

Democratic Representation – Boundary Review

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officers and Report Authors	Ryan O’Connell, Democratic and Electoral Services Manager and Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	All

Executive Summary

This report sets out the considerations arising from a potential ward boundary review by the Local Government Boundary Commission for England.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the Local Government Boundary Commission for England (LGBCE) be informed that Maidstone requests a Ward Boundary Review;
2. That in light of the potential changes a boundary review would bring, and the impact of electoral cycle, governance arrangements, and scrutiny arrangements on that review, the following be agreed for the next meeting of the Committee:
 - (a) a report recommending that Council votes on whether to switch to Whole Council Elections, to include the impacts of a Ward Boundary Review;
 - (b) a report recommending that Council votes on its future governance arrangements for decision making and scrutiny (Leader and Cabinet or Committee system); and
 - (c) Political groups be consulted and engaged in the reports on Whole Council elections and governance arrangements and on matters such as council size and the review generally;
3. That it be noted that in the event of any definite proposals on Unitary Authorities coming forward the LGBCE will consider ‘pausing’ a review to allow those proposals to conclude.

Timetable

Meeting	Date
Democracy and General Purposes Committee	11 November 2020

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Governance and effective democratic representation impacts on all of the Council's priorities.	Head of Policy, Communications and Governance
Cross Cutting Objectives	Governance and effective democratic representation impacts on all of the Council's cross cutting objectives.	Head of Policy, Communications and Governance
Risk Management	Risks are considered in section 5.	Head of Policy, Communications and Governance
Financial	None directly at this stage though financial implications (including the possibility for savings) may arise if a reduction in the number of Members results from any boundary review, or a change is implemented to introduce whole council elections.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Policy, Communications and Governance
Legal	<p>The LGBCE will follow its processes and look at the necessary criteria for a review arising from legislation - Local Government and Public Involvement in Health Act 2007 (as amended).</p> <p>Any actions that get taken forward as a result of the work in this report will be reported separately to future meetings, and will need to be in accordance with legislation (i.e. for looking at electoral cycle or Governance arrangements).</p>	Principal Solicitor Contentious & Corporate Governance.
Privacy and Data Protection	None	Policy and Information Team
Equalities	The purpose of looking at democratic representation is to ensure a fair and equitable vote for each elector in choosing their democratic representation.	Policy & Information Manager

Public Health	None	[Public Health Officer]
Crime and Disorder	None	Head of Policy, Communications and Governance
Procurement	None	Head of Policy, Communications and Governance

2. INTRODUCTION AND BACKGROUND

- 2.1 The Director of Finance and Business Improvement took a report to Policy and Resources Committee in July recommending action across a number of work streams to generate savings in order to meet the budget gap created by the impact of Covid19. One of the workstreams agreed was a review of the structure of democratic representation. This review will include a review of the number of Members and changing to whole Council Elections which was last considered by this Committee in 2019, with a focus on reducing costs.
- 2.2 As part of developing a workstream on democratic representation officers contacted the Local Government Boundary Commission for England (LGBCE) to establish the criteria for a boundary review. The LGBCE informed officers that the Council met two of the three criteria for a review and that only one of the criteria needed to be met. The LGBCE were due to consider whether to timetable the Council into its work programme on 19 October 2020. The LGBCE also asked if the Council would like to request a review (the third criterion).
- 2.3 The criteria for a review to be conducted are:
- 1) One or more of its wards has a variance of greater than 30% than the average for that authority **or** if **30%** of wards are greater than 10% from the average for that authority; or
 - 2) It has not been reviewed in over **14 years**; or
 - 3) The Council requests a review
- 2.4 The Council meets the first criterion as 8 out of 26 of our wards vary by 10% or more from the average electorate per councillor (**31%**) and one ward (Park Wood) varies by 26.5%. The Council meets criterion 2 as our last review was in 2000 (**20 years**).

What is a Boundary Review?

- 2.5 A boundary review is conducted by the LGBCE and they determine the following:
- The total number of members to be elected to the council (Council Size);
 - The number and boundaries of electoral areas (wards/divisions) for the purposes of the election of councillors;

- The number of councillors for any electoral area of a local authority; and
- The name of any electoral area.

2.6 The key aim for the review is to *'ensure that the ratio of electors to councillors in each electoral ward is, as nearly as possible, the same'*.

This aim is balanced with: *'...the need to reflect local community identities and interests, and provide for effective and convenient local government.'*

2.7 The LGBCE does not directly cover parishes as part of their review (that is something that the Council does through a Community Governance Review) but indirectly they can make changes to parishes where they are directly impacted by proposed ward boundary changes.

