

Report to General Purposes and Arbitration Committee

12 October 2023

Subject:	Local Government Boundary Commission Periodic Electoral Review of Sandwell Metropolitan Borough Council
Director:	Surjit Tour Director of Law and Governance
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1 Recommendations

For the reasons set out in the report it is recommended the committee notes and recommends to Council that:

- 1.1 The Local Government Boundary Commission for England's (LGBGE) intention to carry out a periodic electoral review of Sandwell Council during the period October 2023 until September 2025 be noted. Implementation of any changes will take effect at the Local Government Election due to be held on 7 May 2026.
- 1.2 The Chief Executive as Senior Responsible Officer (SRO), following consultation with Group Leaders and the General Purposes and Arbitration Committee, be authorised to submit any necessary documentation or evidence to the Local Government Boundary



Commission in connection with the successful delivery of the electoral review of Sandwell Council.

- 1.3 A cross-party Boundary Review Working Group comprising 7 members be established to progress the electoral review of Sandwell in accordance with the Terms of Reference set out at Appendix 1 to this report.
- 1.4 Subject to receipt of a confirmed timetable from the LGBCE, implementation of the Full Council resolution of November 2022 to undertake an additional electoral cycle consultation be postponed until July 2026 following the all-out elections taking place on 7 May 2026 to allow implementation of Sandwell's new electoral arrangements following the conclusion of the LGBCE review.







2 Reasons for Recommendations

- 2.1 The LGBCE has informed the council of its decision to carry out an electoral review of Sandwell Metropolitan Borough Council (MBC). The review covers both the council size (number of elected councillors) and the number of wards and ward boundaries.
- 2.2 The purpose of this report is to advise of the start of the electoral review and detail the timeline, planned governance arrangements and methodology for the review process.
- 2.3 The review will take place from October 2023 through to September 2025. Any changes made regarding council size and ward boundaries for Sandwell MBC will come into effect for the Local Elections in May 2026.
- 2.4 The successful delivery and implementation of the electoral review is a council-wide corporate priority. The delivery of the project will be overseen by the Council's Chief Executive and SRO, and the Council's Monitoring Officer. A clear governance pathway for decision making and submission of the relevant information and proposals is necessary to ensure the successful delivery of the electoral review.
- 2.5 Members will recall that Full Council in November 2022 resolved to undertake a further public consultation on the electoral cycle (whether to retain the current frequency of elections or move to an all-out election



once every four years) during 2024. It is proposed that the LGBCE electoral review be prioritised and completed first, which will conclude with an all-out election to the new warding pattern. Subject to the agreement of Full Council, its previous resolution would then be implemented and a further consultation on the electoral cycle undertaken.

3 How does this deliver objectives of the Corporate Plan?

	Best start in life for children and young people
	People live well and age well
	<p>Strong resilient communities</p> <p>The Council plays a major part in promoting local democracy, encouraging people to register as electors, providing information about local issues and providing pathways by which people can influence decision-making. Electoral reviews seek to establish and maintain the conditions for a fair and representative democracy at local level. In addition, the review will ensure that the council size is appropriate for ensuring that the Council is able to deliver on its corporate priorities and in a manner consistent with the Council's desire to be open and accountable to its residents.</p>
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	<p>A connected and accessible Sandwell</p> <p>The geographic configuration of wards through the review process will be undertaken in accordance with LGBCE requirements. These include recognition of the need to ensure community identity and accessibility within wards, often associated with key community facilities, infrastructure and transport hubs.</p>



