EXPLANATORY MEMORANDUM TO

THE BEDFORD (ELECTORAL CHANGES) ORDER 2011

2011 No. [Draft]

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 draft Order provides for new district wards and numbers of district councillors for the district of Bedford at the district elections in 2011. The draft Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2011 wherever this is necessary because a parish is to be split between new district wards.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative context

4.1. The Local Government Boundary Commission for England has power under section 59 of the Local Democracy, Economic Development and Construction Act 2009 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. This instrument is being made to give effect to the Local Government Boundary Commission for England's recommendations for new electoral arrangements set out in its report prepared following an electoral review of the district of Bedford.

4.2. This instrument is one of a group of eight similar ones laid before Parliament together. The others are the Central Bedfordshire (Electoral Changes) Order 2011, the Mansfield (Electoral Changes) Order 2011, the Northampton (Electoral Changes) Order 2011, Sedgemoor (Electoral Changes) Order 2011, the South Derbyshire (Electoral Changes) Order 2011, Stoke-on-Trent (Electoral Changes) Order 2011 and the West Somerset (Electoral Changes) Order 2011.

5. Territorial extent and application

5.1. This instrument applies to England.

6. European Convention on Human Rights

6.1. As the instrument is subject to the 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 Boundary Committee for England began the electoral review of Bedford on 4 August 2009 following a direction given by the Electoral Commission. Parliament had recently approved a statutory instrument establishing the new unitary authority of Bedford in place of the existing county and district councils. The Electoral Commission was obliged under section 12(5) of the Local Government and Public Involvement in Health Act 2007 to consider whether new unitary authorities should be the subject of an electoral review by the Boundary Committee for England. Its view was that an electoral review of the new unitary authority was necessary. However, on 1st April 2010 the Local Government Boundary Commission for England was established under section 55 of the Local Democracy, Economic Development and Construction Act 2009. In accordance with the provisions of that Act the Commission assumed the functions of the Boundary Committee and took over the conduct of the electoral review.

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 reflect community identities and interests and ensure that the wards or divisions allow for effective and convenient local government. To achieve these aims, the Commission (and Committee before it) tries to ensure that the number of electors per councillor in every ward or division it recommends varies by no more than 10% from the average, to ensure good levels of electoral equality, but is happy to show flexibility in varying by more than 10% from the average based on the evidence provided to it during the consultation stages of the review. Following a four-stage review process the Commission published its 'Final recommendations - New electoral arrangements for Bedford Borough Council'[1] on 26 October 2010.

7.3. The draft Order provides for changes to the electoral arrangements for the district of Bedford at the district elections in 2011 as recommended by the Local Government Boundary Commission for England. The existing wards of the district will be replaced by 27 new ones. 13 wards will return two councillors and each of the other 14 wards will return one councillor. The Local Government Boundary Commission for England evaluated how many wards would have electoral variances of more than 10% to give an overall indication of how its recommendations would improve electoral equality across the authority. The number of electors represented by each councillor in 25 of the 27 new wards is not predicted to vary by more than 10% from the average across the district by 2015. The other two new wards are predicted to vary by more than 10% because sufficiently strong evidence of community identity had been received by the Commission to justify higher levels of electoral imbalance.

[1] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2010/bedford-borough-final-recs.pdf

7.4. Under section 56 of the Local Democracy, Economic Development and Construction Act 2009, whenever the Local Government Boundary Commission for England recommends changes to the electoral arrangements for a district 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 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 draft 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 draft Order does not amend or revoke any legislation.

8. Consultation outcome

8.1. The draft Order gives effect to recommendations that were consulted on during the Boundary Committee for England's and the Local Government Boundary Commission for England's review of electoral arrangements from August 2009 until October 2010. It undertook three separate consultations during the course of the review. There was an initial period of consultation on the most appropriate council size for the new authority followed later by a 12-week consultation on its wider electoral arrangements. Having considered the submissions received, the Local Government Boundary Commission for England published its 'Draft recommendations - New electoral arrangements for Bedford Borough Council'[2] on 17 May 2010. There was then a further 8-week consultation on the draft recommendations. Following this, the Local Government Boundary Commission for England considered the further evidence received during consultation and published its final recommendations report on 26 October 2010.

8.2. During the course of the review, the Boundary Committee and the Local Government Boundary Commission for England received approximately 60 responses to their consultations. The consultations involved Bedford Borough Council, parish and town councils, local MPs and other interested parties. The Boundary Committee for England considered that a council size of 40 would ensure effective and convenient local government for the district. On the basis of the submissions received, the Local Government Boundary Commission for England based its draft recommendations on submissions from Bedford Borough Council with some modifications in the north and east of Bedford town and the rural south-east of the district to provide more clearly defined ward boundaries that reflect community interests.

[2] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2010/bedford-draft-recs-final-web.pdf

8.3. In response to consultation on the draft recommendations, the Local Government Boundary Commission for England decided to modify the draft recommendations in the north of Bedford town and the Brickhill areas of the authority. These modifications were based on proposals put forward by Bedford Borough Council in response to the draft recommendations. Most submissions received during consultation were in opposition to the recommendation to ward the Spires Estate of the parish of Renhold with wards in Bedford town, and the recommended two-member Great Barford ward. The Local Government Boundary Commission for England considered that the Spires Estate shared greater community links with the north of Bedford town and could be incorporated in the proposed Goldington ward without an adverse effect on electoral equality in adjoining wards. It also considered that a two-member Great Barford ward would better reflect clear transportation and communication links than two single-member wards, as proposed by Bedford Borough Council.

8.4. The Local Government Boundary Commission for England also received a petition signed by approximately 400 local residents objecting to the Commission's recommended Castle ward and putting forward an alternative warding pattern. The Local Government Boundary Commission for England considered that adopting the alternative proposals, while providing reasonable electoral equality for Castle ward, would have a significant consequential affect on the warding arrangements for the wider area, and specifically for areas where good evidence had been received to support the draft recommendations.

8.5. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for Bedford Borough Council' which is available at www.lgbce.org.uk/all-reviews/eastern/bedfordshire/bedford-electoral-review.

9. Guidance

9.1. The Commission does not intend to issue any guidance alongside this instrument. This is not considered necessary as the draft 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 draft 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. No impact assessment has been prepared because no impact on the private sector or the voluntary sector is foreseen.

10.2. The impact on the public sector will be limited to the area for which the draft Order makes provision. The one-off cost of producing the map referred to by the

instrument is to be funded by the Local Government Boundary Commission for England. The one-off cost of amending the electoral register to reflect the new district wards and parish wards is to be funded by Bedford Borough Council.

11. Regulating small business

11.1. The draft Order does not apply to small business.

12. Monitoring and review

12.1. The Local Government Boundary Commission for England will have no role in monitoring Bedford Borough Council's implementation of the Bedford (Electoral Changes) Order 2011. The Local Government Boundary Commission for England is not required to undertake such monitoring; that is a matter for the relevant officers of Bedford Borough Council.

12.2. 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 (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.