

COUNCIL

21 FEBRUARY 2019

ELECTORAL ARRANGEMENTS REVIEW

Portfolio Holder: Councillor Alan Jarrett, Leader
Report from: Neil Davies, Chief Executive
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Summary

This report sets out the arrangements for a review to be undertaken by the Local Government Boundary Commission for England (LGBCE) of the electoral arrangements in Medway with effect from February 2019. It also sets out proposals for the establishment of a Working Group to compile the necessary submissions to the LGBCE and develop and recommend proposals to Full Council.

1. Budget and Policy Framework

1.1 Council is being advised of the arrangements for the review to be undertaken by the LGBCE and the information it will be required to submit, as well as being asked to establish a cross-party Working Group to develop and recommend proposals to Council. Election functions are not executive functions and therefore this report is presented to full Council.

2. Background

2.1 The Local Democracy, Economic Development and Construction Act 2009 established the Local Government Boundary Commission for England and it has a responsibility to undertake reviews of the electoral arrangements of local authorities: the number of councillors, the names, number and boundaries of wards, and the number of councillors to be elected to each. The Commission is responsible for putting any changes to electoral arrangements into effect by submitting a Statutory Instrument for consideration by Parliament.

2.2 The LGBCE may make recommendations on:

- The total number of councillors to be elected to the Council;
- The number of wards within an authority;
- The number of councillors to be elected for each ward;

- The name of the wards.

2.3 In carrying out a review, the LGBCE is required to have regard to:

- The need to secure equality of representation (i.e. the ratio of electors to councillors in each ward is as nearly as possible, the same);
- The need to reflect the identities and interests of local communities; and
- The need to secure effective and convenient local government.

2.4 The electoral arrangements of each principal authority must be reviewed from time to time, and the LGBCE has a rolling programme of reviews undertaken for a variety of reasons. When the electoral variances in representation across an authority become notable, a review is required. The LGBCE criteria for initiating a review in those situations are as follows:

- More than 30% of a Council's wards have an electoral imbalance of more than 10% from the average ratio for the authority;
- One or more wards have an electoral imbalance of more than 30%; and
- The electoral imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.

2.5 They have notified Medway Council that they will undertake a review starting in 2019 as a result of identifying poor electoral equality in one or more Ward that are unlikely to be corrected by foreseeable changes to the electorate.

2.6 Whilst the LGBCE have limited powers in relation to Parish Councils, when making recommendations about the electoral arrangements of a principal authority such as Medway, they can make recommendations about the electoral arrangements of any Parish Councils that are directly affected by new boundaries in the principal authority. In an area comprising Parishes, the LGBCE will use the Parishes as the building blocks for new wards.

3. The review timetable

3.1 The review procedure is effectively the same, regardless of the reason why the review is being undertaken. The timetable shown below has been agreed with the Commission.

Stage/Action	Timescale
<p>Preliminary period Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on issue of Council size. Meetings also held with officers, group leaders, Full Council and Parish Councils.</p>	<p>From February 2019 to 20 September 2019</p>

Council size submission Deadline for submission by Council of proposals on Council size for the Commission to consider	18 October 2019
Council size decision Commission analyses submissions from local authority and/or political groups on Council size and takes a “minded to” decision on Council size	19 October 2019 to 20 November 2019
Formal start of Review Consultation on future warding arrangements Commission publishes its initial conclusions on Council size. General invitation to submit warding proposals based on Commission’s conclusions on Council size	26 November 2019 to 4 February 2020
Development of draft recommendations Analysis of all representations received. Commission reaches conclusions on its draft recommendations	17 March 2020
Consultation on draft recommendations Publication of draft recommendations and public consultation on them	31 March 2020 to 8 June 2020
Further consultation (if required) Further consultation only takes place where the Commission is minded to make significant changes to its draft recommendations and where it lacks sufficient evidence of local views in relation to those changes	up to 5 weeks
Development of final recommendation Analysis of all representations received. Commission reaches conclusions on its final recommendations	4 August 2020
Order made Statutory Instrument approved	average seems to be 4 months from being laid <i>November 2020</i>
New arrangements come into place for elections on	4 May 2023

4. Implications for Medway

- 4.1 The Commission have stated that they aim to build a strong relationship with the Council under review as this helps to facilitate a robust, timely and efficient review. They will also require various bits of information from us and we are obliged to provide it. This will range from the current electorate, a forecast of the local government electorate in 2025, a copy of the electoral register, various maps, lists of community organisations, the latest external auditors letter and peer review outcome amongst other items.
- 4.2 Various meetings have already taken place between LGBCE Commissioners and staff and the Leaders of both political Groups and Council officers to have the informal dialogue referred to above in the preliminary period. A presentation by the Lead Commissioner to which all Councillors were invited took place on 5 February 2019 and information has been circulated to all Members subsequently.

