

**Committee:** Full Council

**Agenda Item**

**Date:** 17 April 2012

**12**

**Title:** Further Electoral Review

**Author:** John Mitchell, Chief Executive, 01799 510400 and Peter Snow, Democratic and Electoral Services Manager, 01799 510430

Item for decision

---

## Summary

1. The Council was notified by the Local Government Boundary Commission for England (LGBCE) in April 2011 that Uttlesford had been identified as requiring a Further Electoral Review (FER) as a result of imbalances in the present warding structure. Under the criteria adopted by the LGBCE the need for a review is determined by the following indicators:
  - Any local authority with a ward that has an electoral variance in excess of 30%, and/or
  - Any local authority where more than 30% of the wards have an electoral imbalance in excess of 10% from the average for that authority
2. Broadly speaking, the imbalances in Uttlesford are as follows:
  - Two wards (Felsted and Takeley & the Canfields) have a variance of more than 30% and Birchanger ward will also fall into this category once ward boundaries are harmonised with parish boundaries.
  - Eleven of 27 wards have electoral variances of more than 10%.
3. Uttlesford therefore qualifies for a FER under both of the criteria listed in paragraph 1. The review is expected to begin in July and the outcome put into effect at the ordinary election in May 2015.

## Recommendations

4. The Council is asked to give preliminary consideration to the process of the FER and, in particular, to the question of council size.

## Financial Implications

5. *There are no costs associated with the recommendation as it is considered that all work on the review can be accommodated within existing budgets.*

## Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

The Council's existing warding scheme  
Electoral and population data

Author: John Mitchell and Peter Snow

Item 12/1

Version: 4 April 2012

Page 1

Technical guidance from the Local Government Boundary Commission for England

**Impact**

7.

Communication/Consultation	The review will include full public consultation
Community Safety	No impact
Equalities	An equalities impact assessment is being carried out and will be presented to the Annual Meeting of Full Council
Health and Safety	No impact
Human Rights/Legal Implications	No impact
Sustainability	No impact
Ward-specific impacts	All wards
Workforce/Workplace	No impact

**Situation**

8. Meetings have taken place at officer level with officials from the LGBCE and group leaders have been briefed by the Chair of the Commission, Max Caller, and by Dr Peter Knight. It is expected that the review will start formally in July following a preliminary stage to gather information and to allow the Council to make a draft recommendation for council size.
9. The key determining factor for the classification of a review is the likely scale of change of council size. There are three types of review:
  - No expectation of change in council size (type A) – 26-30 weeks
  - Expectation that a change in council size will be small (type B) – 42-50 weeks
  - Expectation that a change in council size could be substantial (type C) – 52-60 weeks
10. The review stages and time scales will be different depending on the type of review to be conducted. The Council must therefore form a view fairly soon about the optimum council size needed to manage the functions of the Council and provide electoral accountability in the years ahead. The degree of change

proposed in council size (if any) will determine whether a type A, B or C review will be needed.

11. Once the Council has formed a view about council size, a submission of the case for proposing the number decided will be made to the LGBCE. If a significant change is being proposed, the LGBCE will then make a draft recommendation and undertake a short public consultation. In this context, a substantial change is generally regarded as a change in council size of three or more.
12. Following this stage of the review, the Council will be invited to propose a new electoral scheme for the district. The LGBCE will consider all representations made to it and then prepare draft recommendations for consultation.
13. Depending on the type of review to then be carried out, the review is expected to conclude by either spring or September 2013. The new electoral scheme would then come into effect at the next scheduled ordinary election in May 2015.

### **Statutory criteria**

15. The statutory criteria the LGBCE must take into account are as follows:
  - The need to secure equality of representation;
  - The need to reflect the identities and interests of local communities; and
  - The need to secure effective and convenient local government.
16. The three criteria have equal weight and the LGBCE will seek to achieve the best scheme having regard to all of these factors. In doing that, the LGBCE must consider both the existing electorate of the district (as at the beginning of the review), and a five year forecast of the electorate (which we must supply). The forecast electorate will actually be for a period of six years from the beginning of the review, therefore as at mid 2012 and mid 2018 respectively.
17. Any scheme submitted must have regard to the principle of electoral equality. The LGBCE generally operates to a tolerance benchmark of no more than 10% departure from the electoral equality rule, taking account of both current and forecast electorate figures.

### **Council size**

18. In determining the Council's preferred council size, to be proposed to the LGBCE at the outset of the FER, members are asked to take account of the following four factors:
  - The decision-making process, broadly summarised as how the business of the Council is managed
  - Quasi-judicial processes such as planning and licensing, generally referred to as the management of regulatory functions
  - The scrutiny process – the scope of the scrutiny role within the Council and how it is managed

