



AGENDA

ELECTORAL AND BOUNDARY REVIEW COMMITTEE

Thursday, 24 November 2016, at 10.00 am Ask for: **Denise Fitch**
Council Chamber, Sessions House, County Telephone: **03000 416090**
Hall, Maidstone

Tea/Coffee will be available 15 minutes before the start of the meeting

Membership (9)

Conservative (5): Mr G K Gibbens (Chairman), Mr A J King, MBE (Vice-Chairman),
Mr A H T Bowles, Mr D L Brazier and Mrs P A V Stockell

UKIP (1) Mr M Heale

Labour (1) Mr R Truelove

Liberal Democrat (1): Mr I S Chittenden

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UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Substitutes
- 2 Declarations of Interest on any items on this agenda
- 3 Minutes - 22 May 2015 (Pages 3 - 4)

- 4 Kent County Council Election - May 2017 (Pages 5 - 8)
- 5 2018 Review of Parliamentary Constituencies (Pages 9 - 10)
- 6 Ashford Borough Council - Community Governance Review (Pages 11 - 24)

John Lynch
Head of Democratic Services
03000 410466

Wednesday, 16 November 2016

KENT COUNTY COUNCIL

ELECTORAL AND BOUNDARY REVIEW COMMITTEE

MINUTES of a meeting of the Electoral and Boundary Review Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Friday, 22 May 2015.

PRESENT: Mr G K Gibbens (Chairman), Mr A J King, MBE (Vice-Chairman), Mr D L Brazier, Mr I S Chittenden, Mrs P A V Stockell, Mr A Terry, Mr R Truelove, Mrs P T Cole (Substitute) and Mr R A Latchford, OBE (Substitute)

ALSO PRESENT:

IN ATTENDANCE: Mr G Wild (Director of Governance and Law), Mr R Hallett (Head of Business Intelligence) and Mr P Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

26. Minutes - 16th December 2014
(Item 3)

RESOLVED that the minutes of the meeting held on the 16th of December 2014 were an accurate record and that they be signed by the Chairman.

27. Electoral Review of Kent County Council's area - LGBCE Recommendations May 2015
(Item 4)

1. The Chairman explained that he had worked with the Group Leaders at KCC to support the development of a Kent County Council representation to the Local Government Boundary Commission England (LGBCE), with some minor differences between political groups outlined separately.

2. A Member stated as political groups, district councils, KCC and other interested parties had already made their own submissions, the Committee should not make a fresh submission in response to the latest publication and that people in Kent and other local groups could now have their say.

3. Peter Sass explained to the Committee that the current papers under discussion had been published as a public consultation by the LGBCE and that they represented the second stage of consultation for the new electoral arrangements in Kent, including the Committee's previous submission.

4. Members supported the view that the Committee and KCC Political Groups had already made a significant contribution to the consultation process and that it was now for the public to make their views known.

5. The Chairman agreed with the principle that the main issues of the consultation had already been addressed but encouraged Members to feedback to the LGBCE on any smaller details or issues that needed correcting.

6. The Committee noted their thanks for the work of officers in developing KCC's response and supporting the Committee in considering the Boundary Review.

RESOLVED that the Committee note the report and that the Committee would not submit a formal KCC response to the LGBCE's consultation.

From: Graham Gibbens, Chairman of the Electoral and Boundary Review Committee
 Ben Watts, General Counsel (Interim)

To: Electoral and Boundary Review Committee – 24 November 2016

Subject: Kent County Council Election – May 2017

Classification: Unrestricted

Summary: This report updates Members on the appointment of the County Returning Officer and the work being undertaken with the Borough and District Councils in Kent to plan for the County Council election in May 2017.

1. County Returning Officer

- (1) At its meeting on 12 February 2015, the County Council approved the new Strategic and Corporate Services Directorate structure which included the establishment of the new role of General Counsel, in the probable event of the delivery of Legal Services being transferred to a company trading as an Alternative Business Structure.
- (2) The new role of General Counsel included responsibility for discharging the duties of the County Returning Officer and leading and directing the implementation of Council elections in close partnership with Borough and District Councils.
- (3) At Personnel Committee on 8 June 2016, the Committee endorsed the interim appointment of Mr Ben Watts to the post of General Counsel. The General Counsel (Interim) became responsible for discharging the duties of the County Returning Officer on 15 October 2016.

