

Electoral Review Sub-Committee

31st January 2024

Cheshire East Electoral Review – Warding Proposals

Report of: David Brown, Director of Governance and Compliance

Report Reference No: ER/15/23-24

All Cheshire East Council wards are affected

Purpose of Report

1. The purpose of this report is to consider the proposed warding arrangements for Cheshire East Council for recommendation to the Corporate Policy Committee and full Council.
2. This is to enable the Council to respond as a consultee to the second stage of the electoral review being conducted by the Local Government Boundary Commission for England.
3. In responding to the review, the Council will be fulfilling its Corporate Plan objective, to be “open” 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 has previously approved its proposals for future council size and submitted them to the Boundary Commission in line with its deadline of 18th December 2023. This report now deals with the second stage of the electoral review, in which the Council is invited to submit proposals for future warding arrangements. The factors which the Commission will apply in considering any warding proposals are set out in the report.

RECOMMENDATION

The Sub-Committee is recommended:

1. to approve the draft proposals on warding set out in **Appendix 1**, and to agree proposals in respect of the remaining areas, for recommendation to the Corporate Policy Committee on 13th February 2024, with a view to these being recommended to Council on 27th February 2024; and
2. to seek delegated authority for the Sub-Committee:
 - (a) to make any further required changes to these proposals, and to approve any outstanding proposals and to deal with any matters which arise, following the Corporate Policy Committee's meeting and prior to the consideration of the proposals by full Council, and also in respect of any outstanding proposals which have not been finalised in time for consideration by Council;
 - (b) to make any further changes to the proposals arising from the Council meeting on 27th February, or which become necessary after that meeting; and
 - (c) 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.

Background

5. The Local Government Boundary Commission for England (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. This Council is being asked to respond to the review as a consultee. The Commission will ultimately determine the outcome of the review, and its recommendations will be laid before Parliament for approval.
6. The electoral review is 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 second stage addresses the warding arrangements: the number of wards, their boundaries and the number of councillors for each ward.
7. The Commission met on 16th January to consider the Council size, but has set out the following timetable for the second stage of the review:

- Commission to consult on warding patterns: 23 January-1 April 2024
 - Commission to meet to discuss draft recommendations: 16 July 2024
 - 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
8. The Electoral Review Sub-Committee was appointed by the Corporate Policy Committee at its meeting on 11th July 2023 ‘to make recommendations to the Corporate Policy Committee in respect of all matters relating to the Cheshire East Council Electoral Review’.
9. The Sub-Committee has already made recommendations on the first part of the review regarding council size and has therefore completed this part of its work. The Council, at its meeting on 13th December 2023, approved the Council’s submission on council size which was submitted to the Boundary Commission by its deadline of 18th December. This report deals with the second stage of the review. It presents, for the Sub-Committee’s consideration and approval, the Council’s draft proposals on future warding arrangements.
10. In order to conduct the review, a model has been prepared which has generated forecasts of future electorate numbers up to the start of 2030, for various geographical tiers. Officers have also prepared a detailed technical report that explains the forecasting methodology. A copy of this report was sent to the Commission during the early stages of the review, prior to submitting the council size submission.
11. In considering future warding arrangements, the Sub-Committee must have regard to the statutory warding criteria used by the Commission in its review.
12. The Boundary Commission has three main criteria, as set out below, derived from legislation, which it must follow when producing a new pattern of wards:
1. 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.

2. 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.

3. 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.

13. The Commission's decisions on new wards and boundaries will always be based on these criteria. The Commission is therefore much more likely to accept the Council's proposals if they are based on one or more of the criteria.

