

County Council

21 September 2022

**Local Government Boundary Commission
Review**



Corporate Management Team

Paul Darby, Corporate Director of Resources

Councillor Amanda Hoggood, Leader of the Council

Councillor Richard Bell, Deputy Leader of the Council and Portfolio Holder for Finance

Electoral Division(s) affected:
Countywide.

Purpose of the Report

- 1 To agree the Council's draft submission to the Local Government Boundary Commission England (LGBCE) in respect of Council Size.

Executive Summary

- 2 The LGBCE are conducting an Electoral Review of Durham County Council. The Review will consider and determine:
 - The total number of councillors to be elected to the council
 - The boundaries of future electoral divisions
 - The number of councillors representing each division and
 - The name of the electoral divisions
- 3 The principal aim of the review is to deliver electoral equality across the local authority area by ensuring those councillors represent a similar number of electorate.
- 4 The review is conducted in two stages. The first stage considers Council size and the second considers warding patterns. This report sets out a draft submission in respect of Council size and the data and information required by the LGBCE.

Recommendation

5 Council is recommended to:

i) consider and agree the submission on Council Size; and

ii) delegate authority the Head of Legal and Democratic Services in consultation with the Electoral Review Member Working Group to finalise the data and information and proposals on Council size prior to submission to the LGBCE by 4 October 2022.

Background

- 6 The last local government boundary review in County Durham took place following the 2008 elections and was implemented to coincide with the local elections in May 2013.
- 7 Local government boundary reviews are conducted to ensure fair representation at local government elections after any significant changes in the distribution of electors and seek to deliver electoral equality for voters in local elections.
- 8 Reviews also look at whether the boundaries of divisions (wards) within a local authority area need to be altered, and will aim to create boundaries that are appropriate, and reflect community ties and identities.
- 9 In October 2021 the Local Government Boundary Commission for England (LGBCE) notified the County Council of their intention to undertake a review of Durham County Council to consider and determine:
 - The total number of councillors to be elected to the council
 - The boundaries of future electoral divisions
 - The number of councillors representing each division; and
 - The name of the electoral division.
- 10 The average electorate per Councillor within County Durham is 3,106. Durham meets the Commission's criteria for electoral inequality as one division has a variance outside +/-30% of the average for the authority. Furthermore, 15 of the 63 (24%) divisions have a variance outside +/-10%. Four divisions have a variance outside +/-20%.
- 11 Any changes made to the electoral arrangements following the review will be implemented to coincide with the local elections in 2025.

Progress to date

- 12 In January 2022, representatives from the LGBCE held preliminary discussions with the Leader and Deputy Leader of the Council, Group Leaders, the Chief Executive, and Officers from Legal and Democratic Services to discuss the review process.
- 13 The LGBCE delivered a briefing to all Members on 11 February 2022 which outlined the purpose and process of the review. The LGBCE also prepared a guide for Councillors, which summarises the reasons for the review, the detail of the electoral review process, the stages of the

review, and how to get involved. It also includes a list of the current divisions and variances, and a map showing the electoral imbalances. This document was provided to all Councillors and is attached at Appendix 2 to the report.

- 14 A Member Working Group comprising all Group Leaders and the Chair of Corporate Overview and Scrutiny Management Board (or their representatives) was established to oversee the preparation of the Council's submissions. The Working Group, which has been meeting monthly is supported by Officers from Democratic Services, Research and Intelligence and Planning.

Stage One: Council Size

- 15 Stage one of the review relates to Council size and will determine the total number of councillors to be elected to the Council in the future.
- 16 The LGBCE considers the following three broad areas when considering Council size:
 - governance arrangements
 - scrutiny functions
 - the representational role of Councillors
- 17 Proposals in respect of Council size need to address these three areas. The aim is to ensure that the Council is not too small that it cannot discharge its statutory functions or too large to function effectively. The LGBCE looks for particularly strong evidence in support of proposals, which put Councils amongst the largest (85+ Councillors) or smallest (35 Councillors) when compared with similar Councils nationwide.
- 18 The LGBCE must construct electoral arrangements that reflect local circumstances so there is no strict mathematical criteria or formula for determining Council size. The Council's submission should demonstrate the characteristics and needs of each local authority. The review presents an opportunity to consider how the Council works now and in the future.
- 19 The LBCGE will refer to the Council's statistically similar neighbours, which allows the LCBCE to identify 'expected ranges' for both the number of Councillors and the Councillor-to-electors ratios. This helps the LGBCE understand who the Council compares with its nearest neighbours and where appropriate query proposals, which appear unexpected when compared with similar authorities. The LGBCE

expects the council to present the case for a council size that they believe is right for their authority.

20 The LGBCE expect the Council to challenge its current arrangements and determine the most appropriate arrangements going forward. Submissions should focus on future needs of the council and demonstrate that alternatives had been considered and why they have been discounted.

