EXPLANATORY MEMORANDUM TO

THE CITY OF BIRMINGHAM (ELECTORAL CHANGES) ORDER 2016

2016 No. 1140

1. Introduction

1.1 This explanatory memorandum has been prepared by the Local Government Boundary Commission for England and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Order provides for new city council wards and numbers of city councillors for the city of Birmingham at the city elections in 2016 and thereafter.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Commission has power under section 59 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) to make an order giving effect to recommendations contained in a report, prepared under section 58(4) of the 2009 Act, after conducting an electoral review under section 56(1) of that Act. This instrument is being made to give effect to the Commission's recommendations for new electoral arrangements set out in its report prepared following an electoral review of the city of Birmingham.

5. Extent and Territorial Application

5.1 The extent of this instrument is England.

5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 The purpose of an electoral review is to decide on the appropriate electoral arrangements including the number of councillors and the names, number and boundaries of wards or divisions for a specific local authority. The Commission began

the electoral review of Birmingham in July 2015. The Commission decided to conduct the review following a recommendation by Sir Bob Kerslake (now Lord Kerslake) in his review of the governance and organisational capabilities of Birmingham City Council.

7.2 An electoral review aims to ensure that the number of electors represented by each county or district councillor is as close to equal as possible, but the recommendations must also have regard to community identities and interests and the need for effective and convenient local government. To achieve these aims, the Commission tries to ensure that the number of electors per councillor in every division or ward is as close as possible to the average for the authority, but is happy to show flexibility in moving away from the average based on the evidence provided during the consultation stages of the review. Following a four-stage review process the Commission published its 'Final recommendations - New electoral arrangements for Birmingham City Council'[1] on 6 September 2016.

7.3 The Order provides for changes to the electoral arrangements for the city of Birmingham at the city council elections in 2018 as recommended by the Commission. The existing wards of the city will be replaced by 69 new ones, 32 wards will each return two councillors and 37 wards will each return one councillor. The Commission considered that the evidence received justified no wards having variances predicted to vary by more than 10% from the authority's average by 2021.

7.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a council it must also recommend whether, in consequence of those changes, any changes should be made to the electoral arrangements for any parish council that is within that district. Among other things, under Schedule 2 to that Act recommendations must ensure that no parish ward is split between new city council wards and under section 56 of that Act recommendations must be made regarding the number of parish councillors for each parish ward.

7.5 Consequently, in addition to making changes to the electoral arrangements for the city the Order also, where necessary, makes provision with respect to the establishment of new parish wards and sets the number of parish councillors for each of those parish wards.

Consolidation

7.6 The Order does not amend or revoke any legislation.

8. Consultation outcome

8.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from July 2015 until September 2016. There was an initial ten-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and ward boundaries for the city. Having considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for Birmingham City Council'[2] on 15 December 2015. Following an eight-week consultation on the draft recommendations,

[1] https://www.lgbce.org.uk/__data/assets/pdf_file/0010/29566/Birmingham-Final-Recommendations.pdf
[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0006/27159/Birmingham-draft-recommendations.pdf

the Commission considered the further evidence received and published a set of further draft recommendations on 10 May 2016. A six-week consultation followed and the Commission considered the further evidence received and made its final recommendations.

8.2 It should be noted that prior to consultation, the Council's electoral cycle changed from elections by thirds to whole council elections starting in 2018. During the course of the review, the Commission received approximately 3000 representations. The consultations involved Birmingham City Council, parish and town councils, local MPs and other interested parties. The Commission considered that a council size of 101 would ensure effective and convenient local government for the city. The Commission based its draft recommendations on the city-wide proposal it received but made some modifications in specific areas to better reflect the statutory criteria.

8.3 In response to the consultation on the draft recommendations received submissions opposing the boundaries across the city, in particular Sutton Coldfield, Erdington, Moseley and Acocks Green. The Commission modified its recommendations across the city and published its 'Further draft recommendations - New electoral arrangements for Birmingham City Council'[3]

8.4 During the consultation on the further draft recommendations the Commission received further submissions opposing its proposed boundaries across the city. The Commission considered that satisfactory evidence had been received for it to alter its further draft recommendations across the city, in particular for the northern part of Birmingham. The Commission confirmed the remainder of its further draft recommendations for the city as final.

8.5 A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for Birmingham City Council' which is available at http://www.lgbce.org.uk/current-reviews/west-midlands/west-midlands/birmingham

9. Guidance

9.1 The Commission does not intend to issue any guidance alongside this instrument. This is not considered necessary as the Order is self-explanatory and gives effect to recommendations following consultation with interested parties as to the changes to electoral arrangements.

9.2 Once the Order has been made, the Commission will publish a press release and distribute to local media advising that new electoral arrangements will be implemented at the next local elections. The press release will also direct interested parties to the Commission's website where the final recommendations will be available in detail.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector will be limited to the area for which the Order makes provision. The one-off cost of producing the map referred to by the instrument is to be funded by the Commission. The one-off cost of amending the electoral register to

[3] http://www.lgbce.org.uk/__data/assets/pdf_file/0003/28452/Birmingham-further-draft-recommendations.pdf

reflect the new city wards and parish wards is to be funded by Birmingham City Council.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 The Commission will have no role in monitoring Birmingham City Council's implementation of the City of Birmingham (Electoral Changes) Order 2016. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Birmingham City Council. The Order will be reviewed insofar as the Commission continually monitors local authorities in England to identify any that meet its criteria for electoral reviews.

13. Contact

13.1 Marcus Bowell at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.