3 Background

- 3.1 The last electoral review of Sandwell MBC was conducted in 2002. This established the current council size of 72 councillors, representing 24 wards, all of which represented by 3 Councillors. The Borough of Sandwell (Electoral Changes) Order 2003 was laid, and the arrangements came into effect at the borough-wide elections in 2004.
- 3.2 The purpose of an electoral review is to consider the total number of councillors elected to the Council, the names, number and boundaries of the wards, and the number of councillors to be elected for each ward.
- 3.3 The LGBCE has given notice that it intends to carry out electoral reviews of all English local authorities that have not been reviewed in twelve or more years, of which Sandwell MBC is one. The LGBCE are currently undertaking several electoral reviews across the West Midlands, including Dudley, Coventry, and Walsall Councils. Timetables vary by council, and it is important to note that other councils are at different stages of their review process.
- 3.4 The LGBCE held a meeting with the Council's Chief Executive in August 2023, followed up by a letter from the Chair of the Commission confirming their intention to conduct a periodic electoral review of Sandwell MBC.
- 3.5 A briefing was held in September 2023 by the Commission with officers from across all key departments of the Council involved in the delivery of the review. On the 26 September 2023 the LGBCE provided a briefing for all Group Leaders about the review. The LGBCE will be providing a briefing to all councillors during November 2023 (date to be confirmed). A detailed information pack prepared by the LGBCE will be circulated following the briefing.
- 3.6 The LGBCE can be invited at the request of the Local Authority, or they can intervene themselves. Thresholds for intervention are whether a ward has an electorate of +/- 30% from the average electorate for the authority and/ or if over 30% of all wards have an electorate of +/- 10% from the average electorate for the authority.



3.7 Whilst wards in Sandwell MBC have not breached the threshold of elector ratios to impose an electoral review, LGBCE practice is to cyclically review all councils to reflect changes in electorate distribution and density which naturally occur over time. Appendix 2 to this report details the current electorate for each ward against the average electorate used to calculate the threshold and give context for the review.

4 Context and Key Issues

4.1 Review Timetable

4.2 The Council is currently in the initial stages of the review where briefings take place between the LGBCE, Members and Officers, and the project delivery methodology are established and agreed. This is known as the preliminary period.

4.3 There are two core components of an electoral review – determining council size and setting ward boundaries, summarised below. Further detail is provided later in this report

- **Council Size:** Before ward boundaries are redrawn, the Commission will come to a view on the total number of councillors to be elected to the Council in future. A decision on council size is concluded after hearing the Council's (and/or councillors') views during the preliminary phase.
- **Ward boundaries:** Secondly the commission will redraw ward boundaries so that they meet statutory criteria. The Council will have an opportunity to put forward ideas regarding the boundaries in two phases of public consultation.

4.4 The two parts of the electoral review are broken down into a series of stages with specific timetables attached, as detailed in the table below/overleaf. A copy of the LGBCE timetable is shown in Appendix 3 to this report.



Stage	Action	Duration	Dates
Preliminary Period	Informal dialogue with local authority. Focus on gathering preliminary information including electorate forecasts and other electoral data. Commissioner-level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, full council and, where applicable, parish and town councils. At the end of this process, the council under review and its political groups should submit their council size proposals for the Commission to consider.	Up to 6 months in advance of formal start of review	July 2023 to April 2024
Council size submission	Submit the Council's Council Size Submission together with all the necessary accompanying documentation including electoral forecast data to the commission	up to 6 months	Deadline 8 April 2024
Council Size Decision	Commission analyses submissions from local authority and/or political groups on council size and takes a 'minded to' decision on council size	5 weeks	June 2024
Formal start of review			
Consultation on future warding/division recommendations	The Commission publishes its initial conclusions on council size. General Invitation to submit warding/division proposals based on Commission's conclusions on council size	12 weeks	June 2024 to August 2024
Development on draft recommendations	Analysis of all representations received. The Commission reaches conclusions on its draft recommendations	12 weeks	August to October 2024
Consultation on draft recommendations	Publication of draft recommendations and public consultation on them	8 weeks	November 2024 to January 2025
Further consultation (if required)	Further consultation only takes place where the Commission is minded to make significant changes to its draft recommendations and where it lacks sufficient evidence of local views in relation to those changes	Up to 5 weeks	February 2025 to March 2025
Development of final recommendations	Commission analyses submissions from local authority and/or political groups on council size and takes a 'minded to' decision on council size	12 weeks	March to April 2025
Final recommendations published	Commission publish final recommendations report and mapping information		1 April 2025
Order laid	Electoral arrangements order laid before parliament		Spring 2025
Order made	Enactment of legislation		Summer 2025
Whole Council Elections	Local Elections "Whole Council" elections to implement review		7 May 2026

4.5 The deadline for the Council's submission on council size is 8 April 2024. A draft submission will be presented to Council ahead of the deadline. The second stage involving the consultation on ward boundaries will commence following the local elections in May 2024.

