

CABINET

12 October 2005

PERIODIC ELECTORAL REVIEWS – CONSULTATION BY THE ELECTORAL COMMISSION

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

CAB 712 - The Cycle of Local Government Elections in England (1 October 2003)

EXECUTIVE SUMMARY:

The Electoral Commission has issued a consultation paper which seeks comments (by 25 November 2005) on how future Periodic Electoral Reviews (PERs) should be conducted. The consultation forms part of an overall evaluation exercise following the conclusion (in October 2004) of the Commission's eight year programme, undertaken by the Boundary Committee for England, which reviewed 35 County Councils and 351 District Councils. At the end of the consultation process, the Commission intends to develop revised guidance for the Boundary Committee on the ways in which future reviews should be carried out, to include recommending changes to the law if necessary.

The City Council's PER resulted in the 'all-out' 2002 elections which returned 57 Councillors from 26 Wards (as opposed to 55 Councillors from 32 Wards prior to the Review).

In addition to examining past methodology, the current exercise will also have regard to relevant aspects of the ongoing work involved with the Government's 10 year vision for local government – the Office of the Deputy Prime Minister (ODPM) has indicated that a consultation White Paper may be issued early in 2006. This includes issues possible proposals for a larger role for Councillors in representing local communities, a one Councillor per ward strategy and a move for all local authorities to have all-out elections every four years (removing the option for election by halves or thirds) – although only the second point features as a specific question in this consultation.

Set out in Appendix A for consideration are draft responses to the 14 questions posed by the Commission. A copy of the full consultation document has been placed in the Members Library.

RECOMMENDATION: to Council

1. That, subject to any additional representations from Members, the comments as set out in Appendix 1 to this report be forwarded to the Electoral Commission as representing the views of this Authority.
2. That the comments also be copied to the ODPM in view of their current proposals on the role of councillors and the desirability of moving to a four yearly electoral cycle based on single Member wards.

OTHER CONSIDERATIONS:

1 CORPORATE STRATEGY (RELEVANCE TO):

- 1.1 To have efficient structures and procedures to provide political leadership to the Council and the District.

2 RESOURCE IMPLICATIONS:

- 2.1 None.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 – Comments to Electoral Commission regarding Periodic Electoral Reviews

## Periodic Electoral Reviews

### Clarification of Terms

Periodic Electoral Review (PER) – a programmed comprehensive review of all district ward and county division boundaries (last undertaken over an 8 year period ending in 2004) whether or not there are particular problems regarding electoral equality. In practice for most Districts this was the first review in over 20 years.

Further Electoral Review (FER) – carried out only in those areas where acceptable levels of electoral equality have not been maintained.

Q1 Are the three criteria: 1. having regard to identities and interests of communities, 2. effective and convenient local government, and 3. having a duty to achieve equality of representation, the most appropriate factors for determining electoral boundaries?

- Should all of the criteria be given equal weight?
- Is it appropriate to start, as the Commission does, with electoral equality or should there be a different approach?
- If a greater weight were given to community identity, would a higher level of electoral inequality be acceptable?

**Suggested Response; The three criteria are sensible and encapsulate what most people would regard as the important basics for assessing boundary changes. As the most objective measure, it appears logical to start with electoral equality, which also helps to reinforce the fundamental democratic principle that each vote should have equal weight.**

**However, past experience does suggest that the Boundary Committee did give greater emphasis to this element rather than the other two. Therefore, more flexibility should be given to the weight applied to each of the three elements on the facts of the case. This would avoid situations like at Headbourne Worthy in this District, which was placed in Sparsholt City Council Ward principally for numerical reasons, even though there were far stronger community identity/interest links with Kings Worthy Ward. Subsequently in the County Electoral Review, however, Headbourne Worthy was retained with Kings Worthy in the Itchen Valley Electoral Division.**

**In summary, a slightly higher level of electoral inequality would be acceptable to allow greater weight to be given to community identity.**

Q2 What evidence can the Commission use to understand community identity?

- Can community identity be recognised through the location of public facilities to identify the cores of communities?
- Should the Commission adopt this approach in its consideration of community identity?

