

# Principal Area Boundary Reviews: technical guidance April 2011

## Translations and other formats

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## What is the Local Government Boundary Commission for England?

The Local Government Boundary Commission for England (LGBCE) was established by Parliament under the provisions of the Local Democracy, Economic Development and Construction Act 2009. Independent of central and local government, and political parties, it is directly accountable to Parliament through a committee chaired by the Speaker of the House of Commons.

The Commission's objectives are:

- To provide boundary arrangements for English local authorities that are fair and deliver electoral equality for voters.
- To keep the map of English local government in good repair and work with local authorities to help them deliver effective and convenient local government to citizens.

We are responsible, among other things, for conducting three types of review of local government;

**Principal Area Boundary Reviews (PABRs)** – These are reviews of the boundaries between local authorities. Reviews range from addressing minor boundary anomalies that hinder effective service delivery to a few houses to whole-council mergers. In most cases a PABR will deal with changes to some or all of the electoral arrangements of the local authorities involved, depending on the scale and/or nature of the boundary change.

The Commission is not responsible for *implementing* PABRs; the statutory orders relating to changes to administrative boundaries (and any consequential electoral arrangements) are made by the Secretary of State.

**Electoral Reviews** – These are reviews of the electoral arrangements of local authorities: the number of councillors, names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each. They are normally carried out to improve electoral equality in an area. This means ensuring, so far as is reasonable, that each councillor elected to a local authority represents the same number of electors. 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 that order. More information can be found in our electoral review technical guidance. For guidance relating the review of the boundaries between local authority areas, please refer to our companion document; *Electoral reviews: technical guidance*.

**Structural Reviews** - Advising the Secretary of State, at his request, on proposals he receives from local authorities to change from two-tier to unitary local government. Generally, the establishment, by the Secretary of State, of a new unitary authority will itself be followed by an electoral review of the new authority.

The Commission's website is [www.lgbce.org.uk](http://www.lgbce.org.uk) . The website provides details of reviews which the Commission is undertaking or has undertaken.

# 1 Introduction

- 1.1 The purpose of this document is to provide basic guidance to all those who wish to participate in, a Principal Area Boundary Review (PABR). It outlines the processes that we will normally follow in such reviews. However, we will consider each review on a case-by-case basis and we may vary our procedure before or during a review where we feel that is appropriate to ensure that our statutory criteria are properly considered. Any such variation in process will be the subject of detailed discussion with the relevant principal councils
- 1.2 A principal area is the area covered by a principal council - a county council, a district council (whether unitary or not, including metropolitan councils and district councils that have the status of a borough or a city) or a London Borough. Parish and town councils are not *principal* councils.
- 1.3 Ensuring that local government boundaries reflect communities and that councils can deliver effective and efficient services has been described as ‘a keystone of effective democratic local government’. The last major overhaul of the local government map was completed in 1992 and since then, most changes to the external boundaries of principal local authorities in England have been a consequence of structural reviews (changes from two-tier to unitary local government), implemented by the Secretary of State.
- 1.4 There now appear to be many places where local authority boundaries do not reflect the pattern of community life. This may be because of a spread of housing developments across a boundary, or the severance of an area by infrastructure such as new roads. In addition, some councils believe their boundaries inhibit the efficient delivery of services to residents. Some believe there is a case for merging not just services but also areas. However, councils cannot change their own boundaries. Nor can we. Only the Secretary of State can do so, provided that he has first received a recommendation to that effect from the LGBCE.
- 1.5 We believe that local authorities should normally be the primary instigators of PABRs where they have identified the need for, and benefits of, changes to their boundaries. Accordingly, we will normally undertake a PABR only where there is agreement of all the local authorities potentially directly affected. In undertaking reviews, we will need to be satisfied that any proposed change also meets our statutory and other criteria, and that the change has local support. At the end of a review we will make recommendations to the Secretary of State. This may be for change or no change.
- 1.6 When the boundaries between two or more principal council areas undergo significant change there will also be a need to examine the electoral arrangements of the authorities affected. This is to ensure that electoral fairness is enhanced, maintained or restored. Electoral arrangements include the total number of councillors to be elected to an authority, and the way in which a local government area is divided into electoral wards or divisions. Our PABRs will consider these matters in a manner similar to that in which we address them in electoral reviews where the external boundary of a local

government area is not in question. The companion to this guidance, *Electoral Reviews: technical guidance April 2011* sets out our approach to the considerations we make when deciding on electoral arrangements.

- 1.7 We have limited power in relation to parish councils. We cannot recommend the creation or abolition of a parish. Nor can we recommend changes to the boundaries of parishes. However, we can comment on what consequential changes to parish arrangements the Secretary of State may wish to consider making if he is minded to accept any recommendations we make for principal area boundary changes.
- 1.8 The types of review, the reasons we conduct them and the overarching purpose of reviews are described in **chapter 2** of this guidance.
- 1.9 When we conduct boundary reviews we *must* adhere to certain legislation. The main statute to which we work are the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), as amended by the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). The 2007 Act sets the scope for the conduct of PABRs. Details of what this legislation says, and how it affects the way we carry out reviews, can be found in **chapter 3** of this guidance.
- 1.10 In November 2010, we consulted with local authorities and other interested parties about our PABR policies and procedures. This guidance reflects the result of that consultation. In particular, people told us that the way in which a review is conducted should, so far as possible, be proportionate to the matters to be addressed. We agree with that approach. A description of our procedures and an illustration of typical review processes can be found in **chapter 4**.
- 1.11 Whilst chapter 3 describes matters which we are statutorily required to take into account, balancing these considerations when they conflict, or taking decisions in light of conflicting evidence, can present challenges. Issues may include how local government boundaries reflect the nature and extent of communities, and how the extent of a local authority may affect its ability to perform effectively for, and be convenient to, its residents. **Chapter 5** sets out our approach to these and other issues.
- 1.12 Coupled with our impartiality from central and local government and from political parties is our objectivity: our decisions are based on evidence and reason. Our approach to reviews is to consult local people and organisations to hear their views and gather evidence from them. Our decisions will be based on the analysis of all the evidence we receive, or information that we collect. It is therefore very important that what people say to us is well argued, and backed by credible evidence. We touch on evidence in specific relation to our statutory criteria also in **chapter 5**.
- 1.13 Finally, **chapter 6** sets out what happens at the end of the review process, following the publication of our final recommendations.

