EXPLANATORY MEMORANDUM TO

THE CORNWALL (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 electoral divisions and numbers of county councillors for the county of Cornwall at the county elections in 2013. The draft Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2013 wherever this is necessary because a parish is to be split between new electoral divisions.

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 Boundary Committee for England's recommendations for new electoral arrangements for Cornwall. Those recommendations were submitted to the Electoral Commission. Section 60 of the Local Democracy, Economic Development and Construction Act 2009 transferred the functions of the Boundary Committee for England and certain functions of the Electoral Commission to the Local Government Boundary Commission for England.

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 Cheshire East (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 Cornwall Council following a direction given by the Electoral Commission on 26 February 2008. Parliament had recently approved a statutory instrument establishing the new unitary authority of Cornwall 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 conducted an electoral review accordingly and published its final recommendations, entitled “Future electoral arrangements for Cornwall Council”, in December 2009.

7.3. The draft Order provides for changes to the electoral arrangements for the county of Cornwall at the county elections in 2013 as recommended by the Boundary Committee for England. The existing electoral divisions of the county will be replaced by 122 new ones. One electoral division will return two councillors and each of the other 121 electoral divisions will return one councillor. The Boundary Committee for England evaluated how many divisions 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 100 of the new electoral divisions is not predicted to vary by more than 10% from the average across the county by 2012. The other 22 are predicted to vary by more than 10% because sufficiently strong evidence of community identity had been received by the Boundary Committee to justify higher levels of electoral imbalance.

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 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 electoral divisions 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 county 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 electoral divisions. This is not necessary for the parishes of Illogan and Torpoint because the new electoral division 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 review of electoral arrangements from February 2008 until December 2009. During the course of the review, the Boundary Committee received over 400 responses to its consultations.

8.2. The review began in February 2008. The consultation involved the then principal local authorities in Cornwall (the county and district councils), parish and town councils, local MPs and other interested parties. The submissions received during the first stages of the review informed the report 'Draft recommendations on the new electoral arrangements for Cornwall Council', which was published on 2 December 2008.

8.3. During the first stages of the review, the evidence received regarding the most appropriate number of councillors was not sufficient for a reasoned, evidenced decision on the issue so further consultation on the number of councillors took place. The Committee took the decision to consult further on the issue of council size specifically, as it had received conflicting evidence on this issue, with proposals ranging from 80 to 164 councillors.

8.4. After considering fully the evidence received during this consultation, the Committee was convinced by the evidence it had received for a council size of 123. In particular, the Committee accepted the arguments at the time regarding the levels of representation in the county, and was happy to accept that the proponent of this council size had considered how the new authority's political management structure would work with such a number of councillors. The Committee also noted that the proposal for 123 members drew a broad cross-section of support from across the county. The Committee's

full thinking is set out in the draft recommendations report, available on the Commission's website[1].

8.5. As a result of the need to consult further on council size, it was no longer possible to ensure that the final recommendations would be implemented at Cornwall Council's first elections in 2009. In part as a consequence of this, and following consultation with interested parties, the Government decided that elections for the new Cornwall Council should proceed in June 2009 based on the Boundary Committee for England's draft recommendations. While that decision was one for Government to take, the Committee considered that it was important that submissions received during the consultation on the draft recommendations were given due consideration, and that it should continue the review process and complete the review, with the final recommendations for new electoral arrangements likely to come into force at the local government elections in 2013 subject to Parliamentary approval.

8.6. The Committee's draft recommendations were published in December 2008 and were based on proposals from the Cornwall Implementation Executive. However, the Committee departed from the Implementation Executive's proposals in a number of areas, to achieve a better reflection of community identity, or to improve access within divisions. In response to the draft recommendations, the Committee received 182 responses, with a mixture of support and opposition. In particular, the Committee received compelling evidence for alternative proposals in four areas (Bude; Camborne and Redruth; China Clay, St Blazey, Fowey and Lostwithiel; Crowan and Helston).

8.7. As a result of this evidence, a six-week period of limited further consultation was conducted in those four areas. The Committee reconsidered the draft recommendations in the light of the responses to that consultation, and the responses received earlier in the review, before formulating and publishing the final recommendations in December 2009. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations on the future electoral arrangements for Cornwall Council' which is available at www.lgbce.org.uk/all-reviews/south-west/cornwall/cornwall-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.

[1] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2008/cornwall-draft-recommendations-web.pdf

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 electoral divisions 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 Cornwall Council's implementation of the Cornwall (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 Cornwall 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.