EXPLANATORY MEMORANDUM TO

THE TONBRIDGE AND MALLING (ELECTORAL CHANGES) ORDER 2022

2022 No. [XXXX]

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 borough wards and numbers of councillors for Tonbridge and Malling Borough Council at the borough elections in 2023 and thereafter.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 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 Tonbridge and Malling Borough Council.

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 Borough Council in June 2020. The Commission decided to conduct the review as, based on the December 2019 electorate figures, 17% of wards had an electoral variance of greater than 10% from the average for the authority and one ward had a variance of greater than 30%.

7.2 An electoral review aims to ensure that the number of electors represented by each 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 'New electoral arrangements for Tonbridge and Malling Borough Council - Final recommendations'[1] on 1 March 2022.

7.3 The Order provides for changes to the electoral arrangements for Tonbridge and Malling Borough Council at the borough elections in 2023 as recommended by the Commission. The existing wards of the council will be replaced by 19 new ones. Seven wards will each return three councillors, eleven wards will each return two councillors and one ward will return a single councillor.

7.4 Under section 56 of the 2009 Act, whenever the Commission recommends changes to the electoral arrangements for a borough, district or 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 the authority. Among other things, under Schedule 2 to that Act, recommendations must ensure that no parish ward is split between new borough 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 borough 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 parishes

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This Instrument does not amend or revoke any legislation.

10. Consultation outcome

10.1 The Order gives effect to recommendations that were consulted on during the review of electoral arrangements from May 2021 to December 2021. During the course of the review, the Commission received approximately 160 representations. The consultations involved the Borough Council, parish and town councils, local MPs, local residents and other interested parties. There was an initial ten-week consultation, during which the Commission asked for proposals on the most appropriate number of councillors and ward boundaries for the borough. The Commission considered that a

[1] https://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20East/Kent/Tonbridge%20and%20Malling/Final/Final%20Recommendations%20Report%20-%20Tonbridge%20%26%20Malling_0.pdf

council size of 44 would ensure effective and convenient local government for the authority. Having considered the submissions received, the Commission published its 'New electoral arrangements for Tonbridge and Malling Borough Council – Draft Recommendations'[2] on 5 October 2021. Following a ten-week consultation on the draft recommendations, the Commission considered the further evidence received and published its final recommendations.

10.2 In response to the consultation on the draft recommendations, the Commission modified its recommendations for Judd and Cage Green wards to better reflect community interests and to facilitate effective and convenient local government. The Commission also made a modification to the boundary between Bourne and East and West Peckham, Mereworth & Wateringbury wards. It also renamed three wards. It recommended that the proposed East Peckham, Mereworth & Wateringbury ward be renamed East and West Peckham, Mereworth & Wateringbury ward, the proposed Aylesford North with Burham, Eccles & Wouldham be renamed Aylesford North & North Downs, and the proposed Cage Green ward be renamed Cage Green & Angel ward.

10.3 The Commission confirmed its draft recommendations for the remainder of the borough as final.

10.4 A detailed analysis of the outcome of the consultation is set out in the report 'New electoral arrangements for Tonbridge and Malling Borough Council – Final Recommendations' dated 1 March 2022. As indicated in the Order, the mapping referred to in the Order is normally accessible at all reasonable times at the Commission's offices. If any person wishes to view the map and the report, the Commission will consider this and seek to make appropriate arrangements. Moreover, the relevant map, as well as the report are accessible on our website, which is available at https://www.lgbce.org.uk/all-reviews/south-east/kent/tonbridge-and-malling

11. Guidance

11.1 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.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 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 wards is to be funded by Tonbridge and Malling Borough Council.

12.3 A full Impact Assessment has not been prepared for this instrument because the impact is limited and relates to the specific local authority area under review.

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[2] https://s3-eu-west-2.amazonaws.com/lgbce/Reviews/South%20East/Kent/Tonbridge%20and%20Malling/Draft/Tonbridge%20%26%20Malling%20Draft%20Recommendations%20Long%20Report.pdf

13. Regulating small business

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

14. Monitoring & review

14.1 The Commission will have no role in monitoring the Council's implementation of the Tonbridge and Malling Borough (Electoral Changes) Order 2022. The Commission is not required to undertake such monitoring; that is a matter for the relevant officers of Tonbridge and Malling Borough Council. 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.

15. Contact

15.1 Glynn McDonald, Communications & Public Affairs Manager at the Local Government Boundary Commission for England (Telephone: 0330 500 1250 or email: glynn.mcdonald@lgbce.org.uk), can be contacted with any queries regarding the instrument.