EXPLANATORY MEMORANDUM TO

THE TORBAY (ELECTORAL CHANGES) ORDER 2018

2018 No. 740

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 borough wards and numbers of councillors for Torbay Council at the borough 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 Torbay Council.

5. Extent and Territorial Application

5.1 The extent of this instrument is 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 Torbay Council in June 2017. The Commission decided to conduct the review as, based on the December 2016 electorate figures, the Shiphay with the Willows ward had an electoral variance of greater 30% 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 Torbay Council'[1] on 6 February 2018.

7.3 The Order provides for changes to the electoral arrangements for Torbay Council at the borough elections in 2019 as recommended by the Commission. The existing wards of the council will be replaced by 16 new ones. Five wards will each return three councillors, ten wards will return two councillors and one ward will return a single councillor. The Commission considered that the evidence received justified no 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 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 2017 to December 2017. During the course of the review, the Commission received approximately 60 representations. The consultations involved the Torbay Council, Brixham Town Council, local MPs and other interested parties. There was an initial nine-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and ward boundaries for the borough. The Commission considered that a council size of 36 would ensure effective and convenient local government for the authority. Having

[1] https://www.lgbce.org.uk/__data/assets/pdf_file/0019/37441/Torbay-Web-Report.pdf

considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for Torbay Council[2] on 3 October 2017. Following a ten-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 in Barton with Watcombe and St Marychurch wards when the Commission decided to include the Maidencombe area in the latter in response to representations made and evidence submitted. The Commission also decided to include an area at Lichfield Avenue in Barton with Watcombe ward. The Commission decided to include all of that part of the borough which extends into the sea in the Wellswood ward in order to maintain consistency with the Torbay Harbour Acts and to facilitate the operation of the Council's Harbour Committee. A number of minor changes, affecting small numbers of electors in Clifton with Maidenway, Cockington with Chelston, Collaton St Mary, Goodrington with Roselands, King's Ash, Roundham with Hyde, Shiphay, and Tormohun wards to reflect detailed evidence submitted by respondents to the public consultations. The Commission confirmed its draft recommendations for the remainder of the borough 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 Torbay Council' which is available at https://www.lgbce.org.uk/__data/assets/pdf_file/0019/37441/Torbay-Web-Report.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 borough wards is to be funded by Torbay 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] https://www.lgbce.org.uk/__data/assets/pdf_file/0018/35424/Torbay-Draft-recommendations_Report.pdf

12. Monitoring & review

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