- 1.14 In this guidance document, there are several bullet-point list of factors, considerations, etc. Unless specifically indicated, the order in which elements appear in such lists does not imply any order of priority or weight to be given.

## 2 What is a Principal Area Boundary Review?

2.1 A Principal Area Boundary Review is an examination of the extent of an area for which a county council, district or London borough council has responsibility. In a PABR we consider the existing boundaries in a particular area and make recommendations to the Secretary of State to change (or in some cases, make recommendations not to change) the boundaries between two or more principal authorities. We do not do this in isolation - our process involves dialogue with the councils and people of the areas under review.

2.2 When considering what boundaries to recommend, legislation requires that we have regard to:

- the need to secure effective convenient and effective local government;
- the need to reflect the identities and interests of local communities.

### **Why would we conduct boundary reviews?**

2.3 Between 1974 and 1992 the boundaries of virtually all principal local authorities were reviewed but the relevance of the boundaries between local authority areas may have been eroded over time. This may be due to land use changes or physical developments, changes in the social and economic character of areas, or evolving ideas about how local government services to people and communities may best be managed.

2.4 In some cases, a desired change to a boundary may be very minor. For example, residential development may extend a town or village to such an extent that it spills over the local authority boundary. There have been instances where, in such developments, individual houses have been split between two local authorities, or cul-de-sacs in one authority which can only be accessed from the adjoining authority. In those circumstances it may make sense to move the boundary to bring the whole settlement into one local government area.

2.5 In other cases, the residents living within major developments which take place on the fringes of, for example, a semi-rural authority may look to a nearby large town or city in an adjoining authority for shopping, work, recreation and other services. To the local authorities concerned, and to the residents themselves, it may be that local government services to them could be more cost-effectively and conveniently delivered from that large town or city.

2.6 In other circumstances, adjoining local authorities may believe that those living in their area may be better served by a merger, to create a single council which can deal in a consistent manner with common or cross-boundary issues, and/or offer economies of scale in the commissioning, management, and delivery of local government services.

2.7 Making boundary changes which reflect all these circumstances requires PABRs but in each case the level and range of issues to be addressed will need to reflect the circumstances of the locality. In some authorities, there

may be more than one issue to be addressed: for example, a major settlement expansion on the western boundary of a district and a minor “anomaly” on the eastern boundary. In these cases it may be (but not necessarily will be) appropriate to address both in a single review.

- 2.8 Whichever of those or other circumstances indicate that a review would be beneficial, it will be for the local authorities involved to take the first step in initiating a review. We will not normally undertake a review without a request from the principal councils concerned, or at least agreement from them that a review would be desirable.

## 3 The statutory criteria and rules

3.1 Section 8 of the Local Government and Public Involvement in Health Act 2007 provides that we may, either on our own initiative or at the request of the Secretary of State or a local authority, conduct a review of one or more local government areas. The Secretary of State has indicated that he will not request us to undertake any reviews (see chapter 6). The Act does not say that we must undertake a review when requested to do so. We must decide in each particular case if a review is desirable.

3.2 If we decide to conduct a review, the 2007 Act provides that on the basis of the evidence we receive, or information we collect, we can decide not to publish any draft recommendations for consultation. However, in most cases we will prepare draft recommendations on which we are required to consult before we make final recommendations to the Secretary of State. Once we complete a review, however, our responsibility for it ends with our recommendation to the Secretary of State. Our recommendations may be to:

- (a) alter a local government area boundary;
- (b) abolish a local government area;
- (c) establish a new local government area; or
- (d) make no boundary change.

If we recommend any change to boundaries, we must also recommend to the Secretary of State<sup>1</sup> whether, as a consequence, a change should be made to:

- the electoral arrangements of the area of a local authority, and
- the electoral arrangements of the area of a parish council.

3.3 Electoral arrangements means<sup>2</sup>:

- the total number of members to be elected to the council;
- the number and boundaries of electoral areas (wards or divisions) for the purposes of the election of councillors;
- the number of councillors for any electoral area of a local authority; and
- the name of any electoral area.

3.4 If we do recommend a change, the Secretary of State may;

- accept and implement the change we recommend,
- modify our recommendations and make an order to implement those changes,
- take no action, or
- ask us to carry out another review.

3.5 The Secretary of State has no power to modify any recommendations we make to him for consequential electoral arrangements (paragraph 3.2 above).

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<sup>1</sup> Section 8(6A)-(6D) of the Local Government and Public Involvement in Health Act 2007, as inserted by section 65 of the Local Democracy, Economic Development and Construction Act 2009

<sup>2</sup> Section 8(6B) and (6C) of the Local Government and Public Involvement in Health Act 2007

He may only implement what we recommend. If the Secretary of State is minded to modify any of our recommendations for administrative boundary changes, he must ask us to recommend whether a modification is needed to our proposed consequential electoral arrangements. If we provide the Secretary of State with modified recommendations for consequential electoral arrangements, he must implement those modified recommendations<sup>3</sup>.

- 3.6 If we recommend that there should be no boundary change, the Secretary of State may either take no action, thereby accepting that no change will be made, or request us to conduct another review.
- 3.7 In making any recommendation for a boundary change, we must have regard to:
- (a) the need to secure effective and convenient local government; and
  - (b) the need to reflect the identities and interests of local communities.

These are our statutory criteria against which our decisions must be made. We may consider other matters, in particular, the degree of local support for a boundary change and whether it will affect the capacity of the councils to give value for money in the provision of local government, to the extent that they are relevant to our statutory criteria.

