

## **Electoral and Polling District Review Sub-Committee**

**6 November 2024**

## **Cheshire East Electoral Review – Warding Proposals**

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**Report of: Janet Witkowski, Acting Director of Governance and  
Compliance and Monitoring Officer**

**Report Reference No: EPDR/01/24-25**

**Wards: All Cheshire East Wards**

### **Purpose of Report**

1. The purpose of this report is to enable Members to consider the draft recommendations of the Boundary Commission for England (“the Commission”) in respect of the Council’s electoral arrangements.
2. The Council may then wish to respond to the draft recommendations as a consultee.
3. In considering the Commission’s draft recommendations, the Council will be fulfilling its Corporate Plan objective, to be an “open and enabling organisation” by providing strong community leadership and by working transparently with residents, businesses and partners, to deliver the Council’s ambitions within the Borough.

### **Executive Summary**

4. The Council submitted its proposals to the Commission for a future council size of 82 Councillors, and these were agreed by the Commission. The Council also completed the second stage of the electoral review and submitted its proposals for future warding arrangements to the Commission. Having considered the Council’s submission, and those of other consultees, the Commission published its draft recommendations on 1 October 2024, upon which the Council and others are now being consulted.
5. The Council may wish to respond to the Commission’s consultation, and this report will enable it to consider doing so.

## RECOMMENDATION

The Sub-Committee is recommended to:

1. Consider and approve, or make recommendations to the Corporate Policy Committee upon, a draft response to the Commission in respect of its draft recommendations on warding, as set out in **Appendix 1**.

### Background

6. The Commission is an independent body set up by Parliament. Its main role is to carry out electoral reviews of local authorities throughout England. The Commission is undertaking a review of the Council's electoral arrangements and is at a mid-point of the review process. The Commission has considered consultation responses, including those of the Council in respect of the earlier stages of the review, and is now consulting the Council and others upon its draft recommendations:

<https://www.lgbce.org.uk/all-reviews/cheshire-east>

7. This Council is being asked to respond to the draft recommendations as a consultee. The Commission will ultimately determine the outcome of the review, and its final recommendations will be laid before Parliament for approval.

8. The electoral review is conducted in two stages. The first stage, now complete, addressed the size of the Council: the number of councillors that Cheshire East Council should have in future. The Council proposed that it should have 82 Councillors, as is currently the case, and provided detailed reasoning to the Commission in support of this. The Council's proposed Council-size received the Commission's support. The second stage of the review addresses the Council's warding arrangements: the number of wards, their names, their boundaries and the number of councillors for each ward.

9. On 27 February 2024, Council agreed its submission to the Commission on warding:

[Cheshire East Council Electoral Review 2023-24: Warding Proposal Report](#)

<https://www.cheshireeast.gov.uk/pdf/elections/electoral-review/cec-wardingproposalreport-v5-20240315-appendixa-maps.pdf>

Here is a link to the Council agenda, report and minutes of the meeting which took place on 27 February 2024:

[Agenda for Council on Tuesday, 27th February, 2024, 11.00 am | Cheshire East Council](#)

10. The Commission's original timetable for the second stage of the review was as follows:

- Commission to consult on draft recommendations: 30 July – 7 October 2024
- Commission to meet to discuss final recommendations: 17 December 2024
- Final recommendations published: 14 January 2025
- Order laid before Parliament: early 2025
- Order made: spring 2025
- Implementation: 2027

11. However, due to the unexpected calling of the Parliamentary General Election, the proposed consultation upon the Commission's draft recommendations was delayed, but is now taking place. The publication of the Commission's final recommendations and the Parliamentary process in respect of the Commission's order will also be delayed, but implementation of the new arrangements will still take place in 2027. The remainder of the Commission's new timetable is as follows:

- Commission to consult on draft recommendations: 1 October-9 December 2024
- Commission to meet to discuss final recommendations: 15 April 2025
- Final recommendations published: 13 May 2025
- Order laid before Parliament: late spring 2025
- Order made: summer 2025
- Implementation 2027

12. The Electoral Review Sub-Committee was appointed by the Corporate Policy Committee 'to make recommendations to the Corporate Policy Committee in respect of all matters relating to the Cheshire East Council Electoral Review'. However, when Council met on 27 February 2024 to agree its final submission to the Commission on warding, it also resolved:

"that the Electoral Review Sub Committee be granted delegated authority:

(b) to respond on the Council's behalf to any further informal or formal consultation by the Boundary Commission which relates to the second period of consultation".

