EXPLANATORY MEMORANDUM TO

THE MID DEVON (ELECTORAL CHANGES) ORDER 2021

2021 No. 899

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 councillors for Mid Devon District Council at the district elections in 2023.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 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 Mid Devon District Council.

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 Mid Devon District Council in August 2019. The Commission decided to conduct the review as, based on the December 2017 electoral figures, 8 of the 24 (33%) wards were identified as having electoral imbalances.

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 six-stage review process the Commission published its 'New electoral arrangements for Mid Devon District Council – Final Recommendations'[1] on 12 January 2021.

7.3 The Order provides for changes to the electoral arrangements for Mid Devon District Council at the district elections in 2023 as recommended by the Commission. The existing wards of the council will be replaced by 22 new ones. Five wards will each return three councillors, 10 wards will return two councillors and 7 wards will each return a single councillor. The Commission considered that the evidence received justified one ward having an electoral variance of greater than 10% from the authority average by 2026.

7.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a borough, district or county 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 the authority. 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.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This Instrument does not amend or revoke any legislation.

10. Consultation outcome

10.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from August 2019 to November 2020. During the course of

[1] https://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Devon/Mid%20Devon/Final/Mid%20Devon%20final%20recommendations%20report.pdf

the review, the Commission received 124 representations. The consultations involved the District Council, parish and town councils, local MPs, local residents and other interested parties. There was an initial 10-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and ward boundaries for the district. The Commission considered that a council size of 42 would ensure effective and convenient local government for the authority. Having considered the submissions received, the Commission published its 'New electoral arrangements for Mid Devon District Council - Draft recommendations'[2] on 4 February 2020. Following a 10-week consultation on the draft recommendations, (which was later extended due to the Covid-19 pandemic) the Commission considered the further evidence received and published 'New electoral arrangements for Mid Devon District Council - Further Draft Recommendations'[3], for the rural west of the authority on 29 September 2020. These were subject to a further six weeks consultation, after which the Commission considered the further evidence received and published its final recommendations.

10.2 In response to the consultation on the draft recommendations, the Commission modified its recommendations by reinstating the existing boundary between Silverton and Cadbury wards and recommended a 13% variance for Lower Culm ward. The Commission also renamed wards in Crediton, Cullompton and Tiverton.

10.3 In response to the consultation on the further draft recommendations, the Commission decided almost entirely to revert to the initial draft recommendations in the rural west of the district, subject to two minor amendments.

10.4 The Commission confirmed its draft recommendations for the remainder of the district as final.

10.5 A detailed analysis of the outcome of the consultation is set out in the report 'New electoral arrangements for Mid Devon District Council - Final Recommendations'. As indicated in the Order, the mapping referred to in the Order is normally accessible at all reasonable times at the Commission's offices. Given the current Covid-19 situation, the Commission's offices are closed and the viewing of a hard copy of the map at its offices is not possible at this time. However, if any person wishes to view the map, the Commission will consider this and seek to make appropriate arrangements. Moreover, the relevant map, as well as the report is accessible on our website, which is available at https://www.lgbce.org.uk/all-reviews/south-west/devon/mid-devon

11. Guidance

11.1 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.

[2] https://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Devon/Mid%20Devon/Draft/MidDevon-report%20WEB.pdf
[3] https://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Devon/Mid%20Devon/FDR/Mid%20Devon%20FDR%20Report.pdf

12. Impact

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

12.2 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 is to be funded by Mid Devon District Council.

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

13. Regulating small business

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

14. Monitoring & review

14.1 The Commission will have no role in monitoring the Council's implementation of the Mid Devon (Electoral Changes) Order 2021. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Mid Devon District 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.

15. Contact

15.1 Glynn McDonald, Communications & Public Affairs Manager at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: glynn.mcdonald@lgbce.org.uk) can be contacted with any queries regarding the instrument.