- 3.8 No matter how compelling the arguments presented to us may be, there are some things which we are statutorily precluded from recommending<sup>4</sup>:
- changing the boundary between a unitary and a two-tier authority resulting in the abolition of either the two-tier authority or the unitary authority;
  - the creation of a new local government area and the abolition of an existing one, where the former would include the whole or part of a unitary authority and the whole or part of a two-tier authority;
  - the creation of a new local government area in, or the extension of an existing local government area to, an area which is not currently a local government area<sup>5</sup>; or
  - the creation of an area which is not a local government area.
- 3.9 We have no statutory power to recommend changes to parish councils. However, in making recommendations for changes to county or district councils, may draw the Secretary of State's attention, to and comment on any parish matters.
- 3.10 If we decide to conduct a review of the boundaries of one or more areas, we cannot make recommendations to the Secretary of State without publishing draft recommendations and considering any comments on them.

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<sup>3</sup> Section 10(2A)-(2D) of the Local Government and Public Involvement in Health Act, as inserted by section 65 of the Local Democracy, Economic Development and Construction Act 2009

<sup>4</sup> Section 8(4) of the Local Government and Public Involvement in Health Act 2007

<sup>5</sup> Eg; City of London or the Isles of Scilly

- 3.11 When we make our recommendations to the Secretary of State, we have to let anyone who commented on the draft recommendations know what our final recommendations are, and tell them that they can make further representations directly to the Secretary of State.
- 3.12 The scope of an implementation order includes the consequential electoral arrangements of authorities affected by our boundary change recommendations.
- 3.13 The 2007 Act requires both the Commission and any local authority involved in a PABR to have regard to any guidance issued by the Secretary of State. The Secretary of State has not provided guidance.
- 3.14 Finally, if we conduct a review, principal councils *must*, “if requested by the LGBCE to do so, provide the Commission, by such date as it may specify, with any information that it may reasonably require” [in connection with the conduct of boundary reviews]<sup>6</sup>. LGBCE cannot place any similar obligations on any other local organisation or individual.

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<sup>6</sup> Section 8 (8) of the Local Government & Public Involvement in Health Act 2009

## 4 The principal area boundary review procedure

4.1 The first step in undertaking a PABR is the decision to do so. We will not normally conduct a review unless either we are asked to do so by the principal councils potentially affected or those councils support a review for which we have identified a potential benefit. The latter circumstance is likely to be limited to addressing minor boundary anomalies that we have identified or which have been drawn to our attention. A request will not in itself guarantee that a review will take place.

4.2 To persuade us that there would be merit in a review, councils making a request should demonstrate the particular benefits of their proposal against the statutory criteria to which we will have regard when deciding whether or not to recommend a change. These are:

### *Statutory criteria*

- effective and convenient local government; and
- community identities and interests.

4.3 To help us determine whether a particular request for review may meet our statutory criteria we will also want to see any initial evidence of local support. In the case of significant change, the latter may be particularly telling if the request for a review follows a local advisory referendum. We would be reluctant to invest resources in boundary reviews to consider proposals which have little public support. To satisfy our statutory criteria we will also expect to see evidence of confidence that a change will maintain or improve and sustain value for money in the effectiveness of local government. This is discussed in detail in chapter 5.

4.4 We want to assist principal councils who wish to make changes for the benefit of people living in their area, and requests which are simultaneously made by all the principal authorities involved will weigh in our decision of whether, and when, to conduct a review.

4.5 The processes we have adopted for PABRs would apply not only where there is strong desire for change on the part of the principal councils concerned, but also when a more controversial change is proposed, although we will not normally commence PABRs without the agreement of all relevant principal councils.

4.6 We believe it important that, both for the Commission and the local authorities involved in any PABR, the effort should be proportionate to the scale of change likely to be involved. Accordingly, we have identified review processes for four broad scenarios which reflect the likely number of electors affected, and the electoral and other consequences of change. These processes are not cast in tablets of stone but reflect our current thinking as a result of our consultations with local government and other interests. It may be that as a result of information received as part of a review, we will wish to alter our planned approach. Any such alteration would be discussed in detail with the relevant local authorities.

4.7 Our consultation on draft recommendations will normally last for at least six weeks, but especially in reviews involving large numbers of people, we will be more likely to make consultation periods longer. In reviews where proposed boundary changes directly affect a very few people, we will normally consult directly with them on our draft recommendations. For other types of review, we will particularly require some indication of the views of local people before we decide to begin, and we will normally undertake area-based consultations on our draft recommendations. However, our consultation activities will be tailored to reflect the scale and nature of the communities involved and the degree to which the issues has already been the subject local consultation/engagement, when that happened, and how inclusive its responses were.

4.8 The four types of Principal Area Boundary review are:

Reviews, affecting no electors or relatively few, and whose transfer from one authority to another would have a negligible impact on electoral equality in either authority. We call these *small-scale reviews (type 1)*.

Reviews, affecting a sizeable number of electors, whose transfer from one authority to another would require consequential adjustments to warding patterns in one or more of the authorities concerned but would not have any material impact on the management of service delivery by any of the councils involved. We call these *medium-scale reviews (type 2)*.

Reviews, resulting in changes to the electoral arrangements of any or all principal authorities involved, and which would have a significant impact on the management or provision of local government services. We call these *large-scale reviews (type 3)*.

Reviews which combine, or merge two or more whole local authority areas. We call these *merger reviews (type 4)*.

4.9 The distinction between medium-scale and large-scale reviews is to enable local people to be informed by their councils about the financial viability and sustainability of their local government and the service delivery implications of the change proposed. This is necessary if residents are going to be able to make a clear and reasoned contribution to a review. In particular, local people may feel that in a medium-scale review, there is significant impact only for those people living in the part of the area to be “transferred” whilst a large-scale review has significant impact for *all* the residents of the councils’ area.

