

Electoral Arrangements Committee
19 September 2022

Monitoring Officer Report

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Portfolio: Leader

Ward(s) Affected: Coltishall and Spixworth with St Faiths

Purpose of the Report:

An issue with a previous parish boundary change has been identified in that it inadvertently resulted in changes to ward and county boundaries being made incorrectly. This report seeks to try to rectify this issue in time for the 2023 elections.

Recommendations:

That the Electoral Arrangements Committee recommends that because of the changes made following the community governance review in 2013, Council agrees to submit a request to the Boundary Commission making consequential recommendations for related alterations to the boundaries for the Coltishall and Spixworth with St Faiths district wards and the current Hevingham & Spixworth and Wroxham county divisions.

1. Summary

- 1.1 This report informs members of an issue with the Coltishall and Spixworth with St Faiths district ward and Hevingham & Spixworth and Wroxham County boundaries.
- 1.2 It seeks to try to rectify this issue in time for the 2023 May elections.

2. Background

- 2.1 In 2012, following a request from Spixworth Parish council and Crostwick Parish Meeting, the Council carried out a community governance review for Spixworth parish. The terms of reference for the review were as follows:
 - To consider the request from Spixworth Parish Council and Crostwick Parish Meeting to realign part of the boundary between the 2 parishes to take into account the immediate and future development needs in the vicinity of North Walsham Road, Spixworth
 - To give due regard to the wishes of the occupiers of the 3 residential properties and the owners/occupiers of the residential care home that are just to the East of the boundary and so within Crostwick parish, but on the western side of North Walsham Road as to their views on the suggestion to move their address into Spixworth
 - To receive representations from all interested parties including the parish council, parish meeting, all affected residents, the local ward councillors, and the Norfolk County Council Divisional Members.
- 2.2 The regulatory committee considered representations received arising from the review and on 21 February 2013, Council approved the changes to the Spixworth/ Crostwick parish boundary. The official order was made on 7 March 2013, for the parish boundary changes and this came into effect on 1 June 2013. The changes to the boundary resulted in an area being transferred from Crostwick parish into Spixworth parish
- 2.3 District Councils cannot alter principal boundaries but as part of the community governance review, the Council could have considered requesting the Boundary Commission to make consequential changes to the boundaries of the district wards and county divisions, to reflect the changes made at parish level. This would have transferred the affected area from Coltishall ward to Spixworth with St Faiths district ward and from Wroxham division to Hevingham and Spixworth county division, ensuring that all three electoral boundaries were coterminous. However, the reports that were considered by Regulatory committee and Council never mentioned the knock-on effect to district and county boundaries, so Members never considered the impact to these electoral boundaries.
- 2.4 Therefore, the official order that came into effect on 1 June 2013 resulted in changes to the parish boundaries only and the Order obliged the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements. It appears that officers did not appreciate

the complexity of the different boundaries and rather than making amendments to the parish boundary only, all three boundaries were changed – ie, parish, district and county. This means that since 2013, there have been a number of electors in Spixworth parish voting in the Spixworth ward and Wroxham division, rather than the Coltishall ward and Hevingham & Spixworth division.

3. Current position/findings

- 1.3 In 2013, the parish boundary changes only affected 4 properties – 2 properties stayed in Crostwick and 2 moved to Spixworth (which resulted in a rather odd boundary line). Since the boundary changes, the number of houses and electorate for the area affected has been as follows:

Year as at 1 Dec	Prop moved to Spixworth incorrectly district & county	Electors moved to Spixworth incorrectly district & county
2013	2	39 (inc care home)
2014	2	37 (inc care home)
2015	12	44
2016	54	125
2017	54	115
2018	54	102
2019	62	111
2020	77	128
2021	80	128
2022(current)	80	125

- 3.2 Since the boundary changes, there have been district elections in 2015 and 2019. The results for these wards were as follows:

District elections – 2015					
Coltishall ward			Spixworth with St Faiths ward		
Candidate	Description	Votes	Candidate	Description	Votes
Aquarone	Lib Dem	175	Allen	Cons	948
Mallett	Cons	829 E	Cutts	UKIP	853
Marshall	UKIP	197	Kular	Lib Dem	1080 E
McNair	Labour	328	Mackenzie	Cons	690
			Roper	Lib Dem	1223 E

District elections – 2019					
Coltishall ward			Spixworth with St Faiths ward		
Candidate	Description	Votes	Candidate	Description	Votes
Copplestone	Cons	374 E	Couzens	Labour	126
Crane	Lib Dem	128	Dunn	Cons	333
Jones	Labour	163	Hill	Cons	335
			Holland	Lib Dem	679 E
			Jones	Labour	109
			Roper	Lib Dem	849 E

3.3 There have also been county elections in 2017, 2019 and 2021. The results for these divisions were as follows:

County elections – 2017					
Hevingham & Spixworth division			Wroxham division		
Candidate	Description	Votes	Candidate	Description	Votes
Gardiner	UKIP	164	Ball	Green	162
Roper	Lib Dems	1297 E	Garrod	Cons	1744 E
Vincent	Cons	1068	Heard	Lib Dem	588
Williams	Labour	221	Hemmingway	Labour	315
			Wymer	UKIP	148

Wroxham division by-election - 2019		
Candidate	Description	Votes
Davis	Green	174
Heard	Lib Dem	395
Wheeler	Labour	163
Whymark	Cons	922 E

County elections – 2021					
Hevingham & Spixworth division			Wroxham division		
Candidate	Description	Votes	Candidate	Description	Votes
Corson	Cons	872	Ball	Green	345
Hemmingway	Labour	199	Moore	Lib Dem	288
Roper	Lib Dem	1545 E	Wheeler	Labour	439
			Whymark	Cons	1802 E

3.4 The results show that even in the unlikely event that every elector in the affected area voted and that they voted for the second or third placed candidates, it would not have made a difference to the results.

3.5 There has also been a neighbourhood plan referendum for Spixworth in 2021, but this was held on parish boundaries so is not an issue.

4. Proposed action

1.4 It is recommended that because of the changes made following the community governance review in 2013, Council agrees to submit a request to the Boundary Commission applying for consequential changes for related alterations to the boundaries for the Coltishall and Spixworth with St Faiths district wards and the current Hevingham & Spixworth and Wroxham county divisions.

1.5 Such a request must include evidence as to why the changes should be implemented and must also consider any change in the number or distribution of electors which is likely to occur in five years. Planning assumptions and likely growth within the area, based on planning permissions granted or local plans

should be used to project a five year forecast.

- 1.6 Officers consider that this change is required as the residents in the area in question believe that they are already in the Spixworth with Faiths ward and Hevingham & Spixworth division, so it would be confusing for them if this situation is not rectified. The ward councillors have been consulted on this issue and they agree and fully support this proposed action.
- 1.7 Planning officers have been consulted on future growth in the area and the five year predictions for development is as follows:

Ward	Properties Aug 2022	Electors Aug 2022	ratio per property	Future development expected to complete over next 5 years	additional electorate expected based on previous ratio	New total electors expected	Per seat
Coltishall 1 seat	1246	2078	1.67	35	58	2136	2136
Spixworth 2 seats	2592	4418	1.7	199	338	4756	2378

- 1.8 Therefore, officers are happy that future planned development would not impact the proposed boundary change.
- 1.9 The Council's proposal must be submitted by the end of October. Whilst there is no guarantee that the Boundary Commission will agree to this request, especially as the impact to the ward and county boundaries were not considered as part of the parish review, officers would still prefer to try to rectify this before next year's elections.
- 1.10 Members may wish to note that Broadland District Council will soon require a district boundary review due to electoral imbalances and because it has been so long since the last review. The district boundary can be rectified at this time. However, the district boundary review will not be held before the 2023 elections.
- 1.11 The new Norfolk County Council boundaries have created a Coltishall and Spixworth county division so this issue will be rectified for this county division. However, these boundaries take effect for the 2025 elections, so would not be in place for any potential by-election.

5. Other options

- 5.1 The Electoral Registration Officer could implement the correct district (and county) boundaries for the May 2023 elections. This would involve setting up a 'ghost' polling district to ensure that the affected electors were separated from Spixworth to ensure they were given the correct district ballot paper. This could be quite confusing at the polling station, especially for voters who may be used to voting for the Spixworth ward.
- 5.2 This option will have to be implemented, if the Boundary Commission doesn't agree to the request outlined in 4.1 above. Doing nothing is not an option.

6. Issues and risks

- 6.1 **Resource Implications** – no implications
- 6.2 **Legal Implications** – legal implications on conducting a review have been included in the report. Legal advice has also been sought on the implications of the elections since 2013.
- 6.3 **Equality Implications** – no implications
- 6.4 **Environmental Impact** – no implications
- 6.5 **Crime and Disorder** – no implications
- 6.6 **Risks** – no other risks

7. Conclusion

- 7.1 Action needs to be taken to rectify the existing boundary issue of the affected wards and divisions.

8. Recommendations

The Electoral Arrangements Committee recommends that because of the changes made following the community governance review in 2013, Council agrees to submit a request to the Boundary Commission making consequential recommendations for related alterations to the boundaries for the Coltishall and Spixworth with St Faiths district wards and the current Hevingham & Spixworth and Wroxham county divisions.