EXPLANATORY MEMORANDUM TO

THE CAMBRIDGESHIRE (ELECTORAL CHANGES) ORDER 2016

2016 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 county divisions and numbers of county councillors for the county of Cambridgeshire at the county elections in 2017 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 Cambridgeshire County Council.

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 Cambridgeshire in October 2014. The Commission decided to conduct the review of Cambridgeshire County Council as, based on the 2013 electorate figures, 32% of the county's divisions had an electoral variance of more than 10% from 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 'Final recommendations – 'New electoral arrangements for Cambridgeshire County Council'[1] on 6 September 2016.

7.3 The Order provides for changes to the electoral arrangements for Cambridgeshire County Council at the county elections in 2017 as recommended by the Commission. The existing divisions of the county will be replaced by 59 new ones. 57 divisions will each return one councillor and two divisions will return two councillors. The Commission considered that the evidence received justified four divisions having variances predicted to vary by more than 10% from the authority average by 2021.

7.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a 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 that county. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new county divisions, 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 county 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 October 2014 until September 2016. There was an initial 10-week consultation on the most appropriate division boundaries for the county. Having considered the submissions received, the Commission published its 'Draft recommendations for new electoral arrangements for Cambridgeshire' on 12 May 2015[2]. Following an eight-week consultation on the draft recommendations, the Commission considered the further evidence received and carried out a further round

[1] http://www.lgbce.org.uk/__data/assets/pdf_file/0020/29522/Cambridgeshire-final-recommendations.pdf
[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0015/25233/Cambridgeshire-draft-recommendations-2015-05-122.pdf

of limited consultation in Cambridge City in November 2015. Upon completion of this, the Commission considered the further evidence received and published its final recommendations on 9 February 2016. Following publication of the final recommendations, the Commission received representations from local people and organisations who felt that their views had not been fully heard during previous phases of the review. The Commission investigated the issues raised and concluded that it should publish new draft recommendations for the whole of Cambridgeshire. Following a six-week consultation, the Commission considered the further evidence received and published final recommendations on 6 September 2016.

8.2 During the course of the review, the Commission received 743 representations. The consultations involved Cambridgeshire County Council, local MPs, parish and town councils, local organisations and other interested parties. The Commission based its draft recommendations on a council size of 61, a decrease of eight. The Commission initially agreed to Cambridgeshire County Council's council size proposal of 63. However, during the development of the draft recommendations, the Commission changed the council size as it considered it would better reflect the Commission's statutory criteria and provide a better allocation of county councillors between districts.

8.3 The Commission received 63 submissions in response to its consultation on division patterns. The Commission based its draft recommendations on aspects of the submissions received.

8.4 The Commission received 253 submissions in response to its consultation on draft recommendations, the majority of which referred to the proposed division arrangements in the districts of Cambridge City, East Cambridgeshire and Fenland. We also received alternative proposals for these districts.

8.5 The Commission did not consider that the alternative schemes for East Cambridgeshire and Fenland better reflected the statutory criteria. The Commission therefore confirmed the draft recommendations for East Cambridgeshire and Fenland as final. The Commission decided to carry out further limited consultation in Cambridge City on an alternative pattern of divisions that had not yet been consulted on. The Commission received 114 submissions in response to its further consultation on Cambridge City. As a result of this consultation, the Commission recommended that the alternative pattern of divisions be part of its final recommendations. The Commission made other modifications to its draft recommendations in Huntingdonshire and South Cambridgeshire districts.

8.6 Following the publication of new draft recommendations, the Commission received 313 submissions. The majority of submissions referred to the proposed division arrangements in the districts of Cambridge City, East Cambridgeshire and Huntingdonshire. As a result of this consultation, the Commission recommended changes in each of the three districts. The Commission confirmed its new draft recommendations for Fenland and South Cambridgeshire as final.

8.7 A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations for new electoral arrangements for Cambridgeshire' which is available at http://www.lgbce.org.uk/current-reviews/eastern/cambridgeshire/cambridgeshire-county-council

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 reflect the new divisions is to be funded by the districts of Cambridgeshire.

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 Cambridgeshire County Council's implementation of the Cambridgeshire (Electoral Changes) Order 2016. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the constituent districts of Cambridgeshire. 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.