

# Cornwall Council Electoral Review 2015-2018 Briefing Pack

## Background

Cornwall Council was established as a unitary authority on 1 April 2009 following the amalgamation of the former County Council and the six district and borough councils. As a result of this change the number of principal authority Councillors representing Cornwall was reduced from 331 to 123.

Last year the Local Government Boundary Commission for England (LGBCE) announced it was carrying out a review of electoral divisions in Cornwall. One of the objectives of the review is to ensure that all councillors represent, so far as practicably possible, the same number of voters.

This is the first electoral review to take place in Cornwall since the creation of the unitary council in 2009. Any changes will not come into effect until the 2021 Cornwall Council elections.

The review will decide the total number of councillors, the number of electoral divisions, the names of the electoral divisions and the boundaries of the electoral divisions.

The LGBCE is required by law to be impartial, with its decisions based on evidence and reason. The representations of all those taking part in the review are treated equally and without bias.

There are no pre-conceived views on the future number of councillors for Cornwall Council. The LGBCE will consider proposals for an increase, a decrease, or retention of the existing number of councillors, but all those submitting or commenting on proposals are expected to ensure they can be justified.

The terms of reference for the electoral review are governed by the Local Democracy, Economic Development and Construction Act 2009 which sets out the steps which the LGBCE must take in conducting the review, the matters on which it can make recommendations and the factors it must take into account in reaching its recommendations.

These criteria include electoral equality, community identity and effective and convenient local government.

While the focus of the review is on the unitary authority, the LGBCE also has limited powers to make recommendations about the electoral arrangements of any town or parish councils that might be directly affected by a new unitary council division boundary. This could mean creating new parish or town wards or changing the boundary of existing ones.

While Cornwall Council, any city, parish or town council, political party, individual or organisation can make representations to the LGBCE on both the size of

Cornwall Council and the pattern of electoral divisions, the final decisions will be made by the LGBCE, subject to confirmation of the formal Order that is required to give effect to those decisions.

Cornwall Council needs to provide a first draft of its submission for the size of the Council by 14 October 2016, with the final proposals on council size being submitted to the LGBCE by 3 March 2017.

As part of this process the Council is required to provide the LGBCE with forecasts of the electorate for 2023, five years beyond the projected date for the making of the Order giving effect to the LGBCE's recommendations. It is necessary to forecast so far ahead because of the timing of the implementation of the outcome of the review, at the 2021 elections, and because of the potential lengthy period before the next review.

The LGBCE will announce the size of the Council on 16 May, 2017, just after the Cornwall Council elections.

Consultation on the proposed new electoral divisions for Cornwall Council (the division patterns) will then take place between May and July 2017, with the LGBCE publishing its draft recommendations in October 2017. Further consultation on those recommendations will then take place between October and December 2017, with the final recommendations published in March 2018.

The Order will then be laid in Parliament in April 2018, with the changes implemented in time for the local elections in May 2021, subject to the confirmation of the Order.

The LGBCE will encourage Cornwall Council, city, parish and town councils, political parties, the public and any interested organisations to give their views on the electoral arrangements they want for their local area.

To assist in this process the Council will be engaging with and consulting city, parish and town councils, the public and others on the size of the Council and the proposals for the patterns of the new electoral divisions.

An Electoral Review Panel comprising Members from each of the political Groups on the Council has been set up to lead this work. This Panel is being supported by an Officer Group.

## **What is the Cornwall Council Electoral Review**

The Cornwall Council electoral review will examine the Council's electoral arrangements and cover the following areas:

- the total number of members to be elected to the Council;
- the number and boundaries of future electoral divisions;
- the number of councillors representing each electoral division; and
- the name of each electoral division.

A principal aim of the review is to deliver electoral equality across the local authority by ensuring that all Members represent, so far as practicably possible, a similar number of voters.

Electoral equality is calculated by dividing the number of electors by the number of councillors elected to produce an “electoral ratio”. This is, in the simplest terms, the number of electors in each electoral division which each councillor is elected to represent. However, because the LGBCE also considers community identities and interests, the need for strong, clear boundaries and the requirement to secure effective and convenient local government, it is difficult, and not necessarily the most appropriate outcome everywhere, to achieve mathematically exact electoral equality.

The legislation sets out how the review should be conducted. This includes informing people who might be interested in the review as early as possible so they have time to:

- collect evidence about community identifies and interests;
- consider how the number and distribution of electors might change;
- think what they would like to see as an outcome of the review; and
- present their arguments and the evidence they have collected.

Once the LGCBE have considered all the evidence presented to them, they are required to publish draft recommendations to give people the opportunity to comment on them. They will then consider any comments made before making their final recommendations.

The legislation also sets out the areas which cannot be covered in the review. These include:

- making recommendations for changes to the boundaries between local authorities or parishes, or considering the creation of new parishes;
- changing the electoral arrangements of city, parish and town councils that are unaffected by any changes to unitary electoral divisions;
- making recommendations about how often local authorities hold elections; and
- changing or taking into account the boundaries of Parliamentary constituencies – these are reviewed under separate legislation and overseen by a separate commission.

## **Electoral review procedure**

### **Preliminary period and council size decision**

At the beginning of 2016 the LGBCE began working with Cornwall Council and key partners to gather preliminary information, including details of current electoral arrangements and the current electoral register, identification of parishes and their boundaries, and electorate forecasts.

As part of this process, representatives of the LGBCE visited Cornwall on 30 March 2016 to meet with interested parties, explain the review process and confirm the information they will require for the review.

