

# **Local Government Reorganisation in Somerset**

## **Opinion on potential options for unitary council size and warding arrangements to MHCLG – September 2021**

### **1. Introduction**

- 1.1 Following the Secretary of State's approval of the One Somerset Business Case without modification on 21 July 2021, representatives from the Ministry for Housing, Communities and Local Government (MHCLG) have provided an opportunity for the five Somerset councils to submit an opinion on council size and warding options for their consideration as part of drafting the Structural Changes Order (SCO). Subject to the involvement of the Local Government Boundary Commission for England (LGBCE), the approved Business Case proposes 100 councillors (members) in single member warding arrangements. MHCLG have asked local councils for their opinion on whether 100 or some other number would be the best option for the new unitary council and, for any options put forward, what the warding arrangements would be based on using existing district ward and/or county division boundaries.
- 1.2 This process is governed by the legislation relating to SCOs and Local Government Reorganisation. It is important to stress that this process is the responsibility of MHCLG as part of its work on the draft SCO. It is not an electoral review by the Local Government Boundary Commission for England (LGBCE) and there is no public consultation requirement on proposed electoral arrangements for a SCO. Further context on the relevant legislation is set out in Appendix 6.
- 1.3 The Somerset councils welcome this opportunity to contribute views regarding council size and warding arrangements. As the timescale set by MHCLG is quite challenging, it should be noted that we may need to amend the approach set out in this submission if further evidence becomes available.
- 1.4 Somerset councils have been careful to ensure that this initial submission has been evidence-led rather than a retrospective justification of a pre-determined council size, while recognising that the Secretary of State has already approved the business case for a single unitary council of 100 councillors in single member wards.

## 2 General Approach

- 2.1 These options have been prepared with two key points in mind:
- 2.1 as they are using existing ward and/or divisional boundaries they are not fit for purpose in the long run and, as has been the case with similar re-organisation exercises in the past, the LGBCE will be carrying out a full review for adoption prior to the unitary election in 2027; and
- 2.2 the workload of individual members in the transitional periods post-election and post-vesting day is likely to be more demanding than the workload once things embed and settle down. The Business Case recognised that there will be opportunities to realise efficiencies in the way councillors discharge the different aspects of their roles, but the first five years will involve additional demands.

## 3 LGBCE Guidance

- 3.1 In preparing this submission the Somerset councils have had regard to the evidence so far available and consideration has been given to the LGBCE's guidance for the options developed to have regards to:
- the need to secure equality of representation;
  - the need to reflect the identities and interests of local communities; and
  - the need to secure effective and convenient local government.
- 3.2 In considering council size, it is also vitally important to carefully examine the decision-making, local and representational roles of a councillor for the proposed unitary council together with the principle that overall the role should not preclude a candidate from standing because they are in full-time employment or on low incomes. This submission and the accompanying evidence demonstrate that these issues have been appropriately considered.

## 4 Managing the Business of the Council

- 4.1 We have looked at how many councillors we believe are needed to manage the business of the council as a provider of services committed to commerciality, commissioning, devolution and empowerment. Elected members have different functions, from portfolio holders to scrutiny to local representative and there need to be enough of them to properly fulfil these roles. The starting point has been the approved business case proposal of 100 councillors and this submission includes that option.

- 4.2 Regard has been had to the inevitable tension between the prioritisation of efficiency and transaction of the proposed unitary council's business and the prioritisation of community engagement and oversight. Whatever council size is determined, the correct balance must be struck between the different influencing factors including the need for effective representation and effective debate.
- 4.3 In preparing this submission Somerset councils have recognised the importance of not dehumanising the role of Councillors, particularly in the context of the role they play in the communities they represent and the good they do in supporting individuals and groups, whether through simply being someone to talk to through to intervening in the resolution of complex issues.
- 4.4 It should be emphasised that any potential savings (associated with a lower number of councillors) when comparing the various potential options for council size should not be a key consideration in determining a council size for the unitary council.
- 4.5 This submission of options for consideration by MHCLG has been approved by the Chief Executives of the five Somerset councils following engagement with relevant elected members.
- 4.6 In addition to this submission, individual political groups and councillors are making separate submissions of their own to MHCLG.

## 5 Context to Options for council size and warding arrangements

- 5.1 The evidence that has been gathered during the review of potential electoral arrangements process leads us to conclude that the unitary council business case proposal for 100 councillors is not too large for the proposed unitary council for Somerset. The electorate to councillor ratio is broadly in line with comparative councils. If anything, it demonstrates that the unitary council will be under-represented versus many other comparable authorities. Evidence from previous councillor surveys and Members Allowances Schemes reviews shows that councillors have a generally full workload.
- 5.2 In Somerset, there are 278 parish and town councils, which vary greatly in size and the council tax they raise, and hence in the range of activity they undertake. This is higher than comparable councils like Wiltshire (253 councils) and Buckinghamshire (169).
- 5.3 It should be highlighted that the town of Taunton is unparished and Somerset West and Taunton Council are currently undertaking a Community Governance

Review relating to the potential creation of a new Town Council which is also one of the outcomes proposed in the unitary council business case. As stated earlier the proposed SCO for the unitary council is unable to include Parliamentary approval to the creation of a new Town Council for Taunton.

- 5.4 Establishing the unitary council will be an opportunity to devolve some services and assets in a way that benefits our communities and both the unitary and local parish or town councils. Our proposals for Local Community Networks include improved empowerment of our town and parish councils and we would expect that the overall level of Councillors' casework will not diminish and, in fact, there is an argument that it could increase because of our devolution proposals.
- 5.5 All existing councils operate a Strong Leader and Cabinet form of governance and at this stage it is assumed this will be retained by the unitary council and accompanied with other changes to the unitary council's governance arrangements to reflect its statutory duties and the outcomes set out in the business case.
- 5.6 This submission sets out the councils work on developing and evaluating three options of Council size for consideration by MHCLG:
- Option 1 – a council size between 80-90 councillors (85 councillors has been modelled based on LGBCE guidance)
  - Option 2 – a council size between 90-100 councillors (100 councillors has been modelled in line with the approved business case)
  - Option 3 – a council size of 110 councillors based upon doubling the current membership of existing county council divisions
- 5.7 LGBCE guidance is that determining the future council size is a separate issue from that of determining the number and boundaries of electoral wards. Council size options should be focused on governance arrangements, scrutiny function and the representational role of councillors for the unitary council and not solely driven by the ratio of electors per councillor.
- 5.8 The timescales provided by MHCLG are insufficient to complete that essential piece of work to satisfactorily determine a viable council size for a newly established unitary council. The more viable options in the circumstances are either the option in the approved business case or the option that is simpler to implement in the transition period which would involve the doubling of the membership of the existing county council electoral divisions with a council size of 110 councillors. The latter has the advantage of precedent with several previous SCOs approved by Parliament as well as using existing electoral arrangements as a

foundation that have already followed a LGBCE electoral review.