14. 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.
15. In accordance with the electoral review timetable, the Council's proposals on future warding arrangements must be submitted to the Commission by the end of March. The submission must therefore be approved by full Council, following a recommendation of the Corporate Policy Committee. The final scheduled Council meeting before the Commission's deadline is 27th February, which means that the Sub-Committee's recommendations on warding must be submitted to the Corporate Policy Committee no later than 13th February. The agenda for the meeting on 13th February must be published by 5th February. This timescale has been determined by the Commission and cannot be changed. Members will understand that this presents significant challenges to the Council in developing, progressing and finalising warding proposals during the time available before the 27th February Council meeting. For this reason, the Council needs a mechanism by which any remaining proposals or changes to proposals can be agreed by the Electoral Review Sub-Committee, after both the meeting of the Corporate Policy Committee and the Council meeting.
16. The Electoral Review Sub-Committee has met informally on a number of occasions between late November and mid-January to consider in detail proposals for future warding. Members of the Sub-Committee have also been consulting informally with local ward members and within their political groups.
17. The warding proposals report and its supporting maps are set out at **Appendix 1**. This shows that agreement has been reached on the vast majority of warding proposals. However, there are a number of areas of the Borough where, at the time of agenda publication, some aspects of the warding proposals remain to be resolved. These are highlighted in the warding proposals report and are the subject of a separate set of maps at **Appendix 2** (to follow). It may be possible that in some cases, counter proposals will be submitted in relation to these areas at or before the meeting.
18. The Sub-Committee is recommended to approve the proposals set out in **Appendix 1**, and to agree proposals in respect of the remaining areas, for recommendation to the Corporate Policy Committee.

19. The Sub-Committee is also recommended to seek delegated authority from the Corporate Policy Committee, and then from Council, to make any further changes to the warding proposals following the Corporate Policy Committee and Council meetings:
- a. arising from any amendments agreed by the Committee or at Council;
 - b. arising from any relevant feedback which might be received from the Boundary Commission prior to or after the Council meeting;
 - c. and to finalise any warding proposals which, for whatever reason, have not been ready to present to the Committee or to Council.
20. As mentioned in paragraph 7 of this report, the Boundary Commission will be meeting on 16th July 2024 to discuss its draft recommendations. It will then publish its draft recommendations on 30th July 2024 and there will be a further period of consultation on those recommendations which will end on 7th October 2024. This presents a difficulty for the Council in that the nearest Corporate Policy Committee meeting is scheduled to take place on 11th July 2024, which will not allow sufficient time for the Commission's draft recommendations to be fully analysed and a Council response formulated. In addition, full Council would not meet until 16th October, which is after the second consultation deadline. It is therefore proposed that the delegation to the Electoral Review Sub-Committee should include the ability for the Sub-Committee to respond to any informal or formal consultation by the Commission between 16th July and 7th October.

Consultation and Engagement

21. The Council will not undertake any consultation work on the review, except internally, with its own Members. 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 Commission has requested from the Council.

Reasons for Recommendations

22. The recommendation of this report seeks to ensure that the Council responds 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.
23. In responding to the review, the Council will be fulfilling its Corporate Plan objective of being "open" 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

- 24 The Council could choose not to 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.
- 25 *Impact assessment:*

Option	Impact	Risk
Do nothing (ie do not engage 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 input as the key respondent. The resulting electoral review order, which will be implemented in 2027 would not be informed by the Council's views.

Implications and Comments

Monitoring Officer/Legal

- 26 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.
- 27 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.
- 28 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.

- 29 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/2023-03/technical-guidance-2021.pdf>

Section 151 Officer/Finance

- 30 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

- 31 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

- 32 Given that this report is a response to the Commission's review of the Council's electoral arrangements, and that it simply recommends the

means by which the Sub-Committee will make recommendations upon Council size, there would appear to be no equality, diversity and inclusion implications.

- 33 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 recommendations on the Council's electoral arrangements.

Human Resources

- 34 There are no direct human resources implications.

Risk Management

- 35 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

- 36 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)

- 37 There are no such direct implications.

Public Health

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

Climate Change

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

Access to Information	
Contact Officer:	Contact Officer: Brian Reed Brian.reed@cheshireeast.gov.uk

Background Papers:	Background Papers: Report to Council on 13 th December 2023 approving the council size submission Local Government Boundary Commission for England website
Appendices	Appendix 1 – Warding proposals report and maps of agreed proposals Appendix 2 – maps of unresolved warding proposals (to follow)