community) councils directly involved.

Type B reviews

38 These reviews involve more substantial anomalies. Again, we would expect direct consultation with those living in the area which it is proposed should be transferred but local authorities may wish, in addition, to call neighbourhood meetings in order to gather collective opinions. We would also expect to see the views of any local (town, parish, village, community) councils directly involved.

Type C reviews

39 In the case of reviews involving whole settlements, we would expect direct consultation with those living in the area which it is proposed should be transferred. Local authorities should, in addition, call neighbourhood meetings in order to ascertain

collective opinions. We would also expect to see the views of any local (town, parish, village, community) councils involved and the views of other local organisations, particularly those in receipt of funding or other support from their principal council. Because changes in this category would affect the financial position of the councils involved and their service delivery, we would expect to see reflected, the views of residents and organisations indirectly affected by the change

Type D reviews

40 For full mergers, we would expect to receive more substantive, and rigorous, evidence of public support for the proposed changes. This should take the form of an ‘advisory local poll’ on the matter. Whilst legislation makes it clear that the results of such exercises cannot be binding on either local authorities or the LGBCE – and it will be important to make clear the status of the poll to avoid ambiguity on this matter – we can only consider the outcome alongside evidence of financial impact and value for money, the future effectiveness of service delivery and the identification of the communities involved. Any such consultation would be conducted and funded by the councils involved.

41 Whilst a formal local consultation will seek the views of people living in the area affected, the views of others which the council or the Commission may receive as a result of publicity or more widely-cast consultative exercises must be considered alongside any result arising from an advisory local poll.

42 For all types of review, demonstrations of majority local support for a proposed change (whether by survey for relatively small reviews or by advisory local polls for medium/large reviews or merger propositions) will, of course, be very influential but not an absolute requirement. Where there are strong arguments relating to the effectiveness of local government and the identity of communities, the Commission could decide to undertake a review in the absence of such a majority. When a request for a review is made by local authorities, we will therefore have to make a judgment on whether to undertake a review based on the nature and volume of local support *combined with* other justifications.

43 Irrespective of how much consultation is carried out by councils prior to the start of a review, the Commission is still required to consult on its draft recommendations. This will include consultation on consequential electoral arrangements which may not previously have been the subject of the local authorities’ consultations.

Question 4

Is the Commission’s approach to evidence of local support clear and appropriate?

The financial case for a proposed change

44 We believe it important that the financial business case in support of a boundary change should be proportionate to the level of change being proposed. The greater the change, the more information we would expect to receive from the local authorities concerned.

Type A reviews

45 For changes involving the transfer of a small number of residents, we see no reason for a financial business case and it will be sufficient for the councils involved to advise that there are no significant financial implications arising from the proposed change. The main emphasis will be in ensuring that the proposed change meets our statutory criteria of reflecting community identities and interests; and providing effective and convenient local government.

Type B reviews

46 We envisage a “light touch” approach in this type of review and we would ask the local authorities concerned to provide assurances, certified by their Section 151 officers³, that the proposed change would not have an adverse impact on the efficient and effective delivery of local government services in their areas.

Type C reviews

47 For more substantial boundary changes, we consider it important that local authorities can demonstrate that the change will provide value for money, and will not have an adverse impact on the efficient and effective delivery of local government services in their areas. Financial business cases should have been produced in support of this type of review and must be certified by the authorities’ Section 151 Officers.

Type D reviews

48 A full financial business case will be required for the merger of authorities. It should address the transitional costs and savings, and ongoing costs/savings over a four-year period from the anticipated date of merger. Financial business cases in support of this type of review must be certified by the authorities’ Section 151 Officers.

Assessing business cases

49 Local authorities, in formulating requests for reviews and in dealing with the impact of reviews will rely on their Section 151 officers for guidance on financial and service delivery matters. Those officers have statutory obligations to their authorities and the Commission does not propose to issue additional guidance on this aspect of PABRs to add to those obligations. We do not regard it as part of our task to make a judgement on the financial business cases provided in support of a boundary change. It is for that reason we ask that they be certified by local authorities’ Section 151 Officers – they are best placed, professionally and otherwise, to determine the effect of a boundary change on the finances and services of their local authority.

