



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 2

ELECTORAL ARRANGEMENTS

CHAPTER 2

MISCELLANEOUS

Requests for single-member electoral areas in England

55 Requests for single-member electoral areas

In the Local Government Act 1992 (c. 19), after section 14 insert—

“14A Requests for single-member electoral areas

- (1) A principal council which falls within subsection (3) may request the Electoral Commission—
 - (a) to give the Boundary Committee for England a direction under section 13(3) relating to the council’s area, and
 - (b) to direct that Committee (under section 13(6)) that their recommendations under section 13(3) must contain recommendations as to single-member electoral areas.
- (2) In subsection (1) “recommendations as to single-member electoral areas” means a recommendation, as respects each electoral area in the council’s area, as to whether the electoral area should return one councillor.
- (3) A principal council falls within this subsection if—

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- (a) it is not the case that each of the electoral areas in the council's area returns one councillor, and
 - (b) the council is subject to a scheme for whole-council elections.
- (4) A council is “subject to a scheme for whole-council elections” if, in each year in which ordinary elections of councillors of the council are to be held, all the councillors are to be elected.
- (5) If the Electoral Commission grant a request under this section—
- (a) they must notify the Boundary Committee for England of the request when they give the directions requested, and
 - (b) subject to subsection (6), where the Boundary Committee for England make recommendations under section 13(3) in response to those directions they must recommend that each electoral area in the council's area should return one councillor.
- (6) Subsection (5)(b) does not require the Boundary Committee for England to make any recommendation that they consider would be inappropriate having regard to the matters which they are required by section 13(5)(a) to (c) to have regard to.
- (7) If the Electoral Commission decide not to grant a request under this section they must notify the council that made the request of—
- (a) their decision, and
 - (b) the reasons for it.

14B Provision supplementary to section 14A

- (1) Nothing in section 14A prevents the Electoral Commission—
- (a) from making a direction under section 13 where there has been no request under section 14A, or
 - (b) if they grant a request under section 14A, from making directions under section 13(6) in addition to the one requested.
- (2) Nothing in section 14A prevents the Boundary Committee for England, when making a recommendation as to whether electoral areas should return one councillor, from making other recommendations under section 13(3).
- (3) In section 14A(2) and (5) references to electoral areas are, in relation to a case where the Boundary Committee for England make recommendations for change to the number or boundaries of electoral areas in the council's area, to the recommended electoral areas.”

Electoral Commission and Boundary Committee: reviews and recommendations

56 Electoral Commission and Boundary Committee: reviews and recommendations

- (1) Section 13 of the Local Government Act 1992 (c. 19) (reviews and recommendations of Electoral Commission and Boundary Committee) is amended as follows.
- (2) For subsection (5)(d) substitute—
- “(d) in the case of a district council that is subject to a scheme for elections by halves or by thirds, or that has resolved to revert to being subject to

such a scheme under Chapter 1 of Part 2 of the Local Government and Public Involvement in Health Act 2007, the desirability of securing that each ward in the district returns an appropriate number of councillors.”

(3) After subsection (5) insert—

“(5A) For the purposes of this section—

- (a) a council is “subject to a scheme for elections by halves” if one half (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;
- (b) a council is “subject to a scheme for elections by thirds” if one third (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;
- (c) the number of councillors returned by a ward is “appropriate”—
 - (i) in the case of a scheme for elections by halves, if it is divisible by 2, and
 - (ii) in the case of a scheme for elections by thirds, if it is divisible by 3.”

57 Procedure in connection with reviews

(1) The Local Government Act 1992 (c. 19) is amended as follows.

(2) In section 13 (electoral reviews and recommendations), after subsection (7) insert—

“(8) A local authority must, if requested by the Boundary Committee for England to do so, provide that Committee, by such date as that Committee may specify, with any information that that Committee may reasonably require in connection with any of their functions under this section.”

(3) In section 15 (procedure on a review)—

- (a) in subsection (1)—
 - (i) at the end of paragraph (a) insert “and”;
 - (ii) omit paragraph (c) and the word “and” immediately preceding it;
- (b) omit subsection (2);
- (c) in subsection (3)—
 - (i) omit paragraph (a);
 - (ii) in paragraph (b) after “prepare” insert “and publish”;
 - (iii) at the end of paragraph (b) insert “and”;
 - (iv) omit paragraph (c);
- (d) for subsections (4) and (5) substitute—

“(4) In conducting a review, the Boundary Committee for England may at any time before publishing draft recommendations consult such persons as they consider appropriate.

(5) As soon as the Boundary Committee for England are in a position to submit recommendations to the Electoral Commission they must—

- (a) submit them; and

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- (b) publish the recommendations and take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them.”;
 - (e) in subsection (6)—
 - (i) for “the report on a review is” substitute “recommendations are”;
 - (ii) for “(4) above” substitute “(5) above”;
 - (iii) in paragraph (a), omit the words “a further report under subsection (4) containing”;
 - (iv) in paragraph (b), for “report relates” substitute “recommendations relate”;
 - (f) after subsection (6) insert—

“(6A) Where the Boundary Committee for England submit recommendations under subsection (6)(a), they must publish the recommendations and take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them.”;
 - (g) omit subsection (8).
- (4) Omit section 15A.
- (5) In section 17(2) (implementation of recommendations by order), omit the words “or the submission of a report”.

