EXPLANATORY MEMORANDUM TO

THE ROTHERHAM (ELECTORAL CHANGES) (AMENDMENT) ORDER 2019

2019 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 Her Majesty.

2. Purpose of the instrument

2.1 The Rotherham (Electoral Changes) Order 2018 (SI 2018/327) ("the 2018 Order") gave effect to recommendations for changes to the electoral arrangements for the Metropolitan Borough of Rotherham in the Local Government Boundary Commission's report of October 2017 ("the 2017 Report"). This instrument amends the electoral arrangements for the parish of Bramley, as set out in the 2018 Order, in respect of the number of parish councillors to be elected for each ward of that parish.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This Order is being issued free of charge to all known recipients of the 2018 Order.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 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. If a mistake occurs in the preparation of the report and that has been reflected in an Order made under section 59, section 59(6) gives the power to make a further Order to rectify the mistake. This Order is being made in consequence of a mistake in the 2017 report which was carried over to the 2018 Order; this Order corrects that error.

7. Policy background

What is being done and why?

7.1 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 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.

7.2 Consequently, in addition to making changes to the electoral arrangements for the borough, the 2018 Order also made provision with respect to the establishment of new parish wards and set the number of parish councillors for each ward of the parish of Bramley.

7.3 The Commission will always seek, when making recommendations for parish wards, to maintain the current total number of councillors to be elected to a town or parish council at their next normal election. However, the 2017 Report incorrectly identified the current number of parish councillors to be elected to Bramley Parish Council as seven, and this was given effect by the 2018 Order. Bramley Parish Council currently comprises 13 councillors. Therefore, the Amendment Order ensures that 13 parish councillors may be elected to Bramley Parish Council at the Parish Council's next election in May 2020 and thereafter. It also ensures that the number of councillors to be elected to each parish ward reflects the number of electors in each of those parish wards.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This Order amends the 2018 Order but there are no plans to consolidate this.

10. Consultation outcome

10.1 The 2018 Order gave effect to recommendations that were consulted on during the review of electoral arrangements from February 2017 to September 2017. A detailed analysis of the outcome of the review is set out in the report 'Final recommendations on the new electoral arrangements for Rotherham Metropolitan Borough Council' which is available at http://s3-eu-west-2.amazonaws.com/lgbce/__data/assets/pdf_file/0005/35951/Rotherham-Finalrecommendations.pdf

11. Guidance

11.1 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.

12. Impact

12.1 There is no impact on business, charities or voluntary bodies.

12.2 The impact on the public sector will be limited to the area for which the Order makes provision. The one-off cost of bringing these changes into effect is to be funded by Rotherham Metropolitan Borough Council.

12.3 An Impact Assessment has not been prepared for this instrument.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The Commission will have no role in monitoring the Council's implementation of this Order. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the Council. 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.

15. Contact

15.1 Marcus Bowell, Director of Strategy & Communications at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can be contacted with any queries regarding the instrument.