

**WELSH LOCAL GOVERNMENT ASSOCIATION
17th ANNUAL MEETING
29TH JUNE 2012**

**LOCAL GOVERNMENT BOUNDARY COMMISSION COUNCIL SIZE
CONSULTATION**

Purpose

1. To seek members' views on the Local Government Boundary Commission's consultation on council size.

Background

2. The Local Government Boundary Commission for Wales [the Commission] has undergone a period of significant change in the recent period following last year's Ministerial decision to conduct a review into the Commission's approach (the Mathias Review).
3. The Minister has also appointed new Commissioners: Owen Watkin OBE (Chair), Ceri Stradling and David Powell. Until April 2012, an interim Commission was in place, which included: Max Caller (Chair), Owen Watkin OBE and Sandy Blair.
4. The interim Commission held a constructive meeting with WLGA Council on 28th October 2011 and announced its intention to review the previous electoral reviews and to consider introducing new policies and processes, including council size. The Commission has published a new 'Electoral reviews: policy and practice' paper on 12 March 2012 following consultation, which sets out clearly how it intends to work with authorities and partners in undertaking electoral reviews.
5. The Welsh Government has recently published its 'Promoting Local Democracy' White Paper, which includes a number of proposals regarding the Commission, including a change of name, additional members and a number of additional powers. The consultation closes on 3rd August 2012 and WLGA members will receive a report at July's Coordinating Committee.
6. The Mathias Review recommended that the Welsh Government should abandon the requirement of a single councillor to elector ratio (currently 1:1,750) and that it should be replaced by 'a transparent approach to assessing council size.'
7. The Commission is therefore currently consulting on policy proposals to introduce council size as 'the starting point in any electoral review'. The consultation closes on 16th July. Whilst the Commission had trailed its intention to consult on council size proposals for some months, the WLGA has requested an extension to the deadline to allow new councillors and councils sufficient time in the post-election period to consider significant proposals. The Commission has however declined this request. The Commission is keen however to meet with the WLGA's new leadership at the earliest opportunity to discuss its proposals in more detail.

8. Council size is currently not a feature of Welsh Electoral Reviews, but is considered (in different ways) as part of Electoral Reviews in England, Northern Ireland and Scotland.
9. As noted in the Commission's Council Size consultation "In England, council size is established on a case by case basis and there is a separate stage at the beginning of the review whereby the Commission decides what council size should be adopted, bearing in mind the individual circumstances of the authority and area." In determining council size, the Local Government Boundary Commission for England considers 4 factors:
 - "The decision-making process – what decisions, taken where, and how is it managed?
 - Quasi-judicial processes – e.g. planning and licensing – what is the workload and how is it managed?
 - The scrutiny process – what is scrutinised and how is the total scrutiny workload managed?
 - The representative role of the elected member."
10. The Local Government Boundary Commission for Scotland has previously operated a council size policy with 7 council sizes based on different councillor to elector ratios, grouped from Large Cities to Island authorities. The key features of the Scottish council size model are population density and proportion of population in settlements of a particular size (see Annex 3). In future, the Scottish Commission will decide whether to continue to apply a consistent approach across local authorities and if so whether methodologies used previously remain appropriate. The Scottish Commission regards that councils should have a membership of between 18 and 80 councillors.
11. The Northern Irish approach is more prescriptive, with legislation setting out the number of wards for each authority under review.

Council Size Proposals

12. The Commission states that its proposals for council size in Wales are designed to be 'helpful for councils, and others, to have an indication of what council size would be considered appropriate by the Commission for a particular authority.'
13. The Commission has outlined a council size model similar to but more simplistic than the Scottish approach and proposes that authorities should be grouped into 4 categories, based on a 2008 Welsh Government Statistical bulletin which sought to define rural Wales¹:
 - "Rural - authorities with a predominantly rural composition
 - Urban - the most heavily populated areas
 - Valley - populated areas confined by a unique physical environment.
 - Other - authorities which contain a mixture of rural and urban characteristics"

¹ <http://wales.gov.uk/topics/statistics/publications/focusrural08/?lang=en>

14. The Commission outlines 4 different councillor to elector ratios for each of the categories and proposes the retention of the current maximum (75 councillors) and minimum (30 councillors) council sizes as outlined in current Ministerial Directions (see annex 1)
15. The consultation document however provides little detail as to the rationale or factors taken into account by the Commission in setting the proposed councillor to elector ratios other than:

