EXPLANATORY MEMORANDUM TO

THE ISLES OF SCILLY (ELECTORAL CHANGES) ORDER 2017

2017 No. 326

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 electoral areas (referred to as parishes) and numbers of councillors for the Isles of Scilly at the district elections in 2017 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 Isles of Scilly.

5. Extent and Territorial Application

5.1 This instrument applies to England.

5.2 The territorial application of this instrument is 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 the Isles of Scilly in September 2016. It should be noted that the electoral areas from which councillors are elected in this authority are called parishes and are referred to as such in the Order. As in the Commission's recommendations report, they are referred to as wards in this memorandum. The Commission decided to conduct the review as, based on the December 2014 electorate figures, Bryher parish had 55% fewer, St Agnes 54% fewer, St Martin's 33% fewer, St Mary's 28% more, and Tresco 38% 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 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 every electoral area 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 three-stage review process the Commission published its 'Final recommendations - New electoral arrangements for the Council of the Isles of Scilly'[2] on 21 December 2016.

7.3 The Order provides for changes to the electoral arrangements for the Council of the Isles of Scilly at its elections in 2017 as recommended by the Commission. No amendments have been made to boundaries. One of the proposed electoral areas will return twelve councillors, and four will each return one councillor. The Commission considered that the evidence received justified three of these having variances predicted to vary by more than 10% from the authority average by 2022.

Consolidation

7.4 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 September 2016 until November 2016. There was an eight-week consultation, during which the Commission asked for comments on its 'Draft recommendations - New electoral arrangements for the Council of the Isles of Scilly'[1] and the most appropriate number of councillors and boundaries for the Council. Having considered the submissions received, the Commission published its 'Final recommendations - New electoral arrangements for the Council of the Isles of Scilly'[2] on 21 December 2016.

8.2 In response to the consultation on the draft recommendations, the Commission made no modifications to its recommendations and confirmed that 16 councillors would provide the best representation across the Isles of Scilly.

8.3 The Commission also received submissions supporting and opposing a council size of 16 for the Isles of Scilly. The Commission did not consider that satisfactory evidence had been received for it to alter a council size of 16. The Commission did not make changes to the boundaries of the electoral areas of the Council due to the unique

[1] https://www.lgbce.org.uk/__data/assets/pdf_file/0004/29794/CIOS-DraftRecommendations.pdf

[2] https://www.lgbce.org.uk/__data/assets/pdf_file/0013/31702/LGBCE16XX-CIOS-FinalRecommendations-LongReport-FINAL.pdf

nature of the islands. The Commission confirmed its draft recommendations for the district as final.

8.4 A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for the Council of the Isles of Scilly' which is available at https://www.lgbce.org.uk/current-reviews/south-west/cornwall/isles-of-scilly

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.

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 the Council of the Isles of Scilly.

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 the Council of the Isles of Scilly's implementation of the Isles of Scilly (Electoral Changes) Order 2017. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of the Council of the Isles of Scilly. 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.