2. Election Planning

- (1) Upon appointment, the General Counsel (Interim) began to develop a team from within Democratic Services which includes the new Head of Democratic Services who has experience of delivering elections from his previous authority. The County Returning Officer (CRO) and his staff have begun to work closely with Deputy Returning Officers and Electoral Services Managers in the 12 District Councils in relation to planning and co-ordinating the County Council Election to be held on Thursday 4 May 2017.
- (2) Initial introductory meetings were held with the Chairman of the Kent Association of Electoral Registration Officers and Staff (Kent AEROS) on 6 September 2016 and the Members of the Kent Association of Electoral Registration Officers and Staff (Kent AEROS) on 11 October 2016. The CRO also attended a meeting of the Joint Kent Chief Executives on 3 November 2016. These were extremely positive meetings in terms of the CRO introducing himself to the District Councils and to listen to the

feedback from the District Councils in relation to 2013 election and the expectations on the CRO going forward. The CRO also sent a brief survey to the District Councils to provide a confidential opportunity for them to inform the decisions that the CRO needs to make around planning for the election.

- (3) As a result of these meetings and the feedback received, the CRO is now considering the following:

(a) The date of publication of the Notice of Election

The pre-election 'purdah' period is defined as beginning with the publication of Notice of the Election and the latest date for publication would be Monday 27 March 2017. If the date of publication was before 27 March, the pre-election period and the delivery of nomination papers would be extended. Nominations are to be delivered from the date stated on the Notice of Election up until 4pm on Tuesday 4 April. The CRO is mindful of the significant number of likely nominations and the need to process these properly and lawfully. At the last election there were 402 nominations.

(b) The start time for the verification and counting of the votes for the County Council Election

The CRO is minded to request that arrangements should be made in each Borough and District Council area for the County Council Election verification and the count to begin at 9.00am on Friday 5 May 2017.

Whilst the CRO is conscious of the eagerness of both elected Members and political parties for the election results to be announced as soon as possible after the close of poll, there are other factors which need to be considered including:

- (i) Those Councils with two-Member electoral divisions, which can take significantly longer to count than those Councils with all single divisions;
- (ii) The health and safety of key election staff, some of whom could be on duty for 24 hours or more if there was an overnight count; and
- (iii) The need for complete accuracy, which is enhanced by having fresh counting staff the following day.

(c) The potential to centralise nominations at County Hall

In the run up to the 2013 elections, the then CRO received a number of allegations from members of the public about the accuracy and validity of some of the candidates' nominations for one political party. As is normal with allegations of potential electoral fraud, the complaints were referred to Kent Police and an

individual was charged with offences under electoral legislation relating to those nominations which is still subject to judicial proceedings.

The then CRO was satisfied that the District Returning Officers (DROs) involved had complied fully with electoral legislation, case law and Electoral Commission guidance and there was full co-operation with the Kent Police investigation.

The Electoral Commission has the power to set and monitor performance standards for electoral services including the performance of Returning Officers. As a new CRO, the General Counsel (Interim) will be subject to scrutiny by the Electoral Commission with regards to the delivery of a consistent high-quality service for voters and those standing for election. We will be expected to have reflected the experiences of the 2013 election in the planning for the 2017 elections. The CRO will need to demonstrate to the Electoral Commission how outcomes against the three performance standards for Returning Officers have been met including:

- (i) the development and implementation of robust project management processes
- (ii) evaluation of the planning and delivery of previous polls and the identification of lessons learnt
- (iii) ensuring that candidates have the opportunity to have their nomination papers informally checked prior to their formal submission (Electoral Commission 2013).

For these purposes, the CRO is exploring the possibility of nominations being informally checked and submitted to a central team, made up of Kent Association of Electoral Registration Officers and Staff. These staff would be based at County Hall in Maidstone between the date stated on the Notice of Election up until 4pm on Tuesday 4 April.

(d) The uplifting of the 2017/18 Scale of Fees and Expenses for the County Council election

It is a function of the Electoral and Boundary Review Committee to determine the scale of election fees and expenses for County Council elections. The fees are uplifted annually by the average NJC pay award for local government; in 2016/17 the fees were uplifted by 1.7%.

The average NJC pay award for local government for 2017/18 is 1.35%. A benchmarking review is being carried out; the remuneration of borough and districts' staff time and the maximum recoverable amount allocated to each Borough and District Council area for the 2016 Police and Crime Commissioner Elections is being considered.

- (4) The CRO would be grateful for the Committee's comments on these issues at this meeting and is proposing to bring a further update to the Committee in January.
- (5) Further liaison meetings are planned with the relevant Borough and District Council staff between now and the election next May to ensure that both the County and District Councils' expectations with regard to the running of the election are achieved.

