

# Electoral Review

For General Purposes Committee on Thursday 22<sup>nd</sup> July 2021

---

## Summary

**Lead Member:** Cllr Barrington-King – Chairman of General Purposes Committee

**Lead Director:** Lee Colyer – Director of Finance, Policy and Development

**Head of Service:** Jane Clarke – Head of Policy and Governance

**Report Author:** Jane Clarke – Head of Policy and Governance

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board (Chief Executive)	14 July 2021
General Purposes Committee	22 July 2021

## Recommendations

Officer / Committee recommendations:

1. That the General Purposes Committee agrees to launch a consultation with stakeholders as set out at **appendix D** on what the future size of the Council (Council Size) should be.

# 1. Introduction and Background

- 1.1 The Local Government Boundary Commission for England (LGBCE) is the authority responsible for reviewing local government electoral arrangements. This means they are responsible for determining the size, shape and names of wards within a local authority area, and the number of councillors who represent those wards. They do not decide how often a local authority elects its Councillors. This is for the authority itself to decide. A report on the Council's electoral cycle has been submitted to General Purposes Committee separately.
- 1.2 The LGBCE contacted the Council in December 2020 to inform us that we had now reached the level at which an Electoral Review of the Borough Council's arrangements is triggered. The process began after the May 2021 elections, and briefings to officers, Group Leaders and all Councillors have taken place in June and July.

# 2. Electoral Reviews

- 2.1 There are two ways in which an Electoral Review can take place. Either an Electoral Review can be requested by a local authority, or it can be initiated by the LGBCE if certain conditions are met.
- 2.2 The conditions are that either one ward in the Borough area has 30 per cent more or less electors per councillor compared with the authority average, or 30 per cent of wards have 10 per cent more or less electors per Councillor compared with the authority average. Tunbridge Wells now has seven out of twenty wards which are at least 10 per cent above or below the average, this means it meets the second condition which triggers an imposed Electoral Review.
- 2.3 The electoral arrangements of a local authority must, by law, be reviewed from time to time by the LGBCE. The process by which it undertakes a review is laid out in legislation in the Local Democracy, Economic Development and Construction Act, and follows set stages. The Council acts as a key consultee in the process, and is required to provide information, help and assistance in the conduct of the Review.
- 2.4 The review considers the size and shape of the wards in the Borough, the names of the wards, the number of electors in the wards and the number of Councillors elected to each ward.
- 2.5 The Borough Council's last review took place in 2001. Since that time legislation has changed and for this review, should the Council continue to elect by thirds

then the number of Councillors on the Council must be divisible by three, and the LGBCE must recommend proposal to parliament which create uniform three member wards across the Borough.

## Review Stages

- 2.6 There are two main stages to the Electoral Review: council size and warding arrangements. A high-level timetable is available at **appendix A** for the Tunbridge Wells review process.

### ***Council Size***

- 2.7 The first stage is to determine council size. This is done through a specific template (at **appendix B**) and includes mandatory guidance (at **appendix D**). The council size template can be completed by any interested parties, and so if there is disagreement on council size, individual councillors, groups of councillors or parties can complete their own proposal(s) using the template.
- 2.8 The intention is, however, for the General Purposes Committee to agree an approach to Council Size, and to make a recommendation to Full Council for agreement in October.
- 2.9 Several factors affect the LGBCE recommendations, but their fundamental purpose is to establish electoral equality as far as possible. This means that, as far as possible, taking into account various factors, they will seek to propose arrangements that mean each ward has the same number of electors per councillor, and each elector has the same opportunity to vote in each election.
- 2.10 The LGBCE accepts that complete electoral equality can never be established, but it aims to balance this desire against various factors to consider, such as community integrity and cohesiveness, geographical features, and the shapes of parish or division areas.
- 2.11 Further to this, the LGBCE makes it clear that an increasing electorate is not, in and of itself, a reason to increase the number of councillors on the Council.
- 2.12 Council size means the number of councillors who will sit on the Council going forwards. The Council will need to make a submission to the LGBCE by 9 November, with a draft submitted on 26 October regarding what it believes should be the number of councillors going forwards.
- 2.13 In order to do this, the Council must submit their views on the LGBCE template, and consider three main areas:
- Decision Making
  - Scrutiny and Partnerships
  - Representation

