

LGBCE ELECTORAL REVIEW OF MSDC: COUNCIL SIZE SUBMISSION

REPORT OF: HEAD OF REGULATORY SERVICES
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Wards Affected: All
Key Decision: No
Report to: Council
27th January 2021

Purpose of Report

1. To recommend to Council a future Council Size for submission to the Local Government Boundary Commission (England), as a starting point for the Review.

Summary

2. The Council Size submission (attached at Appendix 1) is principally informed by housing and electorate forecasting to 2027. It seeks also to consider carefully the overall strategic direction of the Council.
3. The submission was the subject of consultation with political group leaders during December 2020. It suggests that a Council of 48 elected Members would deliver effective and convenient local government for at least the next 15 years.
4. This number aligns with the outcome of a recent Electoral Review of our near neighbour, Horsham District Council, which has a comparable electorate and a similar amount of forecast new housing supply.

Recommendations

- i. **That Council approves the Council Size proposal for submission to the Local Government Boundary Commission (England) by 29th January 2021, so that the Commission can begin the Electoral Review of Mid Sussex District Council.**
 - ii. **That Council delegates authority to the Head of Regulatory Services to make minor amendments, e.g, those that are necessary as an accepted outcome of our forthcoming Governance Review or based upon Commission requirement.**
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Background

5. An Electoral Review briefing was provided to Members on 28th September 2020.
6. This explained that the starting point for every review is to decide the appropriate number of councillors for the authority. While the final decision on council size rests with the Commission, its approach is one of dialogue with each council that it reviews. The Commission's view is that a 'good' review is one where the local authority actively engages with the process. Ideally, the Commission's decision will be informed by locally generated proposals that are underpinned by evidence and reasoning.

What is Council Size?

7. The Local Democracy, Economic Development and Construction Act 2009¹ (the 2009 Act) gives the Commission the power to review the electoral arrangements of all, or any, principal councils in England.
8. The legislation states that ‘the total number of members of the council’ forms part of an authority’s electoral arrangements. The Commission refers to this more simply as ‘council size’. The legislation does not set out how many members (or councillors) each authority (or type of authority) will have. It is the Commission’s responsibility to determine the appropriate number of councillors for each authority.
9. The Commission will recommend a council size that, in its judgement, enables the council to take its decisions effectively, to discharge the business and responsibilities of the council successfully, and to provide for effective community leadership and representation.

General Principles

10. The Commission recognises that there is considerable variation in council size across England, not only between different types of local authority – metropolitan, unitary, shire district and county councils – but also between authorities of the same type.
11. In the Commission’s opinion, local government is as diverse as the communities it serves - providing leadership, services and representation suited to the characteristics and needs of individual areas. The Commission aims to recommend electoral arrangements, including council size, which are appropriate for the local authority.
12. The way in which councils conduct their business and provide for the effective representation of their electorate has changed considerably over recent decades. The implementation of the Local Government Act 2000 (the 2000 Act) saw most local authorities change how they made decisions and operate. Similarly, subsequent legislation, including the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011, introduced further opportunities for local government to modify governance and management arrangements. In addition, partnership working, developments in service delivery, and the impact of digital working have also impacted on local authorities.
13. An electoral review provides the opportunity for respondents to think carefully about current arrangements in the context of modern governance and service delivery needs; and what these mean for the future regarding the number of elected members.
14. The most persuasive submissions are those which, rather than considering whether the current number ought not to be changed, reflect on what number of councillors would be required if the council was being newly established.
15. The Commission does not recommend that submissions made on council size need to be particularly long. However, submissions should be made on the recommended template and demonstrate careful thinking about the issues. Electoral reviews take place infrequently and the Commission wants local authorities to take the opportunity to ask themselves questions about the important roles of councillors in providing leadership, securing accountability and offering community leadership.

¹ Local Democracy, Economic Development and Construction Act 2009, s 55 - 59
https://www.legislation.gov.uk/ukpga/2009/20/pdfs/ukpga_20090020_en.pdf

16. The Commission seeks to understand elected member requirements across three aspects:

- **Strategic Leadership** - how many councillors are needed to give strategic leadership and direction to the authority?
- **Accountability**
 - i. *Scrutiny* - how many councillors are needed to provide scrutiny to the authority?
 - ii. *Regulatory* - how many councillors are needed to meet the regulatory requirements of the authority?
 - iii. *Partnerships* - how many councillors are required to manage partnerships between the local authority and other organisations?
- **Community Leadership** - how the representational role of councillors in the local community is discharged and how they engage with people and conduct casework.

17. In every review, the Commission will make recommendations that it considers will remain appropriate for the medium to longer term, i.e. to recommend a council size that delivers effective and convenient local government well after the completion of the electoral review. Accordingly, respondents should set out their longer-term vision for operation of the local authority.

Approach

18. The Commission must construct electoral arrangements that reflect local circumstances, and in doing so will neither apply any strict mathematical criteria nor impose a formula for the national determination of council size. It is recommended that submissions clearly demonstrate the characteristics and needs of each local authority, and its communities, and how such factors have informed the proposed council size(s).

19. The Commission will compile comparative data sheets of statistically similar councils based on the groupings given by CIPFA's Nearest Neighbour Model for English authorities. This data may be used to help the Commission understand and, on occasion, to query any proposals that appear unexpected. This comparative data will be made available to everyone on the Commission's website.

