

EXPLANATORY MEMORANDUM TO
THE KENT (ELECTORAL CHANGES) ORDER 2016
2016 No. 658

1. Introduction

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

2. Purpose of the instrument

- 2.1 The Order provides for new divisions and numbers of county councillors for the county of Kent at the county elections in 2017 and thereafter.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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 the 2009 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 county of Kent

5. Extent and Territorial Application

- 5.1 This extent of this instrument is England.
5.2 The territorial application of this instrument is England.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to 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 Kent in November 2014. The Commission decided to conduct the review as Kent met the Commission's intervention criteria in that 31% of its divisions had a variance of greater than 10% and one had a variance of greater than 30%.

- 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 division or ward 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 during the consultation stages of the review. Following a four-stage review process the Commission published its 'Final recommendations - New electoral arrangements for Kent County Council'¹ on 26 January 2016.
- 7.3 The Order provides for changes to the electoral arrangements for the county of Kent at the county elections in 2017 as recommended by the Commission. The existing divisions of the county will be replaced by 72 new ones, returning 81 councillors, nine divisions will return two councillors and 63 will return one councillor. The Commission considered that the evidence received justified two divisions having a variance predicted to vary by more than 10% from the authority average by 2021.
- 7.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a county council it must also recommend whether, in consequence of those changes, any changes should be made to the electoral arrangements for 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 electoral divisions and under section 56 of that Act recommendations must be made regarding the number of parish councillors for each parish ward.

Consolidation

- 7.5 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 review of electoral arrangements from December 2014 until October 2015. There was an initial eight-week consultation, during which the Commission asked for proposals on the most appropriate division boundaries for the county. Having considered the submissions received, the Commission published its 'Draft recommendations - New electoral arrangements for Kent County Council'² on 12 May 2015. Following an eight-week consultation on the draft recommendations, the Commission considered the further evidence received and carried out a further round of limited consultation in Sevenoaks district from September to October 2015. Upon completion of this, the

¹ https://www.lgbce.org.uk/data/assets/pdf_file/0015/27420/Kent-Final-Recs.pdf

² http://www.lgbce.org.uk/data/assets/pdf_file/0016/25216/Kent-Draft-Recommendations-Report-FINAL-NEW.pdf

Commission considered the further evidence received and published its final recommendations.

- 8.2 During the course of the review, the Commission received 232 representations. The consultations involved Kent County Council, the 12 district and borough councils in Kent, parish councils, local MPs and other interested parties. The Commission based its draft recommendations on the proposals of the county council and a local political party. The Commission made some modifications in specific areas to better reflect the statutory criteria.
- 8.3 In response to the consultation on the draft recommendations, the Commission modified its recommendation in all districts except Canterbury, Dartford, Dover, Maidstone and Tunbridge Wells to reflect the localised comments received. The Commission also decided to carry out further limited consultation in Sevenoaks on a proposal that had not previously been consulted on. As a result of this consultation, the Commission recommended that this scheme make up its final recommendations.
- 8.4 The Commission received submissions opposing its proposed boundaries in all districts and boroughs. In response to localised comments it made minor changes to the divisions in Ashford, Gravesham, Shepway, Swale, Thanet and Tonbridge & Malling. In other cases the Commission did not consider that satisfactory evidence had been received for it to alter its draft recommendations. The Commission therefore confirmed the remainder of its draft recommendations for the district as final.
- 8.5 A detailed analysis of the outcome of the consultation is set out in the report 'Final recommendations - New electoral arrangements for Kent County Council' which is available at <http://www.lgbce.org.uk/current-reviews/south-east/kent>

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.
- 9.2 Once the Order has been made, the Commission will publish a press release and distribute 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 There is no impact on business, charities or voluntary bodies.
- 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 electoral divisions and parish wards is to be funded by the District Councils.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The Commission will have no role in monitoring the councils' implementation of the Kent (Electoral Changes) Order 2016. The Commission is not required to undertake such monitoring; that is a matter for the officers of the relevant councils. 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 Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: marcus.bowell@lgbce.org.uk) can answer any queries regarding the instrument.