EXPLANATORY MEMORANDUM TO

THE CUMBRIA (ELECTORAL CHANGES) ORDER 2012

2012 No. 0000

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 electoral divisions and numbers of county councillors for the county of Cumbria at the county elections in 2013 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2014, 2015, and 2016 and thereafter, 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. 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 county of Cumbria.

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 Commission began the electoral review of Cumbria on 12 October 2010. The Commission decided to carry out the review as based on the December 2009 electorate figures more than 30% of divisions in the county had electoral variances of over 10% from the county average. Most notably, the existing Dalston and Cummersdale division had 33% more electors per councillor than the county average.

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 ward or division 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 the Commission published its "Final recommendations on the electoral arrangements for Cumbria County Council" [1] on 31 July 2012.

7.3. The Order provides for changes to the electoral arrangements for the county of Cumbria at the county elections in 2013 as recommended by the Commission. The existing divisions of the county will be replaced by 84 new ones. Each electoral division will return one councillor.

7.4. The Commission considered that the evidence received justified four divisions having variances predicted to vary by more than 10% from the authority average by 2016.

7.5. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a county council it must also recommend whether, in consequence of those changes, any changes should be made to the electoral arrangements of 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 electoral divisions and under section 56 of that Act, recommendations must be made regarding the number of parish councillors for each parish ward.

7.6. 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

[1] http://www.lgbce.org.uk/__documents/lgbce/draft-final-reports/2012-draftfinal-reports/cumbria-final-recommendations-report-2012-07-27-final-2.pdf

7.7. 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 Commission's review of electoral arrangements from October 2010 until July 2012. There was an initial 6-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the county followed by a 12-week consultation on the most appropriate electoral division boundaries for the county. Having considered the submissions received, the Commission published its "Draft recommendations on the new electoral arrangements for Cumbria County Council"[2] on 25 October 2011. Following a further 14-week consultation on the draft recommendations, the Commission considered further evidence received during the consultation and published its final recommendations.

8.2. In total, 98 representations were received on council size and during the consultation stages of the review. Cumbria County Council (the Council) proposed a council size of 84 members, no change from the current number of elected members. Following further dialogue with the Council, the Commission was satisfied that a council size of 84 would best ensure effective and convenient local government for the county.

8.3. In the absence of an authority-wide scheme or substantive evidence of community identities in many parts of the county, the Commission developed electoral arrangements primarily to achieve high levels of electoral equality. This was balanced against evidence of community identity where such localised submissions were received.

8.4. Following the consultation on the draft recommendations, submissions were received from the Cumbria Conservatives and Cumbria Liberal Democrats. The Council did not put forward any comments on the draft recommendations. For the Allerdale area a local resident put forward alternative proposals for division arrangements. The Commission gave careful consideration to the resident's proposals and paid particular attention to his proposals for Cockermouth area, which reflected the concerns of a number of other respondents, including Cockermouth Town Council. However, the Commission did not adopt these proposals given the poor levels of electoral equality that the resident's proposed Silloth and Keswick & Dewent divisions secured.

8.5. In response to the consultation on the draft recommendations, the Commission modified its recommendations in the Millom area of Copeland district and in the Kendal town area of South Lakeland district. In addition, the Commission put forward a number of division name changes based on comments received during consultation. In all other areas the Commission was of the view that the draft recommendations best reflected the statutory criteria and retained these in its final recommendations.

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[2] http://www.lgbce.org.uk/__documents/lgbce/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/cumbria-draft-recommendations-report-final.pdf

8.6. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Cumbria County Council" which is available at http://www.lgbce.org.uk/all-reviews/north-west/cumbria/cumbria-county-council-fer

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 funded by the Commission. The one-off cost of amending the electoral register to reflect the new divisions and parish wards is to be funded by the 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 the Council's implementation of the Cumbria (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the 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.