³ Every council is required by section 151 of the Local Government Act 1972 to appoint a suitably qualified officer responsible for the proper administration of its financial affairs: these are often referred to as Section 151 Officers.

Question 5

Is the assurance required about the financial implications of proposed changes clear and reasonable?

Boundary changes between two-tier counties

50 Substantial changes to the boundaries between two-tier county council areas can have a major impact on service delivery and the electoral arrangements for all county and district councils involved. For this reason, we are unlikely in the near future to undertake a review of other than minor boundary anomalies.

The role of the Commission

51 The Commission's duties in relation to PABRs are clearly set out in statute. However, we have also considered our role in the period during which councils are preparing their request for, and in assembling evidence to support, a review. During this preliminary period, we will assist councils in terms of technical and other advice but cannot express support for, or opposition to, a proposed change prior to the making of draft recommendations.

6 Consequential electoral arrangements

52 As with financial business cases, our intention is that the electoral arrangements we must recommend to the Secretary of State should reflect the scale and impact of the scale of the boundary change being proposed. However, whilst seeking to minimise unnecessary burdens, we will need to take into account our wider statutory responsibilities.

53 In recommending consequential electoral arrangements, we are required to have regard to the statutory criteria used in conducting electoral reviews.⁴ Accordingly, there may be circumstances in a Type A, B or C review where we will be required to undertake to undertake a full electoral review of one or more local authorities if, at the time of the PABR, they have significant, pre-existing electoral imbalances that meet our criteria for an electoral review.⁵ These circumstances are likely to be rare. However, some local authorities may consider the opportunity of a PABR as a convenient time to consider warding patterns and/or council size matters in detail. We would be open to discussing any such proposals on a case-by-case basis.

54 Respondents to this consultation who envisage medium/large scale reviews or whole-council mergers may wish to refer also to our consultation on electoral review policies and processes.

55 Subject to the qualifications above, our intended approach in each type of review is set out below.

Type A reviews

56 There should be little or no effect on the electoral arrangements of any of the authorities. The affected electors would simply be transferring from ward 'A' in council 'X' to ward 'B' in council 'Y'. No detailed electoral proposals would be sought from any of the local authorities affected. We would consult on the consequential electoral arrangements as part of our PABR draft recommendations.

Type B reviews

57 Involving a greater number of electors moving between local authority areas, it is envisaged that the consequential electoral arrangements could be contained, with the need for change limited to the wards directly affected and possibly the immediately adjoining wards, with no change to council size. Local authorities would be asked to propose how the effect of the transfer of electors might be addressed in their area. We would consider the local authorities' proposals and consult on the consequential electoral arrangements as part of our PABR draft recommendations.

⁴ Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009

⁵ The Commission's criteria for initiating an electoral reviews is if:

30% of wards/divisions have imbalances of over 10% from the average councillor:elector ratio for the authority as a whole; and/or one ward/division has an imbalance of over 30%; and those imbalances are unlikely to be corrected through population changes within a reasonable period.

Type C reviews

58 Given the number of electors likely to be transferred in this type of review, and the wider consequences of the change, there is likely to be a need for a full-scale review of the electoral arrangements of all affected authorities. This would include consideration of council size. We would invite the authorities to develop and propose electoral arrangements for our consideration. We would then consult on the consequential electoral arrangements as part of our PABR draft recommendations.

Type D reviews

59 By their very nature, mergers of local authority areas would be subject to a full electoral review. We would seek a single electoral scheme from the local authorities concerned. Once we had considered the scheme we would consult on the consequential electoral arrangements as part of its PABR draft recommendations.

60 In each case, where local authorities are invited to propose consequential electoral arrangements to us, we would reserve the right to reach our own conclusions on their appropriateness and what to consult on as part of our draft recommendations. For that reason, we believe it will be important for us to have a good understanding of the rationale for electoral proposals that local authorities prepare well in advance of their submission to us. To that end, we will wish to engage with the local authorities in the early stages of their scheme development, and to brief members and officers on the issues that might be relevant to their particular review.