Recommendation: The Committee is invited to:

- (a) note the appointment of the General Counsel (Interim) as the County Returning Officer and the progress made with regard to planning for the 2017 County Council election;
- (b) request the County Returning Officer to take note of the Committee's comments about the Notice of Election, election count, nomination process and the Scale of Fees and Expenses and provides an update to the Committee in January 2017

Background Documents

County Council, 12 February 2015

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=113&MId=5812&Ver=4>

Electoral Commission (2013) *Performance standards for Returning Officers in Great Britain (01/11/2013)*,

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/163821/New-performance-standards-for-ROs-November-2013.pdf

Personnel Committee, 8 June 2016

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=129&MId=6143&Ver=4>

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From: Graham Gibbens, Chairman of the Electoral and Boundary Review Committee
John Lynch, Head of Democratic Services

To: Electoral and Boundary Review Committee – 24 November 2016

Subject: 2018 Review of Parliamentary Constituencies

Classification: Unrestricted

Summary: This report updates Members about the 2018 Review of Parliamentary Constituencies being undertaken by the Boundary Commission for England including the timetable of the review and initial proposals for Kent

1. Introduction

- (1) The Boundary Commission for England (BCE) is an independent and impartial non-departmental public body, which is responsible for reviewing Parliamentary constituency boundaries in England.
- (2) The BCE is currently conducting a review on the basis of rules most recently updated by Parliament in 2011. The rules state that there will be 600 Parliamentary constituencies covering the UK – a reduction of 50 from the current number. This means that the number of constituencies in England must be reduced from 533 to 501. The rules also require that every constituency (with the exception of two covering the Isle of Wight) to contain no fewer than 71,031 electors and no more than 78,507.
- (3) After extensive public consultation, the BCE is required to make a formal report to the Government during September 2018, recommending any changes that it believes are appropriate to the distribution, size, shape, name or designation of constituencies in England.

(2) Timetable of the Review

- (1) Stage one – The BCE began its review in February 2016 by publishing electorate data from December 2015. The BCE published its initial proposals on 13 September 2016.
- (2) Stage two – The BCE is currently consulting on its initial proposals for 12 weeks from 13 September to 5 December 2016. The BCE is hosting five public hearings for the South East region; a two day public hearing session was held at County Hall, Maidstone on 3 – 4 November 2016.
- (3) Stage three – The BCE is required to publish all the responses it receives on its initial proposals followed by a four-week 'secondary consultation' period, likely to take place in spring 2017. The purpose of the secondary consultation is for people to see what others have said in response to the initial proposals, and to make comments on those views.
- (4) Stage four – Once the BCE has all the representations and comments from both the initial and secondary consultation periods, it will analyse

those representations and decide whether changes should be made to the initial proposals. If the BCE is persuaded to change its initial proposals, then it must publish its revised proposals and consult on them for a further period of eight weeks. This is likely to be towards the end of 2017.

- (5) Stage five –Following the consultation on revised proposals, the BCE will consider all the evidence received before determining its final recommendations. The recommendations will be set out in a published report to the Government, who will present it, without amendment, to Parliament. If Parliament approves the legislation, the recommended changes will be implemented for the next General Election after the date on which the legislation is passed.

3. Initial proposals for Kent

- (1) The initial proposals for new Parliamentary constituency boundaries in Kent are set out as part of wider proposals for the South East Region and can be viewed here on pages 14 - 16 - https://www.bce2018.org.uk/download_document?type=0&document_id=14172
- (2) Detailed maps of each of the proposed constituencies in Kent can be viewed here as part of the South East region mapping - https://www.bce2018.org.uk/download_document?type=0&document_id=14199
- (3) It is proposed that the KCC Political Groups, rather than the Committee or the County Council, are encouraged to respond directly to the Boundary Commission for England's initial proposals prior to the closure of its Stage Two consultation on 5 December 2016.

Recommendation

The Committee is invited to note the 2018 Review of Parliamentary Constituencies and request the KCC Political Groups to respond directly to the Boundary Commission for England's consultation on the initial proposals by 5 December 2016.

Background Documents

Boundary Commission for England (2016) '*Guide to the 2018 Review of Parliamentary constituencies (12/07/2016)*', <http://boundarycommissionforengland.independent.gov.uk/wp-content/uploads/2016/07/2016-07-11-Guide-to-2018-review-Final-Version.pdf>

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From: Graham Gibbens, Chairman of the Electoral and Boundary Review Committee
 John Lynch, Head of Democratic Services

To: Electoral and Boundary Review Committee – 24 November 2016

Subject: Ashford Borough Council – Community Governance Review

Classification: Unrestricted

Summary: This report updates Members about the community governance review undertaken by Ashford Borough Council in 2015 and the proposal to make minor alterations to the county electoral divisions in Ashford in advance of 2017 County Council election.