The preliminary period ends with Cornwall Council formally submitting its draft proposals on council size to the LGBCE.

The LGBCE will then analyse the information and the evidence received from all parties before taking a “minded to” decision on council size. This usually takes up to five weeks.

When making this decision the LGBCE takes a number of factors into account, including:

- the governance arrangements of the Council, how it takes decisions across the broad range of responsibilities, and whether there are any planned changes to those arrangements;
- the Council's scrutiny functions relating to its own decision-making, and its responsibilities to outside bodies; and
- the representational role of councillors in the local community and how they engage with people, conduct casework and represent the Council on local partner organisations.

The recommendation on council size will be designed to reflect the ways in which Cornwall Council anticipates that it will be working in the next 10 to 15 years, not just its current structure and arrangements. This timeframe is one of the reasons the electoral forecasts are required.

The LGBCE does not have any pre-conceived views on the number of councillors and will consider proposals for an increase, a decrease, or the retention of the existing number of councillors. The LGBCE will require submissions and comments upon them to demonstrate the supporting evidence base.

### **Formal start of the review**

The publication of the LGBCE initial conclusions on council size on 16 May 2017 marks the formal start of the review process.

### **Consultation on future electoral divisions**

This period lasts for up to 12 weeks and will take place between 16 May 2017 and 31 July 2017.

As well as responding to the recommendation on council size, interested individuals or groups are invited to submit proposals for individual electoral divisions. This includes the number, names and boundaries of divisions and the number of councillors to be elected to each.

Proposals must consider the issue of electoral equality, as well as community identity and interest and the need to deliver effective and convenient local government.

While there is no prescribed upper limit regarding the number of councillors that may be returned from each ward or division, the LGBCE does not normally recommend more than three councillors per division, with the number usually

less than this. At present Cornwall Council has 122 electoral divisions represented by one councillor each with Bude represented by two councillors.

Cornwall Council, along with city, parish and town councils or anyone else, can suggest appropriate names for future electoral divisions that reflect community identifies and mean something to local people. However names should normally be distinct and easily identifiable to avoid confusion, particularly amongst electors.

During this period Cornwall Council will host a series of consultation and engagement events in different parts of Cornwall where there will be opportunities for Cornwall, Parish and Town Councillors and anyone interested to exchange information and discuss alternative proposals for future electoral divisions.

### **Development of draft recommendations**

Once the LGBCE has received the responses to its draft recommendation on council size and proposals for electoral division arrangements by the 31 July 2017 deadline, it will analyse all the representations it has received. It will then publish draft recommendations for further consideration on 24 October 2017.

### **Consultation on draft recommendations**

Following the publication of the draft recommendations by the LGBCE, there will be a further period of consultation and engagement, with Members, partners, key stakeholders and the public. This process will take place between 24 October 2017 and 19 December 2017.

### **Development of final recommendations and final steps**

The LGBCE will analyse the responses from this second period of consultation and engagement before publicising its final recommendations on 27 March 2018.

Once the recommendations have been formally published, the LGBCE will prepare and lay before both Houses of Parliament the Electoral Review Order in April 2018.

Once made, information on the Order will be provided to city, town and parish councils, the public and any organisation likely to be interested in the changes.

The new electoral arrangements will be implemented for the Cornwall Council elections in 2021.

### **Impact on parish and town councils**

While the focus of the review is on the unitary authority, the LGBCE has limited powers to make recommendations about the electoral arrangements of city, parish and town councils that might be directly affected by changes to electoral division boundaries in Cornwall.

This could include recommendations for

- the need for parish wards;
- the number and boundaries of any parish wards;
- the number of councillors to be elected from any parish ward; and
- the name of any parish wards.

Unlike for Cornwall Council, there is no statutory requirement on the LGBCE to provide for electoral equality when creating wards for city, parish and town councils.

The LGBCE is required to ensure that every ward of a city, parish or town council must lie wholly within a single electoral division of Cornwall Council and that every parish which is not divided into parish wards must lie wholly within a single electoral division.

The LGBCE tries, wherever possible, to avoid a misalignment of electoral boundaries as this is both confusing to electors and can affect the delivery of effective and convenient local government.

In cases where the LGBCE recommends an electoral division boundary which splits a parish that is not warded or has wards which follows different alignments, it will recommend that the parish is divided into parish wards with boundaries that are common, or coterminous, with Cornwall Council electoral division boundaries.

It will also consider the number and distribution of electors across that parish before deciding on the need for and extent of parish wards, but this will not take precedence over the need to secure good levels of representation at unitary council level.

## Electoral Review – timetable

<b>Stage</b>	<b>Date</b>
Cornwall Council submits first draft of council size proposal	By 14 October 2016
Cornwall Council submits second draft council size proposal	By 16 December 2016
Cornwall Council submits final council size proposal	By 3 March 2017
LGCBE announces decision on Council size	16 May 2017
Submission by Cornwall Council and others of proposals for new electoral divisions	16 May 2017 – 31 July 2017
LGCBE published draft recommendations on future electoral divisions	24 October 2017
Consultation on the LGCBE's draft recommendations on future electoral divisions	24 October 2017 – 19 December 2017
LGCBE publishes its final recommendations on future electoral divisions	27 March 2018
Order to implement the future electoral arrangements for Cornwall Council laid before Parliament	April 2018
The future electoral arrangements for Cornwall Council implemented	Local elections 2021