“...there is a broad range in the councillor to elector ratios of authorities in Wales and that in some rural areas, there is a very high number of electors per member. The Commission also recognises that a high proportion of council seats across Wales are not contested at local elections. The Commission does not consider that this provides for a vibrant democracy and that effective and convenient local government is provided more effectively where seats are contested.”
16. The Commission’s proposals are based on 3 different methodologies for determining the ratios for the 4 bands:
 - Rural (1:1,750) – the methodology is not specified, but presumably it is based on the current statutory ratio
 - Valley (1:2,350) and Other (1:1,850) – the ratio is calculated by combining the electorates of all councils in each category, divided by the current number of councillors.
 - Urban (1:2,500) – the ratio is calculated by combining the electorates of Newport and Swansea and dividing by the current number of councillors. Cardiff is not included in the calculation due to its large size which would have created an ‘anomaly’.
17. The potential impact of the proposals could mean significant changes to councillor numbers, particularly in Rural and Valleys authorities, with an overall reduction of 135 councillors across Wales. Under the proposals, 2 councils would remain the same, 5 would have additional councillors and 15 would have fewer councillors (5 would see a significant reduction of at least 25%). The breakdown per authority is detailed in Annex 1.
18. Although the Commission has sought to retain the current maximum and minimum council sizes, the approach might lead to concerns about the future of particular authorities in terms of considering ‘effective and convenient local government’ (which is one of the factors the Commission considers during electoral reviews) if the ratios were applied fully. If the proposed ratios were applied fully, a number of authorities would fall below the current minimum council size of 30 members currently specified in Ministerial Directions. Conversely, some councils should receive additional members over and above the current 75 member limit if the proposed ratios were implemented fully.
19. The consultation however states that the Commission does not intend to use banding prescriptively and that council size could vary by ‘plus or minus three’.

20. The Commission states that before taking any decisions on an electoral scheme based on the council size policy, it will have discussions with an authority to 'understand the role of the councillor in the area where it is conducting an electoral review in order to help inform its decision on the appropriate council size.' These considerations will include the 'communities and community wards' in an authority area, as well as views from senior officers and Group Leaders about how many members are required to undertake key aspects of council business (as outlined in Welsh Government commissioned research from 2007):
- To provide effective community leadership at a strategic level
 - To represent the council in the outside world
 - To represent the needs and interests of local electoral [wards] to the council and other bodies (including case work)
 - To conduct effective scrutiny of the council policies and performance
 - To conduct effective scrutiny of other agencies
 - To provide effective political management of the authority.
21. Whilst the above roles are comprehensive, during the current term there will be a changing emphasis in the role of the member and impact on responsibilities and workload given the growing collaborative agenda and the implementation of the new public services scrutiny duty. There is also potential inconsistency between the Commission's factors and weighting afforded to each compared to those considered by the Independent Remuneration Panel for Wales' deliberations when considering not only remuneration but also the appropriate number of Senior Salaries or in effect governance arrangements for each authority (although the WLGA does not endorse the Panel's approach, the Welsh Government is currently consulting in the Promoting Democracy White Paper to strengthen the Panel's role in this area).
22. The Commission's consultation requests views on the proposals around council size as well as whether the above councillor roles and responsibilities are relevant factors when considering council size. The Commission also seeks views on whether the current maximum council size of 75 and minimum size of 30 is appropriate. A full list of questions is included in Annex 2. Key questions include:
- Do you think that the principle of banding is useful when considering council size?
 - Do you think the four categories of 'urban', 'rural', 'valley' and 'other' are appropriate?
 - Do you think that each authority has been allocated to the relevant category?
 - Do you think that the councillor:elector ratio for each category of authorities is appropriate? If not, what ratio is better and why?
 - Do you agree that the areas of council business identified in paragraph 48 of this consultation document are all pertinent issues, relevant to council size?
 - Do you think 30 to 75 councillors is an appropriate range?

Initial Views

23. At the time of writing, WLGA officials have not received formal views from any authorities on the Boundary Commission's Council Size proposals. Most councils have not yet considered the consultation due to the immediacy of other post-election business and Annual General Meetings. The consultation also has a varied impact on

councils, with a number seeing little or no potential change, whilst others would experience significant change.