**5.9 We recommend a full LGBCE review of the unitary council's electoral arrangements needs to be undertaken at the earliest possible opportunity.**

**6 Democratic representation and transition to Unitary**

6.1 There are currently 55 county councillors representing 54 county electoral divisions, one of which is a two Member division for Glastonbury and Street. In addition, there are currently 214 district councillors across four district councils representing 127 district wards. The current arrangements include both single member and multi-member wards and divisions across Somerset. The area of the electoral divisions and district wards vary significantly. The extremes of the range are an indication of how geographically diverse communities are in Somerset and why it is important that this spread and the differing demands on Members are properly understood.

6.2 Further supporting information regarding Somerset the place and its communities is set out in Appendix 7 to help contextualise the drivers for democratic representation.

6.3 Through the SCO, the unitary council proposals will see a significant reduction in councillors from the current 269 councillors in five councils to potentially either 85, 100 or 110 councillors as modelled in our options or another council size as determined by MHCLG.

6.4 The proposed changes to local government in Somerset will see the unitary council absorbing the functions of the County Council and those of the four District Councils. That will mean that the unitary councillors will have an expanded role and a significant increase in workload than the former county or district councillor counterparts.

6.5 The number of unitary councillors in and accessible to the various communities across Somerset's large geographic area will be key to ensure democratic representation is equitable and to deliver the ambitions for the Local Community Networks.

7 Governance and decision making, scrutiny functions, the representational role of Councillors for the unitary council

7.1 It is important to reiterate that it is anticipated that the unitary council will operate the Strong Leader and Cabinet model of governance that the current five councils in Somerset operate.

7.2 Our initial work on potential governance arrangements anticipates that the unitary council is likely to have the maximum number of Cabinet (Executive) Members permissible (10) and each of these Members will be assigned a specific portfolio.

7.3 The particular functions to be delegated to individual members of the Cabinet by the Leader of the unitary council, within those specific portfolios will need to be designed to provide a focus on the key challenges and opportunities faced by the unitary council.

7.4 Portfolios for a unitary council are likely to include combinations of the following areas of responsibility :

Adults Services • Property • Health & Well-Being • Waste • Housing Services • Communities & Local Partnerships • Children & Young People's Services • Leisure and Culture • Highways & Transportation • Economic Development & Skills • Environment & Flooding • Growth Strategy – Planning, Housing and Transport • Resources • Customer Service • Communications • Business Transformation

7.5 The Leader may also appoint non-Cabinet Members as Deputy Cabinet Members, provided that the total number of Deputy Cabinet Members does not exceed the number of Cabinet Members. Deputy Cabinet Members will advise and assist Cabinet Members in the discharge of their duties within their portfolio(s). In the absence of a Cabinet Member, a key decision may be taken by a Director or relevant senior Officer in accordance with a Scheme of Delegation. Portfolio holder's responsibilities necessitate attendance at a greater number of committee meetings within the Council. The role of Cabinet Member also necessitates undertaking work in partnership with other local authorities and external organisations.

- 7.6 Given the level of responsibility, it is expected that the role of Cabinet Member for the unitary council is a full-time one. It should be emphasised however that those Members who are not Cabinet Members have more flexibility in terms of assuming additional responsibilities and therefore can manage the associated time commitments. It should be looked at as a sliding scale with more time being committed by Committee Chairs and Vice Chairs, and members of committees which meet more frequently such as Scrutiny, Planning and Audit Committees. The new Local Community Networks impact all councillors and the time required will depend on the number of meetings of these and the meetings of the 278 parish and town councils that they attend along with the separate Parish meetings that are also held across Somerset. Regular engagement with parish and town councils will often give rise to additional casework in order to help resolve issues of importance to local communities, particularly where the solution may involve liaison and action by the unitary council.
- 7.7 The unitary council will want to attract elected members that truly represent the areas' entire population.
- 7.8 The unitary council will be involved in numerous bodies at a local, regional, sub-regional and national level with a range of partners, many of which have decision-making powers such as:
- Devon & Somerset Fire and Rescue Authority
  - Exmoor National Park Authority
  - Avon and Somerset Police and Crime Panel
  - Heart of the South West Local Enterprise Partnership
  - Quantocks, Mendip and Blackdown Hills AONBs
  - Somerset Rivers Authority
  - Somerset Health & Well-Being Board
- 7.9 In addition, the Council is also involved in a wide range of strategic, general and ward-based outside bodies all of which impact on the time commitment of councillors. Representation on these bodies is drawn from all members of the council, although some of the appointments are required to be Cabinet Members or local councillors. In addition to the above Councillors can also seek appointment to local school governing bodies. Whilst being a Governor is a

matter of personal choice for any Councillor, it is seen by many as an important way in which Councillors can support their communities. It is also important to highlight that all councillors will have responsibilities as Corporate Parents for children in care.

7.10 We have not at this stage been asked by MHCLG to definitively decide or set out our proposed detailed governance arrangements for the unitary council. This will be the subject of detailed work and consultation with elected members once MHCLG has determined the proposed council size for the unitary council. Nevertheless, the assessment of options has considered possible governance arrangements for the purpose of understanding whether each potential council size could work without any significant increase on the burden on councillors or significant increases to delegated decision-making arrangements. Our initial assessment has flagged potential issues for the option involving a council size of 85 councillors, especially for a newly established unitary council bringing together the statutory duties and devolution ambitions of the five councils.

