EXPLANATORY MEMORANDUM TO

THE BABERGH (ELECTORAL CHANGES) ORDER 2018

2018 No. [XXXX]

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 district wards and numbers of councillors for Babergh District Council at the district elections in 2019 and thereafter.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 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 Babergh District Council.

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 Babergh District Council in April 2017. The Commission conducted the review at the request of the council, alongside the electoral review taking place in Mid-Suffolk. Based on the December 2016 electorate figures, 6 of 27 wards (22%) had an electoral variance of greater than 10% when compared to the average for the authority.

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 five-stage review process the Commission published its 'New electoral arrangements for Babergh District Council – Final recommendations'[1] on 7 August 2018.

7.3 The Order provides for changes to the electoral arrangements for Babergh District Council at the district elections in 2019 as recommended by the Commission. The existing wards of the council will be replaced by 24 new ones. One ward will return three councillors, six wards will return two councillors and 17 wards will each return a single councillor. The Commission considered that the evidence received justified one ward having a variance predicted to vary by more than 10% from the authority average by 2023.

7.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a borough, district or county 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 the authority. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new district 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 district 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.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This Instrument does not amend or revoke any legislation.

[1] http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/Eastern/Suffolk/Babergh/Final%20Recs/Babergh%20Report%20Web.pdf

10. Consultation outcome

10.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from April 2017 to March 2018. During the course of the review, the Commission received approximately 166 representations. The consultations involved the District Council, parish and town councils, local MPs and other interested parties. 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 district. The Commission initially considered that a council size of 31 would ensure effective and convenient local government for the authority. Having considered the submissions received, the Commission published its report 'Draft Recommendations on the new electoral arrangements for Babergh District Council' [2] on 3 October 2017. Following a ten-week consultation on the draft recommendations, the Commission considered the further evidence received and published New Draft Recommendations[3] based on amended electoral forecast data. At this stage, the Commission decided to recommend a council size of 32 rather than 31 given that this provided a better allocation of councillors across the District. Following a ten-week consultation on the new draft recommendations, the Commission considered the further evidence received and published its final recommendations.

10.2 In response to the consultation on the new draft recommendations, the Commission modified its recommendations in Hadleigh, Cosford and Shotley. This was because of evidence we received that our draft recommendations did not provide for the best representation of local communities or reflect their identities and interests.

10.3 The Commission confirmed its draft recommendations for the remainder of the district as final.

10.4 A detailed analysis of the outcome of the consultation is set out in the report 'New electoral arrangements for Babergh District Council – Final recommendations' which is available at http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/Eastern/Suffolk/Babergh/Final%20Recs/Babergh%20Report%20Web.pdf.

11. Guidance

11.1 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.

12. Impact

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

12.2 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

[2] http://s3-eu-west-2.amazonaws.com/lgbce/__data/assets/pdf_file/0004/35536/Draft-recommendations-Report-Babergh_Updated-1.pdf

[3] http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/Eastern/Suffolk/Babergh/Draft%20Recs/Babergh%20Report%20Web.pdf

funded by the Commission. The one-off cost of amending the electoral register to reflect the new wards is to be funded by Babergh District Council.

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

13. Regulating small business

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

14. Monitoring & review

14.1 The Commission will have no role in monitoring the Council's implementation of the Babergh District Council (Electoral Changes) Order 2018. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Babergh District 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.

15. Contact

15.1 Marcus Bowell, Director of Strategy & Communications at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can be contacted with any queries regarding the instrument.