EXPLANATORY MEMORANDUM TO

THE WILTSHIRE (ELECTORAL CHANGES) ORDER 2020

2020 No. 306

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 county divisions and numbers of councillors for Wiltshire Council at county elections in 2021 and thereafter.

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 Wiltshire 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 Wiltshire Council in August 2018. The Commission decided to conduct the review as, based on the December 2016 electorate figures, two divisions had variances of greater than 30%.

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 Wiltshire Council – Final Recommendations'[1] on 1 October 2019.

7.3 The Order provides for changes to the electoral arrangements for Wiltshire Council at the county elections in 2021 as recommended by the Commission. The existing divisions of the council will be replaced by 98 new ones, each returning a single councillor. The Commission considered that the evidence received justified five divisions having electoral variances of greater 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 authority. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new county divisions, 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 county 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.

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

10. Consultation outcome

10.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from August 2018 to July 2019. During the course of the review, the Commission received approximately 980 representations. The consultations involved the County Council, parish and town councils, local MPs, local residents and other interested parties. There was an initial ten-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and division boundaries for the county. The Commission considered that maintaining the current council size of 98 would ensure effective and convenient local government for the authority. Having considered the submissions received, the Commission published its 'New electoral arrangements for Wiltshire Council – Draft Recommendations'[2] on 5 February 2019. Following a ten-week consultation on the draft recommendations, the Commission considered the further evidence received. Whilst the Commission considered that it had received sufficient information for most areas of the county, there were parts of the authority for which the Commission wished to test reaction to modified draft recommendations. These areas were in the south of the county. The Commission therefore published further draft recommendations on 2 July 2019 and consulted on them for four weeks.

10.2 Having considered all of the submissions it had received at each consultation., the Commission published its final recommendations on 1 October 2019. In response to the consultation on the draft recommendations, the Commission modified its recommendations for Laverstock, Malmesbury, Melksham, Salisbury and Westbury divisions. It also modified its recommendations for the south and south-east of Wiltshire because of evidence relating to community identity and the nature of interactions between neighbouring communities in many rural parts of the county. It also renamed four divisions. It recommended that the proposed Box division be renamed Box & Colerne, Bulford & Amesbury East be renamed Amesbury East & Bulford, Cricklade be renamed Cricklade & Latton and that Seend. Potterne & Poulshot be renamed Devizes Rural West.

10.3 The Commission confirmed its draft recommendations for the remainder of the county as final.

10.4 A detailed analysis of the outcome of the consultation is set out in the report 'New electoral arrangements for Wiltshire Council - Final Recommendations' which is available at http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Wiltshire/Wiltshire/Final%20recs/Wiltshire%20Report%20Web.pdf

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.

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[2] http://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20West/Wiltshire/Wiltshire/Draft%20Recs/Wiltshire%20Report%20Web.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 Wiltshire 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 Wiltshire (Electoral Changes) Order 2020. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Wiltshire 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 Marcus Bowell, Director of Strategy & Communications at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can be contacted with any queries regarding the instrument.