- If it did, are there other public facilities that could be used and easily provided as evidence?

**Suggested Response:** There is sympathy with the Commission when it comes to assessing the conflicting arguments which often occur about ‘community identity’, a term which means different things to different people. Well supported facilities such as schools, shops, pubs, places of worship and health centres can all help in determining a genuine allegiance to one area. There are also other factors such as the number of local clubs, interest groups and other bodies which may be active in an area. Unfortunately, without objective survey-type information, a simple look at the above may be deceptive e.g a pub can be unpopular with locals but survive with support from people outside of an area if it offers niche entertainment, or a large number of interest clubs in a village may disguise the fact that each only has a very small (and indeed nearly the same) membership.

Notwithstanding the above difficulties, the Commission should certainly continue to regard ‘community identity’ as a key factor in its investigations. It is better not to be prescriptive about the nature of facilities which determine community identity, particularly in rural areas. The most practical approach would be to use the experience gained during the past eight years, to ensure that any assertions about ‘community identity’ are not accepted at face value (eg a petition with signatories simply supporting a bland assertion that it exists), but are backed up by reasonable evidence and examples that demonstrates that the claimed level of social activity and allegiances is true.

Q3 How far is it reasonable for the Commission to depart from electoral equality in reaching its decisions?

- Should this figure be higher or lower than the measure used of no more than 10% greater or lesser than the average number of electors per councillor for the whole area?
- Should the figure vary between different areas?

**Suggested Response:** In any exercise such as this, there must be a clear figure to aim for when producing proposals and a 10% tolerance either way is a reasonable measure. However, rigid adherence to this figure is not supported, because that tends to create contrived solutions which go against the community identity points made above, simply to satisfy the numerical equality argument.

For example, there will be occasions when the location and nature of small rural communities justifies one councillor, rather than being amalgamated with a larger semi-urban community nearby, simply to satisfy the ‘numbers game’. Furthermore, in Winchester Town, some of the boundaries between wards are somewhat arbitrary, again because of the need to maintain equality. It can sometimes be easier for a councillor to represent a single, large community rather than a number of smaller ones (especially where each has a parish council). These and other situations highlight the need for flexibility in approach and whilst such flexibility should of course be the

**exception rather than the rule, the Commission should again use its experience of past reviews to assist in determining genuine cases.**

Q4 What evidence can the Commission use to indicate effective and convenient local government?

- How far do you agree with how we interpret effective and convenient local government for the purpose of defining electoral areas?
- Are there benefits in seeking a high degree of matching between boundaries (co-terminosity), especially in two-tier areas?
- Should the Commission set such a target for co-terminosity?
- Should the Commission set such a target for parish boundaries in district wards?

**Suggested Response: The view of the Commission that, in itself, warding has little effect on how a Council allocates its resources, is supported; as is the view that the effectiveness of representation and workload for councillors is a more worthwhile measure and must be taken into account. In the last reviews, the Commission used parish and district ward boundaries as building blocks for district and county reviews respectively. This generally worked well and the degree of co-terminosity achieved meant that any scope for confusion about boundaries was very limited. Therefore, the Commission should continue to set high targets for co-terminosity.**

**Creating separate wards in parishes in order to achieve the electoral equality ratio for District Wards should be avoided wherever possible. Parishes consider that they are unfairly treated when separate wards are created for this purpose, whilst the majority of parishes within a District are not warded. A good example of the problems caused by this approach were the protests generated in Soberton Parish by the 2002 warding exercise, which warded the Soberton Heath area and placed it in Swanmore and Newtown District Ward, whilst the remainder of the Parish was placed in another District Ward.**

Q5 Are the criteria the Commission uses to decide when to undertake FERs – 30% of wards with a variance in excess of 10%, or one ward with a variance of over 30% - appropriate?

- Should the Commission invite requests from councils for a FER?
- What justification should the Commission require for reviews undertaken on grounds other than electoral equality?