4.6 The final stage of the review will take place in 2025 when the LGBCE's final recommendations are presented before Parliament and the Sandwell Electoral Arrangements Order enacted in law. Any changes contained within the Order will be implemented at the Local Elections scheduled for 7 May 2026.

4.7 The review process

4.8 The review process will take approximately two years and includes at least two phases of public consultation where proposals/comments on the number of councillors and proposed ward boundaries will be invited.



- 4.9 A cross-party member working group will be established together with an officer working group to prepare and deliver the Council's submission (draft Terms of Reference for the member Boundary Review Working Group are set out at Appendix 1).
- 4.10 Regular updates will be provided to Leadership Team, Cabinet and Group Leaders. Draft submissions throughout the entire review process will be presented to the General Purposes and Arbitration Committee with final approval by Full Council.
- 4.11 Throughout the process, the LGBCE aims to work closely with the Council, local people, and organisations. Any consultations held will be with a view to ensure that they are as inclusive and accessible as possible.
- 4.12 The review process aims to deliver efficient and representative local government, with wards and ward boundaries that are fair for voters and reflect community ties. The review process can also help councils align local leadership ambitions with their decision-making arrangements.
- 4.13 Local Government in England has changed since the last electoral review was implemented. Decision-making arrangements are now fundamentally different, the ways by which services are commissioned, designed, and delivered are constantly evolving and councillors' representational roles have changed.
- 4.14 It is important to note that the LGBCE cannot change or take account of the boundaries of Parliamentary constituencies. These are reviewed under separate legislation by a separate body. In addition, the LGBCE recommendations do not affect local taxes, addresses or postcodes. Nor is there any evidence that LGBCE recommendations have an adverse effect on house prices or car/house insurance premiums.
- 4.15 The LGBCE do not determine the size and shaping of polling districts of the Council or the location of polling stations. This is a decision for the Council.



4.16 Part 1: Council Size

4.17 The first part of the process is the invitation from LGBCE for the Council to make a submission on council size - that is the total number of councillors to be elected to the Council.

4.18 The Council will need to ensure that its submission on the number of councillors required is an effective representation, and that it addresses consideration of all three criteria below.

4.19 This will mean that the content is based on rationale and not assertion. The submission will need to include practical community examples and clear evidence.

4.20 Alongside the council size submission, the Council is required to submit information on current electoral data, as well as a detailed forecast electorate for 2030 with a clear explanation of the methodology used to calculate the forecast electorate. Following receipt of any submissions, the LGBCE will make its judgment on council size considering three broad areas:

- The **governance arrangements** of the Council and how it takes decisions across the broad range of its responsibilities.
- The **Council's scrutiny functions** relating to its own decision making and the Council's responsibilities to outside bodies.
- The **representational role of councillors in the local community** and how they engage with people, conduct casework, and represent the Council on local partner organisations.

4.21 The LGBCE emphasise that any submission to them on council size (whether it is for an increase, reduction, or maintaining current arrangements) should address these areas. It is critical that the view on council size is robustly supported by evidence.

4.22 To assist the Council, the LGBCE ask that councils under review use and complete the LGBCE's submission template for this purpose which specifies the topics and key lines of explanation. An example of the Commission's template is shown in Appendix 4 to this report.



4.23 When putting forward a council size submission, the LGBCE will assess the number proposed councillors against neighbouring and peer authorities as set out by CIPFA. This information will be provided for all councillors in the guide issued to them by the LGBCE preceding the councillor briefing.

4.24 To ensure that the Council provides sufficient evidence to support its submission, a councillor journal will form part of the submission in addition to a councillor survey. This will be crucial in providing evidence around the representation role of the Council's elected members.

4.25 Further information relating to both the survey and journal will be provided to all members following their briefing from the LGBCE.

4.26 Part 2: Warding Patterns

4.27 Following receipt of representations on council size, the LGBCE will confirm their decision to the Council on their determination of Sandwell's council size. This will then allow the second part of the review process to commence.

4.28 Part 2 of the review process incorporates two phases of public consultation. The process remains the responsibility of the LGBCE throughout the review.

4.29 The first phase involves the LGBCE inviting the Council to present its proposals for new ward boundaries. The Commission will use responses to that consultation to develop and propose draft recommendations for new boundaries across the borough.

