

TONBRIDGE & MALLING BOROUGH COUNCIL

ELECTORAL REVIEW WORKING GROUP

10 March 2021

Report of the Chief Executive

Part 2 - Private

Non-Delegated

1 BOUNDARY COMMISSION REVIEW – COUNCIL SIZE SUBMISSION

This report provides an overview of the Boundary Commission Review process and provides a recommendation regarding the future size of the Borough Council using an evidence base that analyses the operation of the organisation in recent years.

1.1 Background

1.1.1 In early 2020, the Local Government Boundary Commission for England (LGBCE) contacted the Borough Council to state that due to electoral imbalances arising in Tonbridge and Malling Borough since the last review in 2011/12, the criteria for triggering a Boundary Review had been met, and as such the LGBCE would look to commence a review.

1.1.2 The Electoral Review effectively comprises two distinct parts. The first part considers the total number of councillors to be elected to the Council in the future, and this is followed by a second stage that looks at the extent to which ward boundaries need to be re-drawn so that they meet the Boundary Commission's statutory criteria. This report is specifically addressing the first part of the review only.

1.1.3 The LGBCE ultimately make a judgement on Council size based on three broad areas:

- The governance arrangements of the Council and how it takes decisions.
- The Council's scrutiny functions relating to its own decision making and its responsibilities to outside bodies.
- The representational role of councillors in the local community.

1.1.4 Submissions on Council size need to be submitted to the LGBCE by 20 March 2021. Once this stage has been concluded, then the second stage, which looks at ward boundaries, will commence. The LGBCE aims to have this process completed well before the next Council elections in May 2023.

1.2 Council Size Submission – Considerations

- 1.2.1 In considering the future size of the Borough Council, the starting point has been to look at trends and changes over recent years, and specifically since the last review was undertaken in 2011/12. The evidence base provided in Appendix 1 aims to provide this starting point.
- 1.2.2 From this exercise, there are several headline findings that are supplied within the conclusion:
- There has been a **25%** reduction in the size of the Cabinet since 2015 (from 8 to 6 Cabinet Members)
 - **6%** reduction in total number of appointments to all Council meetings since 2010/11
 - **13%** reduction in scheduled Council meetings since 2010/11
 - **14%** reduction in regulatory and other committees since 2010/11 and a **6%** reduction in meetings.
 - **48%** reduction in the number of Advisory Panels and Boards and a **20%** drop in Advisory Board and Panel Meetings since 2010/11
 - **21%** cancellation rate of scheduled meetings since 2015/16
 - **20%** non-attendance of members at meetings that do take place (although attendance of Councillors that are not members of meetings is quite high)
 - **7%** reduction (minimum) in annual appointments to outside bodies
 - **17%** drop in the Council expenditure from 2010/11 to 2019/20, with a forecast reduction of **35%** in Council expenditure from 2010/11 to 2027/8
 - **37%** drop in the number of staff (FTE) working for the Borough Council since 2010/11
- 1.2.3 Taking each of these statistics in isolation is not particularly telling, and indeed, the percentage changes range from a 6% reduction (in the total number of appointments to all Council meetings) to a 48% reduction in the number of Advisory Panels and Boards, which is rather broad.
- 1.2.4 As such, whilst there is no doubt that the Borough Council continues to do excellent work across a broad range of disciplines, it is very clear that the overall direction of travel is a reduction in size.
- 1.2.5 This has meant the Council has essentially had to use the resources that it does possess as efficiently and effectively as possible, be it using technological innovation, partnership working across all sectors and maximising commercial opportunities. This pattern of change is demonstrated through initiatives such as the required growth in virtual meetings and digital communications, and the potential further outsourcing of Council operations, such as Leybourne Lakes Country Park to the Tonbridge & Malling Leisure Trust or the transfer of public conveniences.

1.3 Proposed Council Size

- 1.3.1 As mentioned in paragraph 1.2.3, each of the individual pieces of evidence need to be considered as a whole in order to come to a reasonable conclusion about what an appropriate proposal regarding Council size might look like.

Table 1: Variables and Council Size

Variable	Reduction/Increase	How this would equate to Size of Council
Size of Cabinet	25% reduction since 2015	40.5 Councillors
Council Appointments to all Council Meetings	6% reductions since 2010/11	50.8 Councillors
Scheduled Council Meetings	13% reduction since 2010/11	47.0 Councillors
Regulatory and Other Committees	14% reduction in the number of committees since 2010/11	46.4 Councillors
	6% reduction in meetings since 2010/11	50.8 Councillors
Advisory Panels and Boards	48% reduction in the number of Advisory Panels and Boards since 2010/11	28.1 Councillors
	20% reduction in meetings since 2010/11	43.2 Councillors
Cancellation Rates	21% cancellation rate of scheduled meetings since 2015/16	42.7 Councillors
Non-Attendance	20% non-attendance rate since 2015/16	43.2 Councillors
Annual Appointments	7% reduction (minimum) since 2010/11	50.2 Councillors
Budget	17% drop between 2010/11 and 2019/20	44.8 Councillors
	35% forecast drop 2010/11 and 2027/28	35.1 Councillors
Staffing	37% reduction in FTE since 2010/11	34.0 Councillors
Average Across All Variables (equal weighting)	20.69% reduction	42.8 Councillors

