

## Periodic Electoral Reviews

### Scrutiny 2, item 7

**Committee:** SCRUTINY 2

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**Title:** Periodic Electoral Reviews

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**Agenda Item**

**7**

Item for  
decision

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### Summary

An eight-year programme of Periodic electoral reviews (PERs) concluded in October 2004, with the completion of 386 reviews covering 35 county councils and 351 district councils in England. The Electoral Commission, having taken over responsibility for The Boundary Committee for England, is undertaking a fundamental evaluation of the policies and processes used by these bodies to guide PERs. The closing date for responses to the consultation is Friday, 25 November.

It is suggested that the comments of this Committee are referred to the Resources Committee for consideration on 17 November so that the Council's views can be forwarded to the Commission.

### Recommendations

It is recommended that the comments included in this report, as amended or added to by this Committee, be referred to the Resources Committee to enable the Council's final response to this consultation to be determined.

### Background Papers

The Electoral Commission's consultation paper 'Periodic Electoral Reviews' published September 2005.

The Council's own report 'Review of electoral arrangements for the Uttlesford District' submitted February 2000, files and other background papers and maps.

Local Government Commission for England reports 'Draft recommendations on the future electoral arrangements for Uttlesford in Essex' published May 2000, and 'Final recommendations on the future electoral arrangements for Uttlesford in Essex' published November 2000.

#### Impact

Communication/Consultation	<b>None</b>
Community Safety	<b>None</b>
Equalities	<b>None</b>

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Finance	<b>None</b>
Human Rights	<b>None</b>
Legal implications	<b>None</b>
Ward-specific impacts	<b>All wards</b>
Workforce/Workplace	<b>None</b>

### Situation

- 1 The Chairman of Scrutiny 2 Committee has requested an agenda item to consider the Periodic electoral reviews consultation. In the normal course of events, this matter would be considered by the Resources Committee and it is suggested that this Committee's comments now be referred to that Committee.
- 2 The Electoral Commission (EC) intends the evaluation process to examine:
  - How the statutory criteria and rules have been applied;
  - The approach taken by the EC and the BC on such matters as numbers of councillors, consultation with interested parties in PERs, timetabling reviews and warding;
  - When PERs should take place and how often;
  - The evidence required to support proposals and decisions; and
  - Commissioning appropriate research and analysis.

This consultation is part of the evaluation process.
- 3 The programme of PERs has generally resulted in a significant reduction in electoral inequalities, an increase in the proportion of two and three member wards, and little overall change in the total number of councillors.
- 4 One of the most difficult factors in framing proposals concerns the requirement for the EC to take five-year electorate forecasts into account when undertaking reviews. It has become apparent that many of these forecasts have proved inaccurate to the extent that the EC has undertaken a programme of further (that is, ad hoc) electoral reviews (FERs) in those areas suffering the worst imbalances. Members may recall that this fate almost befell Uttlesford as a result of the long delay in commencing the development of the Rochford Nurseries site at Birchanger/Stansted. Fortunately, in the event we were spared a FER.
- 5 The paper sets out the statutory criteria that the BC must take into account in undertaking PERs, as set out in Section 13(5) of the Local Government Act 1992. In broad terms, these are:
  - The need to secure convenient and effective local government.
  - The need to reflect the identities and interests of local communities.

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- The need to secure equality of representation.
- 6 Earlier this year, the ODPM Select Committee held an enquiry into the statutory criteria used to determine ward boundaries. It concluded that the written evidence suggested the need to secure electoral equality within local authority areas, but that 'too much weight' is given to the criterion of equality of representation' and 'not enough is paid to the interests and identities of local communities'. The Committee also asked for simultaneous county and shire district reviews, in order to achieve a closer match of boundaries, and for the Commission to be given a clearer steer as to the consideration of council size.

### Questions posed in the consultation and suggested considerations

Q1: Are the three criteria (see paragraph 5 above) the most appropriate factors for determining electoral boundaries? Should they be given equal weight? Is it appropriate to start from the premise of absolute equality and then to adjust this standpoint to take account of the other factors? If greater weight were given to community identity, would a higher level of electoral equality be acceptable?

This is absolutely central to the way that electoral boundaries are determined. It is a fundamental democratic principle in legislation on the franchise that each vote has equal value. The problem is that it can be quite difficult to achieve equality of representation in a rural area such as Uttlesford, made up, in large part, of small parish communities.