- The representational role of the elected member, both in terms of directly representing constituents and more generally in the wider community
19. The Council is being asked to decide its preferred council size based on an examination of the way that Uttlesford operates at the moment measured against the above four factors. This provides a rare opportunity for the Council to examine its methods of governance and to form a view about how many members are required to carry out its business and provide representational accountability.
20. The Council's original size at the time of the 1973 reorganisation was set at 42. This was changed to 44 at the time of the last electoral review in 2000. Of course, since then the population of Uttlesford has increased substantially but this must be offset against the change last year from a committee based system of governance to executive arrangements. The challenge now is to find a balance between the needs of the Council to manage its affairs and the need for democratic representation.
21. One possible approach to the question of council size is to try to determine the ideal number of councillors required to manage the business of the Council. One way of doing this might be to make a rough assessment of the minimum number of councillors needed to maintain the overall structure of decision making within the executive system of governance being operated at Uttlesford. This would incorporate the need to maintain strong and effective overview and scrutiny controls, as well as to perform all regulatory functions.
22. Based on a preliminary assessment by officers, the number of councillors needed for these functions might be something close to the following:
- Executive functions – 6 members
  - Overview and Scrutiny role – 14 members
  - Regulatory functions – 14/16 members
  - Total council membership – 34/36 members
23. The above figures are offered as a very rough rule of thumb at this stage and assume that some members will fulfil a role on more than one committee. It takes no direct account of the representational role and the community needs of the district. Members will have to form a judgement about balancing these factors.
24. Whatever is decided will need to be backed up by evidence to substantiate whichever number is decided by members as the optimum council size upon which the new warding scheme should be based. Ideally, broad agreement should be secured across all of the political groups represented on the Council. However, if agreement cannot be reached, the Council must still reach a conclusion.
25. The LGBCE's technical guidance says: "It is important that, if we are to reach clear and transparent decisions on council size, we receive well-reasoned proposals that are based on the individual characteristics and needs of each local authority area and its communities". In doing so, the guidance says that

authorities should “examine the political management and working practices of the council under review”.

26. It is probably too early to reach a conclusion on such a fundamental matter affecting the way in which the Council will operate in the coming years. However, the LGBCE intends to consider and make a draft recommendation of council size at its meeting on 10 July. This means that the Council must form its own view and prepare its arguments either at the annual meeting on 15 May, or at an extraordinary meeting by no later than mid-June.
27. At this stage, members may wish either to indicate a mechanism for reaching a decision on council size, or provide a general steer to enable officers to prepare more information.

### **Electoral representation**

28. It is premature to begin looking at warding schemes until the council size has been determined and the forecast electorate figures for 2018 are available. Any conclusion drawn before this information is available could be misleading and lead to poor and incomplete reasoning. The timetable set out in the final section of this report indicates that the time to begin focussing on the new electoral wards will be towards the end of the year, although information on which to base decisions can be prepared before then.
29. The Electoral Working Group, reporting directly to Council, seems to be the ideal body to consider in detail options for a new electoral warding scheme, once the council size is known.

### **Review Timetable**

30. The review timetable is likely to be roughly as follows (assuming a Type C review):
  - 11 April 2012 – group leaders to be briefed by Max Caller (Chair of the Commission) and Dr Peter Knight (lead Commissioner for the UDC review)
  - 17 April 2012 – all councillors to be briefed by Dr Knight as part of the business of the Council meeting
  - Late April/early May 2012 – LGBCE to brief parish councils on the review
  - 17 April or 15 May 2012 – Council to determine council size for submission to the LGBCE
  - May/June 2012 – information gathering and preparation of electorate forecasts etc as part of the preliminary review stage (6-8 weeks); possible tour of the district by the LGBCE
  - 10 July 2012 – LGBCE meets to consider and make draft recommendation of council size for UDC
  - Mid July/August 2012 – open consultation on council size (6 weeks)
  - September/mid-October 2012 – LGBCE considers response and prepares “minded to approve” notice of council size (4-6 weeks)

- Late October/mid January 2013 – LGBCE invites information from public focussing on communities; collates information and tours area (10-12 weeks)
- 11 December 2012 – most likely date for the Council to consider and approve a proposed new warding scheme for submission to the LGBCE
- Mid January/early April 2013 – LGBCE uses responses and community information to prepare an electoral equality scheme and make draft recommendations
- Mid April/mid June 2013 – public consultation with public events if necessary (8 weeks)
- 21 May 2013 – most likely date for Council to consider the LGBCE draft scheme and make representations (or possibly submit an alternative scheme of its own)
- Mid June/early September 2013 – analysis by LGBCE of responses and preparation and publication of final recommendations (10-12 weeks)
- After the conclusion of the review, a draft order will be prepared; this will be laid in Parliament and can be confirmed after it has been before each house for 40 sitting days
- The new warding scheme will come into operation at the next normal year of ordinary election for the authority concerned – for Uttlesford that will be May 2015

**Risk Analysis**

31. See below for risk analysis.

Risk	Likelihood	Impact	Mitigating actions
A new electoral warding scheme is agreed that does not meet either the business needs of the Council or the representational needs of the communities within Uttlesford	1 – There is some risk that unsuitable arrangements will be agreed but only if the Council does not fully engage with the review and consultation process	3 – The impact on the operational and decision-making needs of the Council might be severe if an unsuitable scheme is agreed	Full engagement with the review process both at officer and at member level to ensure that the case is made for an appropriate council size and warding scheme

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project