

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

**2012 No.**

**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 county electoral divisions and numbers of county councillors for the county of Durham at the county elections in 2013 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2013 and thereafter wherever this is necessary because a parish is to be split between new county electoral divisions.

**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 the 2009 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 county of Durham.

4.2. This instrument is one of a group of three similar ones laid before Parliament together. The others are the Buckinghamshire (Electoral Changes) Order 2012 and the Hart (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 divisions or wards for a specific local authority. The Boundary Committee for England (the Committee) began the electoral review of Durham on 1 July 2008 following a direction given by the Electoral Commission. Parliament had recently approved a statutory instrument establishing the new unitary authority of Durham in place of the existing county and district councils. The Electoral Commission was obliged under section 12(5) of the Local Government and Public Involvement in Health Act 2007 to consider whether new unitary authorities should be the subject of an electoral review by the Committee. Its view was that an electoral review of the new unitary authority was necessary. However, on 1 April 2010 the Local Government Boundary Commission for England (the Commission) was established under section 55(1) of the Local Democracy, Economic Development and Construction Act 2009. In accordance with the provisions of that Act the Commission assumed the functions of the Committee and took over the conduct of the electoral review.

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 have regard to community identities and interests and the need for effective and convenient local government. To achieve these aims, the Commission tries to ensure that the number of electors per councillor in every division or ward is as close as possible to the average for the authority, but is happy to show flexibility in moving away from the average based on the evidence provided during the consultation stages of the review. Following a five-stage review process the Commission published its “Final recommendations on the electoral arrangements for Durham County Council”<sup>1</sup> on 1 November 2011.

7.3. The Order provides for changes to the electoral arrangements for the county of Durham at the county elections in 2013 as recommended by the Commission. The existing divisions of the county will be replaced by 63 new ones. 11 divisions will each return three councillors, 41 divisions will each return two councillors and 11 divisions will each return one councillor. The Commission considered that the evidence received justified seven divisions having variances predicted to vary by more than 10% from the authority average by 2016.

7.4. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a county 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 county. Among other things, under Schedule 2 to that Act recommendations must ensure that no parish ward is split between new county

---

<sup>1</sup> [www.lgbce.org.uk/documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/durham-final-recommendations-report-2011-10-27-final.pdf](http://www.lgbce.org.uk/documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/durham-final-recommendations-report-2011-10-27-final.pdf)

electoral divisions and under section 56 of that Act recommendations must be made regarding the number of parish councillors for each parish ward.

7.5. Consequently, in addition to making changes to the electoral arrangements for the county 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.

- Consolidation

7.6. The Order does not amend or revoke any legislation.

## **8. Consultation outcome**

8.1. The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from July 2008 until November 2011 which was started by the Committee and completed by the Commission. There was an initial 10-week consultation, during which the Committee asked for proposals on the most appropriate number of councillors for the county followed by an 11-week consultation on the most appropriate division boundaries for the county. Having considered the submissions received, the Committee published its “Draft recommendations on the new electoral arrangements for Durham County Council”<sup>2</sup> on 15 September 2009. Following an analysis of the submissions received during Stage Three the Committee sought further views in some areas of the county during a further six-week consultation.

8.2. Responsibility for the conduct of this review was transferred from the Committee to the Commission on 1 April 2010. The Commission decided to delay the publication of the final recommendations until Durham County Council could update the electoral register to ensure the accuracy of 5-year electorate forecasts. Having considered the updated figures, the Commission decided to introduce an extra stage of consultation and published its “Further Draft recommendations on the new electoral arrangements for Durham County Council”<sup>3</sup> on 24 May 2011.

8.3. Following a nine-week consultation on the further draft recommendations the Commission considered further evidence received during consultation and published its final recommendations.

8.4. During the course of the review, approximately 600 responses were received in response to consultation. The Committee considered that a council size of 126 would ensure effective and convenient local government for the county. On the basis of the submissions received, the Commission based its further draft recommendations on

---

<sup>2</sup> [www.lgbce.org.uk/\\_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2009/071-durham-draft-recs-report-web.pdf](http://www.lgbce.org.uk/_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2009/071-durham-draft-recs-report-web.pdf)

<sup>3</sup> [www.lgbce.org.uk/\\_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/durham-further-draft-recommendations-report.pdf](http://www.lgbce.org.uk/_documents/lgbce-documents/draftfinal-reports-and-consultation-papers/2011-draftfinal-reports/durham-further-draft-recommendations-report.pdf)

submissions from Durham County Council, as well as more localised submissions from parish and town councils, and local residents.

- 8.5. In response to the consultation on the further draft recommendations, the Commission modified the recommendations in the central area of the county including in the Crook and Tow Law areas. These modifications were in response to submissions from a wide range of interested parties that indicated that Tow Law and Crook did not share strong community links and should not be in the same division. Changes were made in the Bearpark, Esh Winning and Sacriston areas to better reflect transportation and community links and to facilitate the modifications to the recommended Tow Law and Crook divisions.
- 8.6. The Commission also received a submission from the County Council for minor modifications in the City of Durham area to better reflect community identities. For the Chester-le-Street area, the Commission considered the balance of evidence supported the retention of three single-member divisions for the town as put forward in the further draft recommendations to provide for effective and convenient local government. However, the Commission recommended a minor amendment to the boundary between Chester-le-Street North and North Lodge divisions to provide for a more clearly defined division boundary.
- 8.7. A detailed analysis of the outcome of the consultation is set out in the report “Final recommendations on the electoral arrangements for Durham County Council” which is available at [www.lgbce.org.uk/all-reviews/north-east/durham/county-durham-electoral-review](http://www.lgbce.org.uk/all-reviews/north-east/durham/county-durham-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 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 county electoral divisions and parish wards is to be funded by Durham County 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 Durham County Council's implementation of the Durham (Electoral Changes) Order 2012. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Durham County 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](mailto:marcus.bowell@lgbce.org.uk)) can answer any queries regarding the instrument.