EXPLANATORY MEMORANDUM TO

THE MIDDLESBROUGH (ELECTORAL CHANGES) ORDER 2014

2014 No. 1188

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 borough wards and numbers of borough councillors for the borough of Middlesbrough at the borough elections in 2015 and thereafter.

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 borough of Middlesbrough.

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

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 Middlesbrough on 13th June 2012. The Commission decided to conduct the review as, based on the December 2011 electorate figures, the number of electors per councillor in

30% of wards varied from the average by over 10% and one ward, Middlehaven, had 35% fewer electors per councillor than the average for the borough.

7.2. An electoral review aims to ensure that the number of electors represented by each county or borough 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 - New electoral arrangements for Middlesbrough Council'[1] on 19th November 2013.

7.3. The Order provides for changes to the electoral arrangements for the borough of Middlesbrough at the borough elections in 2015 as recommended by the Commission. The existing wards of the borough will be replaced by twenty new ones. Two wards will each return one councillor, ten wards will each return two councillors and eight wards will each return three councillors. 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 borough 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 borough. Among other things, under Schedule 2 to that Act recommendations must ensure that no parish ward is split between new borough 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 borough 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.

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from June 2012 until November 2013. There was an initial six

[1] http://www.lgbce.org.uk/__data/assets/pdf_file/0008/13958/middlesbrough-final-recommendations-full-report-2013-11-04-final.pdf

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 the borough. Having considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for Middlesbrough Council'[2] on 14th May 2013. Following a further twelve 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 104 representations. The consultations involved Middlesbrough Council, parish, town and community councils, local MPs and other interested parties. The Commission considered that a council size of 46 would ensure effective and convenient local government for the borough. The Commission based its draft recommendations on submissions from Middlesbrough Council and Councillor Maelor Williams (Liberal Democrat, Stainton & Thornton ward). The Commission made some modifications in specific areas to better reflect the statutory criteria.

8.3. In response to the consultation on the draft recommendations, the Commission modified its recommendations in Marton, Nunthorpe, Acklam, Kader, Park, Newport and Ayresome wards. The Commission sought to address evidence received during consultation and achieve good levels of electoral equality while reflecting community identities and interests.

8.4. The Commission also received submissions opposing its proposed boundaries in several other areas. In each of these cases, the Commission did not consider that satisfactory evidence had been received for it to alter its draft recommendations. The Commission therefore confirmed the remainder of its draft recommendations for the borough as final.

8.5. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for Middlesbrough Council' which is available at http://www.lgbce.org.uk/current-reviews/north-east/middlesbrough/middlesbrough-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 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.

[2] http://www.lgbce.org.uk/__data/assets/pdf_file/0003/13962/middlesbrough-draft-recommendations.pdf

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