1. Introduction

- (1) Principal councils (district councils or unitary councils) have the power to carry out community governance reviews and put in place or make changes to local community (parish) governance arrangements under the Local Government and Public Involvement in Health Act 2007. A review can consider a number of issues including the creation of a new parish, altering the boundary of an existing parish or grouping a number of parishes together in a grouped parish council.
- (2) Ashford Borough Council conducted a Community Governance Review of the whole borough in 2015. The final recommendations were considered and approved at a meeting of the full council on 10 December 2015. The Ashford Borough (Reorganisation of Community Governance) Order No 1 was made on 23 September 2016 and will come into force on 1 April 2019 in advance of the next borough election.
- (3) The Local Government Boundary Commission for England (LGBCE) is responsible for making ‘consequential changes’ - any related alterations to district ward or county division boundaries following a parish boundary changes as a result of a community governance review.
- (4) In October 2016 the LGBCE notified Kent County Council that it was carrying out a review of the borough boundaries in Ashford. The LGBCE stated:

“Normally, this would not affect the county divisions. However, the borough council has recently completed a Community Governance Review (CGR) Order which divorces the parish boundaries from the electoral divisions in several places. This causes problems as it creates a number of parish wards with no electors in.

In order to solve this, the Commission will need to make a related alterations order to move the electoral divisions on to the new parishes.

These changes need to be requested by the borough council, but will need to be approved by the county council”.

- (5) This Committee has responsibility for dealing with all matters relating to reviews of local government boundaries. The LGBCE has subsequently stated that a letter from Kent County Council confirming this Committee’s approval of these changes would be adequate for their purposes.
- (6) Once the LGBCE receives the KCC letter, along with mapping and other information from Ashford Borough Council, the Commission will discuss the related alterations. If agreed, the LGBCE will then make the related alterations Order, inform Ordnance Survey and make changes to mapping. It is proposed that the alterations Order would be made and come into force on 4 May 2017 – the date of the next County Council election in May 2017.
- (7) If the Committee does not approve the alterations to the county electoral divisions, a number of parish wards would be created with very few or no electors in; this would result in difficulties in administering elections and establishing parish councils in these new wards.
- (8) The differences between the affected Kent County Council boundaries in Ashford and the parish boundaries which were amended as part of the 2015 Ashford Borough Council Community Governance Review are detailed in Appendix 1 with an explanatory note and five maps.

Recommendation

The Committee is invited to approve the alterations to the county electoral divisions in Ashford as detailed in Appendix 1 and agree that a letter be sent to the Local Government Boundary Commission for England confirming the Committee’s approval of these changes.

Appendices

- Appendix 1 – Explanatory Note and Maps

Background Documents

Ashford Borough Council (2016) '*Community Governance Review (01/01/2016)*', <http://www.ashford.gov.uk/community-governance-review>

The Local Government Boundary Commission for England (2016) '*About Community Governance Reviews (01/01/2016)*', <https://www.lgbce.org.uk/about-us/about-reviews/about-community-go>

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Appendix 1 – Explanatory Note

Differences between the Kent County Council (KCC) boundaries and the parish boundaries which were amended as part of the 2015 Ashford Borough Council Community Governance Review (ABC CGR)

Map Number	Explanation of suggested amendment
1	<p>The blue line (KCC boundary) between Ashford Rural West and Ashford Rural South needs to follow the red line (ABC CGR boundary) to incorporate the hatched area.</p> <p>Fewer than 10 electors are affected.</p>
2	<p>The blue line (KCC boundary) needs to include the hatched area between Ashford Central and Ashford Rural West.</p> <p>Approximately 300 electors are included in the hatched area. The Boundary Commission have advised that KCC do not need to amend this boundary as there are enough electors for the area to be warded. However it would simplify arrangements if the amendment was made.</p>
3	<p>The blue line (KCC boundary) needs to follow the red line moving electors from Ashford Rural South into the adjacent ward which will bring the boundary in line with the railway line.</p> <p>Approximately 70 current electors are affected.</p>
4	<p>The KCC and parish boundaries are coterminous except for one property at Bilham Farm which is currently in Ashford Rural East but which is located in the parish north of this boundary. This difference is not a consequence of the ABC CGR but appears to be an anomaly between the KCC and parish boundaries.</p>
5	<p>The blue line (KCC boundary) needs to be coterminous with the red line (ABC CGR) between Ashford East and Ashford Rural South as per the hatched areas.</p> <p>No electors are affected.</p>