**Suggested Response: The current criteria should be revised, but the Commission needs to be more realistic in certain circumstances where anticipated development (which would have achieved improved electoral equality) has been delayed. Larger developments (e.g. MDAs) involve resolution of major legal and infrastructure issues, which can remain outstanding for many months or even years after the planning permission is granted. Such delays do not justify another electoral review. The**

Council had had experience of Commission officers pressing for further reviews in two areas, even though it is clear that the development in question will happen (albeit over a slightly longer timescale) and the cost and effort of another review in the short term would not achieve anything worthwhile.

It is suggested, therefore, that the criteria relating to the need for a review when one ward has a variance of over 30% should be deleted. 30% of wards with a variance in excess of 10% is a more proportionate and cost effective basis for triggering an FER.

There appears no problem with inviting FER requests from councils, when appropriate. Also, it would be difficult to justify the expense of undertaking reviews if there were no issues of electoral equality involved, because it is likely that the situation could await the next PER.

Q6 Should the Commission make plans for another programme of PERs?

- What approach should the Commission take to the timing of another PER and the scheduling of reviews within it?
- What factors should be taken into account when scheduling reviews?

**Suggested Response:** Having noted that under current legislation the next scheduled review of Parliamentary boundaries will have to be completed between 2014 and 2018, it would mean that a PER of district and county boundaries would need to take place between those dates. It is agreed that the Commission's suggestion to use FERs to address any areas where there are particular electoral equality problems before 2019 is the best approach; those areas where equality remains acceptable could await the next PER.

It is also noted, however, that if the Government's proposals for single Member wards are introduced, a PER will be required well in advance of the above dates.

Q7 Should the Commission aim to review two-tier areas – districts and counties – simultaneously or overlap the county review with that of the districts?

**Suggested Response:** From the two tier shire district viewpoint, there should certainly be less of a time gap between a district review ending and a county one beginning. There is value in a county review being undertaken soon after the district exercise as it is likely that the same data and methodology could be used. Carrying out the two reviews simultaneously may stretch the limited resources available at district level to do this work, but for the above reasons, reviews which follow closely would be supported.

Q8 Should the Commission maintain its current approach to determine council size or give more specific guidance, such as a formula or banding scheme, linked to councils' electorate size and functions?

- What evidence should be expected from respondents to argue the case for council size?
- Would comparative information, such as indicators of the broad council size norms linked to electorate size, provide councils as well as the Commission with some guidance in considering proposals?

**Suggested Response:** There is nothing in the current statutory framework that provides any guidance to setting Council size. It is also interesting that the Commission noted that most respondents in the last PER found great difficulty in supporting with quality evidence their case for increase, decrease or the status quo. Also, as the Commission found from its latest research, the complexity of factors involved in assessing local circumstances means that a prescriptive approach is not helpful. This view is supported as councils with a large geographical area, such as Winchester, need a higher number of councillors when the need to take community identity and the need to balance electoral equality is taken into account.

However, some guidance and comparative information would be useful, if only because it can provide a broad indication that an authority is not wildly adrift of the national picture in its approach. It would also help councils to focus on those areas of evidence which the Commission would find most useful, when making a case.

The Government's view that ward councillors should have a larger role in representing their neighbourhoods is supported. This would mean that it is not desirable to significantly reduce the current number of councillors – as a greater workload and the need to represent areas with a community identity needs to be taken into account. The Local Government Association view that the number of councillors should not be reduced for these reasons is, therefore, also supported.

Q9 Should the Commission continue to expect all local authorities to provide five-year electorate forecasts?

- Can the Commission support local authorities to provide better electorate forecasts with some guidance? If so, what form should any guidance take?

**Suggested Response:** Forecasting is inherently difficult and the five-year electorate forecasts involve the particular problems of estimating when new developments will be completed, the dwelling mix, allowing for falling household sizes etc. Using the base year electorates is an alternative method, but it is noted that the Commission calculated that this would have resulted in very similar results to the five-year forecasts i.e. equally as inaccurate.

Any further advice or guidance from the Commission would be welcomed, but it should be emphasised that electoral forecasting will never be a precise science. Councils do their best to apply local knowledge and judgement to the base statistics when making their returns. If those projections prove to be inaccurate, this is largely to do with the factors mentioned above and in answer to Question 5. In summary, five year electorate forecasting should be retained, as it provides a reasonable mechanism and, whilst degrees of accuracy may vary, it does at least highlight forthcoming major developments which can have significant impacts on particular wards.