24. There is some support, given the experiences of recent electoral reviews, for a more sophisticated approach to determining appropriate councillor to elector ratios and hence the appropriate number of councillors in each council area. However, there is some confusion over the Commission's methodology and concerns about the potential impact of the proposals, particularly in those valleys and rural authorities most affected.
25. Whilst the Commission's proposed model is clear and concise, the consultation paper provides little detail about the rationale behind the methodology used or choice of the proposed model, both in terms of grouping authorities and then in determining appropriate councillor to elector ratios; given it is not clear whether other methodologies and/or models have been considered and discounted, the Commission's consultation raises a number of key questions.
26. In terms of the methodology, the Commission's consultation does not provide detailed explanation on the rationale for using different formulae for determining councillor to elector ratios for each of the different council bands. In particular, it is not clear why the ratio of 1:1,750 was deemed appropriate for rural authorities, whereas a ratio of 1:1,500 for rural authorities would have been used if the methodology applied to other bands had been applied consistently.
27. The Commission's consultation paper also does not provide any background on what other options and methodologies were considered and subsequently discounted for determining ratios. For example, a slight variation on the Commission's formulae (using the mean current councillor: elector ratios rather than average current councillor: elector ratio) would have seen an overall reduction of 37 councillors across Wales, with less significant reductions in rural and valleys authorities, although more authorities would have exceeded the maximum 75 councillor threshold. This model is put forward as a comparator only not as an alternative WLGA proposal (a comparative table is included in Annex 4).
28. Similarly, it is not clear why the Commission discounted a more sophisticated (yet more complex) approach to banding councils similar to that used in Scotland. The Commission's proposed model is based on the council bandings (based on population density) developed in the 2008 Welsh Government Statistical Bulletin. However, the Statistical Bulletin itself notes that approaches to categorising authorities can include a range of different factors and that factors should be included or discounted depending on the need to categorise authorities in the first place. It could therefore be argued that the Scottish model for banding councils (or a model informed by its methodology) might be deemed more appropriate in determining local democracy and representation given it combines both population density and the size and number of settlements in an authority.
29. Whilst it is recognised that when developing any proposed model, methodology needs to be based on the information available at the time, the Commission's model does not appear to be 'future-proofed' in that the methodology is based on 2011 electorate figures. Presumably the Commission would seek to revise this when new

data is made available, but this is not mentioned in the consultation. As a result, the Council Size proposals may not be introduced as an electoral review model in some authorities for another 12 or more years (given the Welsh Government is only now consulting in its White Paper to introduce 10 year rolling electoral reviews); it is therefore possible that electoral reviews may be undertaken in 2024 using a model based on 2011 population data.

30. Similarly, it is not clear why the Commission has modelled its council banding proposals based on the current size of councils given it has put forward recommendations for different council sizes in almost half of authorities in its Reviews of Reviews which were recently submitted to the Minister.
31. The Commission's council size proposals and the factors it intends to consider in its electoral reviews (notably around councillor roles and local governance arrangements) do not appear to take into account and are inconsistent with the approaches used by the Independent Remuneration Panel for Wales, which uses 3 population based bands for determining members' remuneration rather than 4 as proposed by the Commission. It remains unclear whether there has been any dialogue between the two bodies and whether the Commission's proposals will in turn influence the Remuneration Panel's future deliberations.
32. The Commission states that it does not intend to use banding prescriptively and will also consider local factors and feedback from authorities. Whilst this commitment to flexibility is welcomed, the Commission's acceptable range of plus or minus 3 members from the proposed bandings would provide limited discretion or flexibility to respond to such a range of complex factors when undertaking an electoral review, which might include geography and size of communities, community ties, as well as the governance needs and role of councillors in each authority.

Recommendations

33. It is recommended that members:

33.1 express views on the consultation questions as outlined at Annex 2, in particular the questions as outlined in paragraph 22 above.

33.2 agree that the WLGA's formal consultation response will reflect views expressed at Council, but will be signed off by WLGA Political Group Leaders by the 16th July deadline when authorities' formal responses have been received.

Author: Daniel Hurford
Tel. No: 029 2046 8615
Email: daniel.hurford@wlga.gov.uk

Annex 1

Rural Authorities - Councillor to elector ratio 1:1,500

	Existing no. of councillors	Proposed no. of councillors
Carmarthenshire	74	75 (79)
Ceredigion	42	32
Conwy	59	52
Denbighshire	47	43
Gwynedd	75	49
Isle of Anglesey	40	30 (28)
Monmouthshire	43	40
Pembrokeshire	60	53
Powys	73	59
TOTAL	513	433

Urban Authorities - Councillor to elector ratio 1-2,500

	Existing no. of councillors	Proposed no. of councillors
Cardiff	75	75 (100)
Newport	50	42
Swansea	72	74
TOTAL	197	191

Valley Authorities - Councillor to elector ratio 1-2,350

	Existing no. of councillors	Proposed no. of councillors
Blaenau Gwent	42	30 (23)
Caerphilly	73	55
Merthyr Tydfil	33	30 (19)
Rhondda Cynon Taf	75	75
Torfaen	44	30
TOTAL	267	220

Other Authorities - Councillor to elector ratio 1-1850

	Existing no. of councillors	Proposed no. of councillors
Bridgend	54	56
Flintshire	70	63
Neath Port Talbot	64	60
Vale of Glamorgan	47	51
Wrexham	52	55
TOTAL	287	285

The figures in brackets are the number of councillors those councils would have if the Commission's proposed ratios were applied strictly. The Commission has kept proposed council sizes in these authorities in line with the Ministerial Direction (maximum of 75 members and minimum of 30 members).