The parish is the building block for district wards and a parish can be divided between wards only where there are separate parish wards already, or the intention to create them. This happened, for example, at Great Easton where a separate parish ward of Duton Hill was created to enable the parish to be divided between two different wards (Thaxted and The Eastons). However, this is not always an objective that is appropriate or suitable to bring about.

For example, it was at one stage suggested during our PER that the small parish of Broxton should be divided between wards. This would not have been a very practical arrangement and would have caused an extra layer of parish bureaucracy for very little useful purpose.

In rural areas, the ratio of electors to members is generally much lower than in more urbanised areas. This is necessary to avoid excessively large geographical wards covering many parishes.

Members may agree that it is necessary to give important weight to electoral equality while, at the same time, shifting the emphasis more towards community factors. It must also be said that the identification of community interest is a far from straightforward matter. For this reason, the necessity for a defined degree of electoral equality must continue to be an important element of any electoral scheme and there should be built-in safeguards to ensure this is the case.

The third factor relating to effective and convenient local government is difficult to define. Proper guidance must be available to councils undergoing the PER process on the question of local authority size. Members are referred to Q11, where the EC

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has suggested that the consideration of council size could be shifted to before stage one so that all electoral scheme submissions are made on the same basis.

The temptation for councillors to seek party advantage cannot be discounted. For this reason, a strong independent element must continue to be available in deciding on the final composition of an electoral scheme.

Q2: What evidence can the EC use to understand community identity? Can this be recognised through the location of public facilities to identify the core of communities? Should the Commission adopt this approach in considering community identity? If it did, are there other public facilities that could be used and easily provided as evidence?

To a large extent, this gets to the heart of how to define what is meant by community identity. This could take into account such factors as the location of schools, shops, village halls, and local bus routes. However, there is a fear that any attempt to define more clearly what is meant by this phrase might lead to more difficulties in using this information to define boundaries. For example, someone living in Radwinter may have more affinity with Saffron Walden, if they shop there, than with Hempstead or Great Sampford.

The document says that the EC generally receives conflicting information about community identity. However, research suggests that the location and distribution of specific public facilities, particularly shopping centres at various scales, primary schools, health centres and places of worship can point to the cores of communities and the existence of communities. This information can be readily obtained and can be used to ensure that community cores are not split by electoral boundaries.

Q3: How far is it reasonable to depart from electoral equality in reaching its decisions? Should the figure be higher or lower than the measure used of no more than 10% greater or lesser than the average number of electors per councillor for the whole area? Should the figure vary greatly between areas?

The evidence shows clearly a greater variance in rural areas and Members may feel that this tendency should be recognised in the criteria used. This might allow more latitude to be given to the question of electoral equality in rural areas and might help avoid drawing boundaries that might prove divisive or harbour resentment.

It must be remembered that the 10% rule is not a statutory provision and has been utilised to provide a yardstick for measurement purposes. In these circumstances, it does not seem unreasonable to expect that a wider variance can be built into the consideration of electorate size in rural areas, perhaps as much as 20%.

Q4: What evidence can the EC use to indicate effective and convenient local government? How far do you agree with how we interpret this for the definition of electoral areas? Are there benefits in seeking a high degree of matching between

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boundaries, especially in two-tier areas? Should a target be set for such co-terminosity, or for parish boundaries in district wards?

The EC has taken the view that warding has little or no effect on service delivery and that consideration should be given to the ease of voting, the efficiency of electoral administration, the effectiveness of representation, and the workload of councillors in its proposals for council size and ward boundaries.

As a general rule, county divisions are contained wholly within district boundaries, and parish wards or un-warded parishes within a single district ward or county division. Parish boundaries are used as building blocks in parished areas and the effect of splitting and dividing parishes is considered on the administration of elections and effective representation of electors. The EC has set a 'co-terminosity' target of 60-80% of county divisions containing only whole district wards.

The EC generally seeks to avoid dividing parishes into wards (as at Duton Hill) if alternatives are available. However, this is sometimes done by creating or changing wards in parishes to achieve better electoral equality or to take account of community ties. Because of the different councillor to elector ratios involved, there is no simple way of matching the allocation of county councillors in district areas to district ward boundaries.

