

Platt Claremont Residents' Association
Rusholme & Fallowfield Civic Society
Friends of Whitworth Park
Rusholme Community Traders Association
Cranswick Square Residents Association
Moss Side Community Allotments
Upping It
Roberts Avenue & Playfair St Residents Association

Jolyon Jackson, Chief Executive
LGBCE
14th Floor Millbank Tower
21-24 Millbank
London SW1P 4QP

9th August 2017

Emailed to: jolyon.jackson@lgbce.org.uk

Dear Jolyon Jackson

Re: Failure of the Local Government Boundary Commission for England to meet the requirements of the Local Democracy, Economic Development and Construction Act 2009, Section 58, Review Procedure, in Manchester, and specifically in Moss Side and Rusholme.

Thank you for your emailed letter dated 26 July 2017, responding to the complaint dated 26th June.

1. The nature of the complaint

Your response appears to personalise and trivialise a serious complaint. You suggest that:

"the essence of your complaint is that, as residents, you were unaware that the review was taking place and, thus, were denied the opportunity to contribute to that review."

No. The signatories to the complaint are the elected and appointed representatives of the 8 community and business organisations. We work closely with businesses, residents and Manchester City Council. Along with most similar organisations across Manchester, we were not notified of the Boundary Review, despite its major significance for the area, for the electorate, and for our members.

This complaint is about the failure of process by the LGBCE, the failure to verify the process before declaring it "*sufficient*", and the resulting harm and non-legitimacy of the proposals for Manchester.

Your reply rebuffs statements from Appendix A of the complaint, with minimal responses to the detailed evidence of failure provided in Appendix B. Most responses merely repeat the LGBCE procedures, and then with no evidence of verification, state that it was all considered "*sufficient*".

The reply also reveals that your Review Manager's briefing to the LGBCE Commission meeting on 18th July failed to reveal basic factual information, both on the complaint and on the extent of the LGBCE failure.

For all of these reasons, the complaint stands. We therefore wish to invoke Stage 3 of the Commission's complaints procedure with immediate effect.

2. Notification: the "comprehensive mailing list" (pages 12-14 of the complaint, and elsewhere)

The complaint is about a critical failure of *notification*, and consequent failure of consultation by the LGBCE. The notification of community organisations is THE primary means by which voters and businesses could become aware of the Boundary Review. *Notification* is the primary means for enabling the consultation.

Notification is therefore a requirement in the LGBCE's process. The "*Information Requirements*" (LGBCE Technical Guidance, Section 6) states that the LGBCE will obtain from Local Authorities not just the numbers of electors, but also a:

"Comprehensive mailing list of community groups, partners and usual stakeholders, including ... residents associations, community groups etc.

This "*comprehensive mailing list*" forms the basis for direct notification. "*Residents associations*" and "*community groups*" are stated as **explicit requirements** because they are recognised as THE effective means of getting beyond local professionals, to notify **people who actually live and vote in an area**.

To notify residents' associations and community groups is even more vital in hard-up areas, because the local managers and professionals usually live and vote elsewhere. That is the case in many areas of Manchester.

Yet as our complaint stated, the list supplied by Manchester City Council for Manchester **failed to include a single named Residents' Association**, and included only 5-6 other resident-led neighbourhood groups. The list is clearly of chief executives, managers and council staff, rather than local resident groups or voters.

It would have taken the LGBCE a 1-minute search to observe and verify that **the word "resident" is entirely absent from the list**. Had the LGBCE done so, and acted on it, the failure could have been avoided.

Instead, the LGBCE failed to act. Moreover, it now appears to continue to avoid reviewing the evidence.

In response to our complaint, your Review Manager briefed the LGBCE Commission meeting responsible for making the final decision. **This briefing understated the LGBCE's failure**, by informing the Commission that:

"The team has investigated whether [the LGBCE's] guidance was followed. While the Council's list of stakeholders might have been more comprehensive, there was a wide distribution that should have led to a cascade, including to community groups and residents' associations." (Appendix C §14 in your reply)

(a) This briefing failed to inform or remind the Commission meeting that *notifying Residents' Associations* is an explicit requirement for the LGBCE process, stated in its Technical Guidance.

It then failed to inform the Commission meeting that in fact, across Manchester, not one named Residents' Association was included on the list, and only 5-6 other resident-led neighbourhood groups.

We suggest that this factual information was necessary to inform the decision by the Commission.

(b) Contrary to this briefing, the failure was not all just an unfortunate result of *"the Council's list"*. As Manchester City Council like to reiterate, notification was the responsibility of the LGBCE, not MCC.

(c) Instead of offering factual information, this important briefing resorted to the vague statement that *"there was a wide distribution that should have led to a cascade"*.

"Should have led..."? The LGBCE has responsibility to notify and consult, not just to assume it happens.

The managers and council staff on the *"comprehensive mailing list"* were not formally asked to *"cascade"*, and the LGBCE did not check. Such professionals are not a substitute for local residents' groups. The lack of responses from local people and organisations showed very clearly that a *"cascade"* never happened.