Therefore, whilst the Sub-Committee might wish to make a recommendation to the Corporate Policy Committee which might, in turn, wish to make a recommendation to Council upon this matter, the Sub-Committee does have authority from Council to formally respond to the Commission without referring the matter to the Corporate Policy Committee. The Sub-Committee will need to consider the nature and scale of the Commission's draft recommendations before deciding whether it wishes to exercise the power to determine the Council's final response to the consultation.

13. In considering future warding arrangements, the Sub-Committee must have regard to the statutory warding criteria used by the Commission in its review.

14. The three main criteria are set out below, and are derived from legislation, which must be followed when producing a new pattern of wards:

Delivering electoral equality for local voters

This means ensuring that each local councillor represents roughly the same number of people so that the value of a vote is the same regardless of where a person lives in the local authority area.

Electoral equality is the only criterion which the Commission can measure with precision. It will therefore take a firm view on the extent to which the Council's proposals meet the ambition to deliver electoral fairness. Decisions are based on the number of electors in a ward and not the total population.

#### Reflecting the interests and identities of local communities

This means establishing electoral arrangements which, as far as possible, maintain local ties, and where boundaries are easily identifiable.

Unlike electoral equality, it is not possible for the Commission to measure levels of community identity. The Commission will therefore be looking for evidence on a range of issues, such as the existence of communication links and facilities, with an explanation of how local people use those facilities; identifiable boundaries such as rivers, major roads and railway lines, and parish boundaries. The Commission will also have regard to urban, suburban and rural characteristics, such areas having different needs and interests.

#### Promoting effective and convenient local government

This means ensuring that the new wards or electoral divisions can be represented effectively by their elected representative(s) and that the new electoral arrangements as a whole allow the local authority to conduct its business effectively. In addition, the pattern of wards must reflect the electoral cycle of the Council.

Where a council holds whole-council elections every four years, the Commission is able to propose any pattern of wards or divisions that it believes best meets its statutory criteria. This is usually a mixture of single-, two- and three-member wards or divisions.

The Commission will also consider the geographic size of wards, to ensure that they are not so large that it would be difficult for a councillor to represent them.

In addition, the Commission will consider the names of wards which are often important to local people. The Commission rarely has strong views on this aspect of a review and will usually use names which have been proposed by local people.

15. The Commission's decisions on new wards and boundaries will always be based on these criteria. It is therefore much more likely to accept the Council's proposals if they are informed by all these criteria.

16. Occasionally, it will not be possible for the Commission to put forward a boundary proposal that clearly meets all the statutory criteria, which can sometimes contradict one another. For example where a proposed ward might

reflect the shape of local communities but deliver poor levels of electoral equality. In such cases, the Commission will use its discretion, and the quality of the evidence presented to it, to reach a conclusion.

17. In accordance with the electoral review timetable, the Council's response to the Commission's consultation on future warding arrangements would have been required to be submitted to the Commission by 9 December 2024. However, in case Members decide that the submission must be approved by full Council following a recommendation of the Corporate Policy Committee, the Commission has agreed to allow the Council to confirm its response after the meeting of Council on 11 December, thereby obviating the need for a special Council meeting.
18. The officer advice in respect of the Commission's draft recommendations, together with supporting maps, is set out at **Appendix 1**.
19. The Sub-Committee is asked to consider and approve the Council's response to the Commission's draft recommendations, which are set out in **Appendix 1**, and to decide whether it wishes to make a recommendation upon this to the Corporate Policy Committee, or alternatively, to formally determine the Council's response without further reference to the parent committee.

### **Consultation and Engagement**

20. The Council will not undertake any consultation work on the review, except internally. The review is being led by the Commission, not the Council, and the Commission has a clearly identified programme of consultation which it is understood will include the list of stakeholders that the Council provided the Commission, upon its request.

### **Reasons for Recommendations**

21. The recommendation of this report seeks to ensure that the Council can respond to the Boundary Commission's review of the Council's electoral arrangements in a timely way, in accordance with the timetable laid down by the Commission.
22. In responding to the review, the Council will be fulfilling its Corporate Plan objective of being "an open and enabling organisation" by providing strong community leadership and by working transparently with residents, businesses and partners, to deliver the Council's ambitions within the Borough.