4.10 In chapter 2 we raised the prospect of reviews which deal with different issues on different parts of an authority’s boundary. In these cases, we will normally require the agreement of all the principal councils involved and evidence of the degree of public support in all those authorities if we are to tackle all of those issues in a single review. For example, a council may want us to look at issues on its boundaries with two different neighbours. If lack of agreement or public support for the treatment of the boundary with one neighbour is seen to

threaten the effective conduct of a review of the boundary with the other neighbour, where there is agreement and public support, we may restrict the scope of the review to that issue for which there is agreement and support.

- 4.11 On receiving a request for a PABR, our first step will be to consider whether there was a prima facie case for boundary change. This would include an assessment of the nature of the proposal, whether it was within our powers to address the proposal being made, and whether the proposal related clearly to the issue it set out to resolve.
- 4.12 This initial pre-review stage represents a gateway process – at which we decide formally whether or not to undertake a review. The dialogue between us and the principal councils involved will enable us to gain a clear understanding of the issues to be addressed, the degree to which local people may already have expressed support or opposition to a proposed change, and the basis on which assessments of financial implications will be made. The councils will gain understanding of our approach, the timescale which we envisage, and the resource implications for them in supporting the review. The proposers of a PABR might then wish to re-consider their initial request. This first step could forestall unproductive efforts by all concerned.
- 4.13 This pre-review stage will also help in those situations where we have identified a minor anomaly in a boundary between council areas and where we have asked the affected principal councils whether they agree on the desirability of a review.
- 4.14 A boundary change must of necessity involve at least two councils. They must each make decisions on the issues which a proposed change raises. Notwithstanding that the councils may work in concert, and it will generally be preferable that they do so, we will normally expect each council to provide us with their own views on the merits, or otherwise, of any potential boundary change. Requests for reviews should for example, be made by an officer or member of each council involved, who has been duly authorised to make such a request.
- 4.15 Requests for reviews should include a description, by those making the request, of the benefits which would result from a boundary change. They ought to be able to identify who would benefit and how. Requests should include appropriate mapping showing the scale of change and the views of affected residents, where known. Our assessment of the nature of the proposal and the rationale for a review will have a bearing on whether we decide to conduct a review.
- 4.16 When we receive a request, we will normally meet with council officers and members to discuss the specifics of the boundary proposal, any options for change, and the review procedure and timetable. The extent and nature of evidence available when a request is made will influence our planning of the review activities. Whilst we will not duplicate the gathering of evidence which may have already occurred, neither will we dispense with a requirement for evidence which we believe to be essential to enable us to consider the issues properly.

- 4.17 Where a boundary change would be of such a scale as to impact on some or all of a council's electoral arrangements, those councils, during the course of the review, should prepare an electoral scheme for us to consider. Our companion guidance document *Electoral reviews: technical guidance* will assist them to prepare an electoral scheme.
- 4.18 In each case, where principal councils are invited to propose consequential electoral arrangements, we reserve the right to reach our own conclusions (as by statute we must) on what form our draft recommendations should take. For this reason it will be important for us to have a good understanding of the rationale for electoral proposals that local authorities put to us. To this end, we will wish to engage with the local authorities in the early stages of their scheme development, and to brief members and officers on the issues that might be relevant to their particular review.
- 4.19 The councils concerned in reviews will need to satisfy themselves and their council tax payers that the financial consequences of a proposed change are acceptable, leading to sustained viability of councils' service provision. This will include consequences of the transfer of capital assets. Where proposed changes will result in financial savings through efficiencies, those should be stated. Councils' Section 151 officers<sup>7</sup> have statutory responsibility for reporting to their councils, the financial consequences of decisions, and we will require confirmation that those responsibilities have been met.
- 4.20 For any review, therefore, the councils concerned will need to identify how their officers and members will engage in discussions and decision-making necessary to form their input. Our preliminary discussions with councils will aid them in planning what will be needed and when, including scheduling the attention which will be needed (at meetings or otherwise) from everyone, including Group Leaders, other Councillors, the Chief Executive and other officers.
- 4.21 Set out below are the pathways we have in mind for each type of PABR. For the most part, differences will affect the Commission's preparation and publication of draft recommendations. We also indicate the considerations which both we and the councils involved might take in reviews of each type. As we indicated in paragraph 4.7 however, the actual course of any review will depend on the particular issues which it raises and the nature and quality of evidence available to support our consideration of them. We may for example be able to proceed more quickly to the making of draft recommendations if there is, at the start of a review, sufficient evidence of the suitability and viability of a proposal and clear support of people who would be affected by it. Alternatively, there might be circumstances in which issues become apparent only after the commencement of a review: we may need to introduce additional steps in order to gather evidence and test the public acceptability of a particular approach to resolving them.

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<sup>7</sup> Every council is required by section 151 of the Local Government Act 1972 to appoint a suitably qualified officer responsible for the proper administration of its financial affairs: these are often referred to as Section 151 Officers.

### Small-scale (type 1) review

**Typical scenario:** A small-scale boundary alteration required to address a minor anomaly which involves only a few properties and electors. This may be drawn to our attention by the principal councils affected outlining the anomaly. Alternatively, we may see an apparent anomaly or have one drawn to our attention by a third party: we may write to the principal councils concerned to obtain their view as to whether it is a genuine anomaly.

There should be little or no effect on the electoral arrangements of any of the affected authorities as there will be a negligible impact on the levels of electoral equality. The affected electors would simply be transferring from ward 'X' in council 'A' to ward 'Y' in council 'B'. No detailed electoral proposals would be sought from any of the principal councils affected. We would include and consult on the consequential electoral arrangements as part of our PABR draft recommendations.

This would be a short review in which, following a decision to commence it, the major issue to be considered would be the identification and mapping of a suitably clear and long-lasting boundary. Consultation on draft recommendations would run for six weeks.

Consideration of responses to consultation and preparation of final recommendations would be completed within a further six weeks. The change to the boundary would not change the financial position of the authorities involved.