## 8 Comparison authorities

8.1 We acknowledge MHCLG's desire to consider the Somerset councils' options work on council size in context and by reference to the nearest neighbours, being statistically similar neighbours rather than geographically close. The LGBCE's guidance acknowledges that this is only a statistical comparison and we would urge MHCLG to have proper regard to the totality of the evidence presented and accept that we have put forward a sufficiently strong case that a simplistic statistical approach is not considered appropriate.

8.2 We have undertaken an analysis of authorities both including and beyond those identified using the CIPFA Nearest Neighbours model.

<b>unitary council</b>	<b>*date of most recent LGBCE review</b>	<b>number of councillors</b>	<b>electorate</b>	<b>average number of electors per councillor</b>
Central Bedfordshire	Jan-21	63	217,035	3,445
<b>Wiltshire</b>	<b>Oct-19</b>	<b>98</b>	<b>384,578</b>	<b>3,924</b>
Cornwall	Dec-18	87	441,474	5,074
Bournemouth, Christchurch & Poole	Oct-18	76	309,695	4,075
Dorset	Oct-18	82	306,624	3,739



Cheshire West & Chester	Mar-18	70	276,179	3,945
Cheshire East	Jul-10	82	311,173	3,759
Durham	Nov-11	126	397,094	3,152
Northumberland	Mar-10	67	246,347	3,677
Shropshire	Nov-08	74	252,633	3,414
<b>average of recent LGBCE reviews</b>				<b>3,820</b>
<b>other recent and proposed unitary councils</b>				
Buckinghamshire	Mar-20	147	412,512	2,806
North Yorkshire (proposal under LGR)	Mar-20	90	479,635	5,329
North Northamptonshire	Mar-20	78	263,903	3,383
West Northamptonshire	Mar-20	93	307,383	3,305
<b>average</b>				<b>3,706</b>
<b>options for Somerset being evaluated</b>				
85 Cllrs	Mar-21	85	434,473	5,111
100 Cllrs (as in Business Case)	Mar-21	100	434,473	4,345
110 Cllrs	Mar-21	110	434,473	3,950

*\*electorate figures in LGBCE reviews are as quoted in reviews; others are as published March 2020 and March 2021*

- 8.3 As the table above demonstrates, there is no consistent council size by population or electorate. For example, Wiltshire Council and Cornwall Council have 98 and 87 councillors respectively despite Wiltshire having a smaller electorate and significantly lower ratio of electors per councillor. These inconsistencies can be explained by the individual governance needs of authorities, local geographic characteristics and the time since the last review of their electoral arrangements.
- 8.4 The above table illustrates council sizes ranging between 67-147 and elector per councillor ratios of between 2,806 and 5,329 which is a considerable variation.
- 8.5 The two options of 100 and 110 councillors provide elector per councillor ratios that are closest to the median of the comparable authorities.

## 9 Key points about existing wards and county divisions

9.1 Guidance from MHCLG for the development of electoral arrangements for the unitary council is that only existing district council wards or county council divisions can be used. These are the building blocks for any options that are developed and evaluated. Parish wards or polling districts are not to be used.

9.2 There are 54 county council electoral divisions and 53 of these are single member divisions and there is a two member division for Glastonbury and Street. There are 127 district council wards across the four district councils. The existing arrangements across the five councils have had LGBCE electoral reviews completed :

- Somerset West and Taunton Council – 2018 as part of its Structural Changes Order in 2018
- South Somerset – 2018
- Somerset County Council – 2012
- Sedgemoor - 2011
- Mendip – 2006

9.3 The existing wards and divisions for the five councils are based on meeting the governance requirements and as best as possible achieving electoral equality for each individual council. From the outset using just the existing district wards and county divisions for the unitary council provides a constraint on the development of options due to the wide variety in electoral and geographic size of the district wards and county divisions and also the number of single member and multi-member arrangements across Somerset. The following tables illustrates this:

Current electoral arrangements across the five councils

Council	No. of wards (& County Divisions)	No. of single member wards	No. of multi-member wards
Somerset County Council	54	53	1
Mendip	34 (10)	21	13
Sedgemoor	23 (12)	4	19
Somerset West & Taunton	35 (15)	16	19
South Somerset	35 (17)	17	18

*\*\* number of county divisions within each district area shown in brackets*

There is large variation in existing ward electorate ranges across Somerset as shown in this table:

Council	Lowest electorate for ward (& division)	Highest electorate for ward (& division)	Average electorate per ward (& division)
Mendip	1,654 (7,444)	4,842 (9,372 <sup>**</sup> )	3,248 (8,408)
Sedgemoor	1,686 (7,050)	7,363 (9,057)	4,525 (7,788)
Somerset West & Taunton	1,824 (6,639)	6,956 (9,511)	4,390 (8,075)
South Somerset	1,979 (6,451)	6,958 (8,788)	4,469 (7,620)

*\*\* discounting the two member division*

#### 9.4 Key points to highlight when using existing wards / divisions:

- District ward electorates range from 1,654 to 7,363 (a difference of 5,709 electors) – with 58 single member wards and 69 two or three member wards. The electorate ranges provide the better potential for any single member unitary wards to be designed whilst still providing an appropriate council size and electoral equality. Nevertheless it should be highlighted that there is a large variation in ward electorates and their geographic size. This means that any proposal based on a single member for each of the existing 127 district wards would create a unitary council size of 127 councillors but would not meet the LGBCE’s key criteria due to significant differences in electoral equality.
- County division electorates range from 6,451 to 9,511 (excluding the single two member division) – the 54 division electorates are very high to create any unitary council single member wards, they have a large geographic size in rural areas and also a single member council proposal using the existing county division as building blocks would result in an unviable unitary council size (54 cllrs) and not meet the LGBCE’s key criteria.

## 10 **Options evaluated**

10.1 The following potential unitary council electoral arrangements options have been modelled and evaluated to help inform and influence MHCLG decision making.

**10.2 Option 1 – a council size between 80-90 councillors (85 councillors for single member wards has been modelled based on maximum council size in LGBCE guidance)**

10.2.1 This option has the smallest council size of the options evaluated and has the highest electors to councillor ratio of 5,111.