21 The Working Group requested Officers prepare a submission based on the following:

i) 126 Councillors – Councillor : Elector Ratio 3,100

The Working Group considered that it would be preferable to maintain the status quo. A survey of all Councillors showed that all Councillors spend in excess of 16 hours a week on Council business. This was particularly the case for Councillors with special responsibilities. All Councillors who completed the survey reflected that they rarely get any time off as they are frequently contacted/working outside normal office hours. However, the Working Group acknowledged that maintaining the status quo is unlikely to be acceptable to the LGBCE because of the electoral imbalance which has led to the review. Also, the Council is now an outlier in terms of the number of Councillors when compared with other statistically similar Councils.

ii) 85 Councillors – Councillor : Elector Ratio 4,590

The Working Group identified this figure as it is the threshold at which the LGBCE starts to consider whether the Council is too large. The Working Group consider a Council size of 85 to be unrealistic. At this size, the Council would be too small to discharge its statutory duties and would require further delegation to Officers. The Group were concerned that this would create a democratic deficit as well as an administrative burden for the Council.

iii) 98 Councillors – Councillor : Elector Ratio 3,980

The Working Group are recommending a submission based on 98 Councillors. In the absence of being able to maintain the status quo, a Council of this size would be able to deliver its statutory functions without requiring significant additional delegation of functions. It would also enable the Council to maintain its existing scrutiny framework. LGBCE recommendations for Councils of a similar size have been in the region of 100. For example, Buckinghamshire (population of 410,000) proposed 120 Councillors (from 147) but the LGBCE have recommended 98. The Working Group consider 98 to be a realistic

figure for County Durham.

- 22 In recommending a Council size of 98 and the draft submission, the Working Group recognise that individual political groups may have a different view or proposal. However, it is important that the Council agrees a realistic submission, which informs its future rather than have a figure imposed upon it. The LGBCE has advised that political groups and individuals may wish to present their own submissions either alongside or as an alternative to the Council's submission. All submissions will be considered equally, and that decisions will be made based on the strength of evidence and rationale put forward.
- 23 A copy of the Council's submission is attached as Appendix 3. This must be submitted to the LGBCE by 4 October 2022. The LGBCE will confirm its recommendation in respect of Council size in November 2022. This figure will be used to inform the second stage of the review in respect of warding patterns. The figure will not be confirmed until the end of the review process and may be adjusted during the review of warding patterns.

Data and Information Requirements

- 24 In addition to the Council Size document, the Council must submit data and information in respect of electoral forecasting, parish electoral arrangements and forecast electoral property and elector count data as at 2028. The Council must also provide information in relation to polling districts and polling places, community governance reviews and stakeholders.
- 25 The information required is extensive and the majority of it must be provided in a specified format. Copies of the data and information has been made available to the Working Group and left in Group rooms to enable Members to review it. The information has been updated throughout in response to representations from Members.
- 26 Members have raised queries in relation to the forecast of housing development in their areas, particularly where they consider the forecast to be too low. However, the LGBCE provides guidance in respect of information in relation to housing projections. Only housing developments that have started or are projected to start before 2028 and which complete units between 2022 and 2028 should be included in the forecasts. Speculative sites should not be included.

27 In accordance with the guidance, Officers have based the forecasts on the following:

Housing trajectory

- shows projected housing growth by year and by site
- includes all sites with planning permission, both those started on site and those not yet started
- build out rates per year based on knowledge of the site, past delivery, developers, size of the site
- Lead in times on sites depending on the stage they are at, e.g. outline applications/full applications which are dictated by planning policy guidance
- County Durham Plan housing allocations are all included in the trajectory. If planning applications have not yet been submitted or granted, lead in times have been adjusted accordingly.
- Data is correct as of 1 April 2022 (last full financial year of data) and takes account of past delivery/completion on sites

28 To give an example of how this guidance has been applied, Sniperley has a projected development of 1,700 units. However, only 420 are projected to come on-line by 2028. Therefore, the figure to be included in the forecasts is 420.

29 Members have also suggested that the position after 1 April 2022 should be provided so that the LGBCE have the most up to date position. However, housing trajectories are updated annually each financial year as this aligns with government returns on housebuilding and delivery. Projections continually change throughout the year as new applications are approved and units are completed. It is therefore more practical to provide projections based on the last full financial year.

Next Steps

30 As explained above, the Council must submit its proposals by 4 October 2022. The LGBCE will confirm its recommendation in respect of Council size in November 2022. Between 22 November 2022 and 30 January 2023, the LGBCE will consult on proposed warding patterns.

31 Once the Council's proposals have been submitted, the Working Group will begin to consider warding arrangements based on a Council size of 98. The Council has purchased software to assist with this stage of the review. On receipt of the LGBCE's recommendation on Council size, it

is proposed that drop-in sessions are held (likely to be in early December) to enable all Members to participate in the exercise.

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Appendix 1: Implications

Legal Implications

The outcome of the review will come into effect at the local elections in 2025.

Finance

Additional tools have been purchased to assist with the second part of the review in looking at divisional / warding arrangements. These build on the election management system to provide mapping with the forecasted electorate to assist the council in proposing re-configured boundaries that meet the criteria set by the LGBCE on elector equality.

Consultation

The Member Working Group has been consulted throughout the preparation of the draft Council size submission and data and information gathering. Members of the Group have in turn consulted with their groups. Data and Information has also been available in Group rooms. An all Member survey was completed by 45 out of 126 Councillors.

Equality and Diversity / Public Sector Equality Duty

None specific within this report.

Climate Change

None specific within this report.

Human Rights

None specific within this report.

Crime and Disorder

None specific within this report.

Staffing

Significant Officer time is required to support the review and collate the information required by the LGBCE

Accommodation

None specific within this report.

Risk

None specific within this report.

Procurement

None specific within this report.