Draft Order laid before Parliament under section 59(9) of the Local Democracy, Economic Development and Construction Act 2009; draft to lie for forty days pursuant to section 6(1) of the Statutory Instruments Act 1946, during which period either House of Parliament may resolve that the Order be not made.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

LOCAL GOVERNMENT, ENGLAND

The Mole Valley (Electoral Changes) Order 2023

Made - - - - ***

Coming into force in accordance with article 1(2) and (3)

Under section 58(4) of the Local Democracy, Economic Development and Construction Act 2009(**a**) ("the Act") the Local Government Boundary Commission for England**(b)** ("the Commission") published a report dated September 2022(**c**) stating its recommendations for changes to the electoral arrangements for the district of Mole Valley. The Commission has decided to give effect to the recommendations.

A draft of the instrument has been laid before Parliament and a period of forty days has expired since the day on which it was laid and neither House has resolved that the instrument be not made.

The Commission makes the following Order in exercise of the power conferred by section 59(1) of the Act.

Citation and commencement

1.—(1) This Order may be cited as the Mole Valley (Electoral Changes) Order 2023.

(2) This article and article 2 come into force on the day after the day on which this Order is made.

(3) Articles 3 and 4 come into force—

(a) for the purpose of proceedings preliminary or relating to the election of councillors, on the day after the day on which this Order is made;

(b) for all other purposes, on the ordinary day of election of councillors in England**(d)** in 2023.

(**a**) 2009 c. 20.

(**b**) The Local Government Boundary Commission for England was established on 1st April 2010 by section 55(1) of the Local Democracy, Economic Development and Construction Act 2009.

(**c**) The report is available for inspection at reasonable times at the principal office of the Local Government Boundary Commission for England, 1st Floor, Windsor House, 50 Victoria Street, London, SW1H 0TL. It is also accessible online at https://www.lgbce.org.uk/all-reviews/south-east/surrey/mole-valley.

(**d**) The ordinary day of election of councillors in England is prescribed by section 37(1) of the Representation of the People Act 1983 (c. 2), as amended by section 18(2) of the Representation of the People Act 1985 (c. 50), renumbered by paragraph 5 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and further amended by section 6(16) of the Wales Act 2017 (c. 4).

Interpretation

2.—(1) In this Order, "the map" means the map marked "Map referred to in the Mole Valley (Electoral Changes) Order 2023", held by the Local Government Boundary Commission for England(**a**).

(2) Where a boundary is shown on the map as running along a road, railway line, footway, watercourse or similar geographical feature, it is to be treated as running along the centre line of the feature.

Wards of the district of Mole Valley and number of councillors

3.—(1) The existing wards of the district of Mole Valley are abolished.

(2) The district of Mole Valley is divided into the 13 wards listed in Schedule 1.

(3) Each ward comprises the area identified on the map by reference to the name of the ward.

(4) The number of councillors to be elected for each ward is three.

Elections of the district of Mole Valley

4.—(1) Elections of all councillors for each ward of the district of Mole Valley are to be held simultaneously on the ordinary day of election of councillors in England in 2023.

(2) The councillors holding office for any ward abolished by article 3(1) immediately before the fourth day after the ordinary day of election of councillors in 2023 are to retire on that fourth day, and the newly elected councillors are to come into office on that fourth day.

(3) Of the councillors elected for a ward in 2023—

(a) one is to retire on the fourth day after the ordinary day of election of councillors in England in 2024;

(b) one is to retire on the fourth day after the ordinary day of election of councillors in England in 2026;

(c) one is to retire on the fourth day after the ordinary day of election of councillors in England in 2027.

(4) Of the councillors elected for a ward in 2023—

(a) the first councillor for each ward to retire is to be the councillor elected by the smallest number of votes; and

(b) the second councillor for each ward to retire is to be the councillor elected by the next smallest number of votes.

(5) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any year, the person to retire in that year is to be determined by lot.

(6) If an election of councillors for any ward is not contested, the person to retire in each year is to be determined by lot.

(7) An election to replace a councillor who is to retire under paragraph (3) is to be held on the ordinary day of election of councillors in England in the year in which the retirement is due to take place, and any newly elected councillor is to come into office on the fourth day after that day.

(8) Where under this article any question is to be determined by lot, the lot is to be drawn at the next practicable meeting of the council after the question has arisen and the drawing is to be conducted under the direction of the person presiding at the meeting.

(**a**) Prints of the map are available for inspection at reasonable times at the principal office of the Local Government Boundary Commission for England, 1st Floor, Windsor House, 50 Victoria Street, London, SW1H 0TL. It is also accessible online at https://www.lgbce.org.uk/all-reviews/south-east/surrey/mole-valley.

Parish wards of the parish of Capel and number of parish councillors

5.—(1) The existing parish wards of the parish of Capel are abolished.

(2) The parish of Capel is divided into the three parish wards listed in the first column of the table in Schedule 2.

(3) Each parish ward comprises the area identified on the map by reference to the name of the parish ward.

(4) The number of parish councillors to be elected for each parish ward is the number specified in relation to that parish ward in the second column of the table in Schedule 2.

Sealed with the seal of the Local Government Boundary Commission for England

Name
Chief Executive
Date Local Government Boundary Commission for England

SCHEDULE 1

Article 3

Names of wards of the district of Mole Valley

1. Ashtead Lanes & Common

2. Ashtead Park

3. Bookham East & Eastwick Park

4. Bookham West

5. Brockham, Betchworth, Buckland, Box Hill & Headley

6. Capel, Leigh, Newdigate & Charlwood

7. Dorking North

8. Dorking South

9. Fetcham

10. Holmwoods & Beare Green

11. Leatherhead North

12. Leatherhead South

13. Mickleham, Westcott & Okewood

SCHEDULE 2

Article 5

Parish wards of the parish of Capel and number of parish councillors

Name of Parish Ward	*Number of parish councillors*
Beare Green	4
Capel	4
Coldharbour	1

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes changes to electoral arrangements for the district of Mole Valley following recommendations made by the Local Government Boundary Commission for England. The area of the district remains unchanged.

Article 3 abolishes the existing electoral wards of the district of Mole Valley and replaces them with 13 new ones listed in Schedule 1 for the purpose of elections held on or after the ordinary day of election of councillors in England in 2023. It establishes the names and areas of the new electoral wards and the number of councillors for each.

Article 4 makes provision for a whole district council election in 2023. Subsequently, the council will revert to the existing system of election by thirds. That article also provides for the order of retirement of councillors in 2024, 2026 and 2027 and the election of their replacements.

Article 5 makes changes to parish wards that are consequential on the changes made by article 3.

The area covered by each ward created by this Order is identified on a map which is available for inspection at reasonable times at the offices of the Local Government Boundary Commission for England, 1st Floor, Windsor House, 50 Victoria Street, London, SW1H 0TL.

The map may also be accessed at https://www.lgbce.org.uk/all-reviews/south-east/surrey/mole-valley.

An impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

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