



The Government's Response to the ODPM Select Committee: Ward Boundaries



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Presented to Parliament by the
Deputy Prime Minister and the First Secretary of State
By Command of Her Majesty
July 2005

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Government Response

The Government welcomes this Report of the ODPM Select Committee on Ward Boundaries which was published on 22 March 2005. We have carefully considered the Report's recommendations and conclusions. We also note that the independent Electoral Commission are planning to review the current processes for reviewing ward boundaries and to make recommendations to Government for change to the legislative framework where they see fit. The responses below are therefore necessarily interim. Our intention is to reach final conclusions having regard both to this Report and to the results of the Electoral Commission's review and recommendations.

The Government's response to each of the Select Committee's recommendations is set out below. Readers may wish to be aware that responses to two of the recommendations have been grouped. A single response has been given to recommendations 2 and 4.

Recommendations and Conclusions

1. We recommend that future legislation reflect the need for both concentration on absolute equality and more focus on the interests of local communities, and that the Electoral Commission move in this direction pending such legislation.

As the Committee recognises 'community identity' is hard to define and the term means different things to different people. Current legislation already requires that the Electoral Commission needs to have regard to both community identity (as provided by the Local Government Act 1992) and equality of representation (as provided by the Local Government Act 1992 and the Rules in Schedule 11 of the Local Government Act 1972) when undertaking electoral reviews. Neither criterion has preference over another.

When undertaking reviews of the electoral arrangements in local authorities, the Government see one of the primary roles of the Electoral Commission is to make a judgement, based on their skills and experience, as to the balance to be taken between the current criteria – community identity, effective and convenient local government and equality of representation.

The Government attaches considerable importance to the effective engagement of neighbourhoods, communities and individuals in the provision of local services. But the wide variety of local circumstances suggests that any criteria needs to be broad to allow the Electoral Commission the flexibility to deliver electoral arrangements which reflect community identity, which provide for fair elections and which support effective local government and service delivery.

This approach points to avoiding prescribing a hierarchy of criteria which might rigidly be applied in all circumstances.

2. We recommend that the next Periodic Electoral Review look at county and district boundaries simultaneously, in order to improve coterminosity between areas and to help voter understanding.

4. We recommend that legislation be drawn up, before 2007 if possible, and certainly before a new round of Periodic Electoral Reviews begins, which sets out the responsibilities of the Electoral Commission and the need to have regard for district, county and parliamentary boundaries when carrying out the reviews.

Provision is already made in the Political Parties, Elections and Referendums Act 2000 (PPERA) for the Electoral Commission to take over responsibility for the review of all electoral arrangements at all levels – i.e. the work of the Parliamentary Commissions as well as the Local Government Commissions. One of the purposes of transferring responsibility for the review of electoral boundaries, including Parliamentary constituency boundaries, to the Electoral Commission was so that new approaches could be taken to the review process, including consideration of reviews of different types of boundary being undertaken simultaneously.

Once the transfer of responsibility takes place the Government understands that the Electoral Commission propose to examine the current legislation and arrangements (as it is proposing to do for the legislation that governs the local government electoral review arrangements) including the statutory criteria and the approach to reviews of Parliamentary constituencies. In due course we expect that there will be a dialogue between Government and the Electoral Commission on these issues. This may lead to proposals for changes to current legislation. The Select Committee report is timely and its findings and recommendations will help inform any process of change.

The legislation setting out the responsibilities of the Electoral Commission and the need to have regard for district, county and parliamentary boundaries when carrying out the reviews already exists. The relevant legislation is the Local Government Act 1992, which also brings to bear the statutory Rules set out in the Local Government Act 1972. These provide that an unwarded parish must be entirely in one district ward or county division and that, when considering the boundaries of county divisions, regard should be had to ward boundaries.

Moreover, the Rules on Redistribution of Seats contained in Schedule 2 to the Parliamentary Constituencies Act 1986 require that the Commissions try to avoid splitting local government areas between constituencies. They also require that the Commissions keep constituencies as close to the electoral quota as practicable having regard to geographical, size, shape and accessibility considerations as well as inconveniences attendant on alterations.

We understand that the Electoral Commission attaches great importance to achieving coterminosity between the boundaries of county divisions and district wards and, whilst this may not always be possible to achieve, they would normally expect coterminosity to be achieved in a significant majority of divisions. The Parliamentary Boundary Commission for England base new constituencies on wards and rarely, if ever, cross them.

Whether reviews of counties and districts are carried out at the same time is a matter for the Electoral Commission. Such an approach would help coterminosity 'between' reviews and be less disruptive for Electoral Registration Officers.

3. New legislation should give the Electoral Commission the power to look systematically at council size and make recommendations accordingly.

Under the current legislation it is for the Electoral Commission to decide the council size for each local authority. When undertaking a review of that local authority's electoral arrangements, we understand that the practice of the Electoral Commission, when embarking on an electoral review, is first to decide the council size following consultation with the local authority concerned. Before reaching any conclusion as to the appropriateness of this approach the Government wishes to see the outcome of the Electoral Commission's review of these processes.

We recognise that the issue of council size raises a range of questions beyond those connected directly with local authority electoral arrangements. Such questions include those about how a local authority might be most effectively led, how services might best be managed, and about the roles and responsibilities of elected members. In its publication *Vibrant Local Leadership* the Government put forward a number of ideas for discussion and debate about the future roles of councillors and about the political leadership of communities and neighbourhoods. These debates are continuing and it may be that if there are resulting proposals for change these could have implications for both the issue of council size and how in future it might be determined.

We will explore these issues in greater detail with the Electoral Commission in due course.

5. The Electoral Commission should remain aware of the need to ensure community interest when contemplating the creation of new multi-member wards.

Multi member county divisions are relatively new, only being permitted under the Local Government Act 2003. Wards are generally multi member. Under the Local Government Act 1972 metropolitan local authorities must return a number of councillors which is divisible by three; as a result all have 3 member wards. The current legislation requires the Electoral Commission to take into account community interests when considering councillor numbers within electoral areas.



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