EXPLANATORY MEMORANDUM TO

THE BRAINTREE (ELECTORAL CHANGES) ORDER 2014

2014 No.

1. This explanatory memorandum has been prepared by the Local Government Boundary Commission for England (the Commission) 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 district councillors for the district of Braintree at the district elections in 2015 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2015 and thereafter 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 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 district of Braintree.

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

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 Braintree on 12th March 2013. The Commission decided to conduct the review following a request made by Braintree District Council. The Council requested an electoral review with a view to reviewing council size.

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 Braintree District Council'[1] on 29 July 2014.

7.3. The Order provides for changes to the electoral arrangements for the district of Braintree at the district elections in 2015 as recommended by the Commission. The existing wards of the district will be replaced by 26 new ones. Six wards will each return one councillor, 17 wards will each return two councillors and three wards will each return three councillors. The Commission considered that the evidence received justified no wards having variances predicted to vary by more than 10% from the authority average by 2019.

7.4. Under section 56 of the 2009 Act, whenever the Commission 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 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

[1] http://www.lgbce.org.uk/__data/assets/pdf_file/0004/22855/Braintree-Final-Recommendations-Full-Report-post-editor.pdf

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from March 2013 until July 2014. There was an initial six week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and a second 10 week consultation, during which the Commission asked for proposals on ward boundaries for the district. Having considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for Braintree District Council'[2] on 21 January 2014. Following a further 12 week consultation on the draft recommendations, the Commission considered the evidence received and published its final recommendations.

8.2. During the course of the review, the Commission received 183 representations. The consultations involved Braintree District Council, parish, town and community councils, local MPs and other interested parties. The Commission considered that a council size of 49 would ensure effective and convenient local government for the district. The Commission developed the draft recommendations with regard to the evidence received and the Commission's statutory criteria.

8.3. In response to the consultation on the draft recommendations, the Commission made one minor amendment to its draft recommendations and changed the names of three wards.

8.4. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for Braintree District Council' which is available at http://www.lgbce.org.uk/__data/assets/pdf_file/0004/22855/Braintree-Final-Recommendations-Full-Report-post-editor.pdf

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. 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 Order makes provision. The one-off cost of producing the map referred to by the instrument is to be

[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0017/13193/braintree-draft-recommendations-2014-01-21.pdf

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

11. Regulating small business

11.1. The Order does not apply to small business.

12. Monitoring and review

12.1. The Commission will have no role in monitoring Braintree District Council's implementation of the Braintree (Electoral Changes) Order 2014. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Braintree District 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 Commission (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.