EXPLANATORY MEMORANDUM TO

THE CHESHIRE EAST (ELECTORAL CHANGES) ORDER 2011

2011 No.

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 Cheshire East 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. This is the first use of the Local Government Boundary Commission for England's powers under section 59 of the Local Democracy, Economic Development and Construction Act 2009 to make an order following an electoral review. Similar orders were previously made by the Electoral Commission under the Local Government Act 1992 but they were not subject to Parliamentary procedures.

4.2. This instrument is being made to give effect to the Local Government Boundary Commission for England's recommendations for new electoral arrangements for Cheshire East.

4.3. This instrument is one of a group of four similar ones laid before Parliament together. The others are the Northumberland (Electoral Changes) Order 2011, the Cornwall (Electoral Changes) Order 2011 and the Cheshire West and Chester (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 – the number of councillors and the names, number and boundaries of wards or divisions – for a specific local authority. 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.

7.2. The Boundary Committee for England began the electoral review of Cheshire East Council on 24 February 2009 following a direction given by the Electoral Commission. Parliament had recently approved a statutory instrument establishing the new unitary authority of Cheshire East 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. The Boundary Committee for England and subsequently, the Local Government Boundary Commission for England conducted an electoral review. The Commission published its final recommendations, entitled “Final Recommendations on the new electoral arrangements for Cheshire East Council”, in July 2010.

7.3. The draft Order provides for changes to the electoral arrangements for the district of Cheshire East 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 52 new ones. Six wards will return three councillors, 18 wards will return two councillors and each of the other 28 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 all of the 52 new wards is not predicted to vary by more than 10% from the average across the district by 2015.

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. In addition to making changes to electoral arrangements for the district the draft Order therefore also abolishes existing parish wards and establishes new parish wards whenever this is necessary because the existing parish wards would otherwise be split between new district wards. This is not necessary for the parish of Shavington cum Gresty because the new district ward boundaries will follow existing parish ward boundaries. The draft Order also sets the number of parish councillors for each parish ward.

- 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 February 2009 until July 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 Boundary Committee for England published its "Draft Recommendations on the new electoral arrangements for Cheshire East Council" on 10 November 2009. There was then a further 14 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 13 July 2010.

8.2. During the course of the review, the Boundary Committee and the Local Government Boundary Commission for England received over 300 responses to their consultations. The consultations involved Cheshire East Council, parish and town councils, local MPs and other interested parties. The Boundary Committee for England considered that a council size of 82 would ensure effective and convenient local government for the district. On the basis of the submissions received, the Boundary Committee for England based its draft recommendations on submissions from Cheshire East Council as well as three local political parties.

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 Crewe and Leighton areas of the authority as well as adopting locally suggested ward

names for several areas. Most submissions received during consultation were in opposition to the recommendation to ward Adlington with the west of Poynton, as well as the recommendations in the north of Wilmslow and Handforth. The Local Government Boundary Commission for England considered that warding Adlington with more rural areas to its south and east would not ensure that electoral variances would be kept to a minimum. Moreover, such a change would have a significant consequential affect on the warding arrangements for the wider authority, and specifically for areas where good evidence had been received to support the draft recommendations.

8.4. The Local Government Boundary Commission for England also noted the lack of consensus in the submissions received with regard to single- or multi-member wards. However, it noted the greater measure of consensus that the rural areas of Cheshire East would benefit from single-member wards as this would promote effective and convenient local government and avoid combining too many disparate rural communities within each ward. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations on the future electoral arrangements for Cheshire East Council' which is available at www.lgbce.org.uk/all-reviews/north-west/cheshire/cheshire-east-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 the local authority concerned.

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 Cheshire East Council's implementation of the Cheshire East (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 Cheshire East 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.