EXPLANATORY MEMORANDUM TO

THE WEST LINDSEY (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 district wards and numbers of district councillors for the district of West Lindsey 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 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 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 district of West Lindsey.

4.2. This instrument is one of a group of five similar ones laid before Parliament together. The others are the Daventry (Electoral Changes) Order 2012, the Hartlepool (Electoral Changes) Order 2012, the Rugby (Electoral Changes) Order 2012 and the Swindon (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 West Lindsey on 20 July 2010. The Commission decided to carry out the review as, based on the December 2009 electorate figures, 44% of wards in the district had electoral variances of over 10% from the average, most notably in Caistor ward which had 31% fewer electors per councillor than the district 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 West Lindsey District Council"[1] on 27 September 2011.

7.3. The Order provides for changes to the electoral arrangements for the district of West Lindsey at the district elections in 2015 as recommended by the Commission. The existing wards of the district will be replaced by 20 new ones. Six wards will each return three councillors, four wards will each return two councillors and ten wards will each 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 authority. The number of electors represented by each councillor in only three of the new wards is predicted to vary by more than 10% from the average across the district by 2016.

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 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

[1] http://www.lgbce.org.uk/__documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/west-lindsey-final-recommendations-report-final-2011-09-27.pdf

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 July 2010 until September 2011. There was an initial 6-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the district followed by a 12-week consultation on the most appropriate ward boundaries for the district. Having considered the submissions received, the Commission published its "Draft recommendations on the new electoral arrangements for West Lindsey District Council"[2] on 29 March 2011. Following a further 12-week consultation on the draft recommendations the Commission considered further evidence received during consultation and published its final recommendations.

8.2. During the course of the review, the Commission received approximately 60 responses to their consultation. The consultations involved West Lindsey District Council, parish and town councils, local MPs and other interested parties. The Commission 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 Commission based its draft recommendations on submissions from West Lindsey District Council with some modifications in the east and north-west of the district to provide more clearly defined ward boundaries that reflect community interests.

8.3. In response to the consultation on the draft recommendations, the Commission modified the draft recommendations in the Lea, Torksey, Nettleham and Sudbrooke areas of the authority. These modifications were based on responses from West Lindsey District Council. Submissions received during consultation were in opposition to the recommendation to create a three-member Nettleham and Sudbrooke ward and a two-member Lea and Torksey ward. Submissions proposed splitting the three-member Nettleham and Sudbrooke ward into a two-member Nettleham ward and a single-member Sudbrooke ward. Submissions also proposed splitting the two-member Lea and Torksey ward into single-member Lea and Torksey wards. The Commission considered that the proposed two-member Nettleham ward and single-member Sudbrooke, Lea and Torksey wards provided a better reflection of community identity without an adverse effect on electoral equality.

8.4. The Commission also received submissions which opposed the proposed two-member Caistor and Yarborough ward. Submissions received considered that there should be a

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

single-member ward based on Caistor town. The Commission considered that adopting this alternative warding pattern did not provide for reasonable levels of electoral equality.

8.5. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for West Lindsey District Council" which is available at www.lgbce.org.uk/all-reviews/east-midlands/lincolnshire/west-lindsey-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 West Lindsey District 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 West Lindsey District Council's implementation of the West Lindsey (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of West Lindsey 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 Commission (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.