

COUNCIL		
Report Title	Ward Boundary Review	
Key Decision		
Ward	All Wards	
Contributors	Head of law	
Class	Open	Date 27th March 2019

1 Summary

The Local Government Boundary Commission (LGBC) is undertaking a review of the number of councillors and wards for the London Borough of Lewisham. The first stage of the review requires the Council to make a submission regarding the number of Councillors we require to undertake our responsibilities in 3 core areas; i) decision making, ii) scrutiny and partnerships, i and iii) the representational role of Councillors as community leaders.

A draft submission has been compiled by a working group of Councillors and officers. It proposes that Lewisham retains 54 Councillors in order to continue being effective in the 3 core areas. The draft submission can be found in Appendix 1.

2 Purpose

2.1 The purpose of the review by the LGBC will be to determine:

- The total number of Councillors
- The total number of Wards
- Ward boundaries
- The number of Councillors elected to each Ward
- The names of each Ward

2.2 At the end of the process the new arrangements will be confirmed by an order of Parliament and will take effect from the date of the next full Council elections in May 2022.

3. Recommendations

3.1 It is recommended that Council approves the draft submission appearing at Appendix 1; and

3.2 to note that when the LGBC has agreed the number of councillors for the London Borough of Lewisham, a further report on proposed warding patterns will be referred to members.

4. Policy Context

4.1 The Council's recently adopted Corporate Strategy sets out the Council's priorities, namely:-

1. **Open Lewisham**
2. **Tackling the housing crisis**
3. **Giving children and young people the best start in life**
4. **Building an inclusive local economy**
5. **Delivering and defending: Health, Social Care and Support**
6. **Making Lewisham greener**
7. **Building safer communities**

4.2 Although not directly linked to any specific area of Council business, the outcome of this review will have implications in all policy areas. The number of Councillors and the Ward boundaries have significant influence over the decision making processes and policies and will impact how we deliver our corporate priorities.

4.3 In particular, the number of Councillors we have needs to reflect the diversity of our communities and ensure that all residents are fairly represented in decision making processes. Our new wards should reflect our current and historic community boundaries and enable effective representation of all communities and groups within Lewisham. Equality of representation for all areas of Lewisham will help ensure outcomes which reflect the needs of everyone in Lewisham and the Council's recently adopted corporate strategy.

5. Background

5.1 The LGBC undertakes compulsory reviews where 1 or more wards have 30% over the average number of electors per councillor. The LGBC is also allowed to undertake reviews of local authorities periodically. In this case, the LGBC is reviewing the arrangements for all London authorities that have not had a review since 2000. Lewisham's last review was in 1999 when the number of councillors was fixed at 54.

5.2 The review is a 2 stage process:

Stage 1 determines the total number of Councillors Lewisham will require to undertake our responsibilities in 3 cores areas; i) decision making, ii) scrutiny and partnerships, iii) and the representational role of Councillors as community leaders. We recommend Lewisham retains the same number of Councillors, 54, and the submission provides extensive evidence to support that recommendation. The rationale for this recommendation is summarised in the conclusions contained in the draft submission in Appendix 1 at pages 23 and 24.

Stage 1 requires the Council to provide electorate forecasting data for the next 5 years along with details and mapping data of all current properties and large-scale proposed developments for the next 5 years as well as other evidence of the

Stage 2 determines the number and names of wards and the number of Councillors to be elected to each ward. The LGBC will invite any interested parties to submit their own proposals. This will be followed by a consultation period. Having considered the responses, the LGBC will then make their own proposals which will be subject to further consultation.

Finally, the LGBC will submit its definitive proposals, having considered all feedback received during this 2nd stage, to Parliament for enactment. Lewisham will begin using the new arrangements for the elections to be held in May 2022.

5.3 **Indicative Timetable**

- Submission of initial proposals for Council size to LGBC by 24 May 2019
- LGBC determines number of councillors by 25 June 2019
- LGBC consultation on warding Patterns – 25 June 2019 to 2 September 2019
- LGBC publishes draft recommendations on ward patterns by 29 October 2019
- Consultation by LGBC on draft recommendations – 29 October 2019 to 6 January 2020
- Final recommendations published – March 2020
- Final recommendations approved by Parliament – May 2020

6 **Legal implications**

6.1 The report reflects the legal process for a ward boundary review.

6.2 Approval of the submission to the LGBC is a decision for full Council.

6.3 **Equalities Legislation**

The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals above.

The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

7 Financial implications

None.

8 Equalities implications

54 councillors are recommended. One reason is to ensure diversity of candidates and councillors. Our submission also states our strong preference for 3 members per ward, which will better enable parties to put forward a mix of candidates to reflect the diversity and demographics of the area.

9 Conclusion

The Council has determined through extensive research and deliberation that we require at least 54 Councillors to be able to effectively undertake our responsibilities in the 3 core areas identified by the LGBC, namely; i) decision making, ii) scrutiny and partnerships, iii) and the representational role of Councillors as community leaders for the reasons summarised in the conclusions on pages 23 and 24 of Appendix 1. In addition, the Council strongly recommends that any future Ward boundary arrangements retain 3 Councillors per Ward. We request the Mayor and Cabinet approve the Council's submission on the first stage of the review regarding Council size, found in Appendix 1, and request approval by the Full Council to be held at the meeting on 3 April 2019.