10.2.2 The potential new warding arrangements are summarised as:

COUNCIL	NO. OF NEW WARDS	NO. OF CLLRS PROPOSED	NO. OF SINGLE MEMBER WARDS	NO. OF MULTI-MEMBER WARDS
Mendip	18	18	18	0
Sedgemoor	18	18	18	0
Somerset West & Taunton	23	23	23	0
South Somerset	26	26	26	0
<b>TOTAL</b>	<b>85</b>	<b>85</b>	<b>85</b>	<b>0</b>

10.2.3 This option delivers the business case proposal for single member wards.

10.2.4 The following table summarises the challenges in terms of electoral equality across the unitary council area using the LGBCE criteria:

COUNCIL	NO. OF NEW WARDS	NO. OF WARDS BETWEEN +/- 10% AVERAGE ELECTORATE	NO. OF WARDS BETWEEN +/- 11-30% AVERAGE ELECTORATE	NO. OF WARDS HIGHER THAN +/-30% AVERAGE ELECTORATE
Mendip	18	6	10	2
Sedgemoor	18	4	8	6
Somerset West & Taunton	23	6	16	1
South Somerset	26	9	14	3
<b>TOTAL</b>	<b>85</b>	<b>25</b>	<b>48</b>	<b>12</b>

10.2.5 As this table shows, only 29% of the total potential unitary wards are within + or – 10% variance of the average electors per councillor of 5,111. 14% of wards exceed the LGBCE tolerance of + or – 30%.

10.2.6 The lowest ward electorate is 2,505 and the highest ward electorate is 7,363, which provides a significant difference in ward electorates of 4,858.

10.2.7 Analysis of key risks and issues for the this options are :

<b>Risk</b>	<b>Description</b>
Disagreement 1	Likelihood of disagreement by some or all of the Councils with this option leads to subsequent legal action (judicial review) as it does not deliver the approved business case
Disagreement 2	LGBCE very likely to disagree with this option as it does not deliver electoral equality
Relationships	Likelihood of disagreements between the Councils or political groups (within or across Councils) regarding this proposed council size and its varied warding arrangements across the county could sour relations and have an adverse impact on implementation.
Time	There is not sufficient time to consider and implement this proposed option properly in time for the elections in May 2022 (Notice of Election must be published by 29 March 2022, which is only seven months away). Potential impact on democracy as candidates have little time to prepare/canvass etc.
Costs	Increased resource cost of communication and designing proposals for the radically different new ward arrangements in this option diverts resource from overall implementation efforts to the detriment of the unitary authority.
Equality	A reduction in the number of members per elector (lowest council size of the options) increases member workload and deters individuals with protected characteristics who might otherwise stand for election (potential indirect discrimination/breach of public sector equality duty).
Departure from approved proposal	The initial business case accompanying the proposal approved by the SoS without modification was for 100 councillors – a reduction of 15% in this option represents a significant change.
Out of sync with other unitary authorities	Lack of consistency leads to comparative electoral imbalance across England. Cornwall (now reducing numbers further) and County Durham had 123 and 126 members at vesting with similar electorate numbers (441,474 and 379,094 compared to 430,171). In Buckinghamshire the SCO allowed for 147 councillors in the 2021 elections with wards based on the former county council divisional boundaries and a full LGBCE boundary review after vesting date to take effect for the 2025 elections.
A solution that is not fit for purpose	Time constraints lead to electoral arrangements in the SCO that are not numerically or geographically fit for purpose, resulting in a unitary authority that is not representative and an adverse impact on the reputation of the unitary authority at an early stage of its formation and wider local government as a whole.

10.2.8 Due to the identified issues with this option having multiple wards exceeding LGBCE's + or – 30% tolerance, an alternative option for a council size of 85 councillors has been modelled in Option 1a.

**10.3 Option 1a – a council size between 80-90 councillors (85 councillors has been modelled based on maximum council size in LGBCE guidance)**

10.3.1 This option has the smallest council size of the options evaluated and has the highest electors to councillor ratio of 5,111.

10.3.2 The potential new warding arrangements are summarised as:

<b>COUNCIL</b>	<b>NO. OF NEW WARDS</b>	<b>NO. OF CLLRS PROPOSED</b>	<b>NO. OF SINGLE MEMBER WARDS</b>	<b>NO. OF MULTI-MEMBER WARDS</b>
<b>Mendip</b>	9	18	0	9
<b>Sedgemoor</b>	7	18	0	7
<b>Somerset West &amp; Taunton</b>	13	23	3	10
<b>South Somerset</b>	12	26	2	10
<b>TOTAL</b>	<b>41</b>	<b>85</b>	<b>5</b>	<b>36</b>

10.3.3 This option has a mixture of single member (12% of total wards) and multi-member wards (88% of total wards) and the highest multi-member wards are 3 councillors (20% of total wards).

10.3.4 This option achieves a balanced electoral equality across the unitary council area using the LGBCE criteria as can be shown by the following table:

<b>COUNCIL</b>	<b>NO. OF NEW WARDS</b>	<b>NO. OF WARDS BETWEEN +/- 10% AVERAGE ELECTORATE</b>	<b>NO. OF WARDS BETWEEN +/- 11-30% AVERAGE ELECTORATE</b>	<b>NO. OF WARDS HIGHER THAN +/-30% AVERAGE ELECTORATE</b>
<b>Mendip</b>	9	8	<b>1</b>	<b>0</b>
<b>Sedgemoor</b>	7	3	<b>4</b>	<b>0</b>
<b>Somerset West &amp; Taunton</b>	13	7	<b>6</b>	<b>0</b>
<b>South Somerset</b>	12	5	<b>7</b>	<b>0</b>
<b>TOTAL</b>	<b>41</b>	<b>23</b>	<b>18</b>	<b>0</b>

10.3.5 As this table shows, 56% of the total potential unitary wards are within + or – 10% variance of the average electors per councillor of 5,111. No wards exceed the LGBCE tolerance of + or – 30%.

10.3.6 The lowest ward electorate is 4,440 and the highest ward electorate is 17,221, which provides a significant difference in ward electorates of 12,781.

