



Proposed Statutory Guidance to the Electoral Commission on drawing-up the Constituencies for a North East Regional Assembly

Consultation Paper

The Office of the Deputy Prime Minister
Eland House
Bressenden Place
London SW1E 5DU
Telephone: 020 7944 4400
Web site: www.odpm.gov.uk

© Crown copyright 2004.

Copyright in the typographical arrangement rests with the Crown.

This publication, excluding logos, may be reproduced free of charge in any format or medium for research, private study or for internal circulation within an organisation. This is subject to it being reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the publication specified.

For any other use of this material, please write to HMSO Licensing, St Clements House, 2-16 Colegate, Norwich NR3 1BQ. Fax: 01603 723000 or e-mail: licensing@hmso.gov.uk.

Further copies of this publication are available from:

ODPM Publications
PO Box 236
Wetherby
West Yorkshire
LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: odpm@twoten.press.net
or online via www.odpm.gov.uk

Printed in Great Britain on material containing 75% post-consumer waste and 25% ECF pulp.

September 2004

Reference no. 04 RDG 02548

Introduction

1. A referendum on the establishment of a regional assembly for the North East has been set for November 4th 2004. The Government has also published a draft Regional Assemblies Bill and policy statement, which set out the proposed powers and responsibilities of such an assembly and the process for establishing it.
2. If there is a ‘yes’ vote at this referendum the Secretary of State intends to propose that an elected regional assembly be established, in which case the Government will need to direct the Electoral Commission to provide advice to him on the drawing up of electoral areas (constituencies) for the regional assembly election. If this direction is issued the Government will also need to provide the Electoral Commission with guidance on how they should carry this work out.
3. We understand that the work involved in preparing this advice for the Secretary of State will take slightly less than a year to complete, therefore we would expect to receive advice from the Commission by October 2005.

About this consultation exercise

4. A draft of the guidance the Secretary of State has in mind to issue (if he proposes to establish an assembly following a referendum on November 4th) is set out below. The Secretary of State proposes to direct the Electoral Commission to provide advice on:
 - the number of electoral areas for a North East assembly;
 - the electoral areas into which the North East is to be divided; and
 - the name by which these electoral areas are to be known.

He is not proposing to seek the Commission’s advice on the total number of members to be elected. The Government invites comments on this draft and seeks views on the guidance to be given to the Electoral Commission. Questions people might like to consider in responding to this consultation could include:

- do you agree that the Government should specify the overall number of members for a North East assembly?
- do you think that the ratio between constituency and list members is right?
- do you agree with the Government’s guidance as to the relative importance of factors that the Electoral Commission should take into account in drawing up electoral areas?
- do you think the suggested stages to be followed in producing advice, and the deadline to do so by, are acceptable?

- do you think the guidance covers the right kind of areas? is anything missing?
- if referendums in other regions are successful, do you feel it would be necessary to carry out a further consultation on the guidance that would be required on drawing up the electoral areas for those regions even if it follows the structure of the draft attached?

This consultation should not be treated, however, as an opportunity for respondents to make, for instance, suggestions as to what the electoral areas should be. Such matters will be for the Electoral Commission to advise upon. The preparation of the advice will also allow for periods of consultation.

5. Copies of this consultation paper are being sent to a number of regional representatives including MPs, local authorities and the Regional Development Agency, One North East. Copies are also being sent to a number of national bodies including the Local Government Association, the Confederation of British Industry and the Countryside Agency.
6. Your response will contribute to the Government's thinking on how best to provide guidance to the Electoral Commission on the matters that it thinks the Commission should take into consideration when providing advice to the Government.
This consultation is taking place before the referendum has been held and the guidance, once finalised, will only be issued if the referendum on November 4th returns a 'yes' vote and the Secretary of State proposes that an elected assembly should be established.

Guidance for other regions

7. If referendums take place in other regions (for instance, the North West or Yorkshire and Humber) we would expect the guidance to follow the structure of the draft attached. We will only consult again on that guidance if it is likely to radically differ in approach.

Sending your responses

8. Given that this is a focussed consultation on a well-defined and relatively technical subject, those wishing to respond will need to do so by **22 October 2004**. If possible, please send your responses via email to: neil.bull@odpm.gsi.gov.uk.
9. Alternatively, please send your comments to:

Neil Bull
Regional Assemblies Division
Office of the Deputy Prime Minister
Zone 1/A6
Eland House
Bressenden Place
London SW1E 5DU

Fax: 020 7944 5042

10. It would be helpful if responses from representative groups could give a summary of the people and organisations they represent.
11. The Office of the Deputy Prime Minister (ODPM) may wish to make responses to these proposals available to Parliament and to public inspection in the ODPM's library. We will assume that you do not object to this unless you specify otherwise. Responses that are submitted on a confidential basis will, nevertheless, be included in any numerical analysis of responses.
12. Any comments or complaints about this consultation exercise should be sent to:

David Plant
Corporate Strategy and International Division
Office of the Deputy Prime Minister
Room 3.19
26 Whitehall
London SW1A 2WH

Policy and Procedure Guidance to the Electoral Commission

November 2004

Office of the Deputy Prime Minister

London

Introduction

1. The White Paper *Your Region, Your Choice: Revitalising the English Regions* (Cm 5511) set out the Government's policy on regional government. It said that, in those regions that voted for one in a referendum, an elected regional assembly should be established. Following a 'yes' vote in the referendum held on November 4th, on whether an elected regional assembly for the North East should be established, the Secretary of State proposes that such an assembly should be established. Establishment of an assembly requires legislation and the Government has published the draft Regional Assemblies Bill and an accompanying policy statement which set out the proposed powers and responsibilities of such an assembly and the process for setting it up.
2. As required by the Regional Assemblies (Preparations) Act 2003 ('the Preparations Act') the Secretary of State must direct the Electoral Commission to provide him with advice on such of the following matters as he thinks appropriate.
 - the electoral areas into which the region is to be divided for the purposes of the election of members to any assembly established following the referendum;
 - the number of electoral areas;
 - the name by which each electoral area is to be known; and
 - the total number of members to be elected to the assembly.
3. Section 23 of the Preparations Act provides that in carrying out this function the Electoral Commission must have regard to any guidance given by the Secretary of State. They must also give regard to:
 - the need to reflect the identities and interests of local communities; and
 - the need to secure that the number of electors for an electoral area for an assembly is as near as is reasonably practicable to the number of electors for the other electoral areas (taking account, where appropriate, of special geographical considerations).

Role of an assembly and its members

4. This guidance sets out the Government's intentions for a regional assembly. It should be a strategic body, which would:
 - give people more say about the issues that affect their region;
 - make government more efficient; and
 - enable a region to build on its unique strengths, so as to improve its economic performance and enhance people's quality of life.

5. An assembly will draw the majority of its powers from central government and its agencies, as well as existing regional bodies. An assembly would be under a duty to produce an assembly scheme. This scheme would be an overarching strategy setting out its vision for the region and its key priorities on the range of issues for which it has responsibility.
6. Assembly members will either be members of its executive or 'backbench' members sitting on the assembly's Review and Monitoring Committee. The majority of an assembly's functions will be carried out by its executive (as set out in clause 33 of the draft Bill), whilst the 'backbench' members will hold the executive to account. Some assembly members will also be on the boards of the assembly's functional bodies (the Regional Development Agency, Regional Fire and Rescue Authority and the Regional Cultural Consortium). Furthermore, it is expected that the assembly's executive and chair will be full time and paid accordingly, whilst it is expected that the remaining members will work around 3 days a week and will receive a salary of two-thirds that of the assembly executive and chair.
7. The intention is for an elected regional assembly to be a small and streamlined strategic body. It is not intended that a regional assembly should be a further tier of local government replicating the work being done by local government already, but instead a new type of body with the powers and funding to enable it to make a difference throughout the region on key strategic issues. Whilst some assembly members will represent particular electoral areas, and will have a role in addressing issues their constituents raise with them that fall within the remit of a regional assembly – for example, the quality of service provided by the Regional Fire and Rescue Authority – members will have a predominantly strategic role. So their first responsibility will be to come to a view on what is best for the region as a whole. Furthermore, provisions in the draft Bill will require the assembly to involve a wide range of stakeholders, so it will not just be elected members who will be involved in this strategic thinking. The Electoral Commission will want to keep this in mind whilst carrying out their review.
8. The Electoral Commission will also want to keep in mind the proposed powers and duties of a regional assembly. Further detail on these matters can be found in the White Paper, draft Bill and Policy Statement.¹

¹ These documents can be found on the Regions section of the ODPM website at the following address:
http://www.odpm.gov.uk/stellent/groups/odpm_regions/documents/sectionhomepage/odpm_regions_page.hcsp

Where the Electoral Commission's advice is being sought

9. The Government is seeking the Electoral Commission's advice on the number of electoral areas for a North East assembly, the electoral areas into which the North East is to be divided and the name by which these electoral areas are to be known.
10. It is not seeking the Commission's advice on the total number of members to be elected. The White Paper set out the Government's intention that a regional assembly should have between 25 and 35 members to ensure that it is small enough in size to be strategic whilst large enough to provide sufficient scrutiny and reflect the various views and parts of the region. Given that the North East is the smallest region in the UK, the Government believes that an assembly for the North East should have 25 members.

Number of Electoral areas

11. Members of a North East regional assembly will be elected using a form of proportional representation known as the Additional Member System. This will mean that a North East assembly will have a majority of members representing individual constituencies elected by the 'first-past-the-post' system, with a minority being elected from regional lists to ensure that the overall representation in an assembly is broadly representative of the votes cast.
12. The White Paper stated that the Government would expect that around 33 to 35 per cent of its members would be regional top-up members meaning that around 65-67 per cent of members would be constituency members for specific electoral areas. The Government feels that such a breakdown (which mirrors that for the National Assembly for Wales) would both ensure that all voters have an identifiable constituency representative whilst encouraging an assembly to take a region-wide approach. With this in mind the Government feels that the most appropriate number of constituency members (and of electoral areas) would be between 15 and 17 (as this would provide that proportionality) and would welcome the Commission's advice on the exact allocation of members within this range.

Drawing up the electoral areas

13. Under section 23 of the Regional Assemblies (Preparations) Act, the Electoral Commission is duty bound to have regard to the need to reflect the identities and interests of local communities, and the need to secure a broadly equal number of electors in each electoral area. The Government considers that the Electoral Commission should also take into account other issues when preparing their advice on the electoral areas the North East should be divided into. The Government recognises that some of the factors set out below may pull the Electoral Commission in competing directions and therefore the Government asks the Commission to have regard to the Government's view of the relative importance of these factors, which are given below in approximate order of priority.

Ensuring that all areas are properly represented

14. The Government regards this as the most important of the other factors. The Government is keen that the Commission should give particular regard to ensuring that all areas of the North East are effectively represented. In particular, the Government is aware of the concern of people living in rural areas that an assembly might be dominated by urban issues and it believes that the Commission should give thought to providing adequate rural representation. The proposed electoral system (Additional Member) should encourage members elected from a regional list to take a region-wide view and ensure that rural areas are properly represented and also there will be scope for sub-regional arrangements with a North East assembly, which could include a specific focus on rural areas. However, despite this, the need for effective representation of the rural areas could outweigh the need for similarity in numbers of electors between areas.
15. However, in providing their advice on how the electoral areas could be drawn up, the Government feels that the Electoral Commission should consider, where it still enables distinct types of areas to retain their identity and proper representation as set out in the paragraph above, how the representation of the whole community through mixed electoral areas – urban, suburban and rural – could be best achieved as it feels that this could assist assembly members in fulfilling their strategic role.

Ease of voter understanding

16. The Government is keen that it is as straightforward as possible for a voter to be able to tell into which electoral area he or she falls. As such, the Government would like the Commission in drawing up their advice to take into account the ease of voter understanding.

17. Voter understanding makes it highly desirable that assembly electoral areas are based upon local authority electoral areas (district wards and county divisions). This reflects the approach set out in the White Paper and remains the Government's position as it feels that the keeping of electoral areas within administrative boundaries will make it easier for voters to understand and for local authorities in the organisation of elections. However, the Government recognises that rigorously sticking to wider local authority administrative boundaries might limit the Commission in its ability to ensure that electoral areas are of approximately the same population. Given this, and the strategic nature of the representational role, the Electoral Commission will nonetheless treat itself as free to consider crossing local government administrative boundaries when formulating electoral areas if they feel it is necessary to create electoral areas of approximately the same population. However, when considering this the Government would prefer that district wards or county divisions are not split.
18. The Commission may also want to consider whether the alignment of the boundaries of regional assembly electoral areas with those of other significant partners (especially the assembly's functional bodies) might be helpful in creating the climate for effective partnership and inter-agency working.

