EXPLANATORY MEMORANDUM TO

THE WINCHESTER (ELECTORAL CHANGES) ORDER 2015

2015 No. 0000

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 Order provides for new district wards and numbers of district councillors for the district of Winchester at the district elections in 2016 and thereafter.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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 Winchester.

5. Extent and Territorial Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to 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 Winchester in August 2014. The Commission decided to conduct the review of Winchester Council as, based on the 2012 electorate figures,

one of the district's wards has a variance of more than 30% from the average for the authority. The ward – Boarhunt & Southwick – has an electoral variance of 36%.

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 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 division or ward is as close as possible to the average for the authority, but is happy to show flexibility in moving away from the average based on the evidence provided during the consultation stages of the review. Following a four-stage review process the Commission published its 'Final recommendations for new electoral arrangements for Winchester City Council'[1] on 30 June 2015.

7.3 The Order provides for changes to the electoral arrangements for the council at the district elections in 2016 as recommended by the Commission. The existing wards of the district will be replaced by 16 new ones. 13 of these wards will return three members, and three will return two members.

7.4 To give effect to all or any of its recommendations, the Commission, under section 59 of the 2009 Act, can include provisions in its order to provide for the number of councillors to be returned by any electoral area, the election of councillors and the order of retirement of councillors for any electoral area. In order to implement the new electoral arrangements for the authority, article 4 of the Order makes provision that there should be a whole council election in 2016 on the new warding arrangements. The district will revert back to the established system of elections by thirds in 2018. That article provides for the order of retirement of councillors and therefore the number of councillors for each ward that will be elected for 2018, 2019 and 2020. Under the district's current cycle of elections, there are no elections scheduled for the district in 2017.

7.5 Under section 56 of the 2009 Act, whenever the Commission 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.

7.6 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.

Consolidation

7.7 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 review of electoral arrangements from August 2014 until April 2015. There was an initial consultation, during which the Commission asked for proposals on the most

[1] http://www.lgbce.org.uk/__data/assets/pdf_file/0007/25495/Winchester-Final-Recommendations-Final.pdf

appropriate number of councillors for the authority. This was followed by a ten-week consultation on the most appropriate ward boundaries for the district. Having considered the submissions received, the Commission published its 'Draft recommendations for new electoral arrangements for Winchester'[2] on 10 February 2015. Following a further eight-week consultation on the draft recommendations, the Commission considered the further evidence received and published its final recommendations.

8.2 During the course of the review, the Commission received 135 representations. The consultations involved political groups, parish councils, local organisations and other interested parties. The Commission consulted on a council size of 45, a reduction of 12. This figure was suggested by the Council, which felt it would ensure effective and convenient local government.

8.3 The Commission received 33 submissions in response to its consultation on warding patterns including a submission from Winchester Council and authority-wide schemes from two local political parties and a local councillor. The Commission based its draft recommendations on aspects of the submissions received from the local councillor with some amendments.

8.4 The Commission received 101 submissions in response to its consultation on draft recommendations, the majority of which referred to four areas: Compton & Shawford, Colden Common, Twyford and the Upper Meon Valley.

8.5 The Commission considered the representations received and considered that sufficient evidence had been received to move away from a uniform pattern of three-member wards to the south and east of Winchester town. While alternative warding patterns were promoted for other parts of the district, the Commission did not consider that persuasive evidence had been received explaining why these alternatives would better reflect the statutory criteria. The Commission 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 for new electoral arrangements for Winchester' which is available at http://www.lgbce.org.uk/current-reviews/south-east/hampshire/winchester

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

[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0004/25465/Winchester_FinalRecs_Report_FINAL_20150625.pdf

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 Winchester City Council

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

11. Regulating small business

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

12. Monitoring & review

12.1 The Commission will have no role in monitoring Winchester City Council's implementation of the Winchester (Electoral Changes) Order 2015. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Winchester City 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.

13. Contact

13.1 Marcus Bowell at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.