Q10 Should the Commission be prescriptive about the number of councillors per ward or division throughout an area, such as having one councillor per ward or division?

- Should the number of councillors for wards in metropolitan districts be as flexible as in other areas and should the Commission seek to change the legislation?
- Should the Commission continue to set a maximum of three councillors for all electoral areas?

**Suggested Response:** Shire districts should retain the flexibility to have one, two or three member wards. The City Council's area is a good example of where a mix works well for both the town and rural wards. This approach provides the greatest flexibility for taking community identity into account. For this reason the Government's proposals to move to single member wards are not supported.

In Winchester Town, the six three-member wards provide good representation of the particular communities and this works well, whether or not all three members are from the same political party. A maximum of three councillors per ward for any type of authority appears sensible. In the more rural areas, the larger villages (or grouping of medium sized villages) have two members, and the smaller villages are grouped to have one member. Since the 2002 review, we have received no complaints from any community that they feel under-represented and the Council's average of one Councillor for every 1,536 electors (compared to the shire national 'mean' of 1,361 electors) seems acceptable.

Any move to create, say, all one-member wards, would often involve artificial divisions in communities simply to gain the 'correct' electorate per councillor. The strength of the current system is the flexibility that allows local circumstances to be catered for.

Q11 Should the Commission make any changes to the length and nature of the stages of a PER?

- Would there be value in considering council size ahead of Stage One?

**Suggested Response:** The time periods allocated to each stage are reasonable and no change is required. The suggestion to invite proposals from interested parties about Council size prior to Stage One is a good idea and may well generate some early public interest in the overall process. However, any approach taken to council size at this stage should



be indicative only and not prescriptive. Experience shows that taking the electoral equality and community interest factors into account can affect the final number of councillors. For example, as a guideline, this Council aimed to stay as close as possible to the then existing number of councillors – 55. Taking the other criteria into account produced a proposal for 57 members. The slightly amended proposals from the Commission also produced a solution of 57 members.

Q12 What can the Commission do to make people more aware of, and get involved in, electoral reviews and the proposals being made?

- Would more proactive local publicity stimulate more interest at appropriate stages and more informed responses?

**Suggested Response:** The experience of the 2002 review was that the level of local publicity was satisfactory and gave all those who wished to be involved both the notice and the opportunity to do so. Whilst more proactive publicity is always welcomed with exercises of this nature, there needs to be a value for money consideration of whether the extra costs involved would truly generate a proportionate increase in meaningful participation.

The Commission is right to acknowledge that, generally speaking, electoral reviews will never generate high levels of public interest and that we all need to raise awareness where possible – even though our experience is that those communities who felt ‘threatened’ by proposed changes in the 2002 review, had no problems in making their views known at the appropriate stages!

Q13 Should the name of a ward be open to change without the need for review by The Boundary Committee for England?

**Suggested Response:** Yes. This is an issue which can be more sensibly and conveniently determined at local level. District Councils already have the power to approve the change of parish names, for example.

Q14 Are there any other changes that the Commission could make to enhance the process for conducting electoral reviews?

**Suggested Response:** The Consultation Paper refers to Government proposals to change to four yearly elections for Councils. A specific comment has not been requested at this stage, presumably because of the possibility of a further consultation next year. Nevertheless, this Council would wish to reiterate the comments it made in the 2003 consultation on this matter, summarised below.

It is noted that the arguments advanced for having four yearly elections for all Councils include a less confusing process for voters, cost savings and having a reasonable period of stability in which the ruling administration can pursue its policies. However, the Council supports the retention of election by thirds, because it allows the electorate to express its views

**three years out of four, which strengthens both local accountability and the democratic process, in addition to maintaining public interest. It also allows for a gradual change of representation and any person wishing to stand as a councillor does not have to wait four years. The Council still experiences good voter turnout for local elections which suggests that the current arrangement is valued and does not create 'voter fatigue'.**

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