EXPLANATORY MEMORANDUM TO

THE DAVENTRY (ELECTORAL CHANGES) ORDER 2012

2012 No. Draft

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 Daventry at the district elections in 2012. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2015 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 that 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 Daventry.

4.2. This instrument is one of a group of five similar ones laid before Parliament together. The others are the Hartlepool (Electoral Changes) Order 2012, the Rugby (Electoral Changes) Order 2012, the Swindon (Electoral Changes) Order 2012 and the West Lindsey (Electoral Changes) Order 2012.

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 Daventry on 20 July 2010. The Commission decided to carry out the review as, based on the December 2009 electorate figures, Abbey North ward had an electoral variance of 43% more than the district average, and the situation was forecast to worsen to 49% over the next five years.

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 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 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. Following a four-stage review process the Commission published its "Final recommendations on the electoral arrangements for Daventry District Council"[1] on 27 September 2011.

7.3. The Order provides for changes to the electoral arrangements for the district of Daventry at the district elections in 2012 as recommended by the Commission. The existing wards of the district will be replaced by 16 new ones. Eight wards will each return three councillors, four wards will each return two councillors and four wards will each return one councillor. The Commission 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 only one of the 16 new wards is predicted to vary by more than 10% from the average across the district by 2016.

7.4. To give effect to all or any of its recommendations, the Commission, under section 59 of the 2009 Act, can include provisions in its order to provide for the number of councillors to be returned by any electoral area, the election of councillors and the order of retirement of councillors for any electoral area. In order to implement the new electoral arrangements for the district, article 4 of the order makes provision that there should be a whole council election in 2012 on the new warding arrangements. The district council will revert back to the established system of elections by thirds in subsequent years. That article and Schedule 2 provides for the order of retirement of councillors and details the number of councillors for each ward that should be elected for 2014, 2015 and 2016.

[1] http://www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/daventry-final-recommendations-v1-2011-09-13-final-editorcomments.pdf

Under the Council's current cycle of elections, there are no elections scheduled for the district in 2013.

7.5. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a district 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 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.

7.6. 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.

7.7. As a result of the changes to the electoral arrangements for the district council, the Order, in accordance with the Commission's powers under subsections 59(2) (g) and 59(4) of the 2009 Act, makes changes to the date of elections of certain parish councils in the districts area. The Order provides for parish elections of Barby to take place on the ordinary day of election of councillors in 2015 rather than 2014 and for the term of office for the councillors elected at the last parish elections in 2010 to be extended to five years. The Order also provides for parish elections of Brington to take place on the ordinary day of election of councillors in 2016. Elections of all parish councillors for the parish of Brington will take place in 2014, however the term of office for the councillors elected 2014 is to be for two years rather than four.

7.8. After the scheduled parish elections in 2015 and 2016 the Order provides for parish councils to revert back to the established system of parish elections every four years.

- Consolidation

7.9. The Order revokes the provisions of any earlier order in so far as it provides for elections in the parishes of Barby or Brington on dates other than provided for in Article 6 of the Order. The Commission does not intend to consolidate the legislation at this time.

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the Commission's review of electoral arrangements from July 2010 until September 2011. There was an initial 6-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the district followed by a 13-week consultation on the most appropriate ward boundaries for the district. Having considered the submissions received, the Commission published its "Draft

recommendations on the new electoral arrangements for Daventry District Council"[2] on 29 March 2011. Following a further 12-week consultation on the draft recommendations the Commission considered further evidence received during the consultation and published its final recommendations.

8.2. Daventry District Council considered that a council size of 33 members would be required to meet its statutory obligations but made representations for 39 members. However, the Commission felt that there was insufficient rationale for this number. The Commission considered that a council size of 36 members would provide for effective and convenient local government in Daventry and after consultation confirmed the draft recommendations on council size as final.

8.3. Under the 2009 Act, where a district council elects by thirds or halves (as opposed to the whole council being elected every four years), there is a presumption that the authority should have a uniform pattern of three-member and two-member wards respectively. The starting point for this review was therefore based on having a uniform pattern of three-member wards, given Daventry District Council's current electoral cycle.

8.4. The Commission received 65 responses to its consultations on warding patterns. The consultation involved Daventry District Council, Town Council and Parish Councils, Residents' Associations, Daventry Conservative Association and Daventry Constituency Labour Party.

8.5. The Commission noted the strength of opposition to a uniform pattern of three-member wards. Responses cited a lack of community cohesion in geographically large wards. There were concerns that councillors would be unable to provide effective representation particularly in the rural areas. Responses focused on opposition to three-member wards in general rather than reasons for departing from three-member wards.

8.6. Representations were received from the Braunston area proposing that it remained a single-member ward due to its unique characteristics and its status as a "working village" whereas the neighbouring wards remained rural in nature. However, retaining Braunston as a single-member ward would result in an unacceptably high electoral variance. Having received a suggestion to link Braunston to Welton as a single-member ward, the Commission agreed that this would strike a balance between achieving good electoral equality and reflecting community interests and identities and adopted this in the final recommendations.

8.7. Submissions were received from the Boughton area stating that the proposed ward was too large with poor access east to west, making it difficult for councillors to provide effective representation. Similarly, submissions were received from the Moulton ward area as well as Welford stating that a three-member ward would lack cohesion and community identity.

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

8.8. As a result, modifications were made to the proposed three-member wards of Braunston, Welford, Boughton and Brixworth and Moulton. The Commission took into account representations received and recommended smaller wards consisting of two-member and single-member wards. The Commission was satisfied that these modifications would better reflect community identity and interests and achieve good electoral equality.

8.9. There was local support for the draft recommendations in the remainder of Daventry Town, which were based on the Council's scheme, and the Commission adopted the draft recommendations for those areas as final.

8.10. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Daventry District Council" which is available at http://www.lgbce.org.uk/all-reviews/east-midlands/northamptonshire/daventry-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 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's 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 district wards and parish wards is to be funded by Daventry 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 Daventry District Council's implementation of the Daventry (Electoral Changes) Order 2012. The Commission is not

required to undertake such monitoring; that is a matter for the relevant officers of Daventry 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.