

	Licensing & Regulatory Committee 31 October 2016	Agenda Item No. 5
Title	Proposed Boundary Review of Warwick District Council Wards & Community Governance Review of Parish and Town Council Boundaries/Wards within Warwick District.	
For further information about this report please contact	Chris Elliott, Chief Executive 01926 456000 chris.elliott@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	None	
Background Papers	WDC Local Plan Final recommendations on the new electoral arrangements for Warwick District Council March 2013 Final recommendations on the new electoral arrangements for Warwickshire County Council March 2015	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	07.10.16	Chris Elliott
Head of Service		
CMT	07.10.16	Bill Hunt
Section 151 Officer	07.10.16	Mike Snow
Monitoring Officer	07.10.16	Andrew Jones
Finance		
Portfolio Holder(s)	10.10.16	Councillor Andrew Mobbs
Consultation & Community Engagement		
Final Decision?	No	
Recommendation to Council on 16 November 2016.		

1. **Summary**

- 1.1 The report brings forward a proposal for a combined review of Warwick District Council Ward boundaries by the Local Government Boundary Commission for England (LGBCE), together with a Community Governance Review of all Parish/Town Council boundaries (and their Wards) by Warwick District Council, in light of electoral inequality across the District and the lack of coterminous boundaries.

2. **Recommendations**

- 2.1 That the Committee recommends to Council that it should approach the Local Government Boundary Commission for England (LGBCE) to undertake a review of Warwick District Council (WDC) Ward Boundaries, and alongside it this Council undertakes a Community Governance Review of all Parish/Town Council boundaries (and their wards), in the light of electoral inequality across the District and the lack of coterminous boundaries, as explained in Section 3 of this report.
- 2.2 That the Committee recommends to Council that the proposal to be put to the LGBCE is for the WDC Ward Boundaries and names to follow those of the Warwickshire County Council (WCC) Divisional Boundaries within the District, with each ward having three WDC Councillors, except for:
- (a) the Budbrooke & Bishop's Tachbrook Division which should be split into two District Wards, each represented by two District Councillors – one to be named Budbrooke and the other Bishop's Tachbrook; and
 - (b) the Lapworth and Kenilworth West Division which should be split into two wards; one ward will cover the current Warwick District Kenilworth Abbey Ward area (to be represented by two District Councillors) and the other ward will represent the remaining rural area to be known as Lapworth, represented by one District Councillor.
- 2.3 That, subject to approval of recommendations 2.1 and 2.2 by Council, the Chief Executive is asked to notify WCC and all Parish & Town Councils within Warwick District of this Council's intention to approach the LGBCE, outlining the proposed principles of the review and seeking views on any specific issues relating to the proposed boundary revisions and/or revised electoral arrangements.
- 2.4 That the Committee recommends to Council that if the LGBCE does not approve the request for a Boundary Review of Warwick District or that this review will not be completed until after the 2019 elections, the Chief Executive is authorised to
- (a) Bring related alterations forward to ensure where possible the revisions made under the previous community governance order are coterminous with the District Wards;
 - (b) Bring forward the necessary Community Governance orders to amend the Town Council Wards in line with the requirements of the WCC Divisions review order.

- 2.5 That the Committee recommends to Council that in the submission of a request to the LGBCE the Chief Executive outlines the reasons why the Council does not feel the reduction of three Councillors will impact on its ability to operate democratically or for the Councillors to represent the local community effectively, as outlined in paragraph 3.23.

3. **Reasons for the Recommendations**

- 3.1 The Licensing & Regulatory Committee is responsible for “all the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews”. This includes requesting a review of the ward boundary arrangements for WDC. However, the advice from the Council’s Solicitors is that to avoid any potential challenge of decision this should be a decision taken by Council because of the proposed reduction in the number of Councillors. Section 8 of this report sets out the broad guidelines that the LGBCE will follow during such a review.
- 3.2 The last Boundary Review of Warwick District came into force at the combined District, Town and Parish Council elections held in May 2015. Under the previous review of Warwick District Wards, the LGBCE set a District average ratio of 2313 electors per Councillor, with an acceptable variance of +/- 10% from the average. This was based upon the request (at the time) from this Council to retain 46 Councillors.
- 3.3 However, it is clear that there are two issues now arising which strongly suggest that a further review should be requested by this Council. Firstly, the level of electoral growth in the District has already surpassed the level predicted by the LGBCE for 2018. This growth has already resulted in three District Wards exceeding the acceptable 10% variance from the average for the ratio of electors to Councillors. It is forecast that the number of District Wards out of tolerance will grow even further by the time of the next District elections, thus undermining the principle of electoral equality, i.e. that no matter the ward, all votes have equal (or as near as practically possible) weight in terms of the number of representatives that can be elected. Secondly, this Council has sought to establish and maintain the principle of coterminous boundaries at all levels of electoral representation. This has now been seriously breached by the implications of the LGCBE proposals for the WCC Divisions for Town Council Wards in the three largest towns in the District.