Public consultation experience shows that *"cascading"* does not simply happen. The LGBCE needed to engage Manchester's Neighbourhood Delivery Teams (the NDTs on the list), and obtain their lists of residents' associations and community groups. Without that basic first step, the LGBCE's mailing list was not *"comprehensive"* and the LGBCE notification process was never *"sufficient"* or even fit for purpose.

The briefing to the Commission meeting obscured these failures of notification, and the subsequent LGBCE failure to address them. It did not offer the Commission a basis to review the complaint, or LGBCE conduct.

It therefore confirms the failure of the LGBCE process, and review, and the need to continue this complaint until the current proposal for Manchester is put aside and a Boundary Review is carried out properly.

3. Notification: the e-bulletin (pages 12-14 of the complaint)

You state that the failure to announce the Electoral Review on Manchester City Council's e-bulletin *"is an issue for Manchester City Council"*, not the LGBCE. We ask you to re-read the complaint.

Clearly, the LGBCE cannot create community links in an area, so it has to ensure existing channels are used. It did not. The e-bulletin was the most significant and damaging example of this failure.

(a) The use of MCC's e-bulletin was vital; it could have remedied the failure of notification elsewhere.

(b) Over the years MCC has encouraged a **legitimate expectation** in organisations across Manchester that this is THE primary source of local governance information. Most community organisations are signed up to it, as part of being informed about what is happening in Manchester and what MCC are doing.

(c) The e-bulletin is used to notify Manchester of consultations. Yet during the Boundary Review consultation periods, the e-bulletin was used for *everything but* the LGBCE consultation (examples on p15).

(d) It is the reason why individuals and organisations could be fully **confident** of being informed of anything significant and relevant to governance in Manchester, yet remain **unaware** of the Boundary Review.

Moreover, of all MCC’s communication channels, this was the easiest for the LGBCE to monitor from London to verify that the notification and publicity were carried out, and to review whether they were “sufficient”. The apparent lack of intention by MCC to use this primary channel **to inform the electorate** of the Boundary Review should have raised serious alarm at the LGBCE and alerted officers to a potentially wider failure. The full complaint therefore stands, and it is about the failure of the LGBCE process.

4. Publicity (other pages in Appendix B of the complaint)

General publicity does not replace the requirement for notification based on a “comprehensive mailing list”. Moreover, the LGBCE responses on general publicity are so weak that they require little further comment.

Twitter: It seems unnecessary to say, but 4 forwarded tweets do not a consultation make. MCC produces pages of tweets per day, 31,700 tweets since they set up. All tweets are transitory, lost within minutes as they are covered by other tweets. People follow hundreds of Twitter accounts, not just MCC. (Moreover, our repeat searches do not produce more than the one reply-tweet cited in the complaint (p16).)

Posters: Even when asked, MCC can only say they sent posters to 23 libraries. There appears to be no evidence of display, and no record of the other 77 posters. As we reported, none were seen in our wards.

Websites: As stated in the complaint, web pages are only useful to inform those who are already looking for the relevant information, searching with the correct words. We can only repeat what we quoted in the complaint (p17), that even after the second consultation, on 27th March 2017, a Google search for “moss side ward boundary changes” produced changes back to 1997, but nothing on these proposals.

Press release: As the LGBCE’s briefing stated “Press releases sent to the local media went unpublished.”

The full complaint therefore stands.

Pursuing the complaint

In conclusion, no proper consultation took place in the Manchester City Council area because the LGBCE failed to notify “residents associations, community groups etc.”, and failed to notice or act on the omissions. The case remains: the publicity, notification and consultation cannot reasonably be considered to be “sufficient”.

It is evident that the LGBCE’s process was not fit for purpose in an area where the Local Authority failed to publicise, or notify the electorate, for whatever reason. It therefore constitutes a failure in the statutory function of the LGBCE to ensure public notification and consultation within the Boundary Review process.

The result of this failure is that the LGBCE has now laid before Parliament proposals for Manchester that were produced by a single-party local authority, without proper scrutiny. It undermines trust in UK democracy.

As we explained (pp20-8), in Rusholme & Moss Side the proposed ward boundaries do not respect natural boundaries or local cultural centres or green space. They breach two of the LGBCE’s three statutory criteria: “the need to reflect the identities and interests of local communities”; and “the need to secure effective and convenient local government”. This will cause harm to Rusholme and Moss Side for a generation.

Hence we wish to invoke Stage 3 of the Commission’s complaints procedure, with immediate effect.

Yours sincerely

- Jay Din**, Chair, Platt Claremont Residents Association
- Sue Devlin**, Hon Secretary, Rusholme & Fallowfield Civic Society
- Dr Timothy Wilding**, Chair, Friends of Whitworth Park
- Amar Ul Haq Choudhry**, Secretary, Rusholme Community Traders Association
- Alistair Lennie** Hon Secretary, Cranswick Square Residents Association
- Philip Dodd**, Chair, Moss Side Community Allotments
- Anne Tucker** Co-ordinator, Upping It
- Nicole Reynolds**, Chair, Roberts Avenue & Playfair Street Residents Association