### **Other Options Considered**

- 23 The Council could choose not to further engage with the Commission's review, but this would be an unhelpful approach and would deprive the Council of the important opportunity to make submissions, and to influence its electoral arrangements which will apply from 2027.
- 24 *Impact assessment:*

Option	Impact	Risk
Do nothing (ie do not engage further with the review)	The Council would be deprived of the important opportunity to make representations	The review would not secure the benefit of the Council's further input as the key respondent. The resulting electoral review order, which will be implemented in 2027 would not be further informed by the Council's views.

## Implications and Comments

### *Monitoring Officer/Legal*

- 25 The main piece of legislation governing the review is the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). This consolidates and amends provisions previously contained in the Local Government Act 1972, the Local Government Act 1992 and the Local Government and Public Involvement in Health Act 2007.
- 26 Section 56 of the 2009 Act requires that the Commission carry out reviews 'from time to time', of every principal local authority in England and make recommendations about electoral arrangements (but not their external boundaries) (Period Electoral Reviews or PERs). In addition, the Commission can at any time review the arrangements for all or any parts of a principal local authority's area if it appears to the Commission to be desirable.
- 27 Subsections 56(1) and (4) require the Commission to recommend whether a change should be made to the electoral arrangements for that area. Electoral arrangements include the total number of councillors to be elected to the council (known as 'council size'); the number and boundaries of wards/divisions; the number of councillors to be elected for each ward/division; and the name of any ward/division.
- 28 In making its recommendations, Schedule 2 to the 2009 Act requires the Commission to have regard to—
- (a) the need to secure that the ratio of the number of local government electors to the number of members of the district council to be elected is, as nearly as possible, the same in every electoral area of the council,
  - (b) the need to reflect the identities and interests of local communities and in particular—
    - (i) the desirability of fixing boundaries which are and will remain easily identifiable, and
    - (ii) the desirability of fixing boundaries so as not to break any local ties,
  - (c) the need to secure effective and convenient local government,

Further information on the legal implications of the review can be found in the Commission's Technical Guidance:  
[https://www.lgbce.org.uk/sites/default/files/2023-06/technical-guidance-june\\_2023.pdf](https://www.lgbce.org.uk/sites/default/files/2023-06/technical-guidance-june_2023.pdf)

### *Section 151 Officer/Finance*

- 29 There will be no impact on the Council's Medium-Term Financial Strategy. The proposal will be funded from within existing Democratic Services budgets, aided by internal officer resource contributions from various other departments, and it is not anticipated that any external spend will be required in order for the Council to respond to the review.

### *Policy*

- 30 The key policy implication of this report is that, in responding to the review, the Council will be meeting one of its most fundamentally important objectives: providing strong community leadership and by working transparently with residents, businesses and partners, to deliver the Council's ambitions within the Borough. In doing so, the Council will be fulfilling the objective of empowering and caring about people within the Borough. The electoral representation of the Council is of key importance in this regard.

### *Equality, Diversity and Inclusion*

- 31 Given that this report is a response to the Commission's review of the Council's electoral arrangements, there would appear to be no equality, diversity and inclusion implications.
- 32 However, in developing its recommendations, the Sub-Committee will be mindful of these important considerations. Undoubtedly, the Commission will be equally mindful of these matters when making its final decisions upon the Council's electoral arrangements.

### *Human Resources*

- 33 There are no direct human resources implications.

### *Risk Management*

- 34 There are no direct risk management implications arising from this report, other than the matters referred to within it. However, the risks associated with any decision of the Council not to engage with the review are set out above.

### *Rural Communities*

- 35 There are implications arising from the recommendations of this report in respect of rural communities. These implications have been given careful consideration as the Sub-Committee committee has developed its proposals.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

36 There are no such direct implications.

*Public Health*

37 No direct public health implications arise from the recommendations of this report.

*Climate Change*

38 There are no direct climate change implications, which arise from the recommendations of this report.

<b>Access to Information</b>	
Contact Officer:	Contact Officer: Brian Reed  Brian.reed@cheshireeast.gov.uk
Background Papers:	Background Papers:  Reports to Council on 13 <sup>th</sup> December 2023 approving the council size submission, and 27 February 2024, approving the Council's proposals on warding.  Local Government Boundary Commission for England website.  Local Government Boundary Commission for England draft recommendations report.
Appendices	Cheshire East Electoral Review Draft Recommendations Consultation Response Report - Appendix 1  Cheshire East Electoral Review Draft Recommendations Consultation Response Report - Annex A (maps)