

**EXPLANATORY MEMORANDUM TO
THE RUGBY (ELECTORAL CHANGES) ORDER 2012**

2012 No. Draft

1. This explanatory memorandum has been prepared by the Local Government Boundary Commission for England (the Commission) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1. The Order provides for new district wards and numbers of district councillors for the district of Rugby at the district elections in 2012. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2016 wherever this is necessary because a parish is to be split between new district wards.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative context

4.1. The Commission has power under section 59 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) to make an order giving effect to recommendations contained in a report prepared, under section 58(4) of that Act, after conducting an electoral review under section 56 (1) of that Act. This instrument is being made to give effect to the Commission's recommendations for new electoral arrangements set out in its report prepared following an electoral review of the district of Rugby.

4.2. This instrument is one of a group of five similar ones laid before Parliament together. The others are the Daventry (Electoral Changes) Order 2012, the Hartlepool (Electoral Changes) Order 2012, the Swindon (Electoral Changes) Order 2012 and the West Lindsey (Electoral Changes) Order 2012.

5. Territorial extent and application

5.1. This instrument applies to England.

6. European Convention on Human Rights

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1. The purpose of an electoral review is to decide on the appropriate electoral arrangements including the number of councillors and the names, number and boundaries of wards or divisions for a specific local authority. The Commission began the electoral review of Rugby on 20 July 2010. The Commission decided to carry out the review as, based on the December 2009 electorate figures, the existing Brownsver ward has 51% more electors per councillor than the average.

7.2. An electoral review aims to ensure that the number of electors represented by each county or district councillor is as close to equal as possible, but the recommendations must also reflect community identities and interests and ensure that the wards or divisions allow for effective and convenient local government. To achieve these aims, the Commission tries to ensure that the number of electors per councillor in every ward or division it recommends varies by no more than 10% from the average, to ensure good levels of electoral equality, but is happy to show flexibility in varying by more than 10% from the average based on the evidence provided to it during the consultation stages of the review. Following a four-stage review process the Commission published its “Final recommendations on the electoral arrangements for Rugby Borough Council”¹ on 27 September 2011.

7.3. The Order provides for changes to the electoral arrangements for the district of Rugby at the district elections in 2012 as recommended by Commission. The existing wards of the district will be replaced by 16 new ones. Thirteen wards will return three councillors, and three wards will return one councillor. The Commission evaluated how many wards would have electoral variances of more than 10% to give an overall indication of how its recommendations would improve electoral equality across the authority. The number of electors represented by each councillor in the 16 new wards is not predicted to vary by more than 10% from the average across the district by 2016.

7.4. To give effect to all or any of its recommendations, the Commission, under section 59 of the 2009 Act, can include provisions in its order to provide for the number of councillors to be returned by any electoral area, the election of councillors and the order of retirement of councillors for any electoral area. In order to implement the new electoral arrangements for the district, article 4 of the order makes provision that there should be a whole council election in 2012 on the new warding arrangements. The district council will revert back to the established system of elections by thirds in subsequent years. That article and Schedule 2 provides for the order of retirement of councillors and details the number of councillors for each ward that should be elected for 2014, 2015 and 2016. Under the Council’s current cycle of elections, there are no elections scheduled for the district in 2013.

¹ <http://www.lgbce.org.uk/documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/rugby-final-recommendations-v9.pdf>

7.5. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a district council it must also recommend whether, in consequence of those changes, any changes should be made to the electoral arrangements of any parish council that is within that district. Among other things, under Schedule 2 to that Act recommendations must ensure that no parish ward is split between new district wards and under section 56 of that Act recommendations must be made regarding the number of parish councillors for each parish ward.

7.6. Consequently, in addition to making changes to the electoral arrangements for the district the Order also, where necessary, makes provision with respect to the establishment of new parish wards and sets the number of parish councillors for each of those parish wards.

7.7. As a result of the changes to the electoral arrangements for the district council, the Order, in accordance with the Commission's powers under subsections 59(2) (g) and 59(4) of the 2009 Act, makes changes to the date of elections of certain parish councils in the district's area. The Order provides for parish elections of Shilton and Wolvey to take place on the ordinary day of election of councillors in 2014. Elections of all parish councillors for both parishes will take place in 2012, however the term of office for the councillors elected 2012 is to be for two years rather than four. The Order also provides for parish elections of Clifton upon Dunsmore and Newton and Biggin to take place on the ordinary day of election of councillors in 2016. Elections of all parish councillors for both parishes will take place in 2014, however the term of office for the councillors elected 2014 is to be for two years rather than four.