2.8 The indicative timetable provided by the LGBCE for a review is as follows:

Stage	Duration
Preliminary Period (Informal dialogue with Members and Officers)	Up to 6 months ahead of formal start
Council Size Decision (Commission comes to a 'minded to' decision on size)	5 weeks
Formal Stages:	
Consultation on future warding arrangements	12 weeks
Development of draft recommendations	12 weeks
Consultation on draft recommendations	8 weeks
Further consultation (if required)	Up to 5 weeks
Development of final recommendations	12 weeks

2.9 The start date for a review is determined by several factors including the LGBCE's own schedule, whether a Council wants a review and the electoral cycle of a Council. A loose indicative start date has been provided of 2022 for a Council with elections by thirds with a view to implementation in 2024.

2.10 A key element of a review is considering the size of the Council. Maidstone currently has 55 seats on the Council. In determining the appropriate size the LGBCE is mindful of the following:

1. Governance arrangements of the council, how it takes decisions across the broad range of its responsibilities, and whether there are any planned changes to those arrangements;
2. Examine the council's scrutiny functions relating to its own decision making and the council's responsibilities to outside bodies, and whether any changes to them are being considered; and
3. Consider the representational role of councillors in the local community and how they engage with people, conduct casework and represent the council on local partner organisations.

2.11 The Council is reviewing all its activities in view of the reduction in resources that it is likely to have to face from 2021/22 onwards. It was agreed by Policy and Resources Committee in July 2020 that no areas should be exempt from the requirement to make savings. Experience elsewhere has shown that District Councils can operate with 40 or fewer members and some operate with more than 55. A reduction in the number of members to this level and the introduction of whole council elections would allow the democratic function to contribute a commensurate proportion of the total savings required. Members are invited to consider this issue now as any movement on the number of Councillors would need to be agreed and suggested to the LGBCE by the Council.

2.12 It is recognised that a reduction in the number of Councillors would also require consideration of different ways of working for councillors to support them in representing their communities and participating in the Council's scrutiny and decision-making processes. Any review of Councillor numbers would have to be alongside a review of ways of working through dialogue and engagement with Councillors on the implications of a change.

2.13 Crucially the electoral cycle of the Council is also considered for the timing of the review and for determining the ward outputs and numbers on the Council.

2.14 For a Council with elections by thirds the LGBCE guidance states:

'...we start with a presumption that, for example, for local authorities that elect by thirds we will recommend a uniform pattern of three member wards (and, by inference, a council size that is divisible by three) so that every elector has the same opportunity to vote whenever local elections take place.'

2.15 This is a crucial consideration for Maidstone as it means that the status quo of our current combination of one, two and three Member wards is not an option for the review. Though it should be noted that the LGBCE have confirmed that in exceptional circumstances, to be made on a case by case basis for each ward, one or two Member wards can result from a review.

2.16 If a Council has whole council elections then the presumption for all three member wards is removed, and all single member wards become an option. The LGBCE state that '*Some local authorities that currently elect by thirds or by halves may wish to consider changing their electoral cycle to whole council elections prior to an electoral review. Any resolution to that effect must be made and notified to us, at the latest, before we invite proposals on warding patterns*'.

2.17 The LGBCE give a lot of weight to what a local authority wants from a review and in considering the council size and outcomes will conduct extensive consultations with Members, the public, and officers.

Whole Council Elections and Governance Arrangements

2.18 A potential review, with the outcomes and timing heavily impacted by electoral cycles, is a change in the considerations of whether to move to

whole council elections. It was previously agreed that the matter would not be proceeded with to Council, but it is recommended that the Committee reconsider this in light of this change – primarily that the status quo for wards and Members is no longer likely to be an option.

- 2.19 Governance arrangements, including how the council scrutinises its own decisions, and any planned changes to those arrangements are factors that the LGBCE will take into account when determining council size. There are differing views amongst Members on the fundamental options of Leader and Cabinet model or Committee system (as we currently have). The recommendation in this report is to consider those governance arrangement alternatives openly at the next meeting. It should be noted that no indication has been given for a model including a directly elected Mayor so that option has not been recommended.
- 2.20 It is recommended that the positions of political groups be established on these matters so as to allow informed reports to be presented to the Committee and to establish whether there is consensus on these matters, or other options that could be considered.

Local Government Reorganisation

- 2.21 There are national conversations regarding local government and a white paper on Local Government Reorganisation including the introduction of unitary Councils is anticipated. The current focus of the Government is on tackling the pandemic and the work on reorganisation on a national scale has been put on hold until next year. There is a risk that a lot of work is conducted on preparing for and implementing a review that loses its value if local government reorganisation were to be taken forward. The government's approach at the moment is to invite locally driven change rather than take a top down approach; priority in terms of use of resources at the Ministry of Housing, Communities and Local Government is being given to areas where this is the case including Somerset. There is no clear drive for change to local government re-organisation evident in Kent at the current time; in recent discussions Kent Leaders have preferred to postpone any further consideration of the matter until the White Paper is published. However, the LGBCE have confirmed that their aim is to deliver what is wanted locally so if Unitary proposals are firmed up sufficiently and look like they may take place they would 'pause' any review to allow the outcome to be established.

