

# Electoral Review – Council Size

For Full Council on 6 October 2021

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## Summary

**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
General Purposes Committee	21 September 2021
Full Council	6 October 2021

## Recommendations

The officer recommendations are:

1. That the Council Size Submission (the Submission) at appendix A be approved and submitted to the Local Government Boundary Commission (the Commission) for England by 1 November 2021, with any amendments as made during debate.
2. That authority be delegated to the Head of Policy and Governance in consultation with Group Leaders to make such amendments to the Submission as are necessary to give effect to the resolutions passed by Full Council prior to the Submission being submitted to the Commission.

# 1 Introduction and Background

- 1.1 This report presents information on the results of the recent public consultation regarding council numbers and recommends that the Submission be discussed and agreed at Full Council.
- 1.2 The deadline for the Submission to the Commission is 9 November 2021.
- 1.3 The draft has been developed following the results of the consultation, two Council Size workshops run with General Purposes Committee members, and Group Leaders, held on 19 August and 6 September 2021, and evidence gathered about the role of a councillor at Tunbridge Wells Borough Council, and how this has changed over time.
- 1.4 The Council is being asked by the Commission to complete a submission on Council Size (draft attached at **appendix A**).
- 1.5 Whilst the ideal position would be for the Council as a whole to approve a submission based on a majority vote at Full Council, this is not in fact necessary for the Electoral Review. If Full Council cannot agree a submission then individuals, groups of individuals or political parties are able to submit their own views using the template. The Commission will take all views into account when determining Council Size. The Commission's guidance on completing the template is available on the website at <https://www.lgbce.org.uk/how-reviews-work/technical-guidance>.

# 2 Results of the Workshops

- 2.1 Two workshops were held with the members of General Purposes Committee, plus Group Leaders, on 19 August and 6 September. These workshops looked in more detail at the three areas of focus in the template, with some tentative conclusions made at the end of the second workshop. It should be noted however that the conclusions were not universally supported, and there is a range of differing views regarding future Council Size.
- 2.2 The three areas of focus that the Commission is looking to understand more about are:
  - Strategic Leadership
  - Accountability
  - Community Leadership
- 2.3 Further analysis of these three focus areas, and more detailed evidence is provided in the draft submission at **appendix A**.

# Strategic Leadership

## Cabinet and Portfolios

- 2.4 The section on strategic leadership seeks to understand how many councillors are needed to provide strategic leadership to the Council. It asks a series of questions around the Cabinet model of governance, how policy formation should work going forwards, and who should be involved in this.
- 2.5 Questions around the role and functioning of Cabinet and portfolio holders were accepted by members as being the preserve of the Leader of the Council. As such these questions were not discussed by the committee members.
- 2.6 The Council has operated a Cabinet of between five and six portfolio holders for a number of years. It was previously higher at seven members but has reduced over time. The portfolios are renewed at Annual Cabinet in May, and where necessary changes are made. However, as the Council has been steadily delivering the projects and ambitions set out in the original Five-Year Plan from 2014, there has been no need to change the portfolios or how they operate in any substantial way, and in fact this would have been detrimental to the delivery of the plan.
- 2.7 Going forwards, the Council will continue to deliver its core strategies and services, but over time several Council services have reduced in size or scope, or no longer continue to be provided. More evidence for this is provided in the Submission.

## Governance Model

- 2.8 Workshop members had a fuller discussion on the governance model at the Council. The benefits of the current 'hybrid' system (which allows for pre-Cabinet scrutiny of Cabinet reports by backbench members) were discussed, alongside the potential benefits of a traditional committee system.
- 2.9 There was general consensus among workshop members that the current 'hybrid' system worked well and allowed backbench members and opposition parties the opportunity to be involved in policy making and key decision prior to them being made, whilst still retaining the benefits of a more streamlined model of decision making by Cabinet. One member of the workshop disagreed with this conclusion however and felt that a return to a committee system would be more democratic, allowing more members more involvement in all decisions being made. There was general recognition that a committee system would result in more meetings, as such costing more to administer. Most members felt this was a negative, however some did not.
- 2.10 In terms of making the current system more efficient and to allow for greater transparency a number of ideas from members were put forward:
  - Executive Members should not chair Cabinet Advisory Boards.

