EXPLANATORY MEMORANDUM TO

THE SOUTH HAMS (ELECTORAL CHANGES) ORDER 2014

2014 No. 3059

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 District councillors for South Hams District Council at the 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 South Hams District Council.

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 South Hams in December 2012. The Commission decided to conduct the review as South Hams triggered the Commission's review criteria because more than 30% of wards had an electoral variance of more than 10%. Based on the December 2011 electorate figures, the number of electors per councillor in 33% of wards varied from the average by over 10%. Most notably Dartmouth & Kingswear ward had 28% fewer electors per councillor than the average.

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 for new electoral arrangements for South Hams District Council'[1] on 25 February 2014.

7.3. The Order provides for changes to the electoral arrangements for South Hams District Council at the district elections in 2015 as recommended by the Commission. The existing wards of the District will be replaced by 20 new ones. Eleven wards will each return one councillor, seven wards will each return two councillors and two wards will each return three councillors.

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.

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

[1] https://www.lgbce.org.uk/__data/assets/pdf_file/0013/14530/south-hams-final-recs-post-editor.pdf

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from January 2013 until November 2013. There was an initial six-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the District. This was followed by a 10-week consultation on the most appropriate ward boundaries for the District. Having considered the submissions received, the Commission published its 'Draft recommendations for new electoral arrangements for South Hams'[2] on 20 August 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 174 representations. The consultations involved South Hams District Council, local organisations and other interested parties. The Commission initially consulted on a council size of 30, a reduction of 10 and a figure suggested by South Hams District Council, which it considered would ensure effective and convenient local government for the District. Following its consultation on warding arrangements, the Commission decided to confirm a council size of 31 rather than 30 as this figure provided for stronger ward boundaries and better overall electoral equality across the District.

8.3. The Commission received 54 submissions in response to its consultation on warding patterns including district-wide proposals from the Council as well as more localised proposals from local councillors, parish and town councils, and members of the public. The Commission developed its own warding arrangements for the district taking account of the evidence received during consultation.

8.4. The Commission received 58 submissions in response to its consultation on draft recommendations. South Hams District Council expressed broad support for the draft recommendations, but proposed changes to a number of ward names. Other submissions put forward alternative warding arrangements, particularly in the west and north of the district.

8.5. The Commission considered the representations but did not consider that sufficient evidence was received to modify the boundaries proposed in the draft recommendations. While alternative warding patterns were promoted, the Commission did not consider that persuasive evidence had been received explaining why these alternatives would better reflect the statutory criteria. The Commission therefore confirmed its draft recommendations for the District as final, subject to the adoption of six alternative ward names put forward by the Council.

8.6. A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations for new electoral arrangements for South Hams' which is available at https://www.lgbce.org.uk/current-reviews/south-west/devon/south-hams-fer.

[2] https://www.lgbce.org.uk/__data/assets/pdf_file/0017/14525/south-hams-draft-recommendations-report-editors-comments-included.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. 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 district wards and parish wards is to be funded by South Hams.

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 South Hams District Council's implementation of the South Hams (Electoral Changes) Order 2014. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of South Hams.

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.