Annex 2

Consultation Questions

1. Do you consider that outlining a detailed approach to adopting a particular council size is helpful?
2. Do you think that the principle of banding is useful when considering council size?
3. Do you think the four categories of 'urban', 'rural', 'valley' and 'other' are appropriate? Do you think that each authority has been allocated to the relevant category?
4. Do you think that the councillor:elector ratio for each category of authorities is appropriate? If not, what ratio is better and why?
5. Do you think it is helpful for the Commission and Council to have detailed discussions at the start of the review process about what the council size should be?
6. Do you agree that the areas of council business identified in paragraph 48 of this consultation document are all pertinent issues, relevant to council size?
7. Do you consider there should be a range of council sizes for authorities to fall between? Do you think 30 to 75 is an appropriate range?
8. Do you consider there should be a councillor:elector ratio for authorities to aim towards? Should it be different for different authorities?
9. If the proposals contained in this Policy are accepted by the Minister, do you consider that the current Directions are needed? If you are in favour of the Direction, please give the reasons for your view.

Annex 3

Local Government Boundary Commission for Scotland Information Paper Electoral Reviews: Guidance – October 2011

"Councillor numbers is the term used to describe the number of councillors elected to a local authority. In any review, it determines the average number of electors per councillor to be achieved across all wards of that authority. We cannot consider the patterns of wards without knowing the optimum number of electors per councillor, which is derived from dividing the electorate by the number of councillors on the authority...To determine councillor numbers, we have in recent reviews applied a methodology to ensure a consistent approach to councillor numbers across all of Scotland's local authorities. Our methodology is based on categorising each local authority in Scotland, and applying the same formula to all local authorities in a single category."

"For any future review, we will decide after consultation whether to continue to apply a consistent approach across local authorities in Scotland, and if so, whether either of the methodologies used during earlier reviews is still appropriate...It does not follow that changes in an authority's electorate, the pattern of settlements within an authority, or the city status of settlements within an authority will result in a change in the number of councillors being returned."

Category	Description	Ratio
1.	Large Cities	1:6,000
2.	Cities	1:4,000
3.	Authorities with less than 60% of the population living outwith settlements of 10,000 or more persons AND an overall population density of one person or more per hectare	1:3,500
4.	Authorities with EITHER 60% or more of the population living outwith settlements of 10,000 or more persons OR an overall population density of less than one person per hectare	1:3,000
5.	Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons AND an overall population density of less than one person per hectare	1:2,500
6.	Authorities with 60% or more of the population living outwith settlements of 10,000 or more persons AND an overall population density of less than 0.2 persons per hectare	1:2,000
7.	Island authorities	1:750

Annex 4

Comparison of two different methodologies for setting Council Size:

- Boundary Commission proposal: total population in band divided by total number of councillors in band
- Alternative model: total ratios in band divided by number of authorities in band

	2011 Electorate	Ratio under Commission's Proposals	Current councillor: elector ratio	Average of current ratio in each Band	Current Council Size	Council Size - Commission's Proposals for	Council Size - based on alternative model*
Carmarthenshire	138122	1750	1867	1482	74	75	75
Ceredigion	56476	1750	1345	1482	42	32	38
Conwy	91246	1750	1547	1482	59	52	62
Denbighshire	74798	1750	1591	1482	47	43	50
Gwynedd	86144	1750	1149	1482	75	49	58
Isle of Anglesey	49484	1750	1237	1482	40	30	33
Monmouthshire	70663	1750	1643	1482	43	40	48
Pembrokeshire	93120	1750	1552	1482	60	53	63
Powys	102855	1750	1409	1482	73	59	69
Cardiff	250711	2500	3343	2339	75	75	75
Newport	105342	2500	2107	2339	50	42	45
Swansea	185058	2500	2570	2339	72	74	75
Blaenau Gwent	53527	2350	1274	1660	42	30	32
Caerphilly	128977	2350	1767	1660	73	55	75
Merthyr Tydfil	43597	2350	1321	1660	33	30	26
Rhondda Cynon Taf	176144	2350	2349	1660	75	75	75
Torfaen	69951	2350	1590	1660	44	30	42
Bridgend	103345	1850	1914	1853	54	56	56
Flintshire	116452	1850	1664	1853	70	63	63
Neath Port Talbot	110167	1850	1721	1853	64	60	60
Vale of Glamorgan	94102	1850	2002	1853	47	51	51
Wrexham	102041	1850	1962	1853	52	55	55
Total councillors					1,264	1,129	1,227

*Councils have been capped at the current maximum of 75 councillors in both the Commission's model and the Alternative model