- Chairs and Deputies should be voted in by individual committees.
- The workloads of the CABs were uneven.
- The minutes of Cabinet should reflect what was discussed at the CABs.
- A 'call-over' list could be introduced at the start of the CABs to allow items that are uncontroversial to be agreed immediately 'as read'.

2.11 Whilst the above changes would not necessarily lead to either greater or lesser numbers of members required for CAB meetings, several members could see how the current system could be amended for greater efficiency, which could lead to fewer members, although this view was not shared by all members.

## Accountability

### Scrutiny

2.12 Members discussed Overview and Scrutiny and its role in the organisation. It was noted that the pre-scrutiny of Cabinet items was being done the Cabinet Advisory Boards, and that the Overview and Scrutiny Committee was more focussed on looking at issues that may not be on Cabinet's 'radar' in depth through its Task and Finish Groups.

2.13 It was noted that there is provision in the Constitution to hold two concurrent Task and Finish Groups, but that this was a rare occurrence, and in fact historically it had proven difficult to gain enough member interest in Task and Finish groups to set them up effectively. Some members felt that the number on the Overview and Scrutiny Committee could be reduced by around two.

### Statutory Functions

2.14 Members discussed the regulatory committees and noted that significant changes had already been made to Planning Committee to make it more efficient, and that Licensing Committee needed a pool of members to ensure Sub Committees could be run effectively. Members recognised however that in several years both committees had run effectively whilst holding vacancies (and so committee numbers could potentially reduce).

	<b>Planning vacancies</b>	<b>Licensing vacancies</b>
<b>2021</b>	1	1
<b>2020</b>	1	0
<b>2019</b>	1	2
<b>2018</b>	0	1

## Community Leadership

### Community Leadership & Ward Work

- 2.15 Members had a wide-ranging discussion on the amount of ward work they were undertaking, the level of complexity and in particular the impact that social media had had on their time. Most members felt that the time they spent on ward work had increased over time, however some ideas were proposed as to how their time could be more efficiently used.
- 2.16 It was noted that there was a lot of duplication of effort between members, and between members and officers, and that a better ward-based website would deal with a lot of queries that members were dealing with instead. Alongside this, the trend towards self-service in council services was likely to have an impact on the number of residents needing assistance from council members. Not all members agreed that technological innovation and progress would reduce their ward workload, and there were mixed views expressed on this issue.

