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## REVIEW OF ELECTORAL ARRANGEMENTS

To: **Council - 28 February 2013**

By: **Corporate and Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **All Wards**

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**Summary:** Approval of Council is sought:

- (1) To request the Local Government Boundary Commission for England (LGBCE) to include the Council in the electoral review programme that would facilitate a planned implementation date of May 2019; and
- (2) To authorise the officers to take the initial step required to conduct a community governance review in respect of the remaining un-parished areas of Thanet

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 Both of the Conservative and Labour groups' manifestos contained a commitment to reduce the number of Councillors on Thanet District Council. Officers were originally informed last November that the Council could not be included in the LGBCE's 2013/14 electoral review programme because it did not meet any of the Commissions' 'electoral inequality' criteria. Officers were subsequently informed in February this year that due to a number of authorities deferring a review, there was some spare capacity in the 2013/14 programme for authorities wanting an electoral review with a planned implementation date of May 2015. However the LGBCE also advised that the available slots were likely to be taken up very quickly by authorities who had already requested an electoral review and were 'in the queue' and the advice to Thanet was to also get in the queue.
- 1.2 The Commission further advised of an impending change of legislation which would enable completed electoral reviews to be implemented at any local government elections, meaning that if Thanet could not be included in the 2013/14 programme for implementation in 2015 there would be the option of being added to subsequent programme with a planned implementation date of May 2017 (County Council elections) or May 2019 (District Council elections).
- 1.3 In the meantime officers had been informed by the Secretary to the Margate Charter Trustees of the decision of the Trustees on 13 February 2013 to request the Council to conduct a community governance review in respect of the area of the Charter Trustees, this being the only area of Thanet that was un-parished. It is important to state that the Charter Trustees did not make a recommendation that there should be a Parish Council created for Margate, only that the public and other stakeholders, including the Charter Trustees should be consulted on the options.

- 1.4 In this regard officers were also aware that it would be highly inadvisable to conduct a Community Governance Review at the same time as an electoral review (due to the likelihood of the latter affecting the boundaries of the former) and that if Thanet was added to the LGBCE's electoral review programme for 2013/14, with an implementation date of May 2015, it would not be possible to proceed with a Community Governance Review until after the May 2015 elections.

## **2.0 Meeting with the Group Leaders**

- 2.1 A meeting was arranged with the Group Leaders for 3 April 2013 with a view to exploring these issues and finding a consensus. Three of the four Group Leaders were able to attend the meetings including the Leaders of the two largest political groups. The LGBCE were also contacted in advance of the meeting and officers were informed that the available slots in the 2013/14 electoral review programme had now been allocated meaning there was now no longer any prospect of an electoral review taking place in time for implementation at the elections in May 2015.
- 2.2 The Group Leaders were briefed on the key issues including the desirability of the Council giving an indication to the Commission, with a range, of the reduction in the number of elected members the Council considered desirable on efficiency grounds. The officers produced illustrative tables of what the political governance arrangements of the Council might look like with 35 and 45 members respectively and these are reproduced at **Annex 1**. The Group Leaders were also advised that if the Council indicated to the Commission a preference for the creation of single of single member wards, the Commission would operate a presumption in favour of delivering that outcome.
- 2.3 A productive discussion followed with agreement being reached in principle as follows:-
- 2.3.1 That there was no longer any reason to defer a Community Governance Review for the un-parished areas of Thanet to 2015/16 and that such review should begin this municipal year so that if the review recommended a Parish Council for Margate and the Council accepted that recommendation, elections to the new Council could take place in May 2015;
- 2.3.2 That the Council should 'get in the queue' for an electoral review beginning after the May 2015 elections with an implementation date of May 2019;
- 2.3.3 That the shared objective of an electoral review was a reduction in the number of elected members in order to deliver a more efficient Council;
- 2.3.4 That the Council should request the LGBCE to consider a reduction in the number of elected member within a range of between 35 and 45 members as this would be sufficiently flexible to allow the party groups to make further representations during the review process;
- 2.3.5 That the Council should not request an electoral review based on single member wards.

## **3.0 Electoral Review**

- 3.1 Based on the views of the Group Leaders it is recommended that the Council formally requests the LGBCE to conduct a whole district electoral review with the objective of reducing the number of elected members to between 35 and 45 and that the review is

concluded in time for implementation at the Local Government elections in May 2019.

#### **4.0 Community Governance Review**

4.1 Although it would not be possible to create a Parish Council for the un-parished areas of Thanet without a Community Governance Review, this is not an inevitable outcome of the review. Instead, it can be seen as a process designed to assess community and stakeholder demand for the creation of such a body and to deliver that outcome only if the statutory criteria are met.

4.2 The key duties underpinning a Community Governance Review are;-

4.2.1 That the Council consults local electors and other persons who appear to it to have an interest in the review and takes their views into account;

4.2.2 That the Council has regard to the need to secure that community governance reflects the identities and interests of the community in the area under review;

4.2.3 That the Council has regard to the need to secure that community governance is effective and convenient;

4.2.4 That in deciding what recommendations to make, the Council also considers what arrangements (apart from the creation of a Parish Council) already exist or could be made for the purposes of community representation or community engagement; and

4.2.5 That the review is completed within 12 months from the date it starts.

In addition, the LGBCE guidance on community governance advises that any proposal to parish a Charter Trustee area should be judged against the effect on the historic cohesiveness of the area as well as community identity; i.e, does the Charter Trustee area contain a cohesive community or are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?

