

From: Councillor Kennedy <Councillor.Kennedy@molevalley.gov.uk>
Sent: 07 June 2022 00:18
To: reviews
Subject: Mole Valley review

Categories: Submissions, [REDACTED]

This is a personal response, not authorised by or reflecting the views of any organisation.

While I support the points made in the Council's response, I would go further and submit that - without substantial changes - the current Mole Valley review should in fact be abandoned or deferred, because:

- (i) the LGBCE's warding proposals represent a poor fit to its statutory criteria, worse indeed than the existing wards, particularly in the short term;
- (ii) the projected numbers of electors on which those proposals are based are subject to considerable ongoing uncertainty; and
- (iii) there has been insufficient opportunity to consider more acceptable and durable alternatives.

A poor fit to the statutory criteria

Apart from the "desirability" of securing that the number of councillors elected by each ward is divisible by three (equally applicable to 3, 6 or even 9 member wards!) - which has been elevated in LGBCE's guidance from a statutory "nice to have" for the LGBCE to "consider" (see Ministerial statement below*) to something resembling an overriding objective - the LGBCE proposals represent a poor fit to the three substantive statutory "needs":

Ashtead – both proposed wards are well above the average ward size, contrary to the statutory "need" to secure electoral equality – the variance is up to 20% based on the existing electorate, and only falls to 10% by 2027;

Leatherhead – both proposed wards are well below the average ward size, contrary to the statutory "need" to secure electoral equality – the variance is up to 11% based on the existing electorate, and only falls to 7% by 2027;

Bookham/Fetcham – the proposals cut across the established boundary between these villages, contrary to the statutory "needs" to reflect their community identities and interests, and to secure effective and convenient local government;

Capel, Leigh, Newdigate and Charlwood – the proposals unnecessarily merge two viable wards, contrary to the statutory “needs” to reflect community identities and interests, and secure effective and convenient local government.

Brockham & Box Hill – the proposals unnecessarily merge two viable wards, contrary to the statutory “needs” to reflect community identities and interests, and secure effective and convenient local government.

Dorking – both proposed wards are well above the average ward size, contrary to the statutory “need” to secure electoral equality – the variance is up to 16% based on the existing electorate, and only falls to 10% by 2027.

Holmwoods and Beare Green – the proposed ward unnecessarily combines two separate communities as well as Coldharbour which has far more in common with Leith Hill than the rest of the ward, contrary to the statutory “needs” to reflect their community identities and interests, and secure effective and convenient local government.

Leith Hill – an unmanageably large rural ward which fails to reflect the statutory “needs” both to reflect community identities and interests, and to secure effective and convenient local government.

I note that the LGBCE regards a 10% variance or less as a “good” level of electoral equality, even for three-member wards. With respect, I disagree. There is no statutory basis for this criterion, which makes the proposed warding patterns considerably less durable. As with Parliamentary boundary reviews, the LGBCE should surely be aiming for 5% variance or less, and any greater variance, particularly for three-member wards, needs to be justified as an exception by one or more of the other statutory “needs”. On any objective assessment, the LGBCE’s proposals are unacceptable.

The existing wards currently provide a much better fit to the statutory needs than the proposed new wards, based on existing numbers of electors, and are likely to remain so until 2027 when the next elections across all parished areas (which are the most difficult to fit) are scheduled to take place.

Uncertainty

There is considerable ongoing uncertainty about the outcome of the current 15-year Local Plan exercise, on which these proposals are based, both up to 2027 and indeed beyond. It would be far better to delay implementing changes which will likely have to be reviewed in just a few years if housing numbers change. This is especially when so many of the proposed wards are projected to be significantly out of line with the average ward size even by 2027.

The Government’s 2014-based housing target for Mole Valley is more than 8000 new homes, so potentially up to 20,000 new voters over the next 15 years, but that figure would halve to less than 4000 new homes if the latest household projections were used instead.

The Council has submitted a draft Local Plan which provides for just 6000 new homes, on the basis that protecting the Green Belt provides a strong reason for scaling back development, but this reduction is being challenged by developers, and the outcome of the current examination by a government inspector is uncertain. On the other hand, there remains the possibility that the Government will update its housing formula to provide for a lower figure, or strengthen Green Belt protections which would allow the Council to delete more Green Belt sites from the draft Local Plan.

There is also uncertainty as to the timing both of the adoption and implementation of the Local Plan and of individual developments. Many brownfield and even greenfield developments are delayed because of increased construction costs and labour shortages post-Brexit, and/or uncertainty over Government planning policy, and the demographic impact of the pandemic is still uncertain.

Insufficient time

The Mole Valley review was announced very late by the LGBCE compared with other Surrey boroughs and districts, and preparation and consultation have been compressed in comparison. There is no slack in the LGBCE's or the Council's timetable for implementing its proposals by 2023, let alone negotiations with parish councils about suitable boundaries.

The LGBCE guidance requiring the Council to propose a total number of councillors which is a multiple of three has unnecessarily constrained options, and the LGBCE, in commenting on the responses, appears to have ignored its own guidance that it will consider departures of one or two councillors where this provides a more appropriate warding pattern.

A particular concern has been the LGBCE's proposed abolition of the existing one member wards of Okewood, Leith Hill, Westcott and Mickleham Pixham & Westhumble, which successfully navigate the existing parish boundaries. These one member wards currently provide a relatively good fit to the statutory criteria – certainly better than the new Leith Hill ward which is proposed to replace them – but have been rendered unviable by a projected but uncertain increase in the average ward size and the proