

COUNCIL:

20 JUNE 2019

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES**

ELECTORAL REVIEW - CARDIFF

Reason for this Report

1. To seek approval for the Council's preferred option for submission as part of the consultation being undertaken by the Local Democracy and Boundary Commission for Wales ("the Commission").

Background

2. Section 21(3) of the Local Government (Democracy) (Wales) Act 2013 provides that the Commission in carrying out its duties must seek to ensure effective and convenient local government. This is the paramount and primary function of the Commission and one of the duties provided for by the Act is the conduct of reviews of the electoral arrangements of principal areas.
3. Section 29 of the Act puts a duty upon the Commission to review the electoral arrangements for each principal area including:
 - The total number of councillors to be elected to the council
 - The number and boundaries of the electoral wards
 - The number of councillors to be elected for each electoral ward in the principal area, and
 - The name of any electoral ward
4. On 23 June 2016 the then Cabinet Secretary for Finance and Local Government published a written statement requiring the Commission to restart its review programme with a prioritised timetable. There was an expectation that all 22 electoral reviews be completed in time for new arrangements to be in place for the 2022 local government elections.

Issues

5. The electoral review for Cardiff commenced on 4 April, 2019 and as part of their pre-review procedure the Commission conducted a series of meetings with Officers and Group Leaders culminating in a briefing to all Members on 28 March 2019. The briefing provided Members with an overview of the statutory basis of the exercise and the anticipated timetable.
6. The deadline for the Council to submit a response to the review is 24 June, 2019. It is also worth noting that it is open to individual Members, Community Councils and other stakeholders to put forward their own proposals to the Commission. Similarly, all interested parties will have the opportunity to respond to the Commission's draft proposals once they are published in due course.
7. The Commission very rarely resolves the establishment of an electoral ward that demonstrates both now and in the future, a perfect electoral ratio. At present, 11 of the 29 electoral wards (38%) are within +/- 10% of the average electoral ratio of 3,243. 25 of the 29 electoral wards (86%) are within +/- 25% of the average electoral ratio.
8. The Commission has emphasised that the numbers of Councillors determined by its methodology can be used to develop locally generated schemes. They may, however, consider varying from this methodology if they were provided with cogent reasons and if the variation was able to provide effective electoral arrangements. This reflects the difficulties in achieving an effective balance between the various rules and directions.
9. The Commission's Policy and Practice 2016 document identifies that based on electorate size and the elected members to constituent ratio, Cardiff should be allocated 89 Councillors. However due to Ministerial direction the largest council size was capped at 75 Members to ensure that the council did not become unwieldy and difficult to manage.
10. Due to the increase from the current 2019 electorate to the forecasted five year population estimate the Commission will need to give due regard to reviewing the current council maximum size constraint rule in light of Cardiff's unique requirements as compared to other Welsh principal areas.
11. To inform any potential options, comprehensive data has been compiled and political groups have been consulted.

Considerations for a Review of a Principal Area

12. The legislation requires the Commission exercise a balanced judgement of all relevant consultation responses with a view to making recommendations for effective electoral arrangements which meet its objectives to ensure efficient and convenient local government.

13. The Commission has a degree of discretion in the way that it weights the factors that aid it in making its decision; but is required by Section 30 of the Act to:

- Seek to ensure that the ratio of electors to the number of members of the Council to be elected is, as nearly as may be, the same in every electoral ward of the principal area; and
- Have regard, amongst other things, to the desirability of fixing boundaries for electoral wards which are easily identifiable and not breaking local ties when fixing boundaries for wards.

14. In making their judgement, the Commission recognises that in addition to statutory requirements, reviews present a range of issues which need to be taken into account. This may include the following:

a. Effective and convenient local government

- Effective and convenient local government is difficult to define; it may be a consideration when the Commission reaches a decision about council size but must not be overlooked as a consideration in designing electoral arrangements.
- A practical example of effective and convenient local government for the Commission when considering proposed electoral arrangements is to ensure that wards are internally coherent. That is to say, that there are reasonable road links across the ward so that it can be easily traversed, and that all electors in the ward can engage in the affairs and activities of all parts of it without having to travel through an adjoining ward. This situation may arise, for example, when a potential ward boundary amalgamates two communities where a feature such as a mountain or river divides them.
- The commission would also consider the practical choices which people make. Concluding that a ward contributes to effective and convenient local government because two villages are connected by a narrow, tortuous rural lane which is little used when they each have much easier connections to different villages or towns may not be a sound basis for devising an electoral pattern.

b. Electoral equality and Numbers of Councillors

- The number of electors within electoral wards represented by elected members indicates the electoral ratios for those wards. Setting the number of elected members enables the average electoral ratio for the council to be calculated. Although the Commission will seek to achieve ratios close to the council average, it is acknowledged that there will be variances.

- When considering what variances are acceptable, the Commission must comply with the considerations set out in the legislation that state that the Commission must seek to ensure that “the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area.”
- While it could be helpful to have a percentage variance from the council average that will be acceptable in terms of electoral equality, the Commission takes the view that each council is different and that some councils and electoral wards will be able to provide for a better level of electoral equality than others. All efforts will therefore be made to seek to provide the best level of electoral equality for each area under review and will take each case on its merit.
- The Local Government (Democracy) (Wales) Act 2013 places a further requirement on the Commission, which states that account must be taken of “...any discrepancy between the number of local government electors and the number of persons eligible to be local government electors (as indicated by relevant official statistics)...”.The Commission is reliant on the Office for National Statistics (ONS) to provide this information and will utilise the available statistics as best it can and where it is appropriate to do so.
- The Commission’s general intent is to improve electoral equality at the first election to occur after the making of an implementation order following a review and so places greater emphasis on immediate improvements in electoral equality over longer term equality. It is still a requirement, however, to have regard to electoral forecasts and to respond to the implications of changes in the number and distribution of electors.

c. *The appropriate number of councillors in an electoral ward*

- As a general rule the Commission takes the view that in the first instance; it is desirable that each electoral ward should return a single member. However, given the constraints on creating divisions (i.e. out of communities and their wards), this may sometimes not be possible as the number of electors in individual communities or community wards may be significantly at variance from the county average.
- Furthermore, the Commission believes that it is desirable to not have more than three members in a ward as having four or more members is not appropriate in a first-past the-post electoral system and that this many members would dilute accountability to an excessive amount.

- In addition, from an administrative point of view, an election is increasingly difficult for electoral administrators and returning officers to administer where there are more than three members. Accordingly, the Commission will not recommend any new multi-member wards with more than three members.
- Where four or five member wards are present in the existing arrangements, the Commission would consider alternative arrangements providing for wards with three members or fewer. If the Commission receives substantial evidence that such arrangements are working effectively and is convenient for local government then the Commission may consider recommending maintaining the existing arrangement.
- It is the Commission's view that multi-member electoral wards are more likely to be effective and convenient in urban areas than in rural areas. In areas of denser population, such as is found in urban areas, it is possible that many of the issues which a councillor may be called upon to deal with might be broadly similar in nature and would allow multiple councillors to deal with similar issues.
- As such the Commission supports the principle that each electoral ward should reflect the requirements of the community or communities it covers and will endeavour to recommend this but recognises that sometimes multi-member wards are the most effective means of balancing the criteria.

d. Communities

- There can be some confusion over what is meant by the word community. It means different things to different people. Some may consider it to be the street in which they live, others a more broad village area, others much larger areas. All of these are entirely accurate, and reflect the lives of people and the differences and similarities of places where we live, work and interact. However, in Wales there is an additional and more technical meaning to the word as the whole of Wales is divided into community areas.
- Many community areas have community or town councils. Where a community area has a community or town council then these areas may be divided into wards for electoral purposes, and, the Commission will use communities and community wards as the primary building blocks making up electoral wards. The 2013 Act makes provision for the Commission to recommend changes to community and community ward boundaries as a consequence of changes to the electoral ward boundaries.

e. Easily identifiable boundaries

- In general the Commission will use the community areas and, where they exist, community wards as the primary building blocks for electoral wards. This in effect means that the boundaries of any proposed electoral wards are formed from the boundaries of existing local government areas and as such should be easily identifiable.
- Roads can be seen to be the focus of an area if they are the location of shops or community facilities which people visit regularly and where they interact. They may themselves be the subject for communities, perhaps when safety, environmental or economic considerations are a catalyst to community interaction. Alternatively, major highways, rivers or railway lines are often physical barriers marking the boundary between different communities.

f. Local ties

- The legislation requires that the Commission must have regard to the desirability of not breaking local ties when fixing boundaries for electoral wards. This may occur when proposals are made for new arrangements that divide into two electoral wards, communities (or community wards) that are currently together in the same electoral ward.
- However such is the complexity of the term “local ties” that people may consider that their area has ties to a number of other areas. It can also be the case that those sharing an interest in the physical maintenance and management of their immediate living environment may consider that their local ties are within quite confined boundaries.
- In some areas an electoral ward will be greater in physical extent than an identifiable community (or community ward) and sometimes the Commission have to combine two or more distinct and separate communities within an electoral ward.

g. Electoral ward names

- Where the Commission proposes to form new electoral wards the Commission will also suggest names for the new wards. Where appropriate the Commission will propose alternative English and/or Welsh names for the new wards. In the creation of the names the Commission will consult with the Welsh Language Commissioner on the suitability of the Welsh Language names proposed prior to the publication of draft or final proposals.

Points of Principle

15. On Council size, the position in 2019 is 1:3,243 rising to 1:3,519 by 2024 which reflects the expected increase in the overall population within the local authority area over the next five years.
16. In comparison with all other Welsh principal councils, Cardiff has a significantly higher population density, along with a very low population percentage living outside urban settlements of more than 10,000. This has resulted in the authority being classed in a distinct category of its own with a councillor to population ratio band of 1:4,000.
17. No other Welsh authority is classed within this category and, as previously stated, based on this methodology Cardiff should be allocated 89 Members. Due to the current Welsh Government ministerial constraint cap the allocation remains limited to 75 Members.
18. Moreover, in the period since 1996 Councillor workload has increased significantly. Upon reorganisation in 1996 there was a significant reduction in the number of elected members, but at the same time workloads increased to include former authority functions.
19. Since then workloads have increased further as a result of:
 - Changes to the devolution settlement which has seen a very significant increase in the duties placed upon local government.
 - A growth in regional and collaborative arrangements which has increased complexity in service delivery;
 - Growth in social media which has changed the way in which the electorate engage with the democratic process; and
 - The impact of austerity has seen a significant shift in policy and patterns of service delivery which have added to Councillor workload especially in terms of having to communicate, engage and consult local people about the impact of budget cuts. Typically, caseloads for Councillors representing the most deprived areas of the City have increased.

Analysis and Conclusion

20. The Boundary Commission provided a ward map showing the existing variance from the Council's average representation which is attached at **Appendix A**.
21. Relevant data was collected from the Office of National Statistics and a methodology was agreed with Cardiff Research to project population increase for the five year period until 2024. This methodology was also informed by strategic development sites identified in the Local Development Plan and in consultation with planning officers. A map of the strategic development sites is shown at **Appendix B**.

22. In presenting its analysis of electoral parity, the Commission have highlighted **Butetown** and **Radyr and Morganstown** as having a variance of greater than 50% above the council average. **Creigiau St. Fagans** and **Grangetown** were also noted for having a variance appreciably above the Council average. These wards have the largest variance from the proposed councillor to electorate ratio in terms of under-representation.
23. There are no perfect solutions on offer across the council area. There are arguments that can be made for and against the proposals. However, in the final analysis, the proposals seek to balance all the factors and criteria as best possible.
24. Following the statistical analysis it is the Council's position that there is a strong case to explore changes in terms of the level of representation for the areas stated below. However, initial advice from the Commission was to minimise disruption to the authority's electoral arrangements resulting from the current review process.
25. Taking account of all factors described above, officers have identified the following proposals to provide the optimum balance:

Priority	Action	Justification
One	Increase the number of elected members for Butetown from one to two members.	<ol style="list-style-type: none"> 1. As identified in Appendix C, Butetown is significantly under-represented with 1 councillor representing 7,550 constituents. This equated to a variance of 133% from the Council's average representation which is considered a priority to address. 2. There is also a strategic development site within the Butetown ward which will potentially increase the number of constituents to 10,046 which will increase the ratio to 186% above the Council average. 3. The ward contains an area of deprivation which requires significant engagement from the ward councillor to support their constituents. 4. The current member of this ward has a level of member enquiries which is four times higher than the council's average. 5. This proposal addresses the concerns of the Commission.

Priority	Action	Justification
Two	Increase the number of elected members for Radyr and Morganstown from one to two members.	<p>1. The ward currently has 1 ward member representing 5,259 constituents which is 62% above the council's average.</p> <p>2. There is also part of a strategic development site within the Radyr and Morganstown ward which is already being developed and which will potentially increase the number of constituents to 5,562 although this will actually reduce the percentage above the council average to 58% due to an increase in the overall elector to member ratio level.</p>

26. These priority proposals would result in a net increase of two Members overall with the Council membership increasing from 75 to 77. This would be subject to the Commission considering whether due to Cardiff's unique circumstances and high levels of population growth the commission consider the increase as justification to extend the current maximum size constraint rule.
27. While the population of Cardiff is expected to increase by approximately 20,000 people of voting age over the next five years this is a projection and these figures cannot be guaranteed. Therefore, it is proposed that Council request that it be considered in the first tranche of the next review programme following the conclusion of the current review. This would enable the current projections to be validated before making further changes to the electoral make up of Cardiff.
28. Other options would be better suited for consideration in the subsequent review would include but not be limited to the following options:

a.	Increase the number of elected members for the Creigiau St. Fagans from one to two members.
b.	Increase the number of elected members for Grangetown from three to four members
c.	Increasing the number of members in Pontprennau/Old St. Mellons from two to three members
d.	Increasing the number of members in Lisvane from one to two members.
e.	Consideration of the overall numbers of Councillors and any possible changes to ward boundaries if the projected growth is validated.

Legal Implications

29. Under Part 3 of the Local Government (Democracy) Wales Act 2013 ('the Act'), the Local Democracy and Boundary Commission for Wales ('the Commission') has a duty to conduct a review of the electoral arrangements for each principal area at least every ten years, in accordance with its published timetable, and recommend any changes it considers appropriate to the Welsh Ministers.
30. 'Electoral arrangements' for these purposes is defined to mean —
 - (a) *the number of members of the council for the principal area,*
 - (b) *the number, type and boundaries of the electoral wards into which the principal area is for the time being divided for the purpose of the election of members,*
 - (c) *the number of members to be elected for any electoral ward in the principal area, and*
 - (d) *the name of any electoral ward.*
31. When carrying out a review, the Commission's overall objective is to secure effective and convenient local government. Specifically, the Commission must seek to ensure that the number of electors represented by each councillor within a principal council is as close to the same as possible. In considering this ratio, the Commission must take account of any discrepancy between the number of local government electors and the number of persons that are eligible to be local government electors (as indicated by relevant official statistics), and any change to the number or distribution of local government electors which is likely to take place in the five years period following its recommendation. It must also seek to ensure that electoral divisions have recognisable boundaries and community ties are respected.
32. The procedure for conducting electoral reviews is set out in Chapter 4 of the Act, and may be summarised as follows:
 - a. Prior to starting a review, the Commission is required to notify the Council that an electoral review is about to take place, and the procedure and methodology it is going to follow in conducting the review.
 - b. The Commission is required to consult with the Council (and other statutory consultees, including the Police and Crime Commissioner and any trade unions who have asked to be consulted) and carry out any appropriate investigations.
 - c. After consultation, the Commission may publish its draft proposals.
 - d. After publication of its draft proposals, the Commission must allow a 6 to 12 week period for representations to be made on the draft proposals.
 - e. After the period for representations has ended, the Commission must consider the representations received, and prepare and publish final proposals for submission to the Welsh Ministers.

- f. The Welsh Ministers may then, after 6 weeks from receiving the final proposals, implement the proposals, with or without modifications and any consequential changes considered appropriate, by making an Order; or decide to take no action.
33. As stated in the body of the report, the consultation period, prior to the Commission's publication of its draft proposals, is currently ongoing and is due to end on 24th June 2019.
34. This means the Council has the opportunity now to put forward its own proposals in relation to changes to the electoral arrangements for Cardiff. The Electoral Reviews: Policy and Practice 2016 published by the Commission confirms that:
- '225. The Commission wishes to encourage principal councils to use the knowledge of their respective areas to suggest a scheme for electoral arrangements to the Commission when a review is being undertaken.'*
35. The recommendation of the report is to approve a proposal for changes to the electoral arrangements to Cardiff to be submitted for consideration to the Commission. In considering any proposed changes, the Council must have regard to the factors set out in paragraph 31 above and detailed in the report.
36. The Commission will publish its draft proposals in due course and a further report will be presented to Council for consideration of the Council's response to the same.

Financial Implications

37. There are no financial implications resulting from the proposal, although any agreed increase in the number of Elected Members would require funding at the rates determined by the Independent Remuneration Panel for Wales, for which the cost implication may require senior roles.

RECOMMENDATIONS

38. The Council is recommended to authorise the Director of Legal and Governance Services to submit the following proposals to the Local Democracy and Boundary Commission for Wales:
- a. Increase the number of elected members for **Butetown** from one to two members.
 - b. Increase the number of elected members for **Radyr and Morganstown** from one to two members.

- c. That Cardiff Council be considered in the first tranche of the next review programme following the conclusion of the current Boundary Commission review to enable the current projections to be validated before making further changes to the electoral make up of Cardiff.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
14 June 2019

Appendix A: Map of Existing Variance from Council Size Aim

Appendix B: Ward Boundaries and Local Development Plan Strategic Sites

Appendix C: Cardiff Council – Existing Council Membership

Background Papers

Local Democracy and Boundary Commission for Wales
Electoral Reviews – Policy and Practice Guidance 2016