Electoral area workload

19. As has been stated above, a regional assembly will not primarily be a service providing body. However, those members elected to a specific constituency will still have a representative role to play. The Government is aware that some areas have more social and other problems and therefore generate a higher workload for their elected representative and, although this problem may not be as marked for a regional assembly as it is for a local authority, the Electoral Commission should still take this into account.

The role of assembly members

20. As discussed in paragraphs 4 to 8 above, the role of an assembly and its members will be primarily strategic and the Commission should have regard to this in preparing their advice.

Size of the electorate

21. The Electoral Commission should take into account the current electorate in drawing up electoral areas. Furthermore, they should take note of any evidence put forward, which considers trends in population and suggest that electorates might change radically.

Naming of electoral areas

22. In considering the naming of electoral areas in their advice, the Commission should give some thought to existing local or historic places so that, where appropriate, these are maintained.

Stages of Preparation and submission of the advice

23. The direction that this guidance accompanies sets out the timetable and the stages the Electoral Commission should follow in preparing their advice in order that it is able to present its advice no later than 4 October 2005. The following paragraphs set out the actions the Government feels that the Commission should take in each of those stages.

Stage 1:

Announcement of the direction and period for representations

24. Under Section 22(2) of the Preparations Act, the Commission is required to take such steps as they consider sufficient to secure that persons who may be interested in the subject matter of the advice (including those listed in annex A) are informed of it, and of the period within which representations may be made.
25. In taking these steps, the Commission should also seek to ensure that those who may be interested in the preparation of the advice are aware of the framework, within which they are required to operate, including this guidance.
26. At the end of this stage the Commission should make all representations available for inspection and supply a list of respondents on request. The Commission may need to make clear to potential respondents that their views will be made public in this way.

Stage 2:

Drafting of advice

27. The second stage will be the preparation by the Commission of draft advice. During this stage the Commission should consider the views put forward at the first stage of the preparations and analyse the information they have collected.

Stage 3:

Consultation on draft advice

28. Once they have prepared their draft advice, the Commission should publicise them. In doing this the Commission should take such steps that they consider to be necessary to ensure that people who might be interested in the advice (including those listed in annex A) are informed of the draft and the period specified in the timetable within which representations on the draft advice must be made.

Stage 4:

Preparation of final advice

29. In light of responses to the draft advice and other evidence available to it, the Commission should prepare and submit to the Secretary of State a report, setting out their findings and recommendations.

Annex A

Organisations to be consulted by the Electoral Commission on draft recommendations for electoral areas for a North East regional assembly

This annex sets out the persons and bodies that the Government believes the Commission should notify and consult in the course of preparation of its advice, in addition to the principal authorities and MPs for the North East. This list is not intended to be exhaustive. The Commission may decide to notify and consult other persons who may be interested. Others not on the list will, of course, also be welcome to express their views, which should be taken fully into account by the Commission. The Commission should encourage consultees to provide grounds for their views and should seek substantiation for the views expressed.

- Primary care trusts and strategic health authorities
- Chambers of commerce and trade organisations
- Confederation of British Industry and other significant business organisations in the North East
- Fire and civil defence authorities
- Flood Defence Committees
- Government Office for the North East
- Local Government Association and National Association of Local Councils
- Local Strategic Partnerships
- Lord Lieutenants in the North East
- High Sheriffs in the North East
- Magistrates' Courts' Committees
- National Park Authorities

- Parish and town councils in the North East; charter trustees in the North East
- Passenger transport authorities
- Police authorities
- Learning and Skills Councils
- Port Authorities
- Probation Committees
- North East Regional Chamber
- Rural Community Councils
- Sea Fisheries Committees
- Voluntary Sector Bodies
- Waste disposal authorities
- One North East Regional Development Agency
- Trade Unions
- The Police Service
- Crime and Disorder Reduction Partnerships
- Regional Voluntary Sector Networks
- Drug Action Teams
- Community Voluntary Sector Bodies
- Criminal Justice Delivery Boards

