EXPLANATORY MEMORANDUM TO

THE STAFFORDSHIRE (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 electoral divisions and numbers of county councillors for the county of Staffordshire at the county elections in 2013 and thereafter. The Order also provides for new parish wards and numbers of parish councillors as the parish elections in 2015 and thereafter 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. 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. 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 county of Staffordshire.

4.2. This instrument is one of a pair of two similar instruments laid before Parliament together. The other is the Gloucestershire (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 Staffordshire on 14 September 2010. The Commission decided to carry out the review as, based on the December 2009 electorate figures, 42% of divisions in the county had electoral variances of over 10% from the county average. Most notably, the existing Keele and Westlands division had 23% more electors than the county average.

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 Staffordshire County Council"[1] on 18 October 2011.

7.3. The Order provides for changes to the electoral arrangements for the county of Staffordshire at the county elections in 2013 as recommended by the Commission. The existing divisions of the county will be replaced by 60 new ones. Two electoral divisions will return two councillors and each of the other 58 electoral divisions will 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 county. The number of electors represented by each councillor in 56 of the new divisions is not predicted to vary by more than 10% from the average across the county by 2016. The other 4 are predicted to vary by more than 10%, which the Commission deemed acceptable because sufficiently strong evidence of community identity had been received to justify higher levels of electoral imbalance.

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

[1] http://www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/staffordshire-final-recommendations.pdf

7.5. 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.

- Consolidation

7.6. The Order does not amend or revoke any legislation.

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the Commission's review of electoral arrangements from September 2010 until October 2011. There was an initial 6-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the county followed by a 12-week consultation on the most appropriate electoral division boundaries for the county. Having considered the submissions received, the Commission published its "Draft recommendations on the new electoral arrangements for Staffordshire County Council"[2] on 24 May 2011. Following a further 12-week consultation on the draft recommendations, the Commission considered further evidence during the consultation and published its final recommendations.

8.2. During the course of the review, the Commission received approximately 115 representations. The consultations involved Staffordshire County Council, parish and town councils, local MPs and other interested parties. The Commission considered that a council size of 62 would ensure effective and convenient local government for the county. The Commission based its draft recommendations on submissions from Staffordshire County Council, a Staffordshire resident and an unattributed scheme. The Commission made some modifications in specific areas to better reflect the statutory criteria.

8.3. In response to the consultation on the draft recommendations, the Commission modified its recommendations in East Staffordshire Borough, South Staffordshire District and Stafford Borough. These modifications were based on responses from Staffordshire County Council and a Staffordshire resident, supported by other local residents, councillors and parish and town councils. Submissions were opposed to the Commission's draft proposals in the Stretton parish in East Staffordshire Borough, Stafford town in Stafford Borough and Penkridge parish in South Staffordshire District. In each of these areas, the Commission considered that the revised schemes allowed for a better balance of the Commission's statutory criteria.

8.4. The Commission also received submissions opposing its proposed boundaries in the Stone town area, in the Wombourne area and in Lichfield District. In each of these cases,

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

the Commission did not consider that satisfactory evidence had been received for it to alter its draft recommendations.

8.5. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Staffordshire County Council" which is available at http://www.lgbce.org.uk/all-reviews/west-midlands/staffordshire/staffordshire-county-council-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 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 Staffordshire County 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 Staffordshire County Council's implementation of the Staffordshire (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Staffordshire County 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.