EXPLANATORY MEMORANDUM TO

THE SOUTH DERBYSHIRE (ELECTORAL CHANGES) ORDER 2011

2011 No. [Draft]

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 district wards and numbers of district councillors for the district of South Derbyshire at the district elections in 2011. The draft Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2011 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 Local Government Boundary Commission for England has power under section 59 of the Local Democracy, Economic Development and Construction Act 2009 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. This instrument is being made to give effect to the Local Government Boundary Commission for England's recommendations for new electoral arrangements set out in its report prepared following an electoral review of the district of South Derbyshire.

4.2. This instrument is one of a group of eight similar ones laid before Parliament together. The others are the Bedford (Electoral Changes) Order 2011, the Central Bedfordshire (Electoral Changes) Order 2011, the Mansfield (Electoral Changes) Order 2011, the Northampton (Electoral Changes) Order 2011, the Sedgemoor (Electoral Changes) Order 2011, the Stoke-on-Trent (Electoral Changes) Order 2011 and the West Somerset (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 including the number of councillors and the names, number and boundaries of wards or divisions for a specific local authority. The Boundary Committee for England began the electoral review of South Derbyshire on 27 October 2009 following a direction given by the Electoral Commission. The Electoral Commission directed the Committee to carry out the review as, based on the December 2008 electorate figures, the number of electors per councillor in 35% of wards varied from the average by over 10% and Woodville ward had 41% more electors per councillor than the average. However, on 1st April 2010 the Local Government Boundary Commission for England was established under section 55 of the Local Democracy, Economic Development and Construction Act 2009. In accordance with the provisions of that Act the Commission assumed the functions of the Boundary Committee and took over the conduct of the electoral review.

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 (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. Following a four-stage review process the Commission published its 'Final recommendations - New electoral arrangements for South Derbyshire District Council'[1] on 12 October 2010.

7.3. The draft Order provides for changes to the electoral arrangements for the district of South Derbyshire at the district elections in 2011 as recommended by the Local Government Boundary Commission for England. The existing wards of the district will be replaced by 15 new ones. Seven wards will return three councillors, seven wards will return two councillors and one ward will return one councillor. The Local Government Boundary Commission for England 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 14 of the 15 new wards is not predicted to vary by more than 10% from the average across the district by 2015. Church Gresley ward is predicted to vary by more than 10% because sufficiently strong evidence of community identity had been received by the Commission to justify higher levels of electoral imbalance.

[1] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2010/sth-derbyshire-_final_report_2010_10_12.pdf

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 district 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 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.

7.5. Consequently, in addition to making changes to the electoral arrangements for the district the draft 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. This is not necessary for the parish of Hatton because the new district ward boundaries will follow the existing parish ward boundaries.

- 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 and the Local Government Boundary Commission for England's review of electoral arrangements from October 2009 until October 2010. There was an initial 12-week consultation, during which the Committee asked for proposals on the most appropriate number of councillors and ward boundaries for the district. Having considered the submissions received, the Local Government Boundary Commission for England published its 'Draft recommendations - New electoral arrangements for South Derbyshire District Council'[2] on 25 May 2010.

8.2. There was then a further 8-week consultation on the draft recommendations. Following this, the Local Government Boundary Commission for England considered the further evidence received during consultation and published its final recommendations report on 12 October 2010.

8.3. During the course of the review, the Boundary Committee and the Local Government Boundary Commission for England received over 50 responses to their consultations. The consultations involved South Derbyshire District Council, parish and town councils, local MPs and other interested parties. The Boundary Committee for England considered that a council size of 36 would ensure effective and convenient local government for the district. On the basis of the submissions received, the Boundary Committee for England based its draft recommendations on the submission South Derbyshire District Council Labour Group and Mr Mark Todd (former MP for South Derbyshire) but moved away from it in a number of areas to better reflect community identities and interests.

[2] www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2010/south-derbyshire-report-final-web.pdf

8.4. In response to consultation on the draft recommendations, the Local Government Boundary Commission for England decided to modify the draft recommendations in the Hartshorne and Smisby areas. The Local Government Boundary Commission for England noted the strong evidence provided by Smisby Parish Council in support of it being incorporated in the proposed two-member Repton ward. The Commission considered this modification would better reflect community identities and not have a significant impact on electoral equality. The Local Government Boundary Commission for England also put forward a modification to its proposed boundary in the Hartshorne area between the proposed district wards of Midway and Woodville. This was to ensure a more clearly defined ward boundary that better reflected communities in this area.

8.5. The Local Government Boundary Commission for England also noted concern from some respondents as to the size and constituent communities of more sparsely populated wards in the north of the district. The Commission considered that, given the distribution of settlements there was little scope for establishing smaller wards while also ensuring good electoral equality. The Local Government Boundary Commission for England therefore confirmed the remainder of its draft recommendations for the district as final.

8.6. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for South Derbyshire District Council' which is available at www.lgbce.org.uk/all-reviews/east-midlands/derbyshire/south-derbyshire-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 district wards and parish wards is to be funded by South Derbyshire District Council.

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 South Derbyshire District Council's implementation of the South Derbyshire (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 South Derbyshire 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 Local Government Boundary Commission for England (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.