3. AVAILABLE OPTIONS

- 3.1 To inform the LGBCE that Maidstone Borough Council wants to have a review and begin preparation for the decisions necessary to fully facilitate, inform and influence the review to achieve the best local outcomes for the Borough.
- 3.2 To inform the LGBCE that Maidstone Borough Council wants to have a review and undertake some desktop work in preparation, but not take forward decisions on whole council elections and/or governance arrangements at this stage due to the likely timescales for a review to start.

- 3.3 To inform the LGBCE that Maidstone Borough Council does not want a review at this time and undertake some desktop work in preparation due to the likelihood of a review being conducted regardless.
 - 3.4 To inform the LGBCE that Maidstone Borough Council does not want a review and conduct no further work.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 3.1 is the preferred option and is covered by the recommendations to the Committee.
- 4.2 The Committee are recommended to agree to inform the LGBCE of the Council's desire to have a review so that the Council can have the most control and influence over the timing of the review and its content. Only one of the three criteria have to be met for a review to be conducted and we currently meet two of the three.
- 4.3 A review should also be requested because there is a clear disparity between wards for the ratio of electors to councillors, arguably creating a democratic deficit where some elector's votes are effectively more influential than others. The purpose of a boundary review is specifically to address this issue.
- 4.4 Requesting a review is not a small undertaking and a significant amount of work will be required to deliver it. As set out above depending on choices the Council makes the likelihood is that a review would start in 2022 Given this commitment and the significant impact a review can have on the borough it is recommended that work is undertaken now, and decisions brought forward for the Council to take on whole council elections and governance arrangements. Given the long timescales involved in implementation this would allow time for changes to be made ahead of the review outcomes.
- 4.5 Those decisions are important decisions as they have significant impacts for the Borough and each one will require careful consideration. It is therefore recommended that political groups be engaged in the processes for those decisions now to understand and present reports to this committee that are not only technically sound but are cognisant of the political issues too.
- 4.6 The Committee and Members more widely will be aware of the issues around Whole Council Elections from their recent consideration of the matter in November 2019. It should be noted that the report to be brought to the next Committee will include a significant change, namely that the status quo for the current setup of Members will not be an option with a boundary review, due to the LGBCE's aim to achieve uniform three member wards.
- 4.7 By agreeing to recommendation 3.1 the committee will be setting the Council in the best position to get the optimum local outcomes from the

review and to establish key choices in good time for the Council going forwards.

5. RISK

5.1 There are four main risks associated with this report.

- 1) There is an identified democratic deficit through having inequitable Councillor to elector ratios across the Borough. The purpose of a boundary review is specifically to address that issue. The report recommends requesting a review for that purpose.
- 2) There is a risk that if the Council does not request a review and does not do any preparatory work that we will have a review anyway and not be able to maximise the local benefit it and/or are caught in a situation where a review is conducted and we change our setup during the review.
- 3) The risk that the Council changes its election or governance arrangements during the review, which would undermine its outcomes, is recommended to be managed through bringing decisions forward now to provide clarity.
- 4) There is a risk that Unitary proposals overtake a boundary review and local changes – however the LGBCE have confirmed that they would likely 'pause' a review under those circumstances.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Officers have been liaising with the LGBCE and the LGBCE are awaiting a formal indication from the Council as to whether it wishes to proceed with a review.
 - 6.2 The issue of whole council elections has been discussed with the Committee previously and was stopped before it went to Council as it was deemed unlikely to achieve the two-thirds majority required for implementation and the status quo was maintained. Maintaining the status quo would not be an option if a boundary review goes ahead.
 - 6.3 Work has previously been undertaken, including a member survey and workshop, in relation to planning for a Community Governance Review. That feedback will be considered in any review work that comes forwards.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Political groups and informal conversations will take place to establish group positions on matters of whole council elections, governance arrangements, council size and the boundary review generally.

- 7.2 Those views will be fed into two reports to come to Democracy and General purposes requesting that Council takes decisions on whole council elections and its governance arrangements.
- 7.3 The LGBCE will be informed that Maidstone Borough Council wants a boundary review.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Local Government Boundary Commission for England – [Electoral Reviews \(Technical Guidance 2014\)](#)

Democracy and General Purposes Committee – [Whole Council Elections – Consultation Stage Approval](#) – 13 November 2019