Electoral Inequality

- 3.4 During the last review, strong representations were made by the Council over anticipated growth/development, especially to the south of the District. This was not accepted by the LGBCE because at that time development had not started, nor was the Local Plan at a significantly advanced stage for all of its proposals to be taken into account. The Local Plan has now progressed with a number of large developments already approved, built or under construction. This development, combined with a general increase in the number of people registered to vote, has resulted in the ratio of electors to Councillors in three wards in this area already exceeding the tolerance level of 10% set by the LGBCE.

- 3.5 Appendix 1 illustrates the forecast growth in the electorate across Warwick District over the next five years using a number of different, but linked data sets, including the Register of Electors, population growth forecasts, forecasts from the LGBCE and the level of approved development in the District. All of these sources indicate significant electoral growth in Warwick District over the next five years up to 2021, with the lowest estimate predicting a further 2,000 electors and the highest estimate predicting an increase of 8,000 electors.
- 3.6 Appendix 2 provides an overview of the number of electors per ward as outlined in the 2013 LGBCE review of Warwick District. It also provides the current status of each ward and details how they compare in relation to the acceptable variance from the approved ratio of 2313 electors to one Councillor, as approved by the LGBCE for 2018.
- 3.7 In order to challenge the levels predicted by the LGBCE for WDC in 2018 and seek an early Boundary Review, the Council must demonstrate/evidence the significant level of growth expected in order for the Council to seek an early review of its boundaries. This early review would need to be agreed by the LGBCE. Therefore, it is important to cross reference the level of growth anticipated in the District against the values set by the LGCBE for 2018.
- 3.8 Ideally, the Council would also include a comparison of the anticipated electorate in Warwick District in 2020, as predicated by the LGCBE as part of their review of Warwickshire County Council Divisions. However, the Council does not have this data broken down by current WDC Ward.
- 3.9 Table 1 below illustrates the current percentage variances from the ratio of Councillors to Electors set for this Council's wards by the LGBCE for 2018 for the present value and predicted electoral growth up to 2021.

Table 1

	Actual % variance as at June 2016	% Variance from average predicted by LGBCE at 2018	WDC anticipated % variance from 2018 total predicted by LGBCE as at 2018	WDC anticipated % variance from 2018 total predicted by LGBCE as at 2021
Abbey	-14	3	-12	-10
Arden	-2	-5	-2	-2
Aylesford	9	-6	11	11
Bishop's Tachbrook	-7	-12	12	63
Brunswick	21	6	24	25
Budbrooke	6	7	7	8
Clarendon	4	3	14	16
Crown	4	1	4	4
Emscote	6	2	10	13
Leam	-11	-6	-6	-6
Manor	13	0	14	14
Milverton	3	7	3	3
Myton & Heathcote	-11	1	2	42

Newbold	-2	1	1	1
Park Hill	-3	-2	-1	1
Radford Semele	-6	-9	-4	-2
Saltisford	15	5	19	19
St. John's	-2	-1	-1	-1
Stoneleigh & Cubbington	-10	-9	-8	-8
Sydenham	5	9	8	10
Whitnash	-2	-2	-1	-1
Woodloes	-9	-6	-8	-6