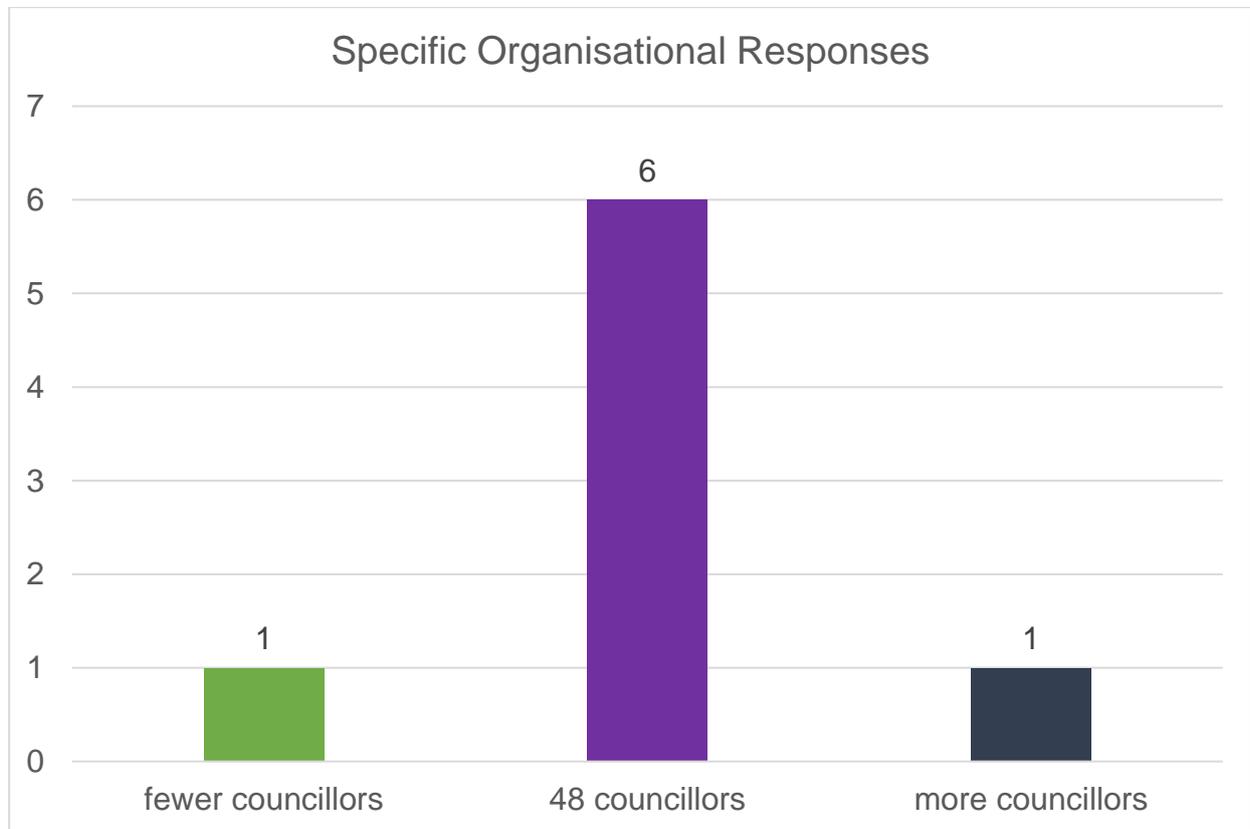
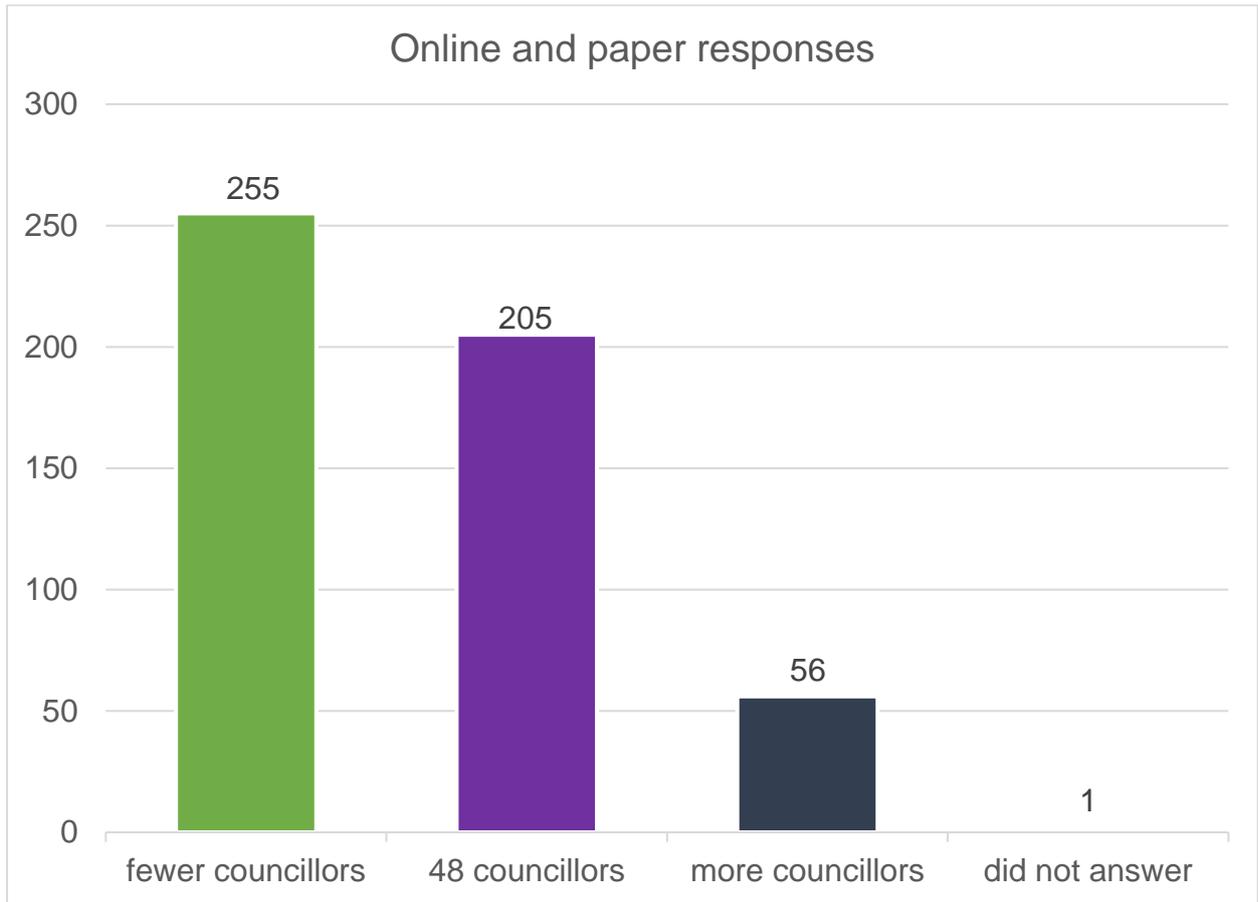
## 3 Evidence Analysis