We are perhaps fortunate in Uttlesford in that all of our district wards are contained wholly within a single county division so there is less potential for confusion.

The way the EC interprets the phrase 'effective and convenient' seems sensible but the existence of this in the legislation as one of the key criteria seems somewhat pointless given the lack of a clear meaning. It would help greatly if district and county PERs could take place at the same time. In this case the value of retaining this criterion, unless it is better defined, may be questioned.

Q5: Are the criteria the EC uses to decide when to undertake FERs – 30% of wards with a variance in excess of 10%, or one ward with a variance of over 30% - appropriate? Should the EC invite requests from councils for a FER? What justification should the EC require for reviews undertaken on grounds other than electoral equality?

The paper suggests that the next round of PERs, assuming there is to be one, might not take place until after the sixth general review of Parliamentary boundaries due to be completed between 2014 and 2018. As an alternative, it might be acceptable to substitute a rolling programme of FERs for a PER of all councils. This is because electoral inequality appears to increase significantly in relatively few councils and the programme could be adjusted to concentrate firstly on those areas with the worst levels of electoral equality.

At present the EC has no immediate plans for another PER programme, but expects deteriorating levels of electoral imbalance to be a determining factor about the timing of such a programme, as well as the timing of Parliamentary boundary reviews, because wards are the building blocks for constituencies.

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As at December 2004, it appears that the Council's electoral scheme contains more than 10% variance in eight of the 27 wards (29.6%). One of those wards (Birchanger) has a variance of -35%. On these figures the Council was obviously close to being required to conduct a FER.

Subject to comments made later in this report (see Q9) about five-year electorate forecasts, it may appear sensible to raise the bar needed to trigger a FER. One suggestion to achieve this might be to amend the criterion to 15% of wards having a variance of more than 20%. That would generally mean that at least two wards, and more usually three or four, would contain large imbalances sufficient to justify possible review.

It may also be worth allowing individual councils to request a FER based on meeting various criteria, if there is no prospect of a review being scheduled in the near future. This should be based on electorate variances as it is hard to see any justification for a review being requested for other reasons such as community identity. For example, if new development or redevelopment in a district were to cause a large influx or decrease of population, electorate balances would be likely to alter in any event.

However, individual councils may request a FER because of a wish to change council size and there seems no good reason to deny this opportunity.

Q6: Should the Commission make plans for another programme of PERs? What approach should the EC take to the timing of another PER and the scheduling of reviews within it? What factors should be taken into account when scheduling reviews?

On the face of it, it is surprising that the legislation does not provide for a rolling programme of PERs, as is the case for Parliamentary reviews. Perhaps any future legislation should address this question. It would not seem unreasonable for PERs to be required to be carried out in each local authority area every twenty years or so. Alternatively, as envisaged above, it may be preferable to substitute a rolling programme of FERs based on the review of local authority areas in order of the worst electoral imbalances.

Q7: Should the EC aim to review two-tier areas simultaneously or overlap the county review with that of the districts?

The EC has always scheduled two-tier district reviews to be completed before county reviews because, as far as is practicable, it is expected to take account of the boundaries of district wards in county reviews. The programming of other districts and London boroughs was fitted around these, and to allow for the election cycle.

The paper says there is a case for scheduling county reviews much harder on the heels of shire district reviews, or for them to be carried out virtually concurrently. The law requires a county's review final recommendations to be published after the districts' reviews have been agreed.

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Carrying them out concurrently would allow the same electorate forecast data to be used, for co-terminosity to be considered when drawing up district wards and for the EC to use the knowledge gained during the district review in the county review. Implementation dates, however, would vary as councils have different electoral cycles.

Conducting a PER is a major undertaking for any authority. In particular, the process of formulating the five-year forecasts and then defining suggested new electoral boundaries is onerous, especially as there are many conflicting pressures being brought to bear. In our case, officers had to assimilate proposals that allowed for an increase in the council size from 42 to 44, although a great deal of work had been undertaken up to that point based on a size of 42.

Allowing for concurrent reviews does seem a sensible reform, as this would reduce both cost and the officers' workload, and enable a more effective use of the electorate data. The officers' inclination, if Members agree, is to support concurrent reviews.