- 3.10 Those wards of immediate concern are Brunswick, Manor and Saltisford, as they already exceed the 2018 electorate predicted by the LGBCE. However, the table also shows predicted level variances for each ward in 2018 and 2021, and thus illustrates how many more wards will fall out of the tolerance levels by these dates.
- 3.11 The importance of contrasting WDC's position to the LGBCE forecast is primarily that the Council needs an agreement from the LGBCE to undertake the review. The argument that has to be put forward is that its previous estimates now differ significantly from the current reality and as a consequence the principle of electoral equality has been seriously compromised as demonstrated by the key points that the data in Appendix 2 shows:
- (i) the total electorate for Warwick District is already at a greater level than that predicted by the LGBCE for 2018;
 - (ii) three WDC wards already have an electorate greater than 10% of the ratio of Councillor to electorate predicted by the LGBCE for 2018;
 - (iii) based on current approved development, it is forecast that by 2018, 10 of 22 District Wards will be outside the tolerance accepted by the LGBCE, with two wards at least 19% above the average ratio, and that by 2021 there will be three wards at 25% or greater of the average ratio; and,
 - (iv) the level of approved development within Warwick District will see further significant increases in the electorate across the District in the period to 2021.

The Principle of Coterminous Boundaries

- 3.12 In the last review, this Council committed itself to the principle of coterminous electoral boundaries, wherever reasonably practicable, to ensure clarity of representation for communities and also to enhance community identity.
- 3.13 The LGBCE decision on WCC Divisions conflicts significantly with the District Council Ward Boundaries. The proposals for the WCC Divisions radically alter some of the Town and Parish Council ward boundaries, resulting in a large number of small wards in the three largest towns in the District. This is a direct result of WCC Division and WDC Ward Boundaries not being coterminous, and the requirement under legislation for Town/Parish Council Ward Boundaries not to cross a District Ward or WCC Division Boundary.
- 3.14 The outcome of the revised WCC Division Boundaries is not conducive to making participation in elections easy for the community, when in the WDC area the District Council has its elections at the same time as the Parish/Town Councils, whilst WCC does not. The problem this creates is that, if unchanged,

at the next set of local elections in 2019, the wards for the District Council and the Town Councils of the three largest towns will be on different boundaries. In the Returning Officer's view, this is a recipe for voter confusion, will deter electoral participation, create more difficulties for electoral administration, and make it harder for candidates and their supporters to engage effectively with the electorate. None of this can be good for local democracy.

A copy of the following plans is attached:

- the current WDC Ward Boundaries, at Appendix 3;
- the current Parish & Town Council Boundaries, along with their wards, at Appendix 4;
- the approved WCC Division Boundaries for 2017, at Appendix 5; and
- the proposed Town/Parish Wards and Boundaries, at Appendix 6.

Proposals for Going Forward to the LGBCE

- 3.15 The LGBCE has previously informed this Council that it would not reconsider the boundaries within the District without radical proposals for change coming forward. The Returning Officer considers that the prospect of significant electoral inequality and the outcome of the review of County Council Division Boundaries have made a further review necessary, including the consideration of radical alternative options.
- 3.16 Given that this Council cannot ask for the County Division Boundaries to be reviewed, the only options available to the District Council are to either:
- do nothing, which for the reasons stated above would be contrary to achieving effective electoral equality and the Council's own disposition to seek coterminous electoral boundaries at all levels of representation; or,
 - seek to re-set the District and Parish/Town Council Ward Boundaries to be on those of the new County Council Divisions (14). This would mean that in retaining 3 Councillors per ward, the overall number of Councillors would be reduced from 46 to 42.
- 3.17 Having undertaken an assessment of the implication of having 14 wards, based on the WCC Divisions, with three District Councillors for each ward, the ratio provided would be 2574 electors to each Councillor. The ratio of WDC Councillors to electors has been set using the LGBCE predicted electorate for Warwick District as at 2020, according to their review of WCC Divisions. This ratio would place the Budbrooke and Bishop's Tachbrook ward significantly out of tolerance within five years. This analysis is outlined at Appendix 8 to the report.
- 3.18 Therefore, it is considered more logical that the Council seeks a reduction to 43 Councillors with 15 wards. The additional ward would be formed by splitting the Budbrooke and Bishop's Tachbrook Division area in half and having two District Councillors to represent each of these wards. The Budbrooke Ward would comprise of the Parishes of Budbrooke, Norton Lindsey, Shrewley and Hatton. The Bishop's Tachbrook Ward would comprise of the parishes of Bishop's Tachbrook, Barford, Sherbourne and Wasperton. This adjustment would result in an average ratio of 2513 electors per Councillor, and all wards being well within 10% tolerance during the next five years. This ratio was set using the LGBCE predicted electorate for Warwick District as at 2020. The analysis of this information is set out at Appendix 9 to the report.