Median Across All Variables	20% reduction	43.2 Councillors
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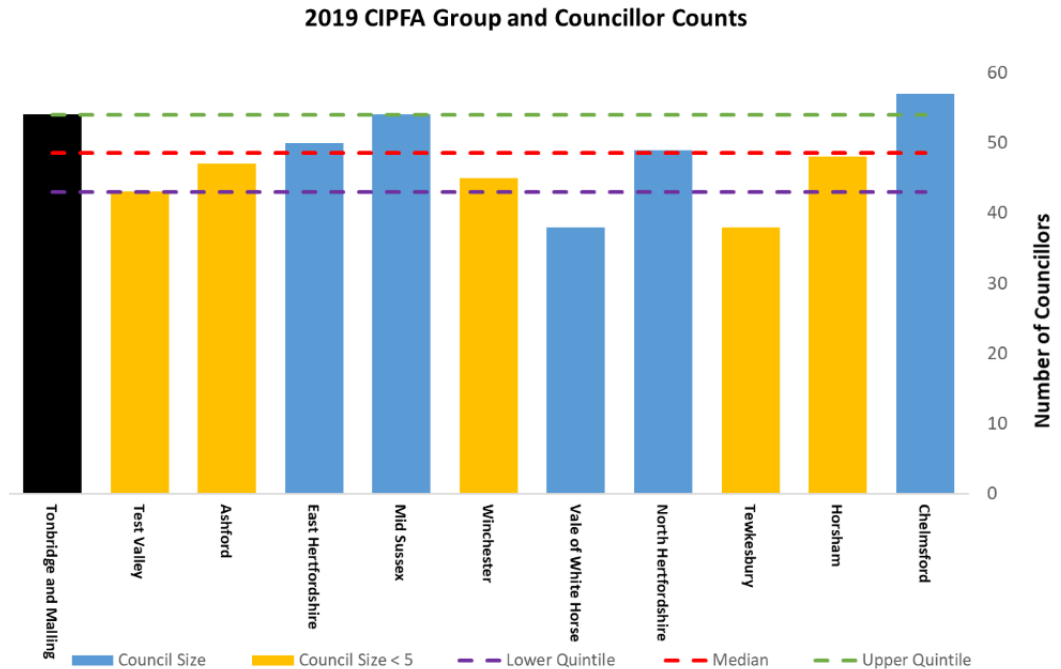
- 1.3.2 Table 1 considers each of the 13 variables individually and applies the reduction for each directly to the number of Councillors. It also looks at both the average and median reductions across all variables and applies these to the number of Councillors. What this shows is that there is a wide range when looking at the variables individually (from 28.1 to 50.8 Councillors). However, even with this wide range, it is quite telling that both the average and median come to a similar conclusion – that is a 20-21% reduction.
- 1.3.3 By applying this level of reduction, the Council size would come to **43 Councillors** (rounded up or down to the nearest whole number).
- 1.3.4 Such a reduction would be consistent with the findings of ‘A Review of Council Member’s Allowances for Tonbridge & Malling Borough Council’ which was undertaken by the Joint Independent Remuneration Panel (JIRP) in January 2017 and presented to General Purposes Committee on 06 March 2017. The recommendations from the report were accepted in full, effective after the Borough Council elections in 2019.
- 1.3.5 One of the recommendations within the report relates specifically to the number of councillors and then stipulates that the Borough Council should pursue a reduction in the number of councillors:

“Given the high proportion of total expenditure on Members’ Allowances that is made up by the Basic Allowance and the high level in comparison to other Kent districts (SEE Table 1), the Panel recommends that the Council gives consideration to pursuing the reduction of the number of councillors in the Borough as a longer-term strategic option, to reduce the cost of representation. The Panel understands that a number of councils have already done this for example Canterbury City Council (from 50 to 39) and Shepway District Council (from 46 to 30). The number of councillors in Tonbridge and Malling is high in comparison to other Kent councils and therefore the total cost of basic allowances is high at £285,000, which needs to be reflected upon in an environment where councils are being forced to cut budgets for services” (Paragraph 2.5)

“The Panel is aware that this not a quick solution given the processes adopted by the Boundary Commission but this long lead time supports the view that the Council should give this serious consideration as soon as possible. The Panel is aware that a number of councils have already done this e.g. Canterbury City Council (from 50 to 39) and Shepway District Council (from 46 to 30)” (Paragraph 10.2).

