

Governance and Ethics Committee Meeting

Thursday, 24 June 2021

Dear Councillor

GOVERNANCE AND ETHICS COMMITTEE - THURSDAY, 24TH JUNE, 2021

I am now able to enclose, for consideration at this Thursday, 24th June, 2021 meeting of the Governance and Ethics Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item
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| 5 | Local Government Boundary Commission for England - Update on implementation of Commission recommendations (Pages 3 - 8) |
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[To receive an update on implementation of Commission recommendations]

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope
Tel 01902 550320
Email democratic.services@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1SH

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CITY OF WOLVERHAMPTON COUNCIL	Governance Committee 24 June 2021
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Report title	Local Government Boundary Commission for England - Update on implementation of Commission recommendations	
Cabinet member with lead responsibility	Councillor Paula Brookfield, Governance and Equalities	
Accountable director	David Pattison: Director of Governance	
Originating service	Electoral Services	
Accountable employee	Laura Noonan	Electoral Services Manager
	Tel	01902 554949
	Email	Laura.Noonan@wolverhampton.gov.uk

Recommendations for decision:

The Governance and Ethics Committee is advised to agree:

1. Requesting that the Local Government Boundary Commission for England defer the implementation of the electoral review that is currently being undertaken from May 2022 to May 2023.
2. Requesting that the Local Government Boundary Commission for England ensure that if they agree to recommendation (1) that the “fallow year” be in May 2024.

1.0 Purpose

1.1 This report outlines the proposed approach to implementation of the Local Government Boundary Commission for England (LGBCE) recommendations following the electoral review of the City.

2.0 Background

2.1 As the Committee will be aware the Council has been undergoing an electoral review by the LGBCE. The review has been the subject of a number of reports to the Committee and a further report is scheduled for the Committee on 9 July 2021 to report back on the proposed warding patterns.

2.2 This report sets out the risks if the existing timeline is followed and seeks authority to ask the LGBCE to delay implementation of the electoral review to all out elections in May 2023.

2.3 The original LGBCE timeline for the final stages was originally as follows:

- Consultation on Draft Recommendations - 01 September 2020 to 09 November 2020
- Commission Meeting: Final Recommendations 19 January 2021
- Order laid - Spring 2021
- Order made - Summer 2021
- Implementation - May 2022

2.4 As a result of Covid-19 a number of stages in the process have had to be delayed. This has led to a revised timeline. The current timeline proposed for implementation of the delay is:

- Consultation on Draft recommendations - 29 June 2021 to 6 September 2021
- Publication of final recommendations - 2 November 2021
- Order laid – winter 2021/2022 (approximate dates)
- Order made – earliest January 2022 (as it is a negative resolution Statutory Instrument it must be laid for 40 days in Parliament so it is highly unlikely that it can be formally made before January 2022)
- Implementation – May 2022

2.5 The issue that arises is whether there is, in practical terms, sufficient time between the date of the Order being laid in approximately January 2022 and the election in May 2022 for the new warding patterns to be implemented safely and effectively. Originally a period of over 16 months was allowed between final recommendations and the relevant

election. This is now reduced to 6 months, with the risk that the Order laid/made could be different to the final recommendations made or indeed the laying/making of the Order could be delayed if other circumstances take precedence.

- 2.6 Council officers approached the LGBCE prior to the election in May 2021 concerned that as a result of the effect of the Covid pandemic the deferred election in 2020 (to May 2021) would mean that potentially a candidate could in theory be elected in May 2021, stand for election in the new warding pattern at the all-out election in May 2022 come third out of three elected councillors and have to stand again for election in May 2023. This would mean three elections for the electors/candidates/ the Councillor in three years. The LGBCE confirmed that this was due to the fallow year in 2021 being used as a result of the deferral of the May 2020 elections and that as this Council elects by thirds the next fallow year would be in 2025.
- 2.7 Following the discussions with the LGBCE Council officers liaised with other authorities to see what their position was. This confirmed that the vast majority of Councils have over a year between the publications of final recommendations and implementation. Interestingly the other authority in the same position as this Council, Oldham who were due to have the final recommendation made on 2 November 2021 and then implemented in May 2022, have had confirmation that their implementation has been moved back to May 2023 (with a usual thirds election in May 2022).
- 2.8 What are the steps that need to be carried out between the final recommendations (2 November 2021) and all out elections on May 2022, on completely new warding patterns:

- 1) **New Polling Districts and Polling Stations** - The current timeline puts stakeholder engagement at risk as there will be insufficient time for us to propose new polling districts and polling stations, based on the new warding patterns, and then enable all stakeholders to understand these proposals and respond to the consultation.

A polling district is the geographical area which is a sub-division of a ward. For each polling district there must be designated a polling place, which is the location in which the polling stations are to be situated.

Legally we need to carry out a polling district review in line with schedule A1 of the Representation of the People Act 1983 as the polling districts will be completely different as a result of a completely new warding pattern.

Under the legislation the polling place (i.e. the polling station) for any polling district must be in an area in that polling district except where special circumstances make it desirable to designate an area wholly or partly outside that district. The polling place (i.e. the polling station) must constitute a small enough area so that electors from all parts of the polling district will not have difficulty finding the polling station.

We need to give at least 4 weeks to our consultation process which takes us up to mid-February, when we are generally well into election planning (see next point).

2) **Administrative changes** - The current timeline creates a significant administrative challenge – following the polling district review, we need time to:

- review the consultation responses
- visit new polling stations
- make the ward and polling district changes in our Electoral Management System
- republish and redistribute the register by 1 March which is the register used for nominations.
- book new polling stations
- inform the electorate of their new polling station
- book the staff for the new polling station.

However, this is extremely late in the process as we would normally need to have booked and staffed all of our polling stations by this point.

We would also need to send data to the printers for preparing the poll cards.

Republishing the register is also a big task. If we were to delay to 2023 implementation, we could tie the publication on new boundaries in with the annual publication of the revised register in December 2022.

3.0 Proposed next steps

- 3.1 There are, as detailed above, a number of serious concerns with the practicalities of implementation of a whole new warding arrangement for the city in a very short period of what may well be 3 or 4 months (based on the Order being made in January/February 2022). The risk is that if implementation were to take place on the above timeline that there would be confusion on the polling stations and that some electors would struggle to cast their vote. At the very least having to implement the polling district/station review at the same time as preparing for an all out election will run risks in terms of carrying out an effective election in May 2022.
- 3.2 In addition, there is an additional risk that the final recommendation/Order gets delayed beyond November 2021/January 2022 in which case the election would have to be delayed in any event.

- 3.3 It is for the reasons above, and in light of the position with other authorities, including Oldham, that it is recommended that the Committee asks the LGBCE that implementation of the review is delayed to May 2023. If that were to happen then there would be still be an election in May 2022, namely an election by thirds of the next seats due to be contested.
- 3.4 It is further recommended that the Committee requests that when the electoral review Order is made that the fallow year is scheduled for 2024 so that all councillors elected in May 2023 would serve at least 2 years rather than 1 year. In addition, 2024 will already be a triple election with the Police and Crime Commissioner, West Midlands Combined Authority Mayor and Parliamentary elections currently scheduled to take place.

4.0 Financial implications

- 4.1 There are no specific financial implications from this report. [AS/2106/2021/F]

5.0 Legal implications

- 5.1 The legal risks are set out in the main body of the report. [DP/21062021/A]

6.0 Equalities implications

- 6.1 There are no equalities implications arising from this report.

7.0 All other implications

- 7.1 There are no other implications arising from this report.

8.0 Schedule of background papers

- 8.1 There are a number of reports of the Governance Committee where the issues relating to the LGBCE electoral review have been considered these include: 19 February 2020, 19 March 2020, 20 November 2020, 12 March 2021

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