- 2.14 If Councillors and/or political groups cannot agree on the number of councillors going forwards, the Commission will accept multiple submissions from individuals and/or from political groups, but they must be written and submitted using the Commission's template.
- 2.15 Ideally, the General Purposes Committee will consider the subject over the Summer and come to an agreement on Council Size, which will be approved by Full Council at the October meeting.
- 2.16 It is important to note that if the Council does not agree to move to 'all out' elections, then the number of councillors will need to be divisible by three, and all wards will be three member wards going forwards. The Boundary Commission will make an 'in principle' decision on Council Size in December 2021.

### ***Warding Arrangements***

- 2.17 Following the decision on council size, the LGBCE will then launch a public consultation (supported by the Borough Council) on proposals for the size, shape and names of wards. The Council will be able to submit its own proposals to the LGBCE at this stage, which will start in the Spring of 2022. A further report to the General Purposes Committee will be brought forward

## **3 Consultation**

- 3.1 At this stage in the review, the Council needs to begin work on understanding what its future size should be. The response template that will need to be submitted to the LGBCE is attached at **appendix B**.
- 3.2 It is recommended that the General Purposes Committee run a consultation alongside the Whole Council consultation to ask residents and key stakeholders how many Councillors they feel there should be sitting on the Council going forwards.
- 3.3 In order to provide context to the question, a short summary of the key points to consider will be included (proposed at **appendix D**), together with a range of numbers to choose from – this would be to prevent submissions that are unrealistic because they are clearly too few or too many (the LGBCE will not accept significantly lower or higher proposals unless there are exceptional reasons). Appendix D sets out the range of elector ratios in our CIPFA near neighbour group. The median electoral ratio would give us 37 councillors and the mean 39. It is also worth noting that the prevailing trend amongst councils who have been through a boundary review is for fewer councillors. We have also provided options either side of that together with a 'no change' option:
- 30
  - 36
  - 39

- 42
- 48

## 4 Previous Public Consultation

- 4.1 Formal public consultation has not previously taken place on this issue within the borough. As noted in the Whole Council Elections report, the annual budget consultation includes a question on where members of the public think the council should save money. The most common answer continues to be to make savings in the Committee, Mayoral and Democratic Services areas of the Council [https://democracy.tunbridgewells.gov.uk/documents/s53262/7%20Appendix%20C%20Budget%20Consultation%202021\\_22.pdf](https://democracy.tunbridgewells.gov.uk/documents/s53262/7%20Appendix%20C%20Budget%20Consultation%202021_22.pdf).

## 5 Options

### *No consultation*

- 5.1 The Council, through the General Purposes Committee, may decide to complete the LGBCE template on Council Size without running a public and stakeholder consultation to gather views about this subject. There is no legal requirement for the Council to consult on this matter, and several different versions of the Council size template can be submitted if there is no agreement amongst parties or councillors on what the council size should be.
- 5.2 This approach does not consider the views of the electorate or key stakeholders, however, and as there has been no previous consultation on this subject that is specific to council size, there is currently no empirical evidence to demonstrate what residents want to see their council look like for the future.

### *Consultation*

- 5.3 If the Council, through the General Purposes Committee, is minded to proceed with consulting on this topic, the next step would be to approve a public consultation on the terms set out at **appendix D** with stakeholders as identified within this report, plus any other stakeholders the Committee feels is appropriate through discussion.
- 5.4 Proceeding with a public consultation does not in any way bind the Committee to the outcome of the results, but it will provide additional information for members to take into account when deciding what council size should be.

## 6 Preferred Option and Reason

- 6.1 The preferred option is for the General Purposes Committee to agree a consultation based on **appendix D** of this report. This will provide the Committee with more in-depth, qualitative information when completing the council size template, and will ensure that the views of all interested parties are taken into account when determining council size.

## 7 Next Steps

- 7.1 Further meetings of the General Purposes Committee will be arranged in August and September to complete the work on the Council Size template, and if appropriate, to consider the consultation results on Council Size.
- 7.2 The final template will need to be approved by the Committee by Friday 24 September in order that it can be published on the Full Council agenda for 6 October 2021.

