EXPLANATORY MEMORANDUM TO

THE ESSEX (ELECTORAL CHANGES) ORDER 2024

2024 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 His Majesty.

2. Declaration

2.1 The Local Government Boundary Commission for England confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Richard Buck at the Local Government Boundary Commission for England Telephone: 0330 500 1271 or email: reviews@lgbce.org.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will give effect to the outcome of an electoral review conducted by the Local Government Boundary Commission for England. The Commission made recommendations set out in its report dated 9 July 2024 following a review of the electoral arrangements of Essex County Council. Electoral arrangements refer to the total number of councillors elected to the authority under review, and the names, number and boundaries of county divisions and, where applicable, parish wards. This also relates to the number of councillors to be elected for each county division and affected parish ward. The new arrangements for the county council are scheduled to come into effect at local elections in May 2025.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 The purpose of an electoral review is to decide on the appropriate electoral arrangements for a specific local authority. The Order provides for these changes to the electoral arrangements for Essex County Council to be implemented at future local elections. The existing divisions of the Council, as provided for under the County of

Essex (Electoral Changes) Order 2004[1] will be replaced by 78 new ones. All 78 divisions will each return a single councillor. The Commission considered that the evidence received justified seven divisions having electoral variances of greater than 10% from the authority average by 2029. Where relevant, existing parish electoral arrangements provided for in previous statutory instruments may change as a consequence of this instrument.

5.2 The Commission began the electoral review of Essex County Council in March 2023. It decided to conduct the review as, based on the December 2021 electorate figures, 30% of divisions had an electoral variance of greater than 10% from the average for the authority and one division had a variance of greater than 30%. Additionally, the authority's last review was completed in 2004 and the Commission is required to review the electoral arrangements of every council in England 'from time to time'.

5.3 An electoral review aims to ensure that the number of electors represented by each 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 four-stage review process the Commission published its 'New electoral arrangements for Essex County Council - Final Recommendations'[2] on 9 July 2024.

5.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a borough, district or 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 the authority. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new district wards or county divisions, and under section 56 of that Act, recommendations must be made regarding the number of parish councillors for each parish ward.

5.5 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.

What was the previous policy, how is this different?

5.6 The instrument brings into effect at the appropriate election, the final recommendations of the Local Government Boundary Commission for England's most recent electoral review of the authority which will, in most cases, be different from the outcome of the previous review.

6. Legislative and Legal Context

How has the law changed?

6.1 The Local Government Boundary Commission for England has the power under section 59 of the Local Democracy, Economic Development and Construction Act

[1] https://www.legislation.gov.uk/uksi/2004/2813/made.

[2] https://www.lgbce.org.uk/sites/default/files/2024-08/essex_fr_report.pdf.

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 of a local authority under section 56(1) of that Act. This order therefore gives effect to the outcome of the Commission's recommendations for Essex County Council.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes to the electoral arrangements of the authority.

7. Consultation

Summary of consultation outcome and methodology

7.1 This Order gives effect to recommendations that were consulted on during the review of electoral arrangements from March 2023 to February 2024. During the course of the review, the Commission received approximately 170 representations. The consultations involved the County Council, district and borough councils, parish and town councils, local MPs, local residents and other interested parties. There was an initial ten-week consultation, during which the Commission asked for proposals on the most appropriate division boundaries for the county. The Commission initially considered that a council size of 77 would ensure effective and convenient local government for the authority. However, having considered the evidence received during consultation on division boundaries, it decided to increase this number to 78 councillors.

7.2 Having considered the submissions received, the Commission published its 'New electoral arrangements for Essex County Council – Draft Recommendations'[3] on 28 November 2023. Following a twelve-week consultation on the draft recommendations, the Commission considered the further evidence received and published its final recommendations.

7.3 In response to the consultation on the draft recommendations, the Commission modified its recommendations for divisions in Brentwood and Colchester because of evidence submitted that the draft recommendations did not provide an effective reflection of community identities. The Commission also recommended that the proposed Buckhurst Hill West & Loughton South division be renamed Loughton South & Buckhurst Hill West, and that Clacton West division be renamed Clacton West & St Osyth.

7.4 The Commission confirmed its draft recommendations for the remainder of the county as final.

7.5 A detailed analysis of the outcome of the consultation is set out in the report 'New electoral arrangements for Essex County Council – Final Recommendations' dated July 2024. As indicated in the Order, the mapping referred to in the Order is normally accessible at all reasonable times at the Commission's offices. If any person wishes to view the map and the report, the Commission will consider this and seek to make appropriate arrangements. Moreover, the relevant map, as well as the report are accessible on our website, which is available at https://www.lgbce.org.uk/all-reviews/essex.

[3] https://www.lgbce.org.uk/sites/default/files/2023-11/essex_full_report_final_1.pdf.

8. Applicable Guidance

8.1 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.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there are no significant or anticipated impacts that would follow from its implementation.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the impact relates specifically to changes to the electoral arrangements of Essex County Council and it will fall to the relevant councils to implement these changes.

9.3 The legislation does not impact small or micro businesses.

9.4 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 electoral arrangements is to be funded by the relevant councils in Essex.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Commission will have no role in monitoring the implementation of the Essex (Electoral Changes) Order 2024. The Commission is not required to undertake such monitoring; that is a matter for the officers of the relevant councils in Essex. 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.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).