Electoral areas in England

58 Metropolitan districts: councillors per ward

- (1) Section 6 of the Local Government Act 1972 (c. 70) (term of office and retirement of councillors) is amended as follows.
- (2) For subsection (2)(b) substitute—

“(b) every metropolitan district shall be divided into wards, each returning such number of councillors as may be provided as mentioned in subsection (3) below;”.
- (3) For subsection (3) substitute—

“(3) The number of councillors referred to in subsection (2)(b) or (c) above may be provided—

 - (a) under or by virtue of the provisions of section 7 below;
 - (b) by an order under Part 2 of the Local Government Act 1992 (c. 19);
 - (c) by an order under section 14 of the Local Government and Rating Act 1997 (c. 29);
 - (d) by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007.”

59 Change of name of electoral area

- (1) A local authority may, by resolution, change the name of any of the authority’s electoral areas.

- (2) A local authority must comply with subsections (3) to (5) in passing a resolution to change the name of an electoral area.
- (3) The local authority must not pass the resolution unless it has taken reasonable steps to consult such persons as it considers appropriate on the proposed name.
- (4) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.
- (5) If the name of the electoral area is protected, the resolution may not be passed unless the Electoral Commission has first agreed to the proposed change.
- (6) As soon as practicable after a resolution is passed, the local authority must give notice of the change of name to all of the following—
 - (a) the Electoral Commission;
 - (b) the Boundary Commission for England;
 - (c) the Office of National Statistics;
 - (d) the Director General of the Ordnance Survey;
 - (e) if the local authority is a county council, the district council (if any) within whose area the electoral area lies;
 - (f) if the local authority is a district council, the county council (if any) within whose area the electoral area lies.
- (7) The change of name does not take effect until the Electoral Commission have been given notice of the change.
- (8) For the purposes of this section the name of an electoral area is “protected” if—
 - (a) the name was given to the electoral area by or in pursuance of an order under section 17 of the Local Government Act 1992 (c. 19) or section 14 of the Local Government and Rating Act 1997 (c. 29), and
 - (b) that order was made during the period of five years ending with the day on which a resolution to change the name is to be passed.
- (9) In subsection (4) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.
- (10) In this section—

“electoral area”, in relation to a local authority, means any area for which councillors are elected to the authority;

“local authority” means—

 - (a) a county council in England;
 - (b) a district council in England; or
 - (c) a London borough council.

*Election dates***60 Power to change date of local elections to date of European Parliamentary general election**

- (1) In section 37 of the Representation of the People Act 1983 (c. 2) (ordinary days of local elections in England and Wales), after subsection (2) insert—

“(2A) Subsection (1) is subject to any order under—

- (a) section 37A (local government areas in England), or
- (b) section 37B (local government areas in Wales).”

- (2) After that section insert—

“37A Power to change date of local elections to date of European Parliamentary general election: England

- (1) The Secretary of State may by order provide that in a year in which a European Parliamentary general election is to be held—
- (a) the ordinary day of election of councillors for counties in England, districts and London boroughs,
 - (b) the ordinary day of election of councillors for parishes, and
 - (c) as respects Authority elections, the day on which the poll is to be held at an ordinary election,
- shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under all of paragraphs (a) to (c) or under one or more of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
- (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
- (a) the first Thursday in May, or
 - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Secretary of State must consult—
- (a) the Electoral Commission, and
 - (b) such other persons as he considers appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Welsh Ministers make an order under section 37B, the Secretary of State may by order make such consequential provision in relation to elections in England as he thinks fit.

- (8) The powers under subsections (6) and (7) include power to make—
 - (a) different provision for different purposes;
 - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.
- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

37B Power to change date of local elections to date of European Parliamentary general election: Wales

- (1) The Welsh Ministers may by order provide that, in a year in which a European Parliamentary general election is to be held, the ordinary day of election of councillors for—
 - (a) counties in Wales and county boroughs, and
 - (b) communities,shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under paragraphs (a) and (b) or under one of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
 - (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
 - (a) the first Thursday in May, or
 - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Welsh Ministers must consult—
 - (a) the Electoral Commission, and
 - (b) such other persons as they consider appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Secretary of State makes an order under section 37A, the Welsh Ministers may by order make such consequential provision in relation to elections in Wales as they think fit.
- (8) The powers under subsections (6) and (7) include power to make—
 - (a) different provision for different purposes;
 - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.

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- (9) An order under this section must be made by statutory instrument.
- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”
- (3) In section 3 of the Greater London Authority Act 1999 (c. 29) (time of ordinary elections), in subsection (3), after “section 37(2)” insert “or 37A”.