## 8 Appendices and Background Documents

Appendices:

- Appendix A: Timetable
- Appendix B: LGBCE Council Size Template and Guidance
- Appendix C: LGBCE Council Size Guidance
- Appendix D: Proposed Consultation and Methodology

Background Papers:

- LGBCE Electoral Reviews Technical Guidance:  
[https://s3-eu-west-2.amazonaws.com/lgbce/Corporate%20Documents/technical-guidance-2014%20\(reduced\).pdf](https://s3-eu-west-2.amazonaws.com/lgbce/Corporate%20Documents/technical-guidance-2014%20(reduced).pdf)

## **9 Cross Cutting Issues**

### **A. Legal (including the Human Rights Act)**

The legislation governing Electoral Reviews is contained in the Local Democracy, Economic Development and Construction Act 2009. The responsibility for the review lays with the Local Government Boundary Commission for England, which has the power to decide the number of Councillors on the Council, and size, shape and names of wards going forwards. The Commission's decision is final, and the Council cannot refuse to implement their decisions. There is also no right of appeal against the decisions.

Jane Clarke, Head of Policy and Governance, 14 July 2021

### **B. Finance and Other Resources**

Any changes to the number of Councillors will have an impact on the level of resources required for Councillor Allowances and Expenses. Should the recommendation result in a higher number of Councillors than the current number, this will need to be budgeted for within the Council's existing resources. A reduction in the number of councillors will result in a saving for the council commensurate with the number reduced by.

Jane Clarke, Head of Policy and Governance, 14 July 2021

### **C. Staffing**

A change in the number of Councillors (which does not result in a substantial increase or decrease) will not have a significant impact on staff resources.

Jane Clarke, Head of Policy and Governance, 14 July 2021

### **D. Risk Management**

There are no risk management issues as part of this report.

*Jane Clarke, Head of Policy and Governance, 25 June 2021*

### **E. Environment and Sustainability**

There are no environment or sustainability issues to consider as part of this report.

## Section 40, National Environment and Rural Communities Act 2006

*40(1) Every public authority must, in exercising its functions have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*

## Section 85, Countryside and Rights of Way Act 2000

*85(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*

[Name, title and date of Sustainability Officer who signed off the report.]

## F. Community Safety

There are no community safety issues to consider as part of this report.

## Section 17, Crime and Disorder Act 1998

*17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.*

Jane Clarke, Head of Policy and Governance, 14 July 2021

## G. Equalities

There are no equalities issues to consider as part of this report.

## Section 149, Equality Act 2010

*149(1) A public authority must, in the exercise of its functions, have due regard to the need to –*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

Jane Clarke, Head of Policy and Governance, 25 June 2021

## H. Data Protection

Should the Council decide to launch a public consultation the personal details of respondents will be kept private unless the respondent gives specific consent for their details to be made public. Councillors may request the personal details of respondents for confidential use in the roles as Members of the Council

Article 5, General Data Protection Regulation 2016

*1. Personal data shall be:*

*(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;*

*(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;*

*(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*

*(d) accurate and, where necessary, kept up to date;*

*(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;*

*(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.*

*Jane Clarke, Data Protection Officer, 25 June 2021*

## I. Health and Safety

There are no health and safety considerations as part of this report.

*Jane Clarke, Head of Policy and Governance, 25 June 2021*

## J. Health and Wellbeing

There are no health and wellbeing considerations as part of this report.

*1. Areas of deprivation: Will the proposal have an impact (positive or negative) on those living in areas of deprivation within the borough (40% most deprived in the country). These are Sherwood, Southborough and High Brooms, Broadwater and Rusthall.*

2. *Healthier lifestyle opportunities: Will residents be more or less able to make healthier lifestyle choices such as physical activity (e.g. active travel, access to green spaces or access to leisure facilities), healthy eating (e.g. proximity or access to take away shops, allotments, food stores) and being smokefree*

3. *Social and Community networks: Will the proposal make it easier for people to interact with one another e.g. encouraging community engagement*

4. *Living and Working Conditions: does to proposal improve work or home environments, increase job, education or training opportunities, improve access to health services or housing*

5. *General Socioeconomic, cultural and environmental conditions: Are there any other factors that may impact the above*

*Jane Clarke, Head of Policy and Governance, 25 June 2021*