10.3.7 Analysis of key risks and issues for the this options are :

<b>Risk</b>	<b>Description</b>
Disagreement 1	Likelihood of disagreement by some or all of the Councils with this option leads to subsequent legal action (judicial review) as it does not deliver the approved business case
Disagreement 2	LGBCE may disagree with this proposed electoral arrangement
Relationships	Likelihood of disagreements between the Councils or political groups (within or across Councils) regarding this proposed council size and its varied warding arrangements across the county could sour relations and have an adverse impact on implementation.
Time	There is not sufficient time to consider and implement this proposed option properly in time for the elections in May 2022 (Notice of Election must be published by 29 March 2022, which is only seven months away). Potential impact on democracy as candidates have little time to prepare/canvass etc.
Costs	Increased resource cost of communication and designing proposals for the radically different new ward arrangements in this option diverts resource from overall implementation efforts to the detriment of the unitary authority.
Equality	A reduction in the number of members per elector (lowest council size of the options) increases member workload and deters individuals with protected characteristics who might otherwise stand for election (potential indirect discrimination/breach of public sector equality duty).
Departure from approved proposal	The initial business case accompanying the proposal approved by the SoS without modification was for 100 councillors – a reduction of 15% in this option represents a significant change.
Out of sync with other unitary authorities	Lack of consistency leads to comparative electoral imbalance across England. Cornwall (now reducing numbers further) and County Durham had 123 and 126 members at vesting with similar electorate numbers (441,474 and 379,094 compared to 430,171). In Buckinghamshire the SCO allowed for 147 councillors in the 2021 elections with wards based on the former county council divisional boundaries and a full LGBCE boundary review after vesting date to take effect for the 2025 elections.

A solution that is not fit for purpose	Time constraints lead to electoral arrangements in the SCO that are not numerically or geographically fit for purpose, resulting in a unitary authority that is not representative and an adverse impact on the reputation of the unitary authority at an early stage of its formation and wider local government as a whole.
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**10.4 Option 2 – a council size between 90-100 councillors (100 councillors for single member wards has been modelled in line with the approved business case)**

10.4.1 This option reflects the approved business case for a single unitary council and would provide an electors to councillor ratio of 4,345.

10.4.2 The potential new warding arrangements are summarised as:

COUNCIL	NO. OF NEW WARDS	NO. OF CLLRS PROPOSED	NO. OF SINGLE MEMBER WARDS	NO. OF MULTI-MEMBER WARDS
<b>Mendip</b>	21	21	21	0
<b>Sedgemoor</b>	21	21	21	0
<b>Somerset West &amp; Taunton</b>	27	27	27	0
<b>South Somerset</b>	31	31	31	0
<b>TOTAL</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>0</b>

10.4.3 This option delivers the business case proposal for single member wards.

10.4.4 The following table summarises the challenges in terms of electoral equality across the unitary council area using the LGBCE criteria:

COUNCIL	NO. OF NEW WARDS	NO. OF WARDS BETWEEN +/- 10% AVERAGE ELECTORATE	NO. OF WARDS BETWEEN +/- 11-30% AVERAGE ELECTORATE	NO. OF WARDS HIGHER THAN +/-30% AVERAGE ELECTORATE
<b>Mendip</b>	21	6	12	3
<b>Sedgemoor</b>	21	4	12	5
<b>Somerset West &amp; Taunton</b>	27	6	4	10
<b>South Somerset</b>	31	11	4	16
<b>TOTAL</b>	<b>100</b>	<b>23</b>	<b>18</b>	<b>34</b>



10.4.5 As this table shows, only 23% of the total potential unitary wards are within + or – 10% variance of the average electors per councillor of 4,345. 34% of wards exceeds the LGBCE tolerance of + or – 30%.

10.4.6 The lowest ward electorate is 1,979 and the highest ward electorate is 7,363 which provides a large difference in ward electorates of 5,384.

10.4.7 Analysis of key risks and issues for the this options are :

<b>Risk</b>	<b>Description</b>
Disagreement 1	Low likelihood of disagreement by some or all of the Councils with this option as it delivers the approved business case
Disagreement 2	LGBCE very likely to disagree with this option as it does not deliver electoral equality.
Relationships	Low likelihood of disagreements between the Councils or political groups (within or across Councils) regarding this option as it delivers the approved business case.
Time	There is not sufficient time to consider and implement this proposed option properly in time for the elections in May 2022 (Notice of Election must be published by 29 March 2022, which is only seven months away). Potential impact on democracy as candidates have little time to prepare/canvass etc.
Costs	Increased resource cost of communication and designing proposals for these radically different new ward arrangements in this option diverts resource from overall implementation efforts to the detriment of the unitary authority.
Equality	A better elector to councillor ratio than option 1 but still lower than current levels of representation so will still increase member workload and potentially deter some individuals with protected characteristics who might otherwise stand for election (potential indirect discrimination / breach of public sector equality duty).
Out of sync with other unitary authorities	Less likely risk as this council size is comparable to neighbouring unitary Wiltshire Council.
A solution that is not fit for purpose	Time constraints lead to electoral arrangements in the SCO that are not numerically or geographically fit for purpose, resulting in a unitary authority that is not representative and an adverse impact on the reputation of the unitary authority at an early stage of its formation and wider local government as a whole.

10.4.8 Due to the identified issues with this option having multiple wards exceeding LGBCE's + or – 30% tolerance, an alternative option for a council size of 100 councillors has been modelled in Option 2a.

**10.5 Option 2a – a council size between 90-100 councillors (100 councillors has been modelled in line with the approved business case)**

10.5.1 This option reflects the approved business case for a single unitary council and would provide an electors to councillor ratio of 4,345.

10.5.2 The potential new warding arrangements are summarised as:

COUNCIL	NO. OF NEW WARDS	NO. OF CLLRS PROPOSED	NO. OF SINGLE MEMBER WARDS	NO. OF MULTI-MEMBER WARDS
Mendip	11	21	2	9
Sedgemoor	11	21	2	9
Somerset West & Taunton	15	27	6	9
South Somerset	21	31	15	6
<b>TOTAL</b>	<b>58</b>	<b>100</b>	<b>25</b>	<b>33</b>

10.5.3 This option has a mixture of single member (43% of total wards) and multi-member wards (57% of total wards) and the highest multi-member wards are 3 councillors (15% of total wards).

