EXPLANATORY MEMORANDUM TO

THE BATH AND NORTH EAST SOMERSET (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 Bath and North East Somerset 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 Bath and North East Somerset 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 Bath and North East Somerset Council in July 2017. The Commission decided to conduct the review as, based on the December 2015 electorate figures, 35% of wards had an electoral variance of greater than 10% from the average for the authority and one ward had a variance of greater than 30%.

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 Bath and North East Somerset Council'[1] on 7 August 2018.

7.3 The Order provides for changes to the electoral arrangements for Bath and North East Somerset Council at the district elections in 2019 as recommended by the Commission. The existing wards of the council will be replaced by 33 new ones. 26 wards will return two councillors and seven wards will each return a single councillor. The Commission considered that the evidence received justified one ward having an electoral variance of greater 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.

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[1] http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Somerset/Bath%20and%20North%20East%20Somerset/Final%20Recs/BANES%20report%20Web.pdf

9. Consolidation

9.1 This Instrument does not amend or revoke any legislation.

10. Consultation outcome

10.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from July 2017 to June 2018. During the course of the review, the Commission received approximately 750 representations. The consultations involved the District Council, parish and town councils, local MPs, local residents 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 considered that a council size of 59 would ensure effective and convenient local government for the authority. Having considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for Bath and North East Somerset Council[2] on 5 December 2017. The Commission provided the opportunity for comment on the draft recommendations during an eleven-week consultation which attracted submissions containing further evidence.

10.2 In response to the consultation on the draft recommendations, the Commission received proposals that the parish of Bathampton be included in Bathavon North ward. The Commission decided to accept this proposal and made consequential changes to its proposed Bathavon South ward and Clutton & Farmborough ward. Having considered the further evidence received the Commission also decided to modify its draft recommendations for wards in the city of Bath.

10.3 However, the Commission considered its modifications to wards in the city of Bath[3] to be so substantial that it decided to conduct a four-week period of further limited consultation for the city. This consultation brought forward responses which supported these changes. The Commission made, however, some small adjustments to its further draft recommendations for Bathwick, Kingsmead and Oldfield Park, and adjoining wards in order to reflect detailed evidence submitted. 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 'Final recommendations - New electoral arrangements for Bath and North East Somerset Council' which is available at http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Somerset/Bath%20and%20North%20East%20Somerset/Final%20Recs/BANES%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.

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[2] http://s3-eu-west-2.amazonaws.com/lgbce/__data/assets/pdf_file/0017/36521/Bath-and-North-East-Somerset-Draft-Recommendations-Report.pdf

[3] http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Somerset/Bath%20and%20North%20East%20Somerset/Further%20Draft%20Recs/BANES%20FurtherDR%20Map.jpg

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 funded by the Commission. The one-off cost of amending the electoral register to reflect the new wards is to be funded by Bath and North East Somerset 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 Bath and North East Somerset (Electoral Changes) Order 2018. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Bath and North East Somerset 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.