

Licensing & Regulatory Committee

Excerpt of the minutes of the meeting held on Monday 31 October 2016, at the Town Hall, Royal Leamington Spa at 2.30 pm.

Present: Councillor Illingworth (Chairman); Councillors Ashford, Boad, Mrs Cain, Mrs Falp, Gallagher, Miss Grainger, Quinney, Mrs Redford, Mrs Stevens and Weed.

16. **Apologies and Substitutes**

- a) Apologies for absence were received from Councillor Davies and Councillor Gill; and
- b) Councillor Boad substituted for Councillor Gifford.

17. **Declarations of Interest**

There were no declarations of interest made relating to the minutes contained within this excerpt.

18. **Proposed Boundary Review of Warwick District Council Wards & Community Governance Review of Parish and Town Council Boundaries/Wards within Warwick District**

The Committee considered a report from the Chief Executive which brought 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.

The Licensing & Regulatory Committee was responsible for "all the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This included requesting a review of the Ward boundary arrangements for WDC. However, the advice from the Council's Solicitors was 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 set out the broad guidelines that the LGBCE would follow during such a review.

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.

However, it was clear that there were two issues now arising which strongly suggested that a further review should be requested by this Council. Firstly, the level of electoral growth in the District had already surpassed the level predicted by the LGBCE for 2018. This growth had already resulted in three District Wards exceeding the acceptable 10% variance from the average for the ratio of electors to Councillors. It was forecast that the number of District Wards out of tolerance would 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 had equal (or as near as practically possible) weight in terms of the number of representatives that could be elected. Secondly, this Council had sought to establish and maintain the principle of coterminous boundaries at all levels of electoral representation. This had now been seriously breached by the implications of the LGCE proposals for the WCC Divisions for Town Council Wards in the three largest towns in the District.

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 LGCE 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 had 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, had resulted in the ratio of electors to Councillors in three wards in this area already exceeding the tolerance level of 10% set by the LGCE.

Appendix 1, to the report, illustrated the forecasted 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 LGCE and the level of approved development in the District. All of these sources indicated 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.

Appendix 2, to the report, provided an overview of the number of electors per ward as outlined in the 2013 LGCE review of Warwick District. It also provided the current status of each ward and detailed how they compared in relation to the acceptable variance from the approved ratio of 2313 electors to one Councillor, as approved by the LGCE for 2018.

In order to challenge the levels predicted by the LGCE for WDC in 2018 and seek an early Boundary Review, the Council needed to 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 LGCE. Therefore, it was important to cross reference the level of growth anticipated in the District against the values set by the LGCE for 2018.

Ideally, the Council would include a comparison of the anticipated electorate in Warwick District in 2020, as predicated by the LGCE as part of their review of Warwickshire County Council Divisions. However, the Council did not have this data broken down by current WDC Ward.

As shown in the report, Table 1 of the report, illustrated the current percentage variances from the ratio of Councillors to Electors set for this Council's wards by the LGCE for 2018 for the present value and predicted electoral growth up to 2021.

Those wards of immediate concern were Brunswick, Manor and Saltisford, because they already exceeded the 2018 electorate predicted by the LGCE. However, the table also showed predicted level variances for each ward in 2018 and 2021, and thus illustrated how many more wards would fall out of the tolerance levels by these dates.

The importance of contrasting WDC's position to the LGBCE forecast was primarily that the Council needed an agreement from the LGBCE to undertake the review. The argument that had to be put forward was that its previous estimates now differed significantly from the current reality and as a consequence, the principle of electoral equality had been seriously compromised as demonstrated by the key points that the data in Appendix 2 to the report showed:

- (i) the total electorate for Warwick District was already at a greater level than that predicted by the LGBCE for 2018;
- (ii) three WDC wards already had 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 was forecast that by 2018, 10 of 22 District Wards would be outside the tolerance accepted by the LGBCE, with two wards at least 19% above the average ratio, and that by 2021 there would be three wards at 25% or greater of the average ratio; and,
- (iv) the level of approved development within Warwick District would see further significant increases in the electorate across the District in the period to 2021.

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.

The LGBCE decision on WCC Divisions conflicted significantly with the District Council Ward Boundaries. The proposals for the WCC Divisions radically altered 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 was 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.

