

**MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION**

COMMITTEE: Constitutional and Nomination Committee

DATE: 8 December 2010

SUBJECT: Local Government Boundary Commission for England
Consultations

REPORT OF: The City Solicitor

PURPOSE OF REPORT:

To inform the Committee of the consultations being undertaken by the Local Government Boundary Commission for England regarding policy and procedure in respect of Principal Area Boundary Reviews and in respect of Electoral Reviews.

RECOMMENDATIONS:

1. To note and comment on the Local Government Boundary Commission for England's consultation paper on policy and procedures for principal area boundary reviews.
2. To note and comment on the Local Government Boundary Commission for England's consultation paper on policy and procedures for electoral reviews.
3. To comment on a draft consultation response (to be circulated by the City Solicitor ahead of the meeting).
4. To delegate to the City Solicitor responsibility for, in consultation with the Chair, finalising the Council's response to the consultations.

FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:

None

FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:

None

WARDS AFFECTED:

All

IMPLICATIONS FOR:

Antipoverty No	Equal Opportunities No	Environment No	Employment No
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BACKGROUND DOCUMENTS:

“On the Right Lines? – A Consultation on Policy and Procedures for Principal Area Boundary Reviews”, published by the Local Government Boundary Commission for England.

“Striking the Right Balance – A Consultation on Policy and Procedure for Electoral Reviews”, published by the Local Government Boundary Commission for England.

Link: <http://www.lgbce.org.uk/guidance-policy-and-publications/major-consultation-of-english-local-authorities>

CONTACT OFFICERS:

Susan Orrell, City Solicitor
Ext 3087 s.orrell@manchester.gov.uk

Michelle Chard, Head of Democratic and Statutory Services
Ext 4098 m.chard@manchester.gov.uk

Stephen Hollard, Senior Legal Officer
Ext 3336 s.hollard@manchester.gov.uk

Background

1. On 18 November 2010 the Local Government Boundary Commission for England (herein “the LGBCE”) published two consultation papers. One concerns policy and procedure in respect of principal area boundary reviews (“PABRs”) and the other policy and procedure in respect of local authority electoral reviews. The LGBCE contacted the Council on 26 November 2010, inviting a response. The consultations close on 31 December 2010 and the LGBCE aim to introduce any resultant changes to its methods by April 2011 (and to produce related guidance).

Consultation on Principal Area Boundary Reviews

2. PABRs are reviews undertaken by the LGBCE of the **external boundaries** of borough, city, district and county councils. At the completion of such a review the LGBCE may recommend to the Secretary of State one of the following:
 - a local government area boundary is altered;
 - the abolition of a local government area;
 - the constitution of a new local government area;
 - that no alteration is made to a local government area.
3. The LGBCE proposals in respect of the PABR policy and procedure are, in summary, as follows:
 - Instead of a single approach to undertaking PABRs, the use of resources in carrying out a review should be proportionate to the scale of change likely to be involved. It is envisaged that PABRs would be categorised as one of the following – Type A: ‘small-scale’; Type B: ‘medium-scale’; Type C: ‘large-scale’; and Type D: ‘full-merger’ – with the category type determining the complexity of the review process.
 - The type (“A, B, C or D”) of review would determine how substantial and rigorous the evidence of local support for change must be and how strong a business case the local authority must put forward – for larger scale changes the requirements would be stricter. Review type would have an impact on the degree to which a local authority would be expected to provide information as to the likely effect on internal electoral arrangements (see paragraph 6 for further discussion of these) of the proposed external boundary changes.
 - The potential for “compound reviews” – that is, where a proposed PABR is expanded to take into consideration boundary issues with other adjacent local authority areas.
 - The identification of key criteria in assessing a PABR.

- An initial pre-review stage, before the LGBCE formally determines whether to undertake a PABR.
 - Earlier notice to local authorities by the LGBCE of its intention to carry out reviews.
 - Provision of a set of “prompts” to assist authorities in answering the kinds of questions that the LGBCE will consider in deciding whether to proceed with a review.
4. It is to be noted that the LGBCE states that “local authorities should be the primary instigators of PABRs where they have identified the need for, and benefits of, changes to their boundaries” and that “we do not anticipate undertaking a PABR of any area without the agreement of all the potentially affected local authorities.”
5. The LGBCE has set out consultation questions in relation to the above proposals. In view of the short timescale since the LGBCE has published its consultation papers, it has not proved possible to provide a draft response to the questions by the time of issue of this report. The City Solicitor will however circulate such a draft ahead of the meeting of the Committee.

Consultation on Electoral Reviews

6. A local authority electoral review is a review of the **internal electoral arrangements** of a local authority. It concerns the following:
- the total number of members of a council;
 - the number and boundaries of electoral wards for the purposes of election of councillors;
 - the number of councillors to be returned by any ward in the authority; and
 - the name of any ward.
7. The LGBCE is required to undertake periodic electoral reviews (PERs) of local authority electoral arrangements and it can carry out further electoral reviews (FERs) where electoral arrangements appears to have become unbalanced outside of the expected PER timetable. Electoral reviews may also arise as a consequence of an PABR or at the request of a local authority.
8. The LGBCE proposals in respect of the electoral review policy and procedure are, in summary, as follows:
- Setting out guiding principles by which electoral reviews are conducted.
 - Instead of in every case having an in depth review of council size when conducting a review, to determine whether to do so on the basis of the type of

electoral review being undertaken. For example, where a review is triggered simply by imbalances between ward electorates and there is no clear need or desire for a change in council size, it is unlikely that the review will focus on the issue of council size.

- To have broad (non-mathematical) criteria for determining council size – i.e. how best to provide for an authority's decision-making processes, scrutiny processes, quasi-judicial processes and the representative role of elected members.
 - A reduction in the length of the consultation periods on draft recommendations, in particular making the period commensurate and proportionate to the scale of change being considered.
 - To put greater focus on the immediate effect on electoral equality (i.e. the number of electors represented by each councillor) of proposed changes to electoral arrangements, rather than their projected effect in five years' time. This proposal appears to arise from concerns over the accuracy of such five-year projections.
9. The LGBCE has set out consultation questions in relation to the above proposals. In view of the short timescale since the LGBCE has published its consultation papers, it has not proved possible to provide a draft response to the questions by the time of issue of this report. The City Solicitor will however circulate such a draft ahead of the meeting of the Committee.

The Council Response to the Consultation

10. The Committee is invited to comment on the proposals and on the draft consultation responses to be circulated by the City Solicitor ahead of the meeting.
11. Given the very short timescale in which the Council has to respond to the consultations, it is recommended that the City Solicitor be authorised to, in consultation with the Chair, finalise the Council's response.