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MAP 1

GREAT CHART WITH SINGLETON

STANHOPE

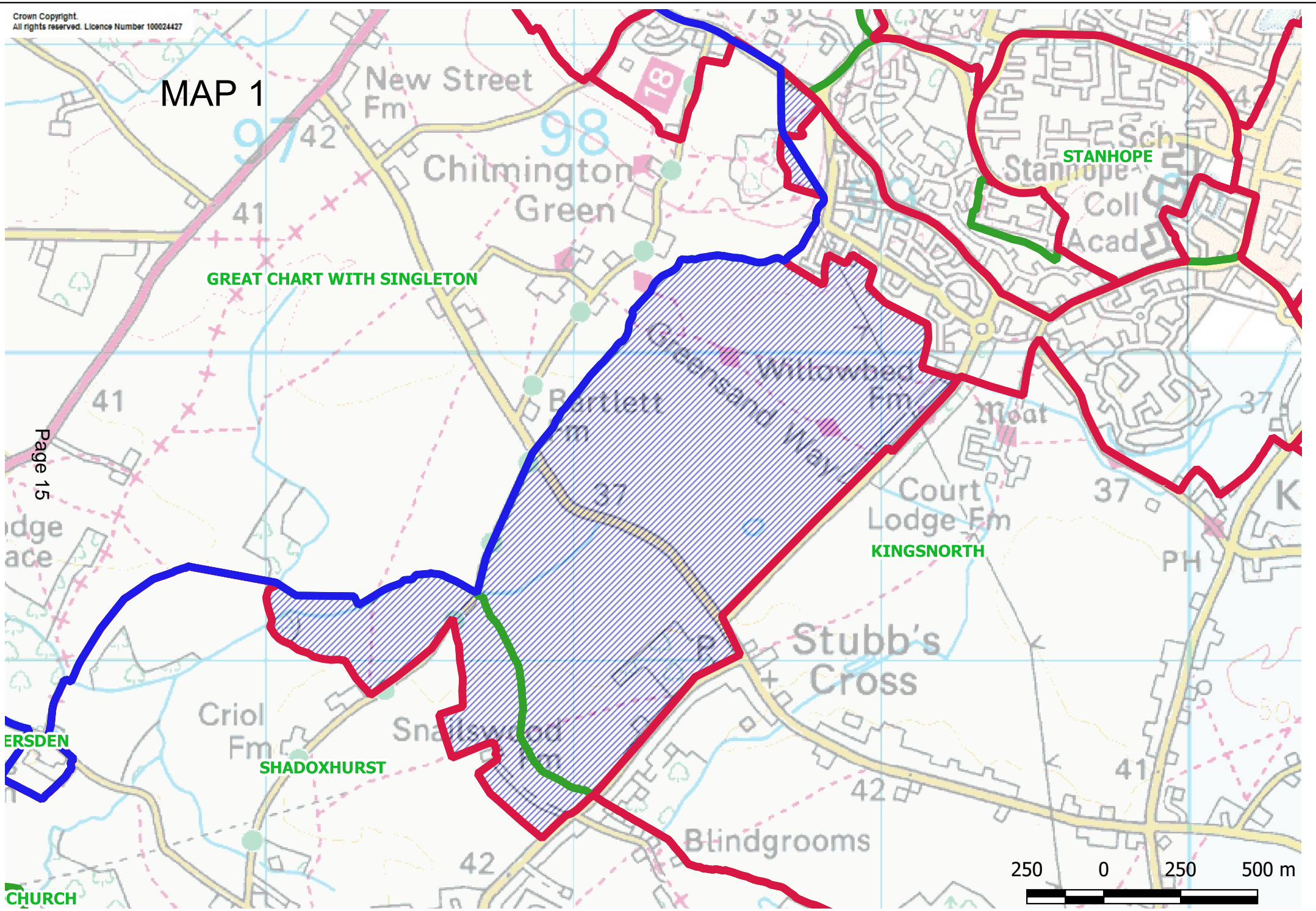
KINGSNORTH

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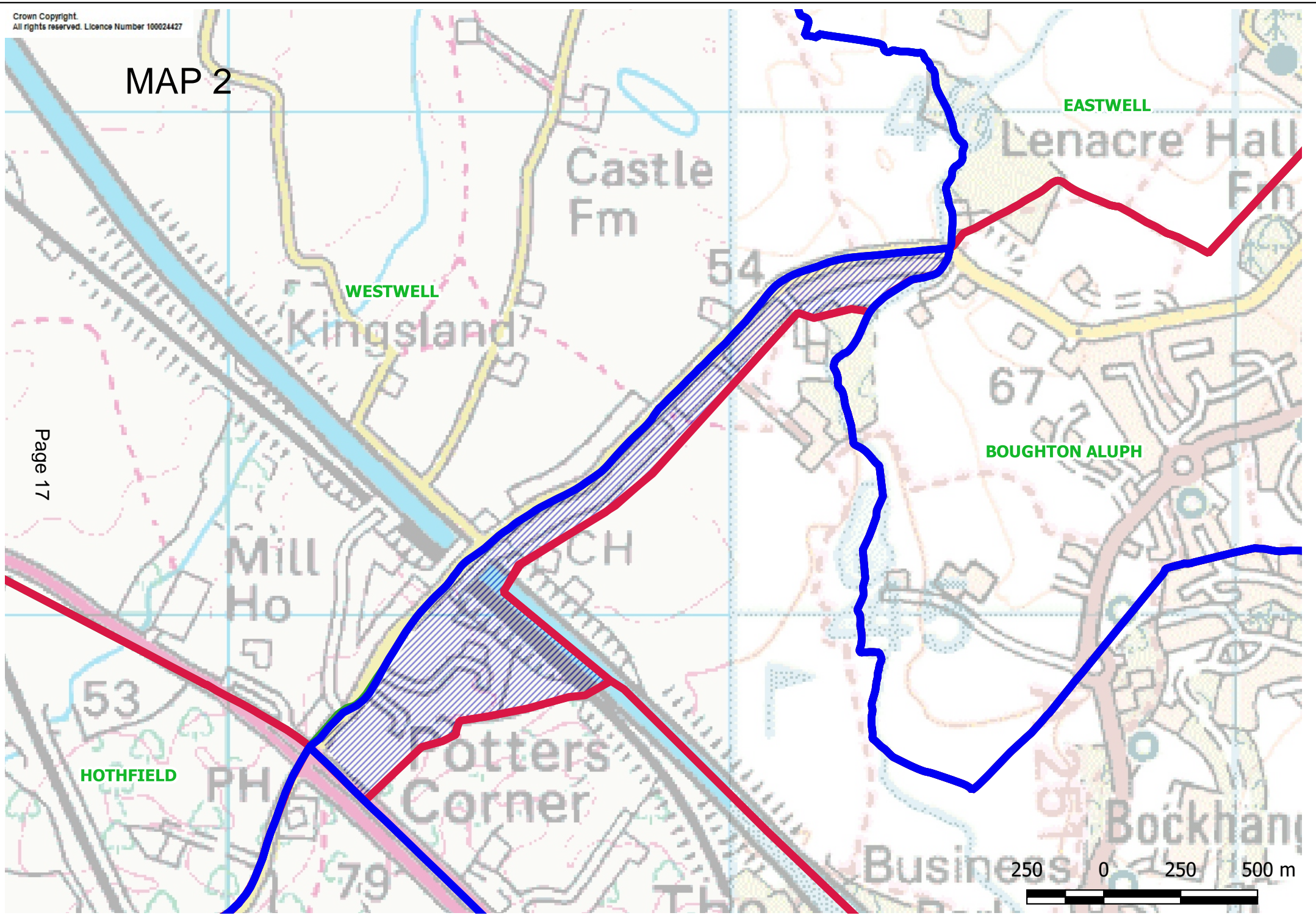
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MAP 2



