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our reference: JAS/LJB/PR 919  
ask for: Jim Scarsbrook  
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Dear Sir/Madam

### **Future Electoral Arrangements for South Holland in Lincolnshire**

As you know the Boundary Committee has published its final recommendations in respect of the above. The Council has considered the Boundary Committee's recommendations and has instructed me to object to certain proposals in the strongest way possible. The proposals which are vehemently opposed are those where the Boundary Committee has moved away from the Council's proposals and created three member wards for:

- Crowland and Deeping St Nicholas;
- Donington, Quadring and Gosberton; and
- Pinchbeck and Surfleet

As supporting evidence I attach a copy of the Council's response to the Boundary Committee's draft recommendations dated March 2006. The Council's views have not changed since then. It is now for you to consider the Boundary Committee's final recommendations and, in addition to the March 2006 response document which is enclosed, the Council also submits the following:

1. The Boundary Committee in undertaking the review has concentrated on numbers of electors per councillor at the expense of all other issues and criteria. By way of example:
  - In the Executive Summary on page 7 it is stated "this review aims to ensure that the number of voters represented by each district councillor is approximately the same".
  - In paragraph 8, page 14 it is stated "the broad objective of an electoral review is to achieve, as far as possible, equal representation across the district as a whole, ie to ensure that all councillors in the local authority represent similar numbers of electors".
  - In paragraph 36, page 25 it is stated "as described earlier, the prime aim in considering the most appropriate electoral arrangements for South Holland is to achieve electoral equality".

Section 13(5) of the Local Government Act 1972 (as amended) states that "in carrying out a function under this Section the Electoral Commission or the Boundary Committee for England shall have regard to:

- (a) the need to reflect the identities and interests of local communities;

Terry Huggins Chief Executive

Tim Leader Director of Corporate Services Andrew Petcher Director of Rural Services

- (b) the need to secure effective and convenient local government; and
- (c) the need to secure the matters mentioned in paragraphs 1(2)(a) and 3(2)(a) of Schedule 11 to the Local Government Act 1972 (Equality of Representation).

The Act does not specify that equality of representation must be given more weight than the other criteria to be applied.

2. The Boundary Committee received strong objections to the specific proposals from this Council, Crowland Parish Council, Deeping St Nicholas Parish Council, Donington Parish Council, Pinchbeck Parish Council, Surfleet Parish Council and Gosberton Parish Council. Councillor Espin and a local resident also objected.

It is absurd that the local view is ignored. It is these people who have the knowledge and understanding of the local situation. The Boundary Committee has demonstrated no appreciation whatsoever of the nature of the district. As evidence of this I would point out:

- On pages 17 (paragraph 22) and 21 (29), South Holland is still referred to as a Borough which indicates an urban area. It is far from being urban.
  - Representatives of the Boundary Committee have not, as far as I am aware, even visited the areas which are now the subject of disagreement. It is impossible to make decisions of this nature from behind a desk in London some 100 miles away from South Holland.
3. Whilst there were objections to the draft proposals, there was no local support submitted for them. Although the Boundary Committee states that “we do not consider that any respondents put forward sufficient evidence of community links to persuade us to move away from our draft recommendations”, it has not itself put forward evidence in support of its own proposals.
  4. As stated in paragraph 64 of the Boundary Committee’s report, this Council put forward specific objections to the geographic size of the proposed wards and the impact on a councillor’s ability to represent an area. It expressed a particular objection to large multi-member wards, arguing that they act as a barrier to the democratic process. It also objected to merging two or more communities with distinct identities, adding that smaller communities are more likely to be disadvantaged ... candidates selected from larger communities are more likely to poll a great number of these votes. Consequently the smaller communities are more likely to find that they are not represented by a local person”. In paragraph 65 the Boundary Committee effectively states that it has ignored these objections “as it does not consider issues of rural sparsity”.

I contend that the Boundary Committee has made a significant error of judgement in ignoring these objections. Indeed I contend that these matters are all fundamental to “securing effective and convenient local government” and “equality of representation”, albeit not on pure numbers. As you know, they are prime criteria on which to base recommendations.

In ignoring these objectives the Boundary Committee has hidden behind the Electoral Commission’s Guidance. I would point out that this is simply guidance and does not override the criteria stipulated in paragraph 13(5) of the Local Government Act 1972.

You should also be aware that ward boundaries are the foundation of the democratic process at local level. At local elections vote turnout is poor and usually less than 30%. The proposals effectively alienate and disenfranchise the voters in the smaller settlements like Deeping St Nicholas and Surfleet and this will only add to the problem of low turnout at local elections.

5. On page 8 the Boundary Committee states that it does not consider “that any respondents put forward sufficient evidence of community links to persuade us to move away from our draft recommendations”. Evidence was put forward and in particular I would refer you to this Council’s evidence put forward in relation to the proposals to combine Deeping St Nicholas and Crowland. It is simply not acceptable for the Boundary Committee to dismiss these objections without a detailed explanation of why it has not accepted them.
6. My Council has asked me to consider judicial review. I believe that the dismissive approach taken by the Boundary Committee and its failure to take relevant facts into account (as referred to above) makes the proposals challengeable by way of judicial review and this is most certainly a course of action that will be considered.
7. In September 2005 the Electoral Commission launched a consultation on the legislation and process relating to the way you conduct electoral reviews. Whilst in your evaluation, which you have now published, you say that it is not appropriate to reach firm conclusions at this time, it is clear that the responses to the consultation support this Council’s views in terms of criteria to which you work. It is noted that in your Findings and Evaluation you say:
  - “It is clear from the responses that people wish the Commission to apply some degree of flexibility”.
  - “We accept that there should not be a rigidly mathematical and formulaic approach to balancing the statutory criteria when making recommendations and that flexibility is needed in order to reflect community identity”.
  - “Once our evaluation is complete we will issue updated guidance on the conduct of electoral reviews. We expect to publish this around the turn of the year”.

You should have regard to the outcome of this consultation in your final determination. Failure to do so will mean that the electoral arrangements for South Holland will be based on dated criteria which does not have general support.

8. The review of South Holland conducted in 1997 acknowledged the special circumstances of South Holland in view of its rural nature. At that time the Boundary Commission took the time and trouble to come and view the area which it was dealing with. By doing so it got a feel for the area and consequently accepted the exceptional circumstances which we believe warrant exceptions to the rule.

Before you decide whether or not to endorse the Boundary Committee’s recommendations we therefore invite you to come and look at South Holland for yourself. We will make the appropriate arrangements for you as soon as you indicate which date would be acceptable. Perhaps you could initially provide a range of suitable dates so that we can choose the most appropriate from our point of view also.

9. Finally, but not least, I would remind you of “Rural Proofing”, being a commitment by Government to ensure that all its domestic policies take account of rural circumstances and needs. For your information and attention I attach an extract from the Countryside Agency’s website which gives a little more information although I trust that you are fully acquainted with the concept and commitment. Assuming that you are, I am most concerned that in paragraph 65 of its report the Boundary Committee states that it “does not consider issues of rural sparsity”. You will no doubt have due regard to the commitment.

Yours faithfully

**Jim Scarsbrook**  
**Head of Legal and Member Services**

I have enclosed:

- Response to Boundary Committee's draft Proposals dated March 2006
- Extract on "Rural Proofing"