EXPLANATORY MEMORANDUM TO

THE NORTHUMBERLAND (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 Northumberland 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 Northumberland. 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 Cornwall (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 Northumberland County Council on 15 July 2008 following a direction given by the Electoral Commission. Parliament had recently approved a statutory instrument establishing the new unitary authority of Northumberland 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 “Final Recommendations on the new electoral arrangements for Northumberland County Council”, in March 2010.

7.3. The draft Order provides for changes to the electoral arrangements for the county of Northumberland 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 66 new ones. One electoral division will return two councillors and each of the other 65 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 58 of the new electoral divisions is not predicted to vary by more than 10% from the average across the county by 2013. The other eight 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 Amble by the Sea, Berwick-upon-Tweed, and Chatton 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. After the final recommendations were published Northumberland County Council changed the name of the parish of North Bedlington to Choppington.

- 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 July 2008 until March 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 Northumberland County Council" on 25 August 2009. There was then a further 12 week consultation on the draft recommendations. Following this, the Boundary Committee for England considered the further evidence received during consultation and published its final recommendations report on 9 March 2010.

8.2. During the course of the review, the Boundary Committee received 119 responses to its consultations. The consultation involved Northumberland County Council, parish and town councils, local MPs and other interested parties. The Boundary Committee for England considered that a council size of 67 would ensure effective and convenient local government for the county while not having an adverse affect on the council's ability to effectively discharge its functions.

8.3. On the basis of the submissions received, the Boundary Committee for England based its draft recommendations on the submission from the County Council. However, it decided

to move away from the Council's proposals in a number of areas including Alnwick, where it proposed a two-member division. The Boundary Committee for England considered that two single-member divisions in this area would arbitrarily divide the constituent communities in the town. In response to consultation on its draft recommendations, the Boundary Committee for England decided to modify its draft recommendations in the Bamburgh and Rothbury areas. Persuasive local evidence came forward during consultation which indicated that a modification to the recommendations in this area would better reflect community identities and interests and more accurately reflect communication links between settlements. The Boundary Committee for England also put forward a minor boundary modification in Cramlington and a change to division names in Prudhoe town as part of its final recommendations. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations on the future electoral arrangements for Northumberland County Council' which is available at www.lgbce.org.uk/all-reviews/north-east/northumberland/northumberland-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 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 Northumberland Council's implementation of the Northumberland (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 Northumberland 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.