WESTWELL

EASTWELL

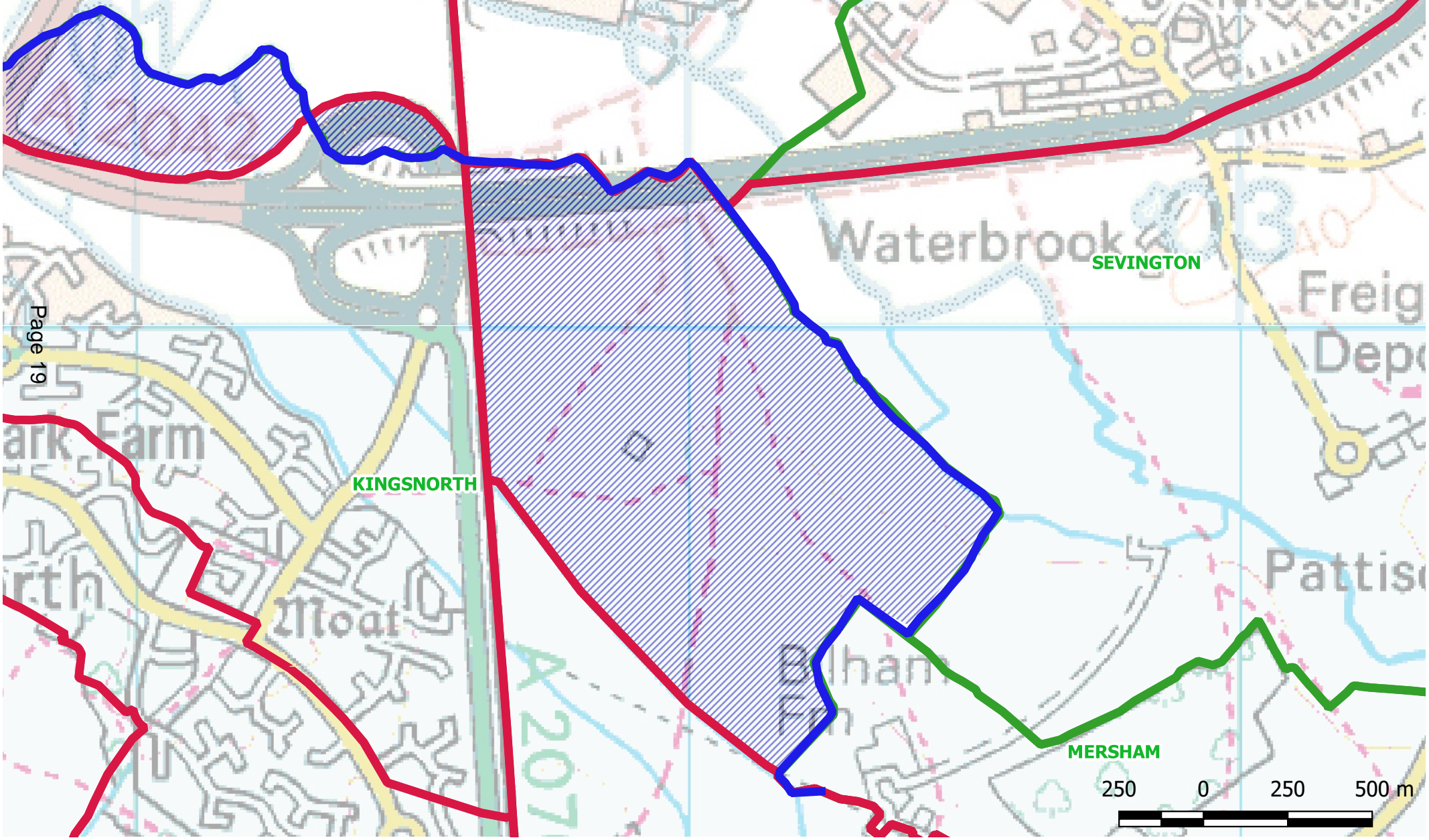
BOUGHTON ALUPH

HOTHFIELD