Q8: Should the EC maintain its current approach to determine council size or give more specific guidance, such as a formula or banding scheme, linked to councils' electorate size and functions? What evidence should be expected from respondents to argue the case for council size? Would comparative information, such as indicators of the broad council size norms linked to electorate size, provide councils as well as the EC with some guidance in considering proposals?

Council size is the starting point in any electoral review, since it determines the optimum councillor-to-elector ratio and leads to conclusions on warding patterns. Though the EC has to determine the number of councillors on a local authority, there is nothing in the statutory framework that provides any guidance to setting council size. The current pattern, with considerable disparities in size and councillor/elector ratios, results largely from the reorganisations of local government in 1963 and 1974.

The EC's predecessor, the Local Government Commission for England (LGC), set broad size bands but withdrew these in 1999 and asked respondents to explain their proposals in terms of functions, population, democratic arrangements and councillors' work patterns. The EC has maintained a position of neutrality, accepts that councils have different traditions, and expects that a case is made for any change, including appropriate evidence.

The paper suggests that the approach adopted to date might benefit from revision. There are considerable differences between councils, which on the face of it seem to have very similar characteristics. The EC is dependent on the quality of evidence put forward in submissions but most respondents find it difficult to support their case, and do not provide evidence of consultation and consensus to provide a firm basis for decision.

Some research commissioned by the EC suggests that there is no strong evidence to support either increases or decreases across the board, that councillor workload is generally greater where there are more electors per councillor, that some diversity of

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size should be permitted to continue, and that there is a reasonably strong correlation between the number of councillors and the size of the electorate.

The mean councillor/elector ratio in districts is 1361 whereas at Uttlesford it is about 1260. If it were substantially greater then some district wards would be unacceptably large in geographical size. It might be suggested that the ratio in an area such as Uttlesford should not be greater than 1500, which would give a council size of 36 or 37.

During the recent PER, there is a strong perception that determining councillor size was a haphazard process. The then existing number of 42 was inherited from the 1974 reorganisation and officers proceeded on the basis that 42 should continue to be the number in the absence of any clear direction from the council. In the event, it proved almost impossible to make the resulting councillor/elector ratio fit in terms of electoral boundaries and a scheme based on 44 councillors was proposed and accepted.

The Council's submission then had to overcome the hurdle of justifying the adoption of a scheme for 44 councillors to the then LGC. The submission had to supply evidence to justify the proposed increase based on councillor workload and internal decision making mechanisms. In the event, an officer at LGC suggested a form of wording to use to support the proposed number and this was accepted gratefully.

This was that the existing size did not facilitate electoral equality or community identity, and that the proposed increase would enhance internal administration by allowing the considerable workload of the scrutiny and constituency roles to be spread more evenly.

In summary, Members may wish to support the view that more explicit guidance should be given on council size, as long as this is not unduly prescriptive and continues to allow some flexibility for lower councillor/elector ratios in rural areas.

Q9: Should the EC continue to expect all local authorities to provide five-year electorate forecasts? Can more support be given to enable better forecasts to be made? What form should any guidance take?

The EC is required to take five-year forecasts into account when undertaking reviews. These forecasts are used to judge the merits of proposed ward boundaries by measuring against the expected councillor/elector ratio at that time. The general rule of thumb is that the ratio should be moving closer to the average figure after five years than it is on current figures. Variances on current figures may be acceptable when judged against the five-year figures. This is the only way, for example, that a separate councillor for Birchanger was able to be retained in the new electoral scheme, because it was forecast that the electorate would be 1233 as a result of large-scale development at Rochford Nurseries. The electorate there has actually stuck at about 800.

Forecasts for Great Dunmow North and Stansted South wards were also overestimated for similar reasons.

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The paper says that the record of councils in this regard is not good as there is a tendency to overestimate growth in the electorate significantly. The mean average overestimate is said to be 2.4% and the paper offers a number of possible reasons. These are:

- Not taking account of trends in the size of the electorate.
- Not checking against ONS estimates for the population over 18.
- Not taking account of falling household sizes.
- Assuming all developments with planning permission will be completed and will contain a standard number of electors.
- Adding in outline permissions and other sites on a speculative basis.

It would be to the benefit of all concerned – voters, representatives and the EC – if more accurate forecasts were produced.