- 3.1 Further information is presented in the draft submission on the frequency of committee meetings over time and the types of work members have engaged in in the past and are undertaking now.
- 3.2 In 2012 the Council made significant changes to its governance system, introducing a hybrid system which combines the Cabinet and Overview and Scrutiny model with aspects of the Committee system through new Cabinet Advisory Boards. Alongside this, the Audit Committee and Standards Committee were combined into one Audit and Governance Committee to take account of the new Standards regime changes, and a number of working groups and 'lead member' or 'member champion' positions that were not adding significant value were disbanded. This has resulted in a 45 percent decrease in the number of committee meetings held in 2019/20 (the last year before the effects of the pandemic were felt) and 2010/11.
- 3.3 Following this in 2013 the Eastern Planning Committee and Western Planning Committee were combined into one Planning Committee.

- 3.4 Over time, other areas of member work within the Council have reduced as well, with fewer Licensing Sub Committee meetings as a result of changes to the Taxi licensing policy around 2017 so that minor infringements could be dealt with directly by the Licensing Officers through the issuing of penalty points, fewer Outside Bodies appointments required now compared to 2010/11, and a noted reduction in the amount of hours members were spending on ward work evidenced in the Joint Independent Remuneration Panel report of 2016 (an average of 15 hours recorded in 2010, compared with an average of 12.5 hours in 2016).
- 3.4 In terms of community leadership, there has been a slight increase in the number of community meetings as a new Parish Council (Rusthall Parish Council) was created in 2011, but otherwise this has mostly remained the same for the majority of members. Members did report through the workshops an increase in the amount of time they are spending on ward work, mainly attributable to social media and its impact. It is possible that introducing social media training for members may help them to manage this aspect of their workload however.
- 3.5 In summary then, across the focus areas that the Boundary Commission asks the Council to consider, it is apparent that there has been an overall reduction in the number of official responsibilities and requirements placed on members over time, and this change should be taken into account when arriving at a Council Size figure.