### Medium-scale (type 2) review

**Typical scenario:** A medium-scale boundary alteration required to address a substantial anomaly or opportunity to reflect community interactions. The change would not impact on the financial position of any affected principal councils or on the capacity to provide any council services, or the way services are delivered.

The change to the boundary would create a need to change the electoral arrangements of one or more councils involved to provide for acceptable levels of electoral equality. In most cases, it is unlikely council size would change and it may be possible to provide acceptable levels of electoral equality by making changes only to the wards directly affected by the boundary change and/or the immediately adjoining wards (or divisions in the case of counties)

The principal councils would be asked to propose how the transfer of electors might be addressed by new electoral arrangements in their area.

Consultation on draft recommendations will feature both the proposed boundary change and the proposed changes to electoral arrangements.

### Large-scale (type 3) review

**Scenario:** A large-scale boundary alteration required to address a substantial transfer of communities from one authority to another involving one or more whole settlements. The change would be likely to impact significantly on the financial position of either authority, or both; on the capacity to provide council services; or on the way in which services would be delivered.

Given the number of electors to be transferred in this type of review, there is likely to be a need for the review to consider all aspects of the electoral arrangements of all affected authorities. In particular, a large-scale change may result in the council size (number of elected members) of both authorities being considered. We would invite the principal councils to develop and propose electoral arrangements for the new authorities. We would then consult on the consequential electoral arrangements as part of our PABR draft recommendations.

In this type of review, which addresses a boundary change of such a scale as to have an impact on the management of service delivery to all residents of an area, the councils involved will have to prepare an impact analysis to demonstrate to itself, its residents and to us whether the impact is desirable, or at least acceptable. Before agreeing to commence a review, we will wish to see robust evidence of public support for the proposed change. This may be demonstrated through the outcome of a local advisory referendum or some other means.

### Merger (type 4) review

**Scenario:** A merger of whole council areas and the abolition of at least one of the councils involved.

The merging of council areas represents probably the most dramatic form of boundary alteration. Whilst adjacent areas may be aggregated to form a new authority, it is unlikely that principal councils can simply be aggregated without examination of every aspect of electoral arrangements. It is also likely to have the most significant impact on cost-effective service delivery, which may be a motivation for the proposal.

In such a case, the councils concerned must present comprehensive information on all these matters. Before agreeing to undertake a review, we would wish to see clear evidence of the extent to which local people support a proposed merger. We would strongly suggest that such evidence is provided through a local advisory referendum, conducted by the relevant principal councils. The LGBCE will not conduct or pay for a local advisory referendum.

By their nature, mergers of local authority areas would be subject to a full electoral review. We will seek a proposal for a single scheme of electoral arrangements from the principal councils concerned which we can consider before we make our draft recommendations (see our technical guidance on electoral reviews). Once we have considered the scheme we

will consult on the consequential electoral arrangements as part of the PABR draft recommendations.

**Matters which principal councils should consider prior to making a request for a review.**

4.22 The judgement on how to classify a review will be different from judgement of the merits of a change to boundaries. We want councils to understand the basis on which we determine whether or not to proceed with a review. To assist, we have identified ‘cues’ that will help councils answer the kinds of questions that will determine our judgment. The responses to all of these should be directed toward answering a single fundamental question: why is a boundary review desirable?

**SUPPORT FOR THE PROPOSED CHANGE**

<b>Cue</b>
Does the proposal have substantial support amongst the local electors affected by the proposed change?

**EFFECTIVE AND CONVENIENT LOCAL GOVERNMENT**

<b>Cue</b>
Are there proper arrangements to ensure that the future provision of services will meet the needs of local people?
Is the change sought compatible with the organisational and service delivery arrangements of other service providers?
Is the proposed change is consistent with the meeting of other local priorities, such as regeneration, and with planned land-use developments?
What is the rationale for the number of elected members required for the authority(ies) to effectively discharge its functions?

**REFLECTING COMMUNITY IDENTITY**

<b>Cue</b>
What are the community characteristics that would be better reflected by the proposed boundary changes than by the existing boundaries?
What changes are required to ensure that were the proposed change implemented, electoral equality would be established?
What arrangements would enable those communities affected by a boundary change to engage with their new council?
How does the proposed change relate to the area’s physical barriers and characteristics?

## **FINANCIAL IMPLICATIONS (FOR TYPE 3 AND 4 REVIEWS)**

<b>Cue</b>
What are the conclusions of a value for money exercise for the proposed change? Has this been certified by all relevant Section 151 officers?
How will the implementation of change demonstrate value for money to council tax payers?
How can the councils involved demonstrate that their proposal is sustainable in the medium/long term?

### **Boundary reviews undertaken in areas for which electoral reviews are required**

4.23 There are likely to be instances when a change is sought to the boundaries of a local authority which would, even if the boundaries were not under consideration, require an electoral review because of current electoral inequalities. Whilst that inequality may be resolved should the boundary change proposal seek to transfer an area from one local authority area to another, it is more likely that in conducting a boundary review, we would incorporate the considerations of the authority's electoral arrangements ordinarily made in an electoral review.. For guidance on electoral reviews, please refer to our companion document; *Electoral reviews: technical guidance*. In such circumstances, the way in which the review is to be conducted will be resolved at the pre-review stage/"trriage" stage according to the nature of the boundary change sought and the electoral variances encountered.

### **Boundary changes between two-tier counties**

4.24 Substantial changes to boundaries between two-tier county council areas can have a major impact on service delivery and the electoral arrangements for all county and district councils involved. For this reason, we are unlikely in the near future to undertake a review of county boundaries other than to resolve minor boundary anomalies.