Question 6

Is the Commission's overall approach to consequential electoral arrangements clear and reasonable?

7 Timing of PABRs

61 Whilst potentially, we have a large future workload of reviews to address electoral imbalances, we wish to build some flexibility into our programmes to accommodate requests for PABRs from local authorities or the Secretary of State. Accordingly, we will provide opportunities for local authorities, in particular, to advise us of anticipated requests for reviews, and this will inform our forward work programmes.

62 Equally, it is important that we are in a position to advise local authorities as far in advance as possible of any intentions we may have of undertaking reviews in their areas, enabling them to plan ahead effectively and with some certainty.

Question 7

How much notice of a review would be necessary if councils are to have sufficient time to prepare the evidence to demonstrate the merits and other impact of a change to their boundaries?

8 Issues for local authorities to consider

63 We want Councils to understand the basis on which we will determine whether or not to proceed with a review. To assist in this, we have identified 'prompts' that will help councils answer the kinds of questions that will influence our judgment.

SUPPORT FOR THE PROPOSED CHANGE

Prompt:

Does the proposal have substantial support amongst the local electors affected by the proposed change?

EFFECTIVE AND CONVENIENT LOCAL GOVERNMENT

Prompt:

Are there proper arrangements to ensure that the future provision of services will meet the needs of local people?

REFLECTING COMMUNITY IDENTITY

Prompts:

What changes are required to ensure that were the proposed change implemented, electoral equality would be established and communities appropriately represented?

What is your rationale for the number of elected members required for the authority(ies) to effectively discharge its functions?

What arrangements would enable those communities affected by a boundary change to engage with their new council?

VALUE FOR MONEY

Prompts:

What are the conclusions of a value for money exercise for the proposed change?

Has this been certified by all relevant Section 151 officers?

How will the implementation of change demonstrate to council tax payers, value for money?

Question 8

Are there any other matters which might be the subject of appropriate prompts?

9 Next Steps

64 We will consider responses to this consultation in February 2011. As with all other consultations we undertake, all the responses will be published on our website.

65 Our aim is to publish guidance on PABRs in April 2011. We will commence the first reviews in the terms set out in that guidance soon after.

66 You can respond to this consultation on-line at www.lgbce.org.uk or by sending your comments to:

The Local Government Boundary Commission for England
Layden House
76-86 Turnmill Street
London
EC1M 5LG

Fax: 020 7296 6227
Or email to: futures@lgbce.org.uk

67 Please let us have your views on Policy and Procedures for Principal Area Boundary Reviews are requested by **31 December 2010**.

10 Consultation summary

68 The matters on which we would like to receive views are summarised below. While the questions can be answered with a simple “yes” or “no”, we are keen to your response to our proposals in more detail. If the proposals set out in this consultation are not acceptable, what would make them better? What considerations cause you to take the view that you do?

Question 1a

Do you think that classifying PABRs is helpful and is the proposed classification appropriate?

Question 1b

Under what circumstances should ‘compound’ reviews be carried out?

Question 2a

Are the review criteria relevant and/or should there be other criteria?

Question 2b

Do you think that local authorities and others would be able to assemble evidence showing how a proposed boundary change would have merits in terms of the criteria?

Question 3

Is the initiation process clear and reasonable? If not, how could it be improved?

Question 4

Is the Commission’s approach to evidence of local support clear and appropriate?

Question 5

Is the assurance required about the financial implications of proposed changes clear and reasonable?

Question 6

Is the Commission’s overall approach to consequential electoral arrangements clear and reasonable?

Question 7

How much notice of the Commission’s intention to undertake a review would be necessary in order to give councils sufficient time to prepare the evidence to demonstrate the merits and other impact of a change to their boundaries?

Question 8

Are there any other matters which might be the subject of appropriate prompts?

In addition to thinking about the questions, you might want to add comment about things which don’t appear in this document: please feel free to do so.