10.5.4 This option achieves a balanced electoral equality across the unitary council area using the LGBCE criteria as can be shown by the following table:

COUNCIL	NO. OF NEW WARDS	NO. OF WARDS BETWEEN +/- 10% AVERAGE ELECTORATE	NO. OF WARDS BETWEEN +/- 11-30% AVERAGE ELECTORATE	NO. OF WARDS HIGHER THAN +/-30% AVERAGE ELECTORATE
Mendip	11	8	3	0
Sedgemoor	11	2	8	1
Somerset West & Taunton	15	12	3	0
South Somerset	21	17	4	0
<b>TOTAL</b>	<b>58</b>	<b>39</b>	<b>18</b>	<b>1</b>

10.5.5 As this table shows, 67% of the total potential unitary wards are within + or – 10% variance of the average electors per councillor of 4,345 (which is an improvement on Option 1). One ward exceeds the LGBCE tolerance of + or – 30% and this is due to more detailed work being required to address this.

10.5.6 The lowest ward electorate is 3,892 and the highest ward electorate is 13,191 which provides a large difference in ward electorates of 9,299.

10.5.7 Analysis of key risks and issues for the this options are :

<b>Risk</b>	<b>Description</b>
Disagreement 1	Likelihood of disagreement by some or all of the Councils with this option as it does not deliver the approved business case
Disagreement 2	LGBCE could disagree with this proposed electoral arrangement
Relationships	Likelihood of disagreements between the Councils or political groups (within or across Councils) regarding this option as it does not deliver the approved business case.
Time	There is not sufficient time to consider and implement this proposed option properly in time for the elections in May 2022 (Notice of Election must be published by 29 March 2022, which is only seven months away). Potential impact on democracy as candidates have little time to prepare/canvass etc.
Costs	Increased resource cost of communication and designing proposals for these radically different new ward arrangements in this option diverts resource from overall implementation efforts to the detriment of the unitary authority.
Equality	A better elector to councillor ratio than option 1 but still lower than current levels of representation so will still increase member workload and potentially deter some individuals with protected characteristics who might otherwise stand for election (potential indirect discrimination / breach of public sector equality duty).
Out of sync with other unitary authorities	Less likely risk as this council size is comparable to neighbouring unitary Wiltshire Council.
A solution that is not fit for purpose	Time constraints lead to electoral arrangements in the SCO that are not numerically or geographically fit for purpose, resulting in a unitary authority that is not representative and an adverse impact on the reputation of the unitary authority at an early stage of its formation and wider local government as a whole.

**10.6 Option 3 – a council size of 110 councillors based upon doubling the current membership of existing county council divisions**

10.6.1 This option has the largest council size of the options evaluated and would provide an electors to councillor ratio of 3,950.

10.6.2 The proposed warding arrangements based upon the 53 of the existing county council divisions but with new wards created for Glastonbury and Street using district council wards. The arrangements can be summarised as:

COUNCIL	NO. OF WARDS	NO. OF CLLRS PROPOSED	NO. OF SINGLE MEMBER WARDS	NO. OF MULTI-MEMBER WARDS
Mendip	11	22	0	11
Sedgemoor	12	24	0	12
Somerset West & Taunton	15	30	0	15
South Somerset	17	34	0	17
<b>TOTAL</b>	<b>55</b>	<b>110</b>	<b>0</b>	<b>55</b>

10.6.3 This option has no single member and is made up solely of multi-member wards (100% of total wards) and all wards have 2 councillors (100% of total wards).

10.6.4 This option achieves the best electoral equality across the unitary council area using the LGBCE criteria as can be shown by the following table:

COUNCIL	NO. OF NEW WARDS	NO. OF WARDS BETWEEN +/- 10% AVERAGE ELECTORATE	NO. OF WARDS BETWEEN +/- 11-30% AVERAGE ELECTORATE	NO. OF WARDS HIGHER THAN +/-30% AVERAGE ELECTORATE
Mendip	11	8	3	0
Sedgemoor	12	10	2	0
Somerset West & Taunton	15	10	5	0
South Somerset	17	13	4	0
<b>TOTAL</b>	<b>55</b>	<b>41</b>	<b>14</b>	<b>0</b>

10.6.5 As this table shows, 75% of the total potential unitary wards are within + or – 10% variance of the average electors per councillor of 3,950 (which is better than both options 1 and 2). No wards exceed the LGBCE tolerance of + or –

30%.

10.6.6 The lowest ward electorate is 6,451 and the highest ward electorate is 9,511 which provides the lowest difference of the three options in ward electorates of 3,060.

10.6.7 Analysis of key risks and issues for the this options are :

<b>Risk</b>	<b>Description</b>
Disagreement 1	Likelihood of disagreement by some or all of the Councils with this option as it does not deliver the approved business case
Disagreement 2	LGBCE unlikely to disagree with this proposed electoral arrangement as it does provide good electoral equality
Relationships	Likelihood of disagreements between the Councils or political groups (within or across Councils) regarding this option as it does not deliver the approved business case.
Time	Very low risk as this option is the easiest to implement in the time available since it is based on existing county divisions enabling candidates to better prepare/canvass with relevant local communities, etc.
Costs	Lowest resource cost for the three options in terms of communicating and implementing this option as it is based on existing divisions.
Equality	A better elector to councillor ratio than options 1 and 2, though still lower than current levels of representation so will increase member workload and potentially deter some individuals with protected characteristics who might otherwise stand for election (potential indirect discrimination / breach of public sector equality duty).
Out of sync with other unitary authorities	Less likely risk as this council size is comparable to neighbouring unitary Wiltshire Council.
A solution that is not fit for purpose	This option is more likely to provide a solution that is fit for purpose within the time constraints as it uses just the existing county divisions as for the warding arrangements resulting in the lowest variances across the unitary council area and better electoral equality.

## 11 Risks and Opportunities for all options

Overall risks and issues that affect the three options in varying degrees are as follows:

<b>Risk</b>	<b>Description</b>
Defective electoral arrangements	Consequence of MHCLG proceeding with potentially defective electoral arrangements in the SCO that is demonstrably procedurally unfair leads to legal action (judicial review)
Time	The suggestion from the SoS is for radical change and there is not sufficient time to consider and implement it properly in time for the elections in May 2022 (Notice of Election must be published by 29 March 2022, which is only seven months away).  Potential impact on democracy as candidates have little time to prepare/canvass etc once details are known and uncertainty of implementation until the SCO is approved by Parliament in early spring 2022.
Proposed Taunton Town Council	The proposals have an adverse/unintended impact on the proposed creation of a Town Council for Taunton and / or timescales for the Community Governance are unable to meet transition milestones for the unitary authority or alignment with other town council elections in Somerset.
Parish and Town Councils	There are 278 in Somerset and they will need to be consulted if their electoral arrangements are to be changed i.e. the scheduled elections in May 2023 are brought forward to May 2022. Similar issues for parish and town council candidates as outlined in the 'time' section above.

