

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

17 May 2023

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 **CHANGES TO CONSTITUTION – ELECTORAL CHANGES**

The report recommends that amendments are made to the constitution to reflect the changes introduced by the Local Government Boundary Commission.

1.1 **Introduction**

1.1.1 Members will be aware that the Local Government Boundary Commission conducted a review of the electoral arrangements for Tonbridge & Malling Borough Council between 2020 and 2022.

1.1.2 The Tonbridge & Malling (Electoral Changes) Order 2022 was made on 4 November 2022, coming into effect on 4 May 2023. The Order abolished the existing ward arrangements and introduced in their place 19 new electoral wards, 5 fewer than previously. The Order also reduced the number of elected members for the Borough from 54 to 44.

1.1.3 I have reviewed the Council's constitution to ensure that it is consistent with the changes introduced by the Order.

1.1.4 The principal changes to the Constitution fall into 3 categories, as set out below.

1.1.5 For completeness, a full copy of the current constitution is attached as **Annex 2**.

1.1.6 **Number of Councillors**

1.1.7 Part 1 (Summary and Explanation) and Article 2 have been updated to refer to 44 Councillors rather than 54.

1.1.8 **Area Planning Committees**

1.1.9 Part 3 (Responsibility for Council Functions) will need to be updated to align the membership of the Area Planning Committees with the new ward boundaries. Whilst it is relatively straightforward to match most of the new wards to their respective Area Planning Committee, Members are invited to consider 2 specific wards.

- 1.1.10 Firstly, the new ward of Bourne includes the areas previously falling within the ward of Hadlow and East Peckham, together with Plaxtol and Shipbourne (previously within the ward of Borough Green and Long Mill). Returning members will be aware that the former members for Hadlow and East Peckham were able to attend both Area 1 and Area 2 Planning Committees – applications falling within the parish of Hadlow were determined by the Area 1 Committee and applications falling within the parish of East Peckham were determined by the Area 2 Committee. Plaxtol and Shipbourne both previously fell within the purview of the Area 2 Committee.
- 1.1.11 There are 2 options for Members to consider: -
- (1) include all of the Bourne ward within the purview of a single Area Planning Committee. If Members were minded to take this approach it is suggested that the Bourne ward should fall within the Area 2 Planning Committee.
 - (2) allow the Members for Bourne to attend both Area 1 and Area 2 Planning Committee meetings, with applications within the parish of Hadlow to be determined by Area 1 and those within the parishes of East Peckham, Plaxtol and Shipbourne to be determined by Area 2.
- 1.1.12 Similarly, the new ward of East Malling, West Malling and Offham straddles areas previously falling within 2 different Area Planning Committees. East Malling previously fell within the purview of Area 3, with West Malling and Offham falling within Area 2.
- 1.1.13 Geographically, the larger part of the new East Malling, West Malling and Offham ward previously fell within the purview of the Area 2 Planning Committee. If Members wished to ensure that the ward fell within the purview of a single Area Planning Committee, there is therefore a logic in including the new ward within Area 2.
- 1.1.14 If members wished to ensure that each Area Planning Committee contains broadly the same number of members, including both the Bourne ward and the East Malling, West Malling and Offham ward within Area 2 would create a relatively even distribution of 14 members (Area 1 and Area 3) and 16 Members (Area 2). Alternatively, if the affected Members for Bourne and East Malling, West Malling and Offham were able to attend Area 1/ Area 2 and Area 2/ Area 3 respectively then the numbers on each committee would be 16 (Area 1), 16 (Area 2) and 17 (Area 3).
- 1.1.15 There is ultimately no right or wrong way of re-configuring the Area Planning Committees in light of the Order but given the above it is proposed that the Bourne and East Malling, West Malling and Offham wards should fall within the purview of the Area 2 Planning Committee.

This would mean that the Area Planning Committees contain members representing the following wards:-

Area 1 – Cage Green & Angel, Higham, Hildenborough, Judd, Trench and Vauxhall

(Total – 14 Members)

Area 2 – Birling, Leybourne & Ryarsh, Borough Green & Platt, Bourne, East Peckham, West Peckham, Mereworth and Wateringbury, Kings Hill, East Malling, West Malling & Offham, Pilgrims with Ightham

(Total – 16 Members)

Area 3 - Aylesford North & North Downs, Aylesford South & Ditton, Larkfield, Snodland East & Ham Hill, Snodland West & Holborough Lakes and Walderslade

(Total – 14 Members)

1.1.16 **Size of Committees**

1.1.17 Overall, the reduction in the number of members from 54 to 44 equates to a 18.5% decrease. Whilst there is no legal obligation to reduce Committee membership, it is nevertheless appropriate at this point in the municipal year to also consider whether the size of Committees should be reviewed in light of the changes introduced by the 2022 Order.

1.1.18 Due to the interrelationship between the size of committees and political balance, considerations relating to the size of committees are addressed in the report on political balance arrangements at item 12 of the agenda.

1.1.19 **Other changes**

1.1.20 I have also taken the opportunity to make some minor changes to the Constitution to address some minor inconsistencies/ inaccuracies I have noted. For example, I have noted that the reference to the Overview and Scrutiny Committee in the Summary and Explanation does not include reference to the Scrutiny Select Committees.

1.1.21 Part 3 of the Constitution (Panels and Boards to advise the Executive) has been updated to clarify the ward councillors who will be members of the Tonbridge Community Forum.

1.2 **Legal Implications**

1.2.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

1.3 Financial and Value for Money Considerations

1.3.1 None.

1.4 Risk Assessment

1.4.1 The changes to the Constitution proposed in this report are predominantly required to ensure that the governance arrangements for the Council are in accordance with the Tonbridge & Malling (Electoral Changes) Order 2022. The remaining changes are minor and do not carry any risk.

1.5 Equality Impact Assessment

1.5.1 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.

1.6 Recommendations

1.6.1 Members are requested to:-

- (a) Approve the proposed changes to the Area Planning Committees as set out in paragraph 1.1.14 and authorise the Monitoring Officer to make consequential changes to the constitution;
- (b) Authorise the Monitoring Officer to amend the Constitution as set out at **Annex 1** to give effect to the changes outlined in 1.1.6 & 1.1.19 of this report.
- (c) Subject to the amendments set out above, approve the constitution at **Annex 2**.

Background papers:
The Tonbridge & Malling (Electoral Changes) Order
2022

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