#### Terms of Reference

4.3 Section 81 of the Local Government & Public Involvement in Health Act 2007 requires the Council to draw up and publish terms of reference for a community governance review which specifies the area covered by the review. As the day to day conduct of community governance reviews falls within the terms of reference of the Boundaries & Electoral Arrangements Working Party, it is recommended that Council delegates authority to the Working Party to approve and publish the terms of reference. The 12 months time limit for completion will run from that date.

#### Consultation

4.4 In addition to consulting local government electors in the area under review, the Council is also required to consult Kent County Council, the Charter Trustees and other bodies that appear to the Council to have an interest in the review such as local businesses, community groups, voluntary associations and resident associations. Consultation responses will be reported to the Boundaries and Electoral Arrangements Working Party.

### Recommendations by the Boundaries & Electoral Arrangements Working Party

- 4.5 Following consideration of the evidence in the consultation responses it will be the responsibility of the Boundaries and Electoral Arrangements Working Party to develop community governance recommendations which fulfil the Council's statutory duties, i.e. reflect community identity and interests and which are effective and convenient taking into account the potential of arrangements other than the creation of a parish council.
- 4.6 However, if any of the recommendations are to create a civil parish in any part of an un-parished area that has more than 1000 local government electors, there are a number of significant consequential duties:-
- 4.6.1 The Working Party must recommend the creation of a Parish Council;
- 4.6.2 The Working Party must recommend a name for the Parish Council, e.g. Margate Town Council; or
- 4.6.3 The Working Party must consider whether the Parish Council should adopt one of the alternative styles permitted by the 2007 Act: e.g. Margate Community Council.
- 4.7 Once the Working Party has made its recommendations to full Council on the review, they must be published and the Council must ensure that those who may have an interest in them are informed of them.

### Decision on Recommendations

- 4.8 In taking a decision on the extent which the Council intends to give effect to the recommendations of the review, full Council must have regard to the statutory criteria and then publish its decision and the reasons for its decision and take sufficient steps to bring that to the attention of interested persons.

### Re-organisation Order etc.

- 4.9 The Council will give effect to any proposal to parish the un-parished area by making a Re-organisation Order and depositing a copy of the Order together with a map showing the effects of the Order at the Gateway for public inspection. The Council must also give a copy of the Order to:-
- The Secretary of State for Communities and Local Government
  - The LGBCE
  - Kent County Council
  - The Office of National Statistics
  - The Director General of the Ordnance Survey

### Creation of Parish Councils

- 4.10 If the Council decides to establish one or more parish councils, this will be included in the Re-organisation Order, along with the requisite electoral arrangements. The Council will also set the first year precepts, conduct the elections to the new council(s) and arrange the inaugural meeting(s).
- 4.11 It is therefore recommended that Council agrees that a Community Governance Review takes place in respect of the un-parished areas of Thanet and gives delegated authority to the Boundaries & Electoral Arrangements Working Party to

approve and publish the terms of reference for such a review. Further, Council should request the Working Party to make recommendations to full Council concerning the review which would enable the Council to make and publish its decision on the review within the statutory time limits.

## **Options**

- 5.1 To request the LGBCE to carry out an electoral review of Thanet District Council after May 2015 with an implementation date of May 2019
- 5.2 Not to request the LGBCE to carry out an electoral review of Thanet District Council after May 2015 with an implementation date of May 2019.
- 5.3 To carry out a Community Governance Review in respect of the un-parished areas of Thanet.
- 5.4 Not to carry out a Community Governance Review in respect of the un-parished areas of Thanet.

## **6.0 Corporate Implications**

### **6.1 Financial and VAT**

- 6.1.1 The costs of conducting a Community Governance Review can be met within existing budgets in this financial year. If a Parish Council is created, the cost of elections in 2015 will be recharged to the Parish Council.

### **6.2 Legal**

- 6.2.1 As set out in the report

### **6.3 Corporate**

- 6.3.1 The Council will be able to reduce the number of elected members whilst maintaining a sound and efficient system of political governance.
- 6.3.2 A Community Governance Review will enable the Council to assess and determine appropriate community governance arrangements for the un-parished areas of Thanet.

### **6.4 Equity and Equalities**

- 6.4.1 The decision to conduct a Community Governance Review or to request an electoral review will not directly or indirectly discriminate against a person with protected characteristics.

## 7.0 Recommendations

- 7.1 That the Local Government Boundary Commission for England be requested to include the Council in the electoral review programme that would facilitate a whole Council electoral review commencing after the date of the Local Government elections in 2015 and with a planned implementation date of the date of the Local Government elections in 2019.
- 7.2 That the Local Government Boundary Commission for England be requested to conduct the electoral review with the objective of reducing the number of elected members to between 35 and 45.
- 7.3 That a Community Governance Review be undertaken in respect of the un-parished parts of the administrative area of the Council
- 7.4 That the Boundaries & Electoral Arrangements Working Party be given delegated authority to approve and publish the terms of reference of the Community Governance Review and that the Working Party Committee makes recommendations to full Council concerning the review within the twelve months statutory time limit.

## 8.0 Decision Making Process

- 8.1 The decision to request an electoral review is a decision of full Council. The Boundaries and Electoral Arrangements Working Party will make recommendations on the Community Governance Review to full Council

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Reporting to:	<i>Dr Sue McGonigal - Chief Executive</i>

### Annex List

Annex 1	Tables demonstrating Political Governance Arrangements
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### Background Papers

Title	Details of where to access copy

### Corporate Consultation Undertaken

Finance	<i>Head of Financial Services – Sarah Martin</i>
Legal	<i>N/A</i>