## 12 Conclusion

- 12.1 This submission and the supporting evidence to which it refers demonstrate that the Somerset councils have given consideration to not only the governance arrangements for the future unitary council, but also to the options for council size and warding arrangements.
- 12.2 The Somerset councils have worked collaboratively on reviewing options for potential electoral arrangements to provide an opinion for consideration by MHCLG.
- 12.3 The councils have assessed a risk of potential challenge to the Secretary of State's future decision on the electoral arrangements to be included in the SCO, should a defective proposal be determined by the Secretary of State, and reached a preliminary opinion that such a risk cannot be regarded as sufficiently low, as to be disregarded. The councils also reserve their own position, in law, in the event that the Government proceed in a procedurally unfair way and may take such steps that they are advised are appropriate in that event.

12.4 The submission is a starting point for further dialogue with MHCLG and the LGBCE on the development of the electoral arrangements to be defined in the draft SCO.

12.5 The following key points regarding the consideration of potential electoral arrangements for the unitary council are highlighted:

- **The SCO's electoral arrangements should be guided by a LGBCE electoral review. It is recommended that a full LGBCE review of the unitary council's electoral arrangements needs to be undertaken at the earliest possible opportunity and agreement on when this can be commenced would be helpful for all stakeholders.**
  
- **The need for the new warding arrangements to support and align with proposals for the Local Community Network within the approved business case.**
  
- **The Secretary of State approved the unitary council business case without modification and that proposed a council size of 100 councillors. The business case was based on only single member wards and highlighted the need for a LGBCE review for the unitary council.**

### Appendices

- 1 Option 1 – 85 councillor council size and single member warding arrangements schedule and supporting maps
- 2 Option 1a - 85 councillor council size and single & multi member warding arrangements schedule and supporting maps
- 3 Option 2 – 100 councillor council size and single member warding arrangements schedule and supporting maps
- 4 Option 2a – 100 councillor council size and single & multi member warding arrangements schedule and supporting maps
- 5 Option 3 - 110 councillor council size and warding arrangements schedule and supporting maps
- 6 Legislative context to electoral arrangements within a SCO

7 Somerset the place and people -further context for the options

*Prepared by the Monitoring Officers and Elections Managers of Mendip District Council, Sedgemoor District Council, Somerset County Council, Somerset West and Taunton Council and South Somerset District Council.*

*13 September 2021*



## Appendix 6

### Legislative context to electoral arrangements and Structural Changes Order

The Secretary of State's (SoS) power to make a Structural Change Order (SCO) is set out in the Local Government and Public Involvement in Health Act 2007 (the Act). Power to make the SCO is set out in section 7. Section 11 sets out what the SoS may include in the SCO, with "electoral" matters within the meaning of section 12 included at section 11(3)(l). Section 12(1) defines electoral matters broadly.

The SCO is concerned with the transition arrangements from the existing county and district councils to the creation of a unitary council for Somerset. As part of the drafting of a SCO the relevant legislation does not enable a Secretary of State to propose the creation of a new parish or town council as part of the Order.

Section 4 of the Act allows but does not require the SoS to request advice from the Local Government Boundary Commission for England (LGBCE) in respect of a proposal received for single tier local government. The LGBCE do not have to advise, but if they do, they can recommend non-implementation or make an alternative proposal (see section 5). **Once the SCO has been made, section 12(5) requires the LGBCE to consider whether to exercise its power under section 56(2) of the Local Democracy, Economic Development and Construction Act 2009 to hold an electoral review.**

There are only two constraints on the SoS's section 7 powers:

- (i) where advice has been sought from the LGBCE under section 4 the SCO cannot be made until six weeks after the request has been made - section 7(2);
- (ii) the SCO may not be made until (a) every authority affected by the proposal (except the authority that made it) and (b) any other parties the SoS considers appropriate; have been consulted about the proposal – section 7(3).

The only avenue of challenge to the exercise of these powers is by way of judicial review.

## **Appendix 7**

### Somerset the place and people -further context for the options

The County of Somerset is home to over 550,000 people, of whom nearly 25% are aged 65 and over. Over half of the population reside in rural areas with the whole Western side of the county on a coastline.

#### Geography

The County of Somerset is in South West England, bordered by the Bristol Channel and North Somerset and Bath and North East Somerset Councils to the North, and Wiltshire Council to the East, Dorset Council to the South and Devon Councils to the West.

Somerset has a mix of urban and rural characteristics. Its area of 3,452 square kilometres and population density of just over 162 people per square kilometre is similar to Cornwall and Wiltshire. Using Office of National Statistics definitions, 48% of Somerset's population is rural. However, it has three sub-regional centres (Taunton, Yeovil and Bridgwater) which comprise around 35% of total population and closer to 40% if Taunton and Wellington are treated as a strongly connected urban area. These centres, together with seven further towns with over 10,000 population, mean that Somerset has both urban and rural characteristics.

#### Environment

Somerset's natural and historic environment is highly valued and appreciated by residents, businesses and the large visitor economy. In one recent year there were 92,750 visits to Somerset heritage sites in a year and in 2013 West Somerset was ranked in the top 10% most beautiful places in the UK.

Somerset is responsible for over 4,230 miles of roads and contains 1 national park (Exmoor), 4 areas of Outstanding National Beauty which are the Quantock Hills, Mendip Hills, Blackdown Hills and part of Cranbourne Chase. Somerset also has 127 Sites of Specific Interest (SSSI), from Cheddar Gorge to Cleve Hill. Also, has 15 National Nature Reserves (NNR) and 21 Local Nature Reserves (LNR).

#### Economy

In 2018, Somerset's economy was worth almost £11.6bn in Gross Value Added (GVA) terms. Somerset's economy has grown for the last seven years, average annual economic growth over this period has been roughly 3.2%.