- 4.3 It is clear that if the Council can demonstrate that it has conducted a detailed study of the issues and drawn up a submission on Council size and warding proposals impartially, it is possible that those proposals will be adopted by the Commission in making its recommendations. In view of this and the timing of the review the Council may wish to consider setting up a Working Party supported by the relevant officers, to undertake the gathering and analysis of information, liaison with Parish Councils, developing options and to submit recommended proposals to Full Council on Council size and the future warding arrangements.
- 4.4 The group needs to be a size conducive to formulating recommendations. Officers recommend a group of no more than 9 Councillors which is cross-party; the proportionality rules do not automatically apply to Working Groups, but based on the current proportionality rules this would result in a breakdown of membership across the two main political groups of 6:3 and this is recommended. The proportionality will be reviewed after the local elections on 2 May 2019 and will be reported to Annual Council on 22 May 2019 as part of the establishment of committees report. The officers would include the Chief Legal Officer, the Head of Elections and Member Services, the Planning Manager (Policy) in Regeneration, Culture, Environment & Transformation Directorate and relevant officers from the Democratic Services, Corporate Policy, Communications, Finance and Legal Services teams.
- 4.5 To assist with the effective conduct of the Working Group, it is proposed that the rules for substitution of Councillors, set out in the Constitution, apply to the Councillors on the Working Group. It is therefore recommended that Rule 18 regarding the Appointment of Substitute members be applied to the Working Group as follows:
- 1 All members of the Council may serve as substitute members of the Working Group in the absence of the appointed member.
 - 2 The political groups shall substitute no more than one-half of their members at the Working Group (all figures to be rounded up to the nearest whole number).
 - 3 The substitute member shall:
 - (a) be from the same political group as the member who is unable to attend the meeting;
 - (b) not substitute for more than one member;
 - (c) not be a member of the Working Group already.
 - 4 Subject to any legal limits, a substitute member may attend, speak and vote as a member of the Working Group at the meeting.
 - 5 If the appointed member attends the meeting when he or she has already been substituted, he or she may not attend as a member of the Working Group.
- 4.6 The proposed terms of reference for the review are attached as Appendix 1 and Members are asked to approve it. Group Leaders were given the opportunity to comment on the draft terms of reference and these have been incorporated into the proposed document attached.

5. Advice and analysis

5.1 Sustainability

5.1.1 The informal Working Group will need to consider the sustainability implications of any proposals and outcome recommended and seek means to reduce any negative impacts.

5.2 Diversity

5.2.1 If the changes to the size of the Council and ward arrangements implemented by the LGBCE are significant enough to affect service provision, then a Diversity Impact Assessment (DIA) would be required. However, it is likely that this would be generic and that individual DIAs would be completed by any service affected.

6. Risk management

6.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community. The following table shows any significant risks arising from the matters in this report.

Risk	Description	Action to avoid or mitigate risk	Risk rating
The Council's views are not taken into consideration and changed electoral arrangements are not effective or convenient	Submission of information and proposals to the LGBCE are not made on time or are not sufficiently comprehensive	Setting up of Working Group with clear terms of reference	D2
Agreed scheme is implemented incorrectly	Changes to electoral register database made incorrectly and therefore properties and electors allocated to incorrect new wards	Purchase of module for electoral registration software based on mapping rather than manual re-allocation of streets and properties.	D2

7. Financial implications

7.1 To assist with the development of warding proposals that achieve electoral equality and to make the detailed changes to the electoral register database more accurate and quicker it is recommended that two pieces of software are purchased. Discussions are still being held about the suitability of one of these pieces of software and the cost. Budget provision for this expenditure exists in the capital budget for Democracy & Governance.

8. Legal implications

8.1 The legal implications for this matter are set out in the body of the report.

9. Recommendations

Council is recommended to:

- 9.1 note the arrangements for a review of electoral arrangements by the Local Government Boundary Review for England.
- 9.2 agree to setting up a cross-party, Member level Working Group on the basis set out in paragraphs 4.3-4.5 of the report.
- 9.3 agree the Terms of Reference of the Electoral Review Working Group as set out in Appendix 1 to the report.

Lead officer contact

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Appendices

Appendix 1 – Terms of Reference

Background papers

None

ELECTORAL REVIEW WORKING GROUP

TERMS OF REFERENCE

Composition

The Working Group will comprise 9 Councillors with membership split across the two main political groups of 6:3.

Officer support

Officers providing support to the Working Group and the Review overall include the Chief Legal Officer, the Head of Elections and Member Services, the Planning Manager (Policy) in Regeneration, Culture, Environment & Transformation Directorate and relevant officers from the Democratic Services, Corporate Policy, Communications, Finance and Legal Services teams.

Scope

The Working Group has been established to progress the review of Council size and warding arrangements being undertaken by the Local Government Boundary Commission for England (LGBCE) from 2019 onwards.

Procedures

The Panel will appoint a Chairman from amongst its membership.

The Panel has no substantive decision-making powers but will make recommendations to Council.

The quorum shall be 3 councillors.

Rule 18 regarding the Appointment of Substitute members be applied to the Working Group as follows:

- 1 All members of the Council may serve as substitute members of the Working Group in the absence of the appointed member.
- 2 The political groups shall substitute no more than one-half of their members at the Working Group (all figures to be rounded up to the nearest whole number).
- 3 The substitute member shall:
 - (a) be from the same political group as the member who is unable to attend the meeting;
 - (b) not substitute for more than one member;
 - (c) not be a member of the working group already.
- 4 Subject to any legal limits, a substitute member may attend, speak and vote as a member of the Working Group at the meeting.
- 5 If the appointed member attends the meeting when he or she has already been substituted, he or she may not attend as a member of the working group.

Functions

1. To gather and analyse information that will be required for the review in accordance with the requirements of the LGBCE and submit it to the LGBCE;
2. To review any representations made, develop options and make a recommendation to Council using the guidance issued by the Local Government Boundary Commission for England, relating to
 - the optimum number of councillors for Medway Council, and other factors such as:
 - How the size of Medway Council compares to our “Nearest Neighbours”
 - Governance arrangements and how the Council makes decisions across the broad range of its responsibilities
 - The Council’s scrutiny functions relating to our own decision-making and our responsibilities to other bodies
 - The representational role of councillors and how they engage with people, conduct casework and represent the Council on outside and partner bodies
 - proposals for the warding of Medway, including the names, number and boundaries of wards, and the number of seats to each, and which attempt to achieve equality of representation in each ward. To submit such proposals to Full Council for consideration.