## **Public Consultation**

- 3.6 The Council ran a public consultation between Monday 26 July and Sunday 5 September which asked members of the public their views on the electoral system, and on Council Size. There were 467 online responses, 48 paper responses from adverts placed in local newspapers, and two email response. Some online responses were from Parish and Town Councillors who chose to respond individually rather than as an organisation. There were nine organisation responses; seven from Parish Councils; one from the Royal Tunbridge Wells Town Forum; and one from the Royal Tunbridge Wells and Area Access Group.
- 3.7 The full results of the consultation were circulated to members separately, but in summary 255 online and paper responses chose fewer Councillors, 205 responses chose to remain 48 councillors and 56 chose more Councillors. One respondent did not fill in this question.
- 3.8 Of the organisational responses that were received, Bidborough, Capel, Cranbrook & Sissinghurst, Frittenden, Goudhurst, and Sandhurst Parish Councils chose to remain with 48 Councillors, the Royal Tunbridge Wells Town Forum chose fewer Councillors, and Horsmonden Parish Council and the Royal Tunbridge Wells and Area Access Group did not specifically answer this question. From their response, the Royal Tunbridge Wells and Area Access Group suggested more Councillors might be suitable if a uniform pattern of two member wards could be arranged.



## 4 Preferred Option and Reason

- 4.1 This report sets out the findings of the two workshops on Council Size, the results of the public consultation and evidence that has been gathered in relation to the focus areas considered by the Commission when determining Council Size.
- 4.2 Full Council will need to consider all of the evidence presented, including the analysis in the Submission, and determine an appropriate Council Size. Should the Council continue to elect by thirds, this number will need to be divisible by three.
- 4.3 The General Purposes Committee has recommended a number of 48 Councillors for the Submission, however the number is for Full Council to determine and decide. If the Council is unable to agree a number, Submissions on Council Size can be alternatively made by individuals or Groups on the Council, or locally.

## 5 Implementation

- 5.1 Any Submissions will need to be sent to the Boundary Commission by 9 November 2021. The Commission will then make a determination on Council Size by December 2021, for implementation in 2024.

## 6 Appendices and Background Documents

Appendices:

- Appendix A: Draft Council Size Submission

Background Papers:

- Public consultation responses (circulated separately to members)
- LGBCE Council Size Submission Guidance <https://www.lgbce.org.uk/how-reviews-work/technical-guidance>

## **7 Cross Cutting Issues**

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

The Local Democracy, Economic Development and Construction Act 2009, Part 3, section 56 provides that the Local Government Boundary Commission for England may at any time (a) conduct a review of all or any part of the area of a principal council, and (b) recommend whether a change should be made to the electoral arrangements for the area of the principal council.

The recommendations in this report regarding the Council Size Submission at appendix A forms part of the consultation response that the Council is entitled to provide to the LGBC as part of its duty to review the electoral arrangements and consult with the Council and other interested parties.

Patricia Narebor, Head of Legal Services, 13 September 2021

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

The number of Councillors on the Council has a financial impact, with all councillors receiving a basic allowance, and other Councillors receiving Special Responsibility Allowances. Any change to the number of Councillors (either a reduction or increase) will need to be taken account of at the appropriate time when setting the future budget for the Council.

Jane Clarke, Head of Policy and Governance, 13 September 2021

### **C. Staffing**

There are no staffing issues to consider as part of this review.

Jane Clarke, Head of Policy and Governance, 13 September 2021

### **D. Risk Management**

There are no risk management issues to consider as part of this review.

Jane Clarke, Head of Policy and Governance, 13 September 2021

## E. Environment and Sustainability

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

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.*

Jane Clarke, Head of Policy and Governance, 13 September 2021

## F. Community Safety

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

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, 13 September 2021

## G. Equalities

There are no equalities issues to consider as part of this review, as it is simply looking at total numbers. Some equalities issues have been raised around the role of a councillor, and how accessible the role is to different parts of society, in particular for some who have a protected characteristic such as age or gender, but this relates to the role itself and how this is supported, rather than the number of councillors on the Council.

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, 13 September 2021

## **H. Data Protection**

The public consultation on council size included personal comments made by individuals. This information has not been released publicly but has been shared with Councillors to assist with their decision-making.

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, 13 September 2021

## **I. Health and Safety**

There are no health and safety issues to consider as part of this review.

Jane Clarke, Head of Policy and Governance, 13 September 2021

## **J. Health and Wellbeing**

There are no health and wellbeing issues to consider as part of this review.

*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, 13 September 2021