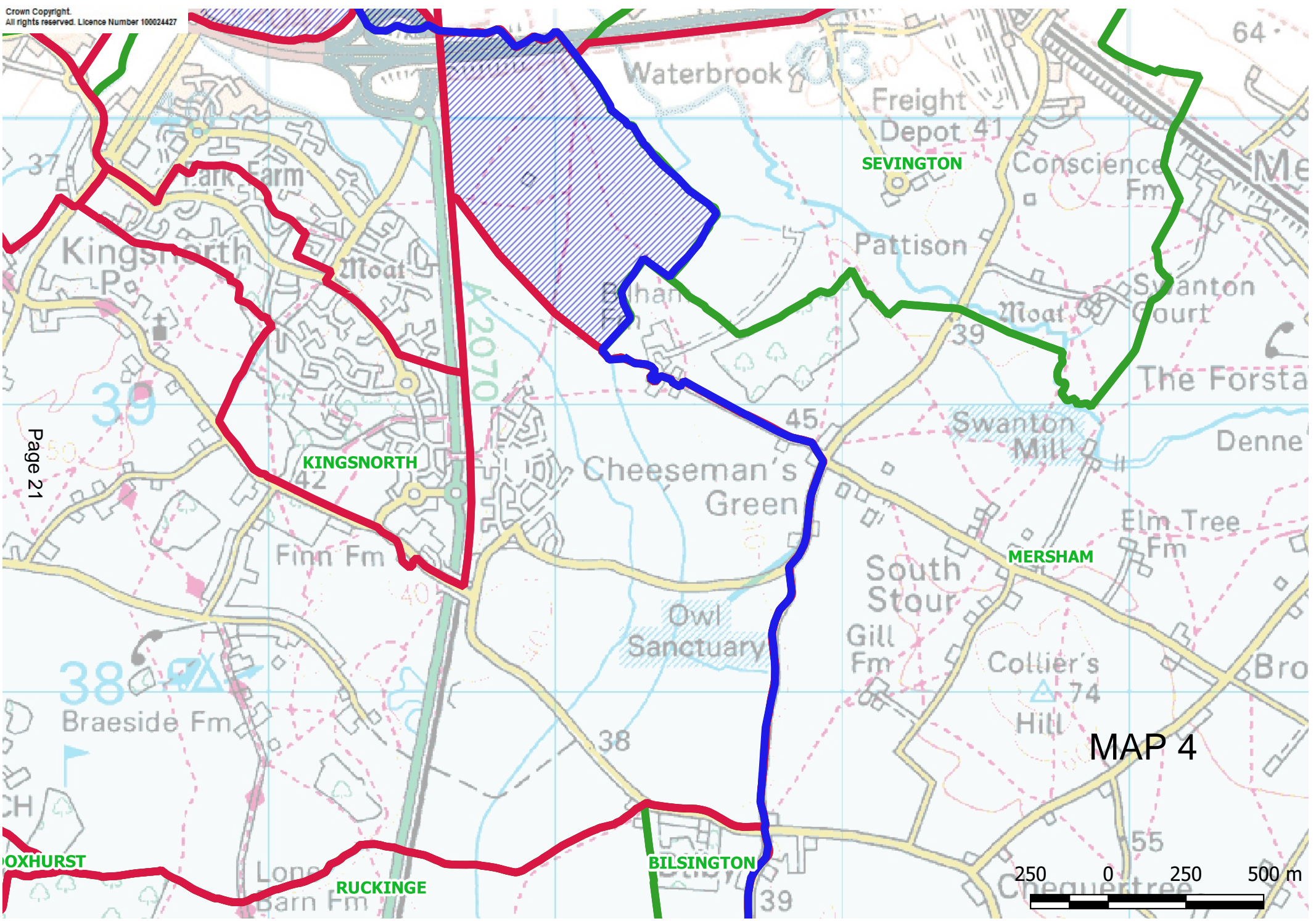
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Industrial Estate MAP 3