11 Appendix A: Figure 1 - Comparison of process steps for review types

| | Type A - Small Scale | Type B - Medium Scale | Type C - Large Scale | Type D - merger |
|---|-------------------------|-----------------------------|-------------------------|--------------------|
| LGBCE receives request for PABR | ✓ | ✓ | ✓ | ✓ |
| LGBCE conducts initial examination of case for review | ✓ | ✓ | ✓ | ✓ |
| LGBCE meets councils to discuss evidence requirements and potential review timetable | ✓ | ✓ | ✓ | ✓ |
| Councils assemble evidence on cost and organisational impact - S151 officers sign off VfM acceptability | | ✓ | ✓ | ✓ |
| Councils submit evidence on effectiveness, convenience and community identity and survey of residents affected | ✓ | ✓ | | |
| Councils submit evidence on effectiveness, convenience (including council size) and community identity and survey of residents affected | | | ✓ | ✓ |
| LGBCE issues “minded to review” subject to evidence of public support | | | | ✓ |
| Councils conduct advisory local poll | | | | ✓ |
| Councils consider results of advisory local poll | | | | ✓ |
| Councils submit proposals for consequential electoral arrangements | | ✓ | ✓ | ✓ |
| LGBCE prepares draft recommendations (including electoral arrangements) | ✓ | ✓ | ✓ | ✓ |
| LGBCE consults on draft recommendations | ✓ | ✓ | ✓ | ✓ |
| LGBCE prepares final recommendations to Secretary of State | ✓ | ✓ | ✓ | ✓ |

The Local Government Boundary Commission for England
Layden House
76-86 Turnmill Street
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The Local Government Boundary Commission for England (LGBCE) is an independent body set up by Parliament in April 2010. It is independent of government and political parties, and is directly accountable to Parliament through a committee chaired by the Speaker for the house of Commons. It is responsible for conducting boundary, electoral and structural reviews of local government in England.

Appendix 3 - Questions from LGBCE Consultaion

ON THE RIGHT LINES

Question 1a

Do you think that classifying PABRs is helpful and is the proposed classification appropriate?

Question 1b

Under what circumstances should 'compound' reviews be carried out?

Question2a

Are the review criteria relevant and/or should there be other criteria?

Question 2b

Do you think that local authorities and others would be able to assemble evidence showing how a proposed boundary change would have merits in terms of the criteria?

Question 3

Is the initiation process clear and reasonable? If not, how could it be improved?

Question 4

Is the Commission's approach to evidence of local support clear and appropriate?

Question 5

Is the assurance required about the financial implications of proposed changes clear and reasonable?

Question 6

Is the Commission's overall approach to consequential electoral arrangements clear and reasonable?

Question 7

How much notice of the Commission's intention to undertake a review would be necessary in order to give councils sufficient time to prepare the evidence to demonstrate the merits and other impact of a change to their boundaries?

Question 8

Are there any other matters which might be the subject of appropriate prompts?

STRIKING THE RIGHT BALANCE?

Question 1a

Do you think that setting our principles by which electoral reviews are conducted is helpful?

Question 1b

Are the principles set out appropriate and adequate? If not, what other principles should be adopted?

Question 2

Is the classification of types of review set out appropriate and adequate?

Question 3a

Is a criteria-based approach to determining council-size desirable?

Question 3b

Are the elements set out above for criteria-based decisions appropriate and adequate? If not, what other elements should be included?

Question 4a

Are the stages of the reviews as shown in Figure 2 clear and appropriate?

Question 4b

Do you think that trying to reduce the duration of review periods is helpful?

Question 4c

Does the timescale for each stage provide sufficient opportunity for councils and other bodies to make necessary decisions, having regard to the frequency and timing of formal council meetings?

Question 5a

Should LGBCE shift the emphasis to maximising electoral equality at the first election to follow a review from the maximisation of equality in five years' time?

Question 5b

How should we decide whether a forecast of future patterns of electorate is sufficiently reliable to encourage us to recommend short-term imbalances in favour of good electoral equality in five years' time?