4.25 Making changes to the boundaries of district councils within the confines of a two-tier county will not normally affect the financial standing of the county council and will normally have minimal impact on the direct delivery of services by the county council. LGBCE will, however, seek confirmation of potential impact, or lack of impact, from the county councils concerned. Because county divisions do not traverse district boundaries, the electoral arrangements of the county council are likely to be affected, especially in large-scale (type 3) reviews. When the LGBCE asks for proposals for electoral arrangements, this will mean the arrangements both of district and county councils. In merger (type 4) reviews, the merger of whole authorities may present an opportunity better to reflect in county council electoral arrangements, community identities and interests and/or improve electoral equality

## 5 Issues to be considered

- 5.1 The issues discussed in this section will arise in all reviews, but will be handled according to review type. The guidance is intended to provide basic ground rules for the conduct of reviews for everyone from the principal local authority concerned to residents who wish to make proposals to us.

### **Community identity**

- 5.2 Community identities and interests cannot easily be measured and can mean different things to different people. It is essential, therefore, that those making a case for a review or responding to our draft recommendations on the basis of community identity tell us what and where the community is and, more importantly, what defines it and marks it out as a distinct community.
- 5.3 For some, community identity could be defined by the location of public facilities such as doctors' surgeries, hospitals, libraries or schools. Evaluation by the Electoral Commission<sup>8</sup> of the conduct of electoral reviews supports this view but notes that such arguments cannot be considered in isolation. It will certainly not be the case that merely saying that such facilities exist can justify a community identity argument. We will look for evidence that such facilities stimulate or provide a focus for community interaction, distinct from their role as points of service delivery to individual citizens.
- 5.4 For others, an area's history and tradition may be the basis of its sense of community identity. However, communities change over time and historical considerations may not have such importance in areas which have been subject to recent development or population dispersal.
- 5.5 Major roads could be seen to be the focus of an area if they are the location of shops or community facilities which people visit regularly and where they interact. They may themselves be the subject of issue for communities, perhaps when safety, environmental or economic considerations are a catalyst to community interaction. Alternatively, major roads, rivers or railway lines could be seen as physical barriers marking the boundary between different communities.
- 5.6 Evidence of the identity of a community may be presented where there are recorded community interactions and collective engagements with the principal council(s) for their area. Town and parish councils, residents' associations, local voluntary organisations, etc. will be sources of evidence on this.
- 5.7 Some councils have made progress in mapping the physical extent of identifiable communities, and such maps would help those preparing proposals and the Commission's consideration considerably. Mapping of communities which depends heavily on area profiling will be treated with caution however. Area profiling often uses demographic and/or social and

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<sup>8</sup> Community identity: literature review and analysis, [www.lgbce.org.uk](http://www.lgbce.org.uk)

economic data to classify an area according to common characteristics of individuals in an area: it may not reflect that there are (or are not) interactions between those individuals.

- 5.8 It is quite common for conflicting evidence to be received on community identity. Where this occurs, our task is to make a judgement on which strand of evidence to follow. We will be aided in this if factual information is accompanied by an explanation of why it is significant and why in that respect, a particular area or community should be treated in a particular way.

### **Effective and convenient local government**

- 5.9 Effective and convenient local government is also difficult to define. Issues of effectiveness will be most clear when there is a boundary which separates a small number of houses from their neighbours on the same street, resulting in differential waste collections, street repairs, home-living support, etc.
- 5.10 Similarly, it may arise that because of boundaries, one resident may live close to a council service point but his next-door neighbour, living within a different local authority area may have to travel many miles to an equivalent council facility. It may also be that the alignment of boundaries means that an elector is unable to influence the decisions concerning the environment or services that really matter to him or her, either through the ballot box or through a call upon his councillor.
- 5.11 Sometimes, effectiveness and convenience may be dictated by the operational relationships between different service providers – between councils and health service providers, or charitable bodies acting as service agents, etc. While accepting that the realignment of boundaries may not always be the only course of action which would resolve operational difficulties they can be a cost-effective solution to situations that might otherwise require formal agreements between authorities over the delivery of local services.

### **Value for Money: The financial case for a proposed change.**

- 5.12 We believe it important that the financial business case in support of a boundary change should be proportionate to the level of change being proposed. The greater the change, the more information we would expect to receive from the local authorities concerned.

#### *Type 1 reviews*

- 5.13 For changes involving the transfer of a small number of residents, we see no reason for a financial business case. The main emphasis will be in ensuring that the proposed change meets our statutory criteria of reflecting community identities and interests; and providing effective and convenient local government.

### *Type 2 reviews*

- 5.14 We envisage a “light touch” approach in this type of review and we would ask the local authorities concerned to provide assurances, certified by their Section 151 officers, that the proposed change would not have an adverse impact on the efficient and effective delivery of local government services in their areas.

### *Type 3 reviews*

- 5.15 For more substantial boundary changes, we consider it important that local authorities can demonstrate that the change will provide value for money, and will not have an adverse impact on the efficient and effective delivery of local government services in their areas. A financial analysis should have been produced in support of this type of review and must be certified by the authorities’ Section 151 Officers. This should establish the capital and revenue income and expenditure implications, for the authorities concerned, of changes to the physical extent of areas of service delivery and the transfer of assets.
- 5.16 For these (and also Type 4) reviews, it is to be expected that the principal councils concerned will, in any event, have produced and assessed a business case, if only to establish that a boundary change would result in efficiencies and savings. Ideally, for our purposes for large-scale reviews, we would like to see details of the transitional costs and savings, and ongoing costs and savings over a four-year period.

### *Type 4 reviews*

- 5.17 A full financial business case will be required for the merger of authorities. It should address the transitional costs and savings, and ongoing costs/savings over a four-year period from the anticipated date of merger. We would expect that such a business case would form part of the councils’ explanation of the consequences of the proposed change to people living in the area, to partner organisations and to other stakeholders.
- 5.18 It is not our task to prepare a financial business case for a boundary change. It is for the local authorities concerned to do so and present it. We will require that the business case be certified by their Section 151 Officers – they are best placed, professionally and otherwise, to determine the effect of a boundary change on the finances and services of their local authority.
- 5.19 Principal councils, in formulating requests for reviews and in dealing with the impact of reviews, will rely on their Section 151 officers for guidance on the financial aspects of revenue and service delivery matters. These officers have statutory obligations to their authorities and we do not propose to issue additional guidance on this aspect of PABRs to add to the obligations. It is because the law assigns statutory responsibilities for financial matters that we ask for their certification on value for money, not that of the Chief Executive (or equivalent). If a Chief Executive is also a Section 151 Officer, it is in the latter capacity that he or she must provide the certification we seek.

