EXPLANATORY MEMORANDUM TO

THE SWALE (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 Swale (Electoral Changes) Order 2012 (the Order) provides for new district electoral wards and numbers of district councillors for the district of Swale at the district elections in 2015. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2015 wherever this is necessary because a parish is to be split between new district electoral wards.

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 that Act, after conducting an electoral review under section 56(1) of that Act. The Order 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 district of Swale.

4.2. The Order is one of a group of four similar ones laid before Parliament together. The others are the Cumbria (Electoral Changes) Order 2012, the Derbyshire (Electoral Changes) Order 2012 and the Somerset (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 for a specific local authority, including the number of councillors and the names, number and boundaries of wards or divisions. The Commission aims to ensure that the number of electors represented by each county or district councillor is as close to equal as possible, but its 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 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 Commission decided to carry out a review of the district of Swale as, based on the December 2010 electorate figures, Iwade & Lower Halstow ward had 48% more electors per councillor than the district average. The Commission began the electoral review on 16 May 2011. Following a staged review process, the Commission published its "Final recommendations on the electoral arrangements for Swale Borough Council"[1] on 22 August 2012.

7.3. The Order provides for changes to the electoral arrangements for the district of Swale at the district elections in 2015 as recommended by the Commission. The existing wards of the district will be replaced by 24 new ones. Of these, five wards will return one councillor, 15 wards will return two councillors and four wards will return three councillors. 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 authority. The number of electors represented by each councillor in one of the new wards is predicted to vary by more than 10% from the average across the district by 2017.

7.4. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a district 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 district. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new district electoral 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 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.

[1] http://www.lgbce.org.uk/__documents/lgbce/draft-final-reports/2012-draftfinal-reports/swale-final-recommendations-report-2012-08-22.pdf

- 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 May 2011 until August 2012. There was an initial dialogue with Swale Borough Council (the Council), during which the Commission asked for proposals on the most appropriate number of councillors for the district. There followed a six-week consultation on the proposed council size, after which the Commission sought proposals from the Council on appropriate warding arrangements for the district. Having considered the submissions received, the Commission published its "Draft recommendations on the new electoral arrangements for Swale Borough Council"[2] on 24 April 2012. Following a further ten-week consultation on the draft recommendations, the Commission considered further evidence received during the consultation and published its final recommendations.

8.2. In total, 40 representations were received on council size and during the consultation stages of the review. The Conservative, Labour and Liberal Democrat/Independent groups on the Council proposed a council size of 47 members, no change from the current council size. A further 15 submissions were received during consultation on council size. The Commission considered that the evidence presented by the Conservative, Labour and Liberal Democrat/Independent groups provided a comprehensive rationale for a council size of 47 and that this council size would ensure effective and convenient local government for the district.

8.3. Following the consultation on the draft recommendations, some opposition was received to the warding proposals for the towns of Sheerness and Faversham and the parishes of Borden and Tunstall. The Commission considered a variety of options and warding patterns for these areas and on the basis of the evidence received made a minor amendment to a ward boundary in Faversham town. In all other areas the Commission was of the view that the draft recommendations best reflected the statutory criteria and retained these in its final recommendations.

8.4. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Swale Borough Council" which is available at http://www.lgbce.org.uk/all-reviews/south-east/kent/swale-electoral-review

9. Guidance

9.1. The Commission does not intend to issue any guidance alongside the Order. Guidance is not considered necessary as the Order is self-explanatory and gives effect to

[2] http://www.lgbce.org.uk/__documents/lgbce/draft-final-reports/2012-draftfinal-reports/swale-draftrecs-report-final.pdf

recommendations following consultation with interested parties on the changes to electoral arrangements.

9.2. Once the Order has been made, the Commission will publish a press release and distribute it 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 Order is to be funded by the Commission. The one-off cost of amending the electoral register to reflect the new district electoral wards and parish wards is to be funded by the 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 the Council's implementation of the Order. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the 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.