4.30 The LGBCE will then hold a second round of consultation on the draft recommendations which the council will again be able to comment on and propose alternatives.

4.31 The LGBCE will then proceed to draw up the new electorate arrangements that provide the best balance of the statutory criteria within which they must make their decisions. The criteria include three main elements –



- **Delivering electoral equality for local voters**
This means ensuring that each councillor represents roughly the same number of voters so that the value of an elector’s vote is the same regardless of where they live in the local authority area.
- **Interests and identities of local communities**
This means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable.
- **Effective and convenient local government**
This means ensuring that the wards can be represented effectively by their elected representative(s) and that the new electoral arrangements, including both the council size decision and warding arrangements, allow the local authority to conduct its business effectively.

4.32 The LGBCE encourages and welcomes participation on the review from a wide variety of local sources as possible. In their communications, the Commission target three broad audiences.

- The Council – elected members, staff, local political parties (including MPs).
- Members of the public.
- Local organisations – residents’ groups and other local organisations with an emphasis on groups that will enable the LGBCE to meet their responsibilities under the Equality Act.

4.33 Full Council decision – proposed further consultation on electoral cycle

4.34 In March 2022, Sandwell MBC received Statutory Directions from the Secretary of State for Levelling Up, Housing and Communities (DLUHC). The Directions set out the requirement of the council to develop, agree and deliver an Improvement Plan.

4.35 In response to the directions on the 1 June 2022, the council published its Improvement Plan. The plan outlined several objectives, workstreams and aims. Page 24 of the plan, Theme 4 - Decision-making states the council will “explore options around a four-year electoral cycle”



- 4.36 The Council undertook public consultation over a 6-week period during July 2022 in respect of options for its electoral cycle, the options being –
- Election by thirds (elections based on a 4 yearly cycle with the final year no elections); or
 - Whole Council Elections once every fourth year.
- 4.37 Participation in the consultation process was limited, with a response rate of 0.25%. Full Council at its extraordinary meeting of 22 November 2022 therefore resolved to retain its current electoral cycle. In addition, Full Council resolved to undertake a further consultation on future arrangements for the electoral cycle during 2024.
- 4.38 In June 2023 Sandwell’s Commissioners submitted their latest report to the Secretary of State, including comments on their 12 proxies for success. Commissioners directly addressed the electoral cycle, stating -
- “(12) The Council has considered properly and decided as to whether to move to a four-yearly electoral cycle. As reported in our letter to you in December 2022, we consider this question was properly considered by the Council, that a comprehensive report was properly considered and debated. For this reason, we consider this proxy fully satisfied.”*
- 4.39 Since the Full Council resolution of November 2022 and publication of the Commissioners latest letter in June 2023, the LGBCE formally notified the Council of its intention to commence a boundary review of Sandwell MBCs electoral arrangements as detailed earlier in this report. As this process commences during October 2023 with a projected schedule for completion of 2026, this will directly impact on the Council’s ability to conduct another electoral cycle review in 2024.
- 4.40 Undertaking another consultation on the electoral cycle so soon after the first one could be seen negatively by residents and impact on responses/engagement. Postponing a further consultation on the electoral cycle until after implementation of any LGBCE recommendations at the all-out elections in May 2026 would help to provide strong evidence and accurate data on the impact and costs of all out elections compared to elections by thirds. This enables meaningful and evidence-based arguments to be presented to residents to be able to allow council to make a more informed decision.



4.41 For the above reasons, and to recommended that the electoral cycle review referred to above be postponed until 2026 to enable the local government boundary review to be first completed.