## Local Support

- 5.20 It may be difficult to predict whether a proposed boundary change would have local support. Even seemingly minor changes have the potential to stir local opposition: even amongst people living within a given locality, there might be a variety of definitions of community identity and people's strength of association may vary from place to place or from time to time. For these reasons, the provision of evidence will be important in enabling the councils involved to demonstrate to people in their area the impact and merits of a proposed change and enable the Commission to make consistent decisions.
- 5.21 Local authorities making a request for a review will need to demonstrate the extent of local support identified either by canvassing opinion by survey of those affected or, specifically for merger proposals, by a more formal means such as a local poll. While local support includes the residents of an area, it will also mean the formal resolution of the councils promoting change – and any principal area boundary review will involve at least two councils. Finally, support may be from the council's partners in public service delivery and other stakeholders. Councils, when presenting evidence of local support, should tell us about the methods they used to inform and consult people affected.
- 5.22 For all types of review, demonstrations of majority local support for a proposed change (whether by survey for relatively small reviews or by advisory local polls for medium/large reviews or merger propositions) will be very influential, but not an absolute requirement. Where there are strong arguments in terms of the effectiveness of local government and the identity of communities, we could decide to undertake a review and make recommendations in the absence of such a majority. When a request for a review is made by local authorities, we will have to judge whether to undertake a review based on the nature and volume of local support combined with other justifications.
- 5.23 We do not require such local consultation to address the electoral arrangements which would be required by the implementation of any proposal.
- 5.24 Irrespective of how much consultation is carried out by councils before the start of a review, we are still required to consult on our draft recommendations. This will include consultation on consequential electoral arrangements which may not previously have been the subject of the local authorities' consultations. For more information about the formulation of electoral arrangements, refer to our companion document *Electoral reviews: technical guidance*.

### *Small-scale (type 1) reviews*

- 5.25 For these reviews, we would normally undertake to consult directly with the affected residents at the time we publish our draft recommendations. Given the nature of this type of review, there will be few people involved. We will also consult any parish or town councils directly involved, together with any other community groups.

### *Medium-scale (type 2) reviews*

- 5.26 These reviews involve more substantial anomalies. We would expect the principal councils to consult directly with those living in the area which it is proposed should be transferred before seeking formal agreement to a review before making a request for a review. Local authorities may wish, in addition, to call neighbourhood meetings to determine collective opinions. We would also expect to see the views of any parish or town councils directly involved and the views of other local organisations.

### *Large-scale (type 3) reviews*

- 5.27 In the case of reviews involving whole settlements, we would expect local authorities to undertake widespread consultation with those living in the area which it is proposed should be transferred before seeking formal agreement to a review. Local authorities should, in addition, call neighbourhood meetings to gather collective opinions. We would also expect to see the views of any parish or town councils involved and the views of other local organisations, and particularly those in receipt of funding or other support from their principal council. Because changes in this category would affect the financial position of the councils involved and their service delivery, we would expect to see reflected the views of residents and organisations indirectly affected by the change

### *Merger (type 4) reviews*

- 5.28 For full mergers, we would expect to receive more substantive and rigorous evidence of public support for the proposed changes. This could take the form of a local advisory referendum on the matter. Whilst legislation makes it clear that the results of such exercises cannot be binding on us – and it will be important to clarify the status of the poll to avert ambiguity on this matter – we must consider the outcome of a local referendum alongside our statutory criteria. This means that we are not bound by the outcome of an advisory referendum – it is only one factor among many that we will take into account. Even if there is not a majority in support of the proposed change, if the promoting councils nevertheless wish to proceed to review, we will give their request serious consideration.

### **Parish and town councils**

- 5.29 We have no power as part of a PABR to make recommendations to the Secretary of State for changes to parish administrative boundaries. However, for parishes affected by any recommendations we make for principal area boundaries, we can comment on and make suggestions to the Secretary of State on any consequential parish changes he might wish to consider in implementing our recommendations.
- 5.30 Under the provisions of the Local Government and Public Involvement in Health Act 2007 Act, local authorities have the power to conduct and implement community governance reviews for the creation, abolition and alteration of parish areas. They may also make changes to parish electoral arrangements. Subject to certain conditions, local people, by raising a petition, can require that their local authority carries out a community governance

review. Local authorities should not be conducting community governance reviews for parishes which may be affected by a PABR at the same time, especially in the case of a PABR conducted at their request.

### **Parliamentary constituency boundaries**

- 5.31 The legislation by which local government boundaries are changed does not provide for any consequential changes to be made to parliamentary constituency boundaries as part of a PABR. Further, the LGBCE cannot take into account, parliamentary boundaries when making draft or final recommendations. The review of parliamentary boundaries that commenced in 2011 is undertaken having regard to principal councils' ward boundaries, but is not prevented from dividing local government wards between constituencies.

## 6 What happens when we complete a review?

6.1 When we publish our final recommendations and send them to the Secretary of State, this normally marks the end of our involvement with councils and their communities in the boundary review process. The Secretary of State can ask us, after we have made our recommendations to him, to provide further information in order to aid his decision-making.

6.2 Our recommendations will be published locally and on our website for anyone to read. People can make representations on our final recommendations but must do so to the Secretary of State, not to us. There will be a four-week period following the publication of our final recommendations in which to do so.

6.3 The Secretary of State's consideration of our final recommendations will result either in a decision not to take the matter any further, a request to us to carry out a further review, or the making of a statutory order (but in this last case, only if we have recommended a change to a boundary). It is the Secretary of State's responsibility to make the order.

## 7 Frequently Asked Questions

### **Is the Local Government Boundary Commission for England affiliated to any political party or Government department?**

No. We are a completely independent body, and are not sponsored by a Government department. Commission members are not permitted to conduct any political activity or have any party affiliation.