Somerset is a predominantly small business economy, both in terms of employee numbers and business turnover. In 2019, 99.73% of businesses in Somerset employed

fewer than 250 employees, with 89.78% of those employing fewer than 10 people. Meanwhile, 85.2% had a turnover less than £500,000, 72% had a turnover less than £200,000, and 18.6% had a turnover less than £50,000.

Between 2015 and 2019, the rate of growth in the number of businesses in Somerset increased by 3.8%, a slower rate than was the case nationally (11%). If we exclude agriculture and public administration from the picture then the difference in growth rates between Somerset, regional and national averages is similar. That said, business survival rates are notably higher in Somerset than they are nationally, especially beyond their first year of doing business.

Key economic assets within what is a fairly typical non-metropolitan sub-regional geography without a large city, Somerset has a number of strong assets and capabilities. The most notable of these are probably the nuclear developments and decommissioning at Hinkley Points A, B and C on the north coast, the Gravity Enterprise Zone just off the M5 in Sedgemoor and the aerospace cluster centred around Yeovil

### Employment & Workforce

Somerset performs comparatively well on figures pertaining to its workforce, with higher levels of employment (80.4%) and lower levels of unemployment (2.8%) and economic inactivity (17.3%) than is typically found both regionally and nationally. Presently, 57.3% of Somerset population are of working age.

Unemployment is significantly higher for females than males in Somerset, whereas at the national level the unemployment rate is broadly similar for both sexes. Meanwhile, economic inactivity is only slightly higher for females than males in Somerset despite a much greater disparity at the national level.

### Wages & Wellbeing

At £27,503, median annual full-time earnings in Somerset are lower than they are both regionally and nationally, and if we include part-time work, of which there is a greater prevalence in Somerset, then the disparity is greater yet. There is also a significant difference between earnings for males and females in Somerset, especially for full-time work, and to an even greater extent than is the case regionally and nationally.

The 2019 Index of Multiple Deprivation (IMD) reveals Somerset to be 92nd out of 151 top-tier local authority areas in terms of deprivation, where 1 is the most deprived and 151 is the least deprived. Of the various components of the IMD, Somerset scores worst (57<sup>th</sup> out of 151) on barriers to housing and services and best on crime (116<sup>th</sup> out of 151). Across Somerset there are 9 LSOAs, or neighborhoods, within the most deprived 10% of neighborhoods in England and 29 within the most deprived 20%.

### Skills, Education & Training

Data for 2017 shows that Somerset performs above the national average on the qualification levels of its residents, with the exception of NVQ4+ (i.e. higher-level) qualifications. 34.3% of working age residents are qualified to this level compared to compared to the national average of 38.4%.

The majority of young people succeed in education and make a positive transition to adult life and the world of work, but a small proportion do not and become NEET (not in education, employment or training). In Somerset roughly 8.8% of 16-18 year olds are thought to be NEET.

### Population

In 2019, Somerset's total population was 562,225, an increase of 2,826 (0.5%) on the previous year. This compares with growth rates of 0.5% for the UK and 0.4% for the South West over the same period.

By 2026, Somerset's total population is projected to grow by a further 4.9% to 590,040. Between 2019 and 2036, Somerset's population is expected to increase by 9.9% to a total of 618,105. Between 2019 and 2036, England's population is expected to increase by 7.3%, from its current level of 56,286,961 to a total of 60,377,877.

Between 2018 and 2019 the population of England grew by 309,783, of which 114,135 was the result of natural change (births minus deaths). The remainder is accounted for by internal migration. Net migration has been the main driver of UK population growth since 1998, unlike for the majority of the 20th century during which natural change was the main driver.

During the same period natural change in Somerset accounted for a net decrease of 1,049 people, despite the total population having grown by 2,826. This means that growth in Somerset's population was entirely accounted for by internal migration from elsewhere in the UK as well as abroad. Projections suggest that over the next 20+ years, the rate of decline through natural change is set to accelerate with deaths further outstripping births, and yet, as we have seen, the total population is set to steadily increase, all due to inward migration.

The majority of inward migration is accounted for by people moving to Somerset from elsewhere in the UK as opposed to long-term international migration. Between 2014 and 2019 there was a net increase of 4,681 people due to international migration, compared to a net increase of 18,041 people from elsewhere in the UK. Projections show this trend is set to continue.

In 2019, 17.6% of Somerset's population were under 16 years of age, 57.5% were between 16 and 64 and 24.9% were aged 65 and over.

Life expectancy in Somerset has increased in the last 15 years. By 2019, men were expected to live until 80.3 years and women 84.1 years. This is higher than for the

national average. When put together with an attractive natural environment and high employment rates (pre COVID-19) compared with the national average, the county offers many of its residents the opportunity for active and healthy living.

### Rural Population

Somerset is distinctively rural and relies heavily on its market towns for employment and services. According to ONS data from the 2011 census, 48.2% of Somerset's population live in rural areas, making it one of the ten most rural authorities in England. Accordingly, Somerset has a population density of just 1.5 people per hectare, compared to the England average of 4.1.

The 2011 Rural-Urban Classifications for Local Authorities in England, published in December 2014 and based on the 2011 census, classifies local authorities on a six point scale for rural to urban. Four of the five district authorities in Somerset met the most rural definitions of either 'mainly rural' or 'largely rural'. The only exception is Taunton Deane (Taunton is the county town), which is still considered to be 'urban with significant rural'. Since then two of those districts have merged, leaving 4 district councils.

Somerset's rurality is both a strength in so far as it provides a pleasant living environment, leisure opportunities, tourism and a wealth of natural capital, but is also creates distinct challenges, most notably regarding physical and digital connectivity.

### Housing

According to census 2011 there were around 227,000 households in Somerset. Less than 1% of these homes are second homes (3,146) with 560 long term vacant dwellings accounted for in 2019.

Data from 2019 states that the Median house prices vary from £472,500 in South Somerset to less than £150,000 in Mendip.

Moving forward The Somerset Housing Strategy (2019-23), is based on 2014 ONS projections and Government's 300,000 new homes per year national target and the Strategic Housing Market Assessments envisage delivering 2,000-2,500 new homes a year, with up to 1,000 of these being affordable.