- 1.3.6 However, to further sense-check the conclusion reached in 1.3.3, it is helpful to go back to the information that the LGBCE originally provided to the Council. In the graph below, the Borough Council is compared against other Councils within the same CIPFA group. As is evident, the Borough Council, with 54 Councillors, is on

the upper quintile, with only Chelmsford within that group having a higher number of Councillors. At 43 Councillors, the Borough Council would still be within range, but on the lower quintile and similar to Test Valley and Winchester, but with a higher number of Councillors than Vale of White Horse and Tewkesbury.



1.3.7 Whilst the Borough Council is not suggesting a reduction in Councillor numbers that would be similar to Vale of White Horse or Tewkesbury, it is evident that Councillors elsewhere within the CIPFA group do manage with higher electorate numbers. In the past few years and certainly since 2010/11, there has been a considerable step change in the accessibility of the Borough Council as a whole, driven in most part by technological innovation which has meant both Officers and Councillors have been able to manage their workloads and communicate with residents efficiently but also leading to local residents being able to discuss issues or questions they have with the Council through multiple channels.

1.3.8 It is quite clear that these changes over time have contributed towards changes in Council size within the CIPFA group, with those Councils with lower numbers of Councillors having undertaken reviews within the last ten years, as shown in the table below:

Table 2: CIPFA Group Reviews:

Local Authority	Year of Last Review	Council Size (Councillors)
Tewkesbury	2018	38
Test Valley	2018	43

Ashford	2017	47
Horsham	2017	48
Winchester	2015	45
Vale of White Horse	2014	38
North Hertfordshire	2006	49
Mid Sussex	2001	54
Chelmsford	2000	57
East Hertfordshire	1998	50

1.3.9 Indeed, if solely looking at reviews undertaken within the CIPFA group since the Borough Council last undertook a review (Tewkesbury, Test Valley, Ashford, Horsham, Winchester, and Vale of White Horse), the average council size is 43.2 Councillors and the median is 44 councillors, which again accords with the analysis of other variables.

1.3.10 As such, all these points lead to the conclusion that a change to a figure in the region of 43 Councillors would be consistent with the change in governance and scrutiny arrangements since 2010/11 as well as the reduction in the size of Council expenditure and staffing. It would also reflect current and future changes in work patterns (which are mostly technologically-led) and would be consistent with the level of Councillor numbers within the CIPFA group, especially when considering other reviews undertaken within the group since 2010/11.

1.3.11 It should be highlighted that the reduction in the total expenditure and staffing at the Council since 2010/11 has been partly as a result of the outsourcing of services such as the running of leisure facilities to the Tonbridge and Malling Leisure Trust. It will therefore still be vitally important to ensure that scrutiny of such contracts will continue to be undertaken through the current arrangements, and there is no reason to believe that a move to 43 councillors would compromise this in any way.

1.3.12 Given the above, it is therefore considered that a Council with 43 Councillors would be able to maintain a good level of governance and delivery. However, a reduction to a smaller number than this would potentially begin to have an impact on delivery.

1.4 Legal Implications

1.4.1 The LGBCE has functions under Part 3 of the Local Democracy, Economic Development and Construction Act 2009. Under S56(1) of the 2009 Act, the LGBCE must, from time to time, conduct a review of the area of each principal

council, and recommend whether a change should be made to the electoral arrangements. In this regard, “electoral arrangements” means:

- The total number of members of the Council
- The number and boundaries of electoral areas for purposes of the election of Councillors
- The number of Councillors to be returned by any electoral area in that area
- The name of any electoral area

1.4.2 The 2009 Act does not set out how many councillors each authority (or type of authority) will have. It is the LGBCE’s responsibility to determine the appropriate number of councillors for each authority.

1.4.3 In making its recommendations, Schedule 2 to the 2009 Act requires the LGBCE to have regard to:

(a) The need to secure that the ratio of the number of local government electors to the number of councillors is, as nearly as possible, the same in every electoral area of the Council

(b) The need to reflect the identities and interests of local communities and, in particular

(i) the desirability of fixing boundaries which are and will remain easily identifiable; and

(ii) the desirability of fixing boundaries so as not to break any localities

(c) The need to secure effective and convenient local government.

1.5 Financial and Value for Money Considerations

1.5.1 There are no financial and value for money considerations at this stage. However, should the Boundary Commission be minded to agree with this recommendation, or any reduction in the number of Councillors, then there could be potential savings on Member’s allowances, albeit this would be subject to the recommendation of any Joint Independent Remuneration Panel.

1.6 Risk Assessment

1.6.1 Not Applicable

1.7 Equality Impact Assessment

1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

1.8.1 That the report **BE NOTED**.

1.8.2 That the approach and conclusions set out in this report regarding the future size of the Council **BE RECOMMENDED** to General Purposes Committee.

Background papers:

None

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