### **Will a boundary review affect my house value, council tax, insurance premium, stamp duty, postcode, school catchment area or hospital?**

No. The review is concerned with electoral matters only; all the above factors are decided by other organisations or factors.

### **Will a boundary review affect who I can vote for?**

It may do if you live in an area transferred from one area to another or if a new council is created. Also, a review may result in changes to ward boundaries in parts of authorities not transferred. The review will determine your ward or division and, in some cases, your parish ward and you can only vote for candidates who stand for election in those electoral areas. It is for the local political organisations, however, to decide who they want to stand as their candidate in any particular ward or for individuals to stand as independent candidates.

### **Will a boundary review affect my council tax?**

It may do. If the council which provides your local government services changes, you will be liable to the council tax set by your new council

### **When the boundaries are changed what happens to the parliamentary constituency boundaries?**

Following a PABR undertaken by the LGBCE, the Secretary of State can change district, county and parish boundaries, but he can't change parliamentary constituency boundaries. The process for drawing parliamentary boundaries is completely separate and is not taken into consideration in a PABR. The Parliamentary Boundary Commission for England started a review of parliamentary boundaries in February 2011. In conducting the review that Commission may take into account ward boundaries that were in place in May 2010 as building blocks for constituencies. However, the legislation does allow the Commission to divide local government wards between two or more constituencies.

### **When will the changes to district or county boundaries and electoral arrangements, i.e. wards or divisions and numbers of councillors, come into force?**

Normally on 1 April following the making of the implementation order by the Secretary of State. The Secretary of State has asked us to make recommendations by 1 April of the year preceding that at which any changes are expected to come into force.

**When will the changes to parish electoral boundaries and arrangements, i.e. parish wards and numbers of parish councillors, come into force?**

Normally on 1 April following the making of the implementation order by the Secretary of State. The Secretary of State has asked us to make recommendations by 1 April of the year preceding that at which any changes are expected to come into force.

**Can I see the boundaries proposed in your mapping more clearly?**

We suggest that you view them on the webpage for your review at <http://www.lgbce.org.uk/> because you can zoom in on the pdf versions of the maps to see more detail than you can see on the printed versions. You may find it helpful to compare our draft and final recommendations maps with the current electoral boundaries that are available on Ordnance Survey's website at <http://www.election-maps.co.uk/>. If you need to see the proposed electoral boundaries in more detail and you have access to a GIS application to view electronic maps, then you may wish to contact Ordnance Survey's Boundary Helpline on 023 8030 5092.

## Appendix A: Glossary

**Community Governance Review:** the process by which a principal local authority reviews and makes changes to the boundaries and electoral arrangements of parishes.

**Coterminosity:** geographical areas identified for different purposes but having the same boundaries. This also applies where a group of areas defined for one purpose, when taken together, have the same external boundary as a larger area defined for another purpose, (sometimes known as “nesting”).

**Council size:** the total number of elected representatives. Where a principal local authority has an elected mayor, the mayor is counted in total council size but is not counted in the total number of members for the determination of average electoral ratio.

**Divisions:** the electoral areas of a county council.

**Electoral arrangements:**

- the total number of councillors to be elected to the council
- the number and boundaries of wards or divisions
- the number of councillors to be elected for each ward or division, and
- the name of any ward or division.

**Electoral equality:** every vote has the same weight: each councillor represents a similar number of electors or in a council in which not all wards have the same number of councillors, an appropriate multiple. For example, in a council which has a single-member ward and a three-member ward, there is electoral equality if there are three times as many electors in the three-member ward as there are in the single-member ward.

**Electoral Review:** a review of the electoral arrangements of a principal local authority. A review may result in changes to none, some or all of the electoral arrangements of that authority.

**GIS – Geographic Information System:** computer-based systems for storing, viewing, reproducing and altering maps.

**Order:** see Statutory Instrument or Order

**Parish:** in England a civil parish (usually just parish) is the smallest area used for local government. It has a boundary which the Commission cannot change. It may or may not have a parish council. Some parishes have a Town Council. Civil parishes are not directly connected to areas defined for ecclesiastical purposes.

**Principal Area Boundary Reviews (PABRs):** a review of the boundary between two or more principal local authorities: A review may or may not lead to the change of a boundary. The Commission can make recommendations about boundary changes to the Secretary of State who has the power to implement them by order.

**Principal local authorities:** County, district or London borough councils. Some district councils are officially called Borough councils.

**Statutory Instrument or Order:** a form of legislation. The responsibility for making statutory instruments has been assigned by Parliament in an Act.

**Two-tier local government:** the responsibilities of principal local authorities are carried out by a county council and by a borough council. There may also be parish councils in two-tier areas.

**Unitary local government:** the responsibilities of principal local authorities are carried out by a single council. There may also be parish councils in unitary areas.

**Wards:** the electoral areas of a district council or, where a parish is subdivided, the electoral areas of a parish council.

## Appendix B: Resources

This page contains links to a number of resources which those participating in an electoral review may need. The text contains hyperlinks for those accessing the document through our website.

Our website:

[www.lgbce.org.uk](http://www.lgbce.org.uk)

About electoral reviews:

<http://www.lgbce.org.uk/about-us/about-electoral-reviews>

On this page, you can find links to this guidance, and the spreadsheets that we ask local authorities to complete at the start of the review.

**You can find the legislation referred to throughout this document at the below links.**

The Local Government Act 1972:

[http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1972/cukpga\\_19720070\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1972/cukpga_19720070_en_1)

The Local Government and Public Involvement in Health Act 2007:

[http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070028\\_en\\_1](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070028_en_1)

The Local Democracy, Economic Development and Construction Act 2009:

[http://www.opsi.gov.uk/acts/acts2009/ukpga\\_20090020\\_en\\_1](http://www.opsi.gov.uk/acts/acts2009/ukpga_20090020_en_1)

