

Decision Record

Decision of the Chief Executive in connection with the Somerset Structural Change Order 2022

Potential options for unitary council electoral arrangements – September 2021

At its meeting on 19 August 2021, Council gave the Chief Executive delegated authority to submit responses and undertake negotiations regarding the content of the Structural Change Order (SCO) and associated matters in consultation with the Leader of Council and the Monitoring Officer.

Having consulted the Leader and the Monitoring Officer, I have exercised the delegated authority set out above to take the following decision. The reasons for my decision are set out in the Appendix.

Decision:

Acting jointly with the other Somerset Councils (Mendip, Sedgemoor, Somerset County and Somerset West and Taunton), to submit the electoral arrangements options paper and opinion attached as Appendix 2 to the Ministry for Housing, Communities and Local Government (MHCLG) in response to MHCLG’s request for views regarding potential council size and warding arrangements for consideration by the Secretary of State.

Signed:
Jane Portman, Chief Executive

Date: September 2021

I, Val Keitch, Leader of South Somerset District Council, have been consulted by Jane Portman on the above decision. I have had the opportunity to read her reasons and I concur with her decision.

Signed:
Val Keitch, Leader of South Somerset District Council

Date: September 2021

I, Jill Byron, Monitoring Officer at South Somerset District Council, have been consulted by Jane Portman on the above decision. I have had the opportunity to read her reasons and I concur with her decision.

Signed:
Jill Byron, Monitoring Officer

Date: September 2021

Appendix 1

Article 13 – Decision Making

Principle	Response
Proportionality Article 13.02(a)	Following the announcement of local government reorganisation in Somerset to a single unitary authority, the Leaders and Chief Executives of the five Somerset councils are working collaboratively on implementing a unitary council for Somerset. This action is proportionate to the desired outcome of the successful transition to a unitary authority.
Due consultation and the taking of professional advice from officers Article 13.02(b)	Professional advice has been taken from the Monitoring Officers and Elections Managers of all five Somerset councils. A member briefing on the proposal was held on 15 September 2021.
Respect for human rights Article 13.02(c)	Article 3 of the First Protocol provides for the right to free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature. The provisions of the SCO will be important to this.
Presumption in favour of openness Article 13.02(d)	The options paper submitted to MHCLG is a public document.
Clarity of aims and desired outcomes Article 13.02(e)	Following the announcement of local government reorganisation in Somerset to a single unitary authority, the Leaders and Chief Executives of the five Somerset councils are working collaboratively on implementing a unitary council for Somerset. The desired outcome is an SCO that contains clear and fair electoral arrangements.
Reasons for decision Article 13.02(f)	<p>Background</p> <p>In July 2021, the Secretary of State for Housing, Communities and Local Government announced that the Government would proceed with a single unitary authority for Somerset. The approved business case was based on a unitary council of 100 councillors in single member wards.</p> <p>An important element in the process of creating a unitary authority is the Structural Changes Order (SCO), to facilitate the transition from the existing councils in Somerset to a single unitary council. Amongst other things, the SCO will set out the electoral arrangements for the unitary council. Electoral arrangements include council size and warding arrangements.</p> <p>Civil servants from the Ministry for Housing, Communities and Local Government (MHCLG) wrote to the Councils within Somerset on 2 September to state that:</p> <p style="text-align: center;"><i>“Elections/warding/parish councils</i></p>

The order will specify the number of councillors for the first elections in 2022 and the warding arrangements based on groupings of county divisions/district wards to achieve best fit with LGBCE guidelines.

We are happy to look at any ideas you wish to share very informally now or in early September, and we'd like you to share any ideas with political sign off/endorsement by mid-September. We understand that you plan to let us have this information on 17 September. We are happy to consider one idea that all councils agree on, or for several ideas to be put forward for the Secretary of State to consider. The LGBCE will be providing us with informal advice but have no formal role at this stage.

Alignment of parish council elections is also something we can consider making provision for – please let us know your thoughts on this.”

Each Council was asked to share their views by 17 September, to allow MHCLG to consider them as part of drafting the SCO to be shared with the councils in October.

Work Carried Out in Re3sponse to the Request

The Somerset Chief Executives considered this request and asked the Monitoring Officers and Elections Managers from the five councils to work together to review various options (85 members, 100 members and 110 members) and provide an opinion for them to consider.

The following were taken into account by the Monitoring Officers and Elections Managers:

- the approved business case for a single unitary council proposed a council size of 100 members in single member wards;
- the LGBCE's guidance on electoral reviews;
- the MHCLG requirement that the electoral wards for the new council must be made from current district council wards or county council divisions and, except in exceptional circumstances, the variance from the average of number of registered electors per member should not exceed +/-25% to +/-30%;
- existing district council wards are not uniform in size across the county, the number of electors per ward varies significantly (from 1654 to 7363) and although some wards elect one member, others elect two or

	<p>three members; and</p> <ul style="list-style-type: none"> • wards and/or divisions were grouped together into potential wards for the unitary council using the criteria that the Local Government Boundary Commission for England (LGBCE) is required by law to use: <ul style="list-style-type: none"> i. the pattern of wards should mean that each member represents roughly the same number of electors as elected ii. ward patterns should - as far as possible - reflect community interests and identities and boundaries should be identifiable. <p>The options paper and opinion is set out in Appendix 2 and the Somerset Chief Executives endorsed this when they met on 14 September.</p> <p>Following the endorsement by the Somerset Chief Executives, the Leaders of the five councils were consulted. On 15 September, the Chief Executives convened all member briefings across the five councils to review the options work and the opinion produced.</p> <p>Reasons for Decision</p> <p>The five Somerset councils are working collaboratively on implementing a unitary council for Somerset. The desired outcome is an SCO that contains clear and fair electoral arrangements. The content of the SCO is a matter for MHCLG, who have sought the Councils' views. The options work and opinion set out in Appendix 2 represents the best collaborative approach that could reasonably be achieved against a tight deadline and within narrowly drawn parameters.</p> <p>In any event, it is reasonable to anticipate a Local Government Boundary Commission review within the first term of the new authority to ensure any deficiencies are addressed.</p>
Is this a Key Decision?	No.