7.8. After the scheduled parish elections in 2014 and 2016 the Order provides for parish councils to revert back to the established system of parish elections every four years.

- Consolidation

7.9. The Order revokes the provisions of any earlier order in so far as it provides for elections in parishes affected by Article 7 on dates other than provided for in Article 7 of the Order. The Commission does not intend to consolidate the legislation at this time.

8. Consultation outcome

8.1. The Order gives effect to recommendations that were consulted on during the Commission's review of electoral arrangements from July 2010 until September 2011. There was an initial 6-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors for the district followed by a 13-week consultation on the most appropriate ward boundaries for the district. Having considered the submissions received, the Commission published its "Draft

recommendations on the new electoral arrangements for Rugby Borough Council”² on 29 March 2011. Following a further 12-week consultation on the draft recommendations the Commission considered further evidence received during the consultation and published its final recommendations.

- 8.2. In total, 33 representations were received during the consultation stages of the review. In response to the consultation on council size, Rugby Borough Council proposed a council size of 42 members, a reduction of six from the current council size of 48 members. The Commission considered that the Council’s proposal provided a comprehensive rationale for a council size of 42 and that this council size would ensure effective and convenient local government for the district.
- 8.3. Under the 2009 Act, where a district council elects by thirds or halves (as opposed to the whole council being elected every four years), there is a presumption that the authority should have a uniform pattern of three-member and two-member wards respectively. The starting point for this review was therefore based on having a uniform pattern of three-member wards, given Rugby Borough Council’s current electoral cycle. However, having received strong evidence for three single-member wards in Wolvey and Shilton, Clifton, Newton & Churchover and Leam Valley, the Commission decided to adopt the council’s proposals for three single-member wards in these areas as they best reflected community identity, whilst at the same time maintaining a good level of electoral equality.
- 8.4. Following the consultation on warding patterns, significant opposition was received relating to the proposed Revel and Binley Woods ward. Residents cited limited transport links between Binley Woods and the villages to the east, stating that there were no community links between the two areas. However a single-member Binley Woods ward would result in a variance of 15% over the average for the district by 2016. This variance could be considerably increased should development not proceed as planned. In the circumstances, the Commission decided not to depart from its draft recommendations in this area.
- 8.5. In Rugby Town, slight modifications were made to the recommendations for Newbold & Brownsover ward, Admirals ward, Rocheberie ward and Bilton ward.
- 8.6. A detailed analysis of the outcome of the consultation is set out in the report “Final recommendations on the electoral arrangements for Rugby Borough Council” which is available at www.lgbce.org.uk/all-reviews/west-midlands/warwickshire/rugby-electoral-review.

9. Guidance

- 9.1. The Commission does not intend to issue any guidance alongside this instrument. This is not considered necessary as the Order is self-explanatory and gives effect to

² www.lgbce.org.uk/documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/rugby-draft-recommendations-report-web.pdf

recommendations following consultation with interested parties as to the changes to electoral arrangements.

- 9.2. Once the Order has been made, the Commission will publish a press release and distribute to local media advising that new electoral arrangements will be implemented at the next local elections. The press release will also direct interested parties to the Commission's website where the final recommendations will be available in detail.

10. Impact

- 10.1. No impact assessment has been prepared because no impact on the private sector or the voluntary sector is foreseen.
- 10.2. The impact on the public sector will be limited to the area for which the Order makes provision. The one-off cost of producing the map referred to by the instrument is to be funded by the Commission. The one-off cost of amending the electoral register to reflect the new district wards and parish wards is to be funded by Rugby Borough Council.

11. Regulating small business

- 11.1. The Order does not apply to small business.

12. Monitoring and review

- 12.1. The Commission will have no role in monitoring Rugby Borough Council's implementation of the Rugby (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Rugby Borough Council.
- 12.2. The Order will be reviewed insofar as the Commission continually monitors local authorities in England to identify any that meet its criteria for electoral reviews.

13. Contact

- 13.1. Marcus Bowell at the Commission (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.