

EXPLANATORY MEMORANDUM TO
THE TONBRIDGE AND MALLING (ELECTORAL CHANGES) ORDER 2013

2013 No. 0000

1. This explanatory memorandum has been prepared by the Local Government Boundary Commission for England (the Commission) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1. The Order provides for new district electoral wards and numbers of district councillors for the district of Tonbridge and Malling at the district elections in 2015 and thereafter. The Order also provides for new parish wards and numbers of parish councillors at the parish elections in 2015 and thereafter wherever this is necessary because a parish is to be split between new district wards.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative context

4.1. The Commission has power under section 59 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) to make an order giving effect to recommendations contained in a report prepared, under section 58(4) of that Act, after conducting an electoral review under section 56 (1) of that Act. This instrument is being made to give effect to the Commission's recommendations for new electoral arrangements set out in its report prepared following an electoral review of the district of Tonbridge and Malling.

4.2. This instrument is one of a group of four similar ones laid before Parliament together. The others are the Purbeck (Electoral Changes) Order 2013, the Northamptonshire (Electoral Changes) Order 2013, and the Boston (Electoral Changes) Order 2013.

5. Territorial extent and application

5.1. This instrument applies to England.

6. European Convention on Human Rights

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1. The purpose of an electoral review is to decide on the appropriate electoral arrangements including the number of councillors and the names, number and boundaries of wards or divisions for a specific local authority. The Commission began the electoral review of Tonbridge and Malling in July 2011. The Commission decided to carry out the review as, based on the December 2010 electorate figures, 38% of wards in the district had electoral variances greater than 10% from the district average and Kings Hill ward had a variance of 46% from the district average.

7.2. An electoral review aims to ensure that the number of electors represented by each county or district councillor is as close to equal as possible, but the recommendations must also have regard to community identities and interests and the need for effective and convenient local government. To achieve these aims, the Commission tries to ensure that the number of electors per councillor in every ward or division it recommends is as close as possible to the average for the authority, but is happy to show flexibility in moving away from the average based on the evidence provided to it during the consultation stages of the review. Following a four-stage review process the Commission published its “Final recommendations on the electoral arrangements for Tonbridge and Malling Borough Council”¹ on 3 October 2012.

7.3. The Order provides for changes to the electoral arrangements for the district of Tonbridge and Malling at the district elections in 2015 as recommended by Commission. The existing wards of the district will be replaced by 24 new ones. Of these, 16 wards will each return two councillors, 7 wards will each return three councillors and one ward will return one councillor.

7.4. Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements of a district council it must also recommend whether, in consequence of those changes, any changes should be made to the electoral arrangements of any parish council that is within that district. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new district electoral wards and under section 56 of that Act, recommendations must be made regarding the number of parish councillors for each parish ward.

7.5. Consequently, in addition to making changes to the electoral arrangements for the district the Order also, where necessary, makes provision with respect to the establishment of new parish wards and sets the number of parish councillors for each of those parish wards.

- Consolidation

¹ <http://www.lgbce.org.uk/documents/lgbce/draft-final-reports/2012-draftfinal-reports/tonbridge-malling-final-recs-long-report-edited-2012-09-28.pdf>

7.6. The Order does not amend or revoke any legislation.

8. Consultation outcome

- 8.1. The Order gives effect to recommendations that were consulted on during the Commission's review of electoral arrangements from July 2011 until October 2012. There was an initial dialogue with the Council, during which the Commission asked for proposals on the most appropriate number of councillors for the district. After this period, the Commission sought proposals from the Council on appropriate warding arrangements for the district. Having considered the submission received, the Commission published its "Draft recommendations on the new electoral arrangements for Tonbridge and Malling Borough Council"² on 17 April 2012. Following a further ten-week consultation on the draft recommendations, the Commission considered further evidence received during the consultation and published its final recommendations.
- 8.2. The Council proposed a council size of 53 members, no change from the current council size. The Commission considered that the Council's proposals provided a comprehensive rationale for a council size of 53 and that this council size would ensure effective and convenient local government for the district. During discussions with the Council on warding arrangements, and consultation on draft recommendations, the Council proposed a council size of 54, an increase of one from the current council size. The Commission considered that the Council's rationale was sound, and that a council size of 54 would create a stronger warding pattern across the district, reflecting community identity and ensuring effective and convenient local government.
- 8.3. Following the consultation on the draft recommendations, some opposition was received to the proposals for Aylesford, Ditton, Watlingbury, Addington, Snodland, Ryarsh and East Malling & Larkfield. The Commission considered a variety of possible options and warding patterns for these areas and on the basis of the evidence received made amendments to ward boundaries in all these areas. In all other areas the Commission was of the view that the draft recommendations best reflected the statutory criteria and retained these in its final recommendations.
- 8.4. A detailed analysis of the outcome of the consultation is set out in the report "Final recommendations on the electoral arrangements for Tonbridge and Malling Borough Council" which is available at <http://www.lgbce.org.uk/all-reviews/south-east/kent/tonbridge-and-malling-electoral-fer>

9. Guidance

- 9.1. The Commission does not intend to issue any guidance alongside this instrument. This is not considered necessary as the Order is self-explanatory and gives effect to recommendations following consultation with interested parties as to the changes to electoral arrangements.

² <http://www.lgbce.org.uk/documents/lgbce/draft-final-reports/2012-draftfinal-reports/tonbridge-malling-draft-recommendation-report.pdf>

9.2. Once the Order has been made, the Commission will publish a press release and distribute it to local media advising that new electoral arrangements will be implemented at the next local elections. The press release will also direct interested parties to the Commission's website where the final recommendations will be available in detail.

10. Impact

10.1. No impact assessment has been prepared because no impact on the private sector or the voluntary sector is foreseen.

10.2. The impact on the public sector will be limited to the area for which the Order makes provision. The one-off cost of producing the map referred to by the instrument is to be funded by the Commission. The one-off cost of amending the electoral register to reflect the new district electoral wards and parish wards is to be funded by Tonbridge and Malling Borough Council.

11. Regulating small business

11.1. The Order does not apply to small business.

12. Monitoring and review

12.1. The Commission will have no role in monitoring Tonbridge and Malling Borough Council's implementation of the Tonbridge and Malling (Electoral Changes) Order 2013. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Tonbridge and Malling Borough Council.

12.2. The Order will be reviewed insofar as the Commission continually monitors local authorities in England to identify any that meet its criteria for electoral reviews.

13. Contact

13.1. Marcus Bowell at the Commission (Tel: 0207 664 8530 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.