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MAP 4

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MAP 5

Industrial Estate

VHOPE

Page 23

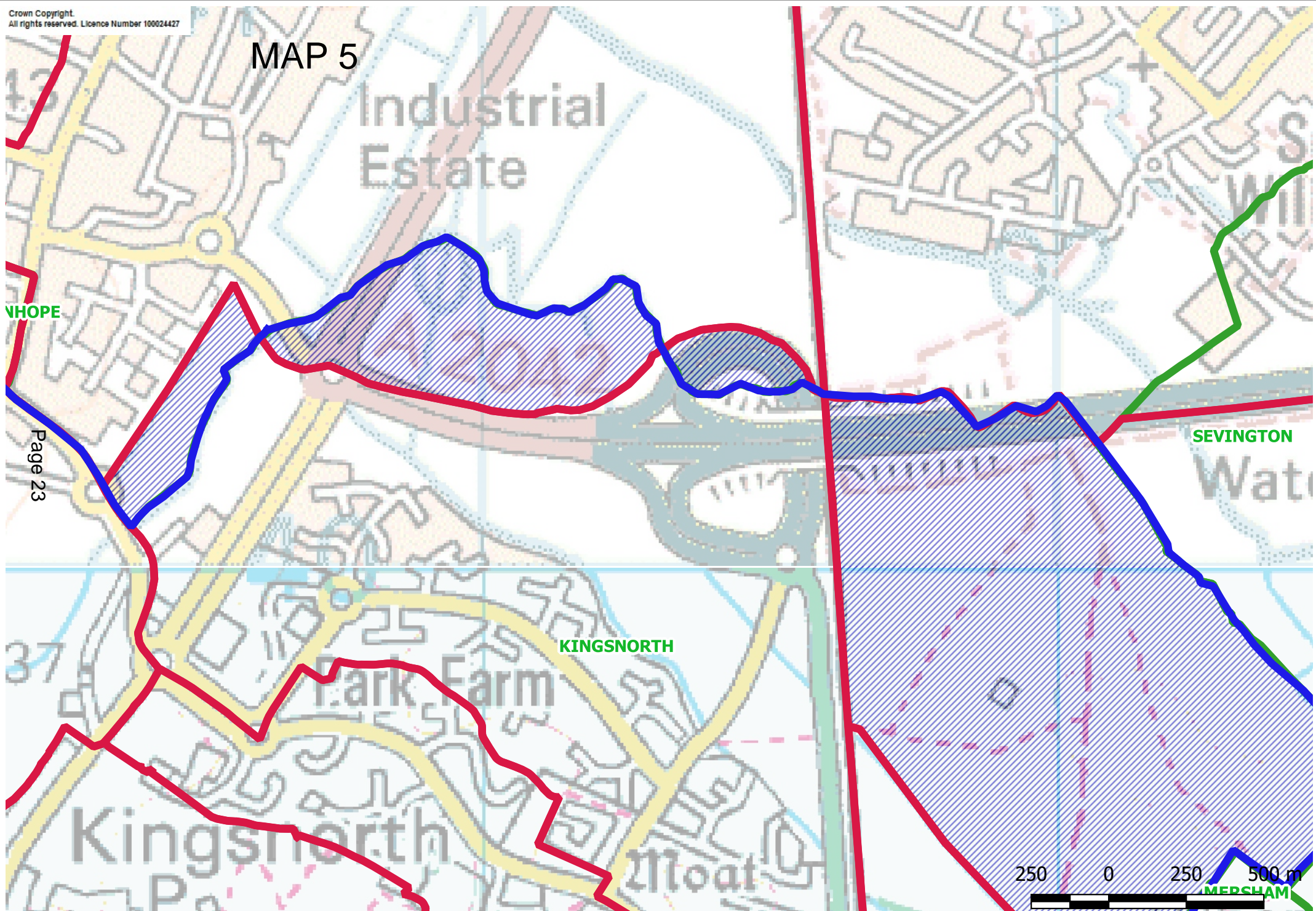
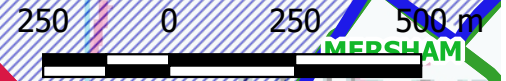
SEVINGTON

KINGSNORTH

Park Farm

Kingsnorth

Moor



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