The outcome of the revised WCC Division Boundaries was not conducive to making participation in elections easy for the community, when in the WDC area the District Council had its elections at the same time as the Parish/Town Councils, whilst WCC did not. The problem this created was 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 would be on different boundaries. In the Returning Officer's view, this was a recipe for voter confusion, would 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 would be good for local democracy.

A copy of the following plans were attached to the report:

- 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.

The LGBCE had previously informed this Council that it would not reconsider the boundaries within the District without radical proposals for change coming forward. The Returning Officer considered that the prospect of significant electoral inequality and the outcome of the review of County Council Division

Boundaries had made a further review necessary, including the consideration of radical alternative options.

Given that this Council could not ask for the County Division Boundaries to be reviewed, the only options available to the District Council were 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.

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 had 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 was outlined at Appendix 8 to the report.

Therefore, it was considered more logical for the Council to seek 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 was set out at Appendix 9 to the report.

In addition, it was 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 was commensurate with the Council's principle of coterminous electoral boundaries. These proposals would lead to the District Council being made up of 16 wards.

Appendix 7 to the report provided a comparison across the Council's 15 nearest CIPFA neighbours, as well as the four other Districts/Boroughs of Warwickshire. The data was in order of ratio of electors to Councillors, and demonstrated that the recommended proposal from the Council would be reasonable and in-line with its nearest CIPFA neighbours.

It was 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 had sufficient notice to engage in the process fully. This would also enable them to make a request to the Returning Officer regarding any boundary issues that they would like the Council to consider.

Recommendation 2.4 had been brought forward, after discussion with the LGBCE, to ensure that at the very least the related alterations would bring District and Parish/Town Boundaries in line with each other wherever possible.

The Council was required to evidence what impact, if any, a proposed reduction in the number of Councillors would have on the Council. This had been considered and the impact of the potential reduction of the size of the Council by three Councillors. The Council did not believe this would impact upon its governance framework and ability for democratic responsibilities. This was because this small reduction in the number of Councillors could be accommodated because at present some Councillors had few if any Committee responsibilities and in addition, the Council had 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 might be a small increase in workload, it would 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 would enable improved cross Council working for Councillors.

A separate report on the agenda set out the proposed new Parliamentary Boundaries. In the context of the argument above regarding coterminous boundaries, it was suggested in that other report that the Council should make representations to make sure that the Parliamentary Boundary Review took into account the review proposed by this Council, to ensure that coterminous boundaries were applied to all levels of electoral representation and used the same boundaries. This would then help to avoid some of the current confusion that the local community had to experience, such as in the areas around Hopton Crofts and New Cubbington.

As an alternative option the Council could consider maintaining the status quo, i.e. stay as it was, this was not considered a realistic option for the reasons set out in section 3 of the report.

Another alternative option could have been 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 had 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 was not considered appropriate as it was not believed that this could be achieved whilst retaining an appropriate ratio of electors to Councillors and the current Town/Parish Council Boundaries.

Another alternative option could have been given for having two District Councillors representing each County Division. However, this would have led to a significant increase in workload for Councillors and could potentially have given 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 was also unlikely that this route would generate much in the way of financial saving, as officers predicted 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 was not recommended.

The Council could alternatively consider deviating from the coterminous boundary principle and redrawing boundaries it felt were appropriate based on a ratio of electors to Councillors that best met 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 were 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.

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 have been permissible nor would it have been approved by the LGBCE, who had to provide consent for the change of a Parish/Town Boundary or Ward if a change had been made to that Boundary within the previous five years.

The Deputy Monitoring Officer and Democratic Services Manager explained that there was a formulaic error within the data for Appendix 8 which did not significantly alter the information provided and this would be revised before submission.

Members of the Committee had concerns that if the Council was committed to coterminous boundaries this should apply at all levels of election and therefore at Parish level this should include New Cubbington and Whitnash East wards. This was proposed duly seconded and

Recommended to Council that:

- (1) 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 the report;
- (2) 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.

- (3) subject to approval of (1) and (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, which would include:
 - (i) A proposal to move the area of New Cubbington Parish Ward into Royal Leamington Spa;
 - (ii) A proposal that the area of Whitnash East Town Ward is moved into Royal Leamington Spa;
- (4) 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.
- (5) 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 of the report.

(After the vote on this item had been taken Councillors Mrs Cain, Mrs Falp, Illingworth and Stevens asked for their votes (against this proposal) to be recorded in the minutes.

(The meeting ended at 3.50 pm)