EXPLANATORY MEMORANDUM TO

THE YORK (ELECTORAL CHANGES) ORDER 2014

2014 No.

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 councillors for York at district elections in 2015 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2015 and thereafter 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 York.

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 York in May 2012. The Commission decided to conduct the review as, based on the December 2011 electorate figures, Fulford ward had 33% fewer electors per councillor than the average for the authority.

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 an eight-stage review process the Commission published its 'Final recommendations - New electoral arrangements for City of York Council[1] on 22nd July 2014.

7.3. The Order provides for changes to the electoral arrangements for York at the elections in 2015 as recommended by the Commission. The existing wards of York will be replaced by twenty-one new ones. Ten wards will each return three councillors, six wards will each return two councillors and five wards will each return one councillor. The Commission considered that the evidence received justified no wards having variances predicted to vary by more than 10% from the authority average by 2018.

7.4. 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.

7.5. 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.

- Consolidation

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

[1] http://www.lgbce.org.uk/__data/assets/pdf_file/0018/22770/York-final-recommendations-2014-07-22.pdf

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from May 2012 until July 2014. There was an initial six-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and a second twelve-week consultation, during which the Commission asked for proposals on ward boundaries for York. Having considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for City of York Council' on 14th May 2013. Following a further twelve-week consultation on the draft recommendations, the Commission considered the evidence received and published initial final recommendations on 19th November 2013. After publication of the initial final recommendations, the Commission was subsequently alerted to an error in the information provided to it during the review and decided to publish 'Further Draft recommendations – New electoral arrangements for City of York Council[2] on 4 February 2014. Following a further eight-week consultation on the further draft recommendations, the Commission considered the evidence received and published its final recommendations.

8.2. During the course of the review, the Commission received 165 representations. The consultations involved City of York Council, political groups, parish and town councils and other interested parties. The Commission considered that a council size of 47 would ensure effective and convenient local government for York. The Commission based its further draft recommendations for ward boundaries on its initial final recommendations subject to a modification which transferred Halifax College and adjoining roads from Fulford & Heslington ward to Hull Road ward.

8.3. In response to the consultation on the further draft recommendations, the Commission confirmed all wards in York as final.

8.4. The Commission received a submission opposing all of our recommendations and disputing the accuracy of the Council's electorate figures. The Commission has been in contact with the Council during the course of the review regarding its electorate forecasts and is satisfied with the evidence that it has put forward.

8.5. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations – New electoral arrangement for City of York Council which is available at http://www.lgbce.org.uk/all-reviews/yorkshire-and-humberside/north-yorkshire/city-of-york-fer

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

[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0018/15282/city-of-york-further-draft-recommendations-02-04-2014-final.pdf

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 wards and parish wards is to be funded by City of York 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 City of York Council's implementation of the City of York (Electoral Changes) Order 2014. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of City of York 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.