Officers engaged in the PER found the process of producing the five-year forecast to be tortuous and difficult. No clear guidance was offered on how to go about this process. As a result, it is clear that errors were made (see above for examples). The estimated electorate for the district as at February 2004 was put at 57,329 whereas the actual figure was 54,516.

This must be tempered to some extent because a change in the method of compiling the register has resulted in fewer registrations than would otherwise have been the case. This was estimated last year to be in the region of 1,000-1,500 names. But it is clear that, even with a higher level of actual registration, our estimate would be overstated by at least 2.5%.

Officers at Essex County Council found a similar difficulty when compiling figures for the county PER more recently. The process we used involved a site-by-site examination to compile a list of expected dwelling units per parish and then per ward. A formula was devised to assume a number of electors per new dwelling and the resultant figure was used as the forecast.

Clearly a combination of factors resulted in the inaccurate forecast produced. These included some of the factors listed above as well as at least two others. At Woodlands Park, Great Dunmow, for example, the rate of house completion has been much slower than anticipated, while at Rochford Nurseries the development has not proceeded at all. It is known with some certainty that all of the houses allowed for will be built at some stage but not at the rate that was expected.

Secondly, insufficient allowance may have been made for the re-occupation of new dwellings by existing residents of the district, instead of assuming that all new residents would be net migrants into the district.

It is understandable that some allowance must continue to be made for expected population trends but councils must be given clearer guidance on how to approach this task.

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Q10: Should the EC be prescriptive about the number of councillors per ward throughout an area? Should the number of councillors for wards in metropolitan districts be as flexible as in other areas and should the EC seek to change the legislation? Should the EC continue to set a maximum of three councillors for all electoral areas?

Except in metropolitan areas, where the law requires the number of councillors for each ward to be divisible by three, the EC has considerable flexibility over deciding how many councillors there should be. The EC has used this flexibility to maintain low levels of electoral variance, avoid breaking community ties and maintain co-terminosity. It has not been prescriptive in its advice about specific patterns for different types of authority, except for stating that wards should have no more than three councillors.

The Committee may agree that the existing non-prescriptive approach in shire district areas has been helpful and should continue. The present maximum of three councillors in any ward seems sensible. Members may also have a view about metropolitan districts.

Q11: Should the EC make any changes to the length and nature of the stages of a PER. Would there be value in considering council size ahead of Stage one?

The basic stages of a review are set out in law. They are:

- Preliminary stage for briefings and provision of information/maps etc – 12 weeks.
- Stage one for the submission of proposals – 12-15 weeks.
- Stage two – BC considers proposals and prepares draft recommendations – 12-16 weeks.
- Stage three – BC publishes draft recommendations and invites representations – 8 weeks.
- Stage four – BC considers representations, reaches conclusions and submits final report to the Commission.
- Post-recommendation stage – EC considers final representations and reaches decision – 8-10 weeks.

The paper suggests there may be some merit in inviting proposals on council size before stage one and obtaining the Boundary Committee's view. This would enable all interested parties to submit warding proposals on a similar basis, enabling a more informed comparison of proposals.

This seems a sensible suggestion as it would concentrate minds on the preferred optimum size of each council and help smooth the passage of subsequent review stages.

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Q12: What can the EC do to make people more aware of, and get involved in, electoral reviews and the proposals being made? Would more proactive local publicity stimulate more interest and more informed responses?

The EC goes beyond the communication and consultation required by law. Some of the problems that arise are described in the paper. These include the submission of proposals not based on the statutory framework, poorly argued responses, and little interest being generated until there is a firm proposal on the table. New respondents often complain at the final stage that they have not heard of the review.

The EC is considering making its staff available, for a short period, at Stage one, and to encourage a wider range of informed submissions.

During the course of our PER, efforts were made to engage parish council and other community groups. Most reaction to the PER came from parishes and individuals disappointed by the outcome of the Council's proposals. There was very little in the way of informed comment prior to this stage. The idea of providing EC staff would probably assist with the process of understanding what is involved in undertaking a PER.

Q13: Should the name of a ward be open to change without the need for a review by the BCE?

There seems no reason why this should not be the case.

Q14: Are there any other changes that the EC could make to enhance the process for conducting electoral reviews?

Do Members wish to make any further comments or suggestions?

### Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
<b>None identified at this stage</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>