5 Implications

Resources:	Existing council officers form part of the project group for delivery. The Council’s Monitoring Officer will lead the delivery of the review. Resources required to support the delivery of the LGBCE electoral review are contained within the Council’s existing budgetary provisions.
Legal and Governance:	<p>The LGBCE operates under the provisions of Part 3 of the Local Democracy, Economic Development & Construction Act 2009 (the 2009 Act). This established the LGBCE in place of the former Boundary Committee of the Electoral Commission.</p> <p>Under S56(1) of the 2009 Act, the LGBCE must, from time to time, conduct a review of the area of each principal council, and recommend whether a change should be made to the electoral arrangements. In this regard, “electoral arrangements” means:</p> <ul style="list-style-type: none"> • The total number of councillors • The number and boundaries of electoral areas for the election of councillors • The number of councillors to be returned by any electoral area • The name of the electoral area <p>The legislation does not set out how many councillors each authority (or type of authority) will have. It is the LGBCE’s responsibility to determine the appropriate number of councillors for each authority.</p> <p>In making its recommendations, Schedule 2 to the 2009 Act requires the LGBCE to have regard to:</p> <p>(a) The need to secure that the ratio of the number of local government electors to the number of councillors</p>



is, as nearly as possible, the same in every electoral area – over the five-year period following the implementation of recommendations

(b) The need to reflect the identities and interests of local communities and, the desirability of fixing boundaries:

- which are and will remain easily identifiable
- so as not to break any local ties

(c) The need to secure effective and convenient local government

Schedule 2 to the 2009 Act also states that the LGBCE should consider any change to the number and distribution of electors that is likely to take place within the five years following the end of a review.

This requirement means that, at the start of the review the LGBCE asks us to provide them with six-year forecasts of electorate changes in all polling districts, i.e., up to 2030.

The LGBCE's decision on council size will mark the formal start to the review process. However, this decision will not be formalised until their Final Recommendations are agreed and published at the end of the process.

This is because the number of councillors may change marginally (generally ± 1) from the initial decision if it is felt that modifying the number of councillors may provide for a pattern of wards that better reflects the three statutory criteria referred to in paragraph 4.31.

The Final Recommendations describe the complete set of electoral arrangements, including ward names and locations, as well as the number of elected members.

These recommendations will be implemented at the next scheduled borough council elections in May 2026 by means of an Order laid before Parliament.



<p>Risk:</p>	<p>Sandwell Council has a duty to comply with the LGBCE during an electoral review.</p> <p>The main risk is that if a proper and robust review is not conducted, there may be an unfair and disproportionate number of members to electors throughout the borough.</p> <p>If the Council does not produce a detailed, evidenced-based submission on its council size, the LGBCE will impose its own recommendations for the future electoral arrangements for Sandwell. The Council's submission must be clear and evidence the Council's requirements.</p>
<p>Equality:</p>	<p>Under the Equality Act 2010, Section 149 states a public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; • advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>In this regard, the Council must consider whether the decision will or could have a differential impact on ethnic minorities; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their gender; people due to their religious belief; or people who are pregnant</p> <p>The Council must ensure that all communications are as inclusive and accessible as possible throughout the review. It is not however, considered that an equality impact assessment is necessary for the purpose of responding to the LGBCE on the number of councillors or patterns of ward boundaries.</p>



Health and Wellbeing:	There are no implications of the proposals on health and wellbeing of our communities arising from this report.
Social Value:	There are no implications for social value and how the proposals are meeting this (for e.g., employment of local traders, young people) arising from this report.
Climate Change:	There are no relevant climate change implications arising from this report.
Corporate Parenting:	There are no corporate parenting implications arising from this report.

6 Next Steps

- 6.1 Following the General Purposes and Arbitrations Committee recommendation and approval by Council of the contents of this report and its recommendations the first part of the review will commence.
- 6.2 Meetings will take place between officers and the cross-party member Boundary Review Working Group to start to gather and collate relevant data and information.
- 6.3 Following the Commissions briefing to all Councillors in early November an information pack will be distributed.
- 6.4 A further report and a draft council size submission will be presented to the General Purposes and Arbitration Committee through to full Council in February 2024.

7 Appendices

- 7.1 Appendix 1: Cross Party Working Group Terms of Reference
- 7.2 Appendix 2: Current Ward electorate totals and variation
- 7.3 Appendix 3: LGBCE Timetable of review
- 7.4 Appendix 4: LGBCE example template council size submission



8 Background Papers

8.1 LGBCE Technical Guidance

<https://www.lgbce.org.uk/sites/default/files/2023-03/technical-guidance-2021.pdf>

8.2 Sandwell Electoral Order 2003

<https://www.legislation.gov.uk/ukxi/2003/2510/made/data.xht?view=snippet&wrap=true>

