EXPLANATORY MEMORANDUM TO

THE NORTH DEVON (ELECTORAL CHANGES) ORDER 2018

2018 No. 1178

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 North Devon District Council at the district elections in 2019 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 North Devon District Council.

5. Extent and Territorial Application

5.1 The instrument extends to England and Wales.

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 North Devon in July 2017. The Commission decided to conduct the review as, based on the December 2015 electorate figures, 10 of 27 wards (37%) had an electoral variance of greater than 10% when compared to 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 a four-stage review process the Commission published its 'Final recommendations – 'New electoral arrangements for North Devon District Council'[1] on 8 May 2018.

7.3 The Order provides for changes to the electoral arrangements for North Devon District Council at the district elections in 2019 as recommended by the Commission. The existing wards of the council will be replaced by 25 new ones. Five wards will each return three councillors, seven wards will return two councillors and 13 wards will each return a single councillor. The Commission considered that the evidence received justified two wards having variances predicted to vary by more than 10% from the authority average by 2023.

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 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.

8. Consultation outcome

8.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from July 2017 to February 2018. During the course of the review, the Commission received approximately 130 representations. The consultations involved the District Council, parish and town councils, local MPs and other interested parties. There was an initial ten-week consultation, during which the

[1] http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Devon/North%20Devon/Final%20Recs/North%20Devon%20Report%20Web%20NEW.pdf

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 'Draft recommendations - New electoral arrangements for North Devon District Council'[2] on 5 December 2017. Following an eight-week consultation on the draft recommendations, the Commission considered the further evidence received and published its final recommendations.

8.2 In response to the consultation on the draft recommendations, the Commission modified its recommendations for its proposed Braunton East, Braunton West & Georgeham, Heanton Punchardon, South Molton, Bratton Fleming and Lynton & Lynmouth. It also proposed alterations to its proposed wards in Combe Martin, Marwood and Bishop's Nympton. The Commission confirmed its draft recommendations for the remainder of the district as final.

8.3 A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for North Devon District Council' which is available at [http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Devon/North%20Devon/Final%20Recs/North%20Devon%20Report%20Web%20NEW.pdf]

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 is to be funded by North Devon District 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.

[2] [http://s3-eu-west-2.amazonaws.com/lgbce/__data/assets/pdf_file/0008/36368/NorthDevonDraftRec_Dec_2017.pdf]

12. Monitoring & review

12.1 The Commission will have no role in monitoring North Devon District Council's implementation of the North Devon (Electoral Changes) Order 2018. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of North 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.

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.