20. The Commission may look at the 'expected range' as shown on the appropriate data sheet for both the overall council size and the councillor to elector ratio. This expected range is defined by an upper and lower quintile with the median providing the mid-point value. The Commission may be interested to see how the authority under review compares to its nearest neighbours.

21. Local authorities should be mindful of the overall appropriateness of the proposed council sizes in terms of governance, specifically in ensuring that it is neither too small to discharge its statutory functions nor too large to function in an effective manner and with purposeful roles for all elected members. Accordingly, whilst recognising that such thresholds might vary depending on the type of local authority and its specific setting, the Commission will look for particularly strong evidence in support of proposals that place the authority amongst the highest and lowest levels of similar councils nationwide, especially where authorities would be below 30 or exceed 85 councillors in size.

22. The Commission's decision about an authority's council size will mark the formal start to the review process. However, the Commission's decision on council size will not be

formalised until the Final Recommendations are agreed and published. This is because the number of councillors may change marginally (generally plus or minus 1) from the initial decision if it is felt that modifying the number of councillors may provide for a warding pattern that better reflects the three statutory criteria.

23. The Final Recommendations describe the complete set of electoral arrangements, including ward names and locations as well as the number of elected members, alongside parish warding arrangements. These recommendations will be implemented at the next election (2023) by means of an Order laid before Parliament.

Multiple Submissions and Balancing the Evidence

24. Political (or other) groups may present their own submissions to the Commission either alongside or as an alternative to the council's formal submission. Your officers believe it effective and persuasive to make this submission as 'the Council', in this context that means by Officers with the approval of Council.

25. Where the Commission receives multiple finely balanced proposals, or a single poorly evidenced case, it may request further information from the respondents. If further information is not forthcoming, the Commission reserves the right to put forward its own number based on its own experience and judgement. It may also choose to carry out a period of consultation.

Timetable for the Review:

26. As a reminder, the key milestones agreed by the Commission are as follows (green colouring indicates 'already completed' whilst amber indicates 'due imminently'):

Preliminary Period

Activity	Attendees		Completion Dates
	Council	LGBCE	
Initial Meeting	Council Leader Chief Executive	Chair Chief Executive	11 March 2020
Officer Briefing	Council Officers involved in review	Review Manager Review Officer	15 July 2020
Group Leader Briefing	Council Group Leaders	Lead Commissioner Review Manager Review Officer	19 August 2020
Full Council Briefing	All Councillors	Lead Commissioner Review Manager Review Officer	28 September 2020
Full Information Requirements	Democratic Services	Review Officer	8 October 2020
2027 Housing, Electorate forecast	Planning Policy	Review Officer	9 October 2020
Geo-Coded 2021 Electoral Register	Democratic Services	Review Officer	8 December 2020
Parish/Town Council & Local Groups Briefing	Democratic Services	Review Manager Review Officer	10 February 2021

Council Size

Activity	Involvement		Completion Dates
	Council	LGBCE	
Develop council size proposal	Council Political Groups	Officers will be able to answer any technical queries on making a submission.	December 2020
Submission of council size proposal	Council Political Groups	Officers will acknowledge receipt of submissions.	29 January 2021
Commission: Council Size	Not required	Commission	16 March 2021

Warding Patterns

Activity	Involvement		Completion Dates
	Council	LGBCE	
Consultation on warding patterns	Council Political Groups General Public	Conduct public consultation, collate & analyse responses.	23 March 2021 – 31 May 2021
Commission: Draft Recommendations	Not required	Commission	20 July 2021
Consultation on Draft Recommendations	Council Political Groups General Public	Publish draft recommendations. Conduct public consultation, collate & analyse responses.	3 August 2021 – 11 October 2021
Commission: Final Recommendations	Not required	Commission	14 December 2021
Final Recommendations - Publication	Not required	Commission	January 2022

Order

Activity	Involvement		Completion Dates
	Council	LGBCE	
Order laid	Not required	Commission	Spring 2022
Order made	Not required	Commission	Spring 2022
Implementation	Council	Not required	1 Dec 2022

27. The 2023 electoral register is issued 1st Dec 2022. Any new wards / polling districts must be redrawn, structurally configured and quality assured by then. This detailed and complex work will be conducted by Democratic Services together with GIS mapping in the summer of 2022.

28. The new electoral register, any new warding patterns, polling district changes and new council size will take effect at the May 2023 Local Government Elections.

Policy Context.

29. This statutory, Electoral Review is periodic. By the time it starts formally, it will be following on from the Council's own Governance Review which has been commissioned to complete by March 2021. The last Electoral Review of this Council took effect in 2002.

Other Options Considered

30. The Council could choose not to make a Council Size submission. This option would provide the Council with little or no ability to shape the Commission's recommendations, and therefore is not recommended.

Financial Implications

31. At completion of the Review, *if* the Commission's Final Recommendations to Parliament provide for a reduced Council size, efficiencies from 2023 onward might be possible. These could relate to the cost of some governance activities.

Equality and Customer Service Implications

32. The Commission will work to achieve electoral equality and will consider representations made to it by other public authorities, community groups, residents associations, electors, political and other stakeholders.

Background Papers

33. Appendix 1 – The Council Size Proposal for submission to the Commission.
Appendix 2 - Housing Development and Electorate Forecast to 2027.