- 3.19 In addition, it is suggested that the Lapworth and West Kenilworth Division area be split into two District Wards, to enable Kenilworth town to retain its coterminous electoral boundaries. The two District Wards would be formed thus: one covering the majority of the current Kenilworth Abbey ward and Burton Green Parish Council area, represented by two Councillors, and the other formed by the parishes of Beausale, Hasely, Honiley & Wroxall, Baddesley Clinton, Rowington, Bushwood and Lapworth, represented by a single Councillor. This geographical split is commensurate with the Council's principle of coterminous electoral boundaries. These proposals would lead to the District Council being made up of 16 wards.
- 3.20 Appendix 7 to the report provides a comparison across the Council's 15 nearest CIPFA neighbours, as well as the four other Districts/Boroughs of Warwickshire. The data is in order of ratio of electors to Councillors, and demonstrates that the recommended proposal from the Council would be reasonable and in-line with its nearest CIPFA neighbours.
- 3.21 It is considered good practice to make the County Council and all Parish & Town Councils aware of the revised boundary proposals by the District Council at an early stage, so that they have sufficient notice to engage in the process fully. This will also enable them to make a request to the Returning Officer regarding any boundary issues that they would like the Council to consider.
- 3.22 Recommendation 2.4 has been brought forward, after discussion with the LGBCE, to ensure that at the very least the related alterations to bring District and Parish/Town Boundaries in line with each other wherever possible.
- 3.23. The Council is required to evidence what impact, if any, a proposed reduction in the number of Councillors would have on the Council. This has been considered and the impact of the potential reduction of the size of the Council by three Councillors. The Council does not believe this will impact upon its governance framework and ability for democratic responsibilities. This is because this small reduction could be accommodated as at present some Councillors have few if any Committee responsibilities and in addition, the Council has experienced, since 2013, some Councillors being away from the authority for several months (for various reasons) without it impacting on the wider workload of Councillors. While there may be a small increase in workload, it will in essence be spread amongst the Wards of Kenilworth, Leamington and Warwick. In addition, this process would be aided through there being coterminous boundaries which will enable improved cross Council working for Councillors.
- 3.24 A separate report on the agenda sets out the proposed new Parliamentary Boundaries. In the context of the argument above regarding coterminous boundaries, it is suggested in that other report that the Council should make representations to make sure that the Parliamentary Boundary Review takes into account the review proposed by this Council, to ensure that coterminous boundaries are applied to all levels of electoral representation and uses the same boundaries. This would then help to avoid some of the current confusion that the local community has to experience, such as in the areas around Hopton Crofts and New Cubbington.

4. **Policy Framework**

- 4.1 **Policy Framework** – The report does not impact on the Council’s Policy Framework.
- 4.2 **Fit for the Future** (FFF) –The proposal reflects two of the three strands of Fit for the Future because it embodies the aim of delivering the same or better service, whilst reducing its expenditure.
- 4.3 **Impact Assessments** – No impact assessments have been undertaken on the proposals within this report, as these would be considered by the LGBCE as part of its review.

5. **Budgetary Framework**

- 5.1 The report does not impact on the current Budgetary Framework for the Council.
- 5.2 The proposal would impact on the budget for the Council and approved Medium Term Financial Strategy. If the proposed reduction in Council size to 43 Councillors is accepted by the LGBCE, then it is anticipated that there would be a saving of circa £15,000 per year in Members’ Allowances. This however, is against the anticipated savings of £80,000, as currently outlined in the FFF if the Council were reduced in size to 28 Members. Therefore, the Council will need to consider how it would find the other £65,000 per annum by way of additional savings.
- 5.3 Members should note that a review of Members’ Allowances is due to commence shortly, the recommendations of which may impact on the figures quoted above.

6. **Risks**

- 6.1 There is a risk of having insufficient time to complete the review and implement it by the next elections in May 2019. To mitigate this risk, the Council needs to move as swiftly as possible to bring this work forward.
- 6.2 However, there is also a risk that the LGBCE may not accede to the Council’s request to undertake another review. This risk is difficult to mitigate but if the Council has a clear line of argument it ought to be able to prevail.
- 6.3 There may also be a risk that the LGBCE may undertake a review but not agree with the Council’s proposals in this report or the proposed timeline. The consultation process should help to mitigate this risk if the Council and Town/Parish Councils are able to set out a similar and consistent line of argument.

7. **Alternative Option(s) considered**

- 7.1 Whilst the Council could consider maintaining the status quo, i.e. stay as it is, this is not considered a realistic option for the reasons set out in section 3 of this report.

- 7.2 Consideration could be given to realigning Warwick District wards with Warwickshire County Council Divisions, but subdividing them into smaller wards of equal number of electors, each represented by a Councillor. This has been proposed in so far as it has remained compatible with achieving coterminous boundaries and achieving electoral equality for Lapworth and Kenilworth West and for Budbrooke and Bishop's Tachbrook. However, further subdivision is not considered appropriate as it not believed that this can be achieved whilst retaining an appropriate ratio of electors to Councillors and the current Town/Parish Council Boundaries.
- 7.3 Consideration could be given for having two District Councillors representing each County Division. However, this would lead to a significant increase in workload for Councillors and could potentially give rise to a full time role, with a similar ratio of electors to Councillors as in single tier and County authorities. Councillors would need to understand that this would be a much more radical change to their role if they chose to pursue this option. It is also unlikely that this route would generate much in the way of financial saving, as officers predict that Member Allowances would need to increase significantly and would likely offset any saving that might be made by reducing the overall number of Councillors. For all of these reasons, this option is not recommended.
- 7.4 The Committee could consider deviating from the coterminous boundary principle and redrawing boundaries it feels are appropriate based on a ratio of electors to Councillors that best meets the needs of the community. This option was not brought forward because of the issues discussed in section 3 of the report. In addition, there are a number of historic Parishes within the District that the Council would not wish to impact upon by drawing boundaries which could result in new Parish Boundaries or "Warding" of these Parishes.
- 7.5 The Committee should be mindful that a Parish/Town Ward cannot cross a District Ward or a County Divisional Boundary. Therefore, amending these Boundaries, depending on the election to take place, would not be permissible nor would be approved by the LGBCE, who have to provide consent for the change of a Parish/Town Boundary or Ward if a change has been made to that Boundary within the previous five years.

8. **Background**

- 8.1 The LGBCE report on Warwick District Boundaries can be found [here](#) and its report on the WCC Divisions can be found [here](#). A copy of the boundaries for WCC/WDC/Parish/Town Councils is attached at Appendices 3, 4, 5 and 6 to this report.
- 8.2 The LGBCE provides technical guidance for reviews, of the electoral arrangements of local authorities: the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each. It states: "Electoral reviews are initiated primarily to improve electoral equality. This means ensuring, so far as is reasonable, that for any principal council, the ratio of electors to councillors in each electoral ward or division, is the same. However, electoral reviews can also be carried out at a local authority's request, for example to look at council size (the total number of councillors) or provide for single-member wards or divisions. The Commission is responsible for putting any changes to electoral arrangements into effect and does this by making a Statutory Instrument or

order. The local authority then conducts local elections on the basis of the new arrangements set out in the order.”

- 8.3 Guidance on the size of Council can be taken from the LGBCE guide titled “Council size- helping you make the strongest possible case to the Commission - A guide for local authority elected members and staff”. Proposals for council size are most easily, and regularly, argued in terms of effective and convenient local government (in terms of choosing the appropriate number of members to allow the council and individual councillors to conduct the council’s business most effectively). Arguments can also be made on the basis of reflecting communities and allowing for fairness of representation.
- 8.4 Any locally generated proposal needs to be based on sound evidence and reasoning and ensure that it has considered the points the LGBCE will look at when determining a request. In instances where a radical proposal is made, this evidence will need to be even stronger. To provide context to the authority’s proposal on council size, the LGBCE will refer to the Nearest Neighbours model prepared and published by the Chartered Institute of Public Finance and Accountancy (CIPFA). This information is set out at Appendix 7 to the report.
- 8.5 The LGBCE will look at four specific areas: (1) The governance arrangements of the council and how it takes decisions across the broad range of its responsibilities; (2) the council’s scrutiny functions relating to its own decision making and the council’s responsibilities to outside bodies; (3) the representational role of councillors in the local community and how they engage with people, conduct casework and represent the council on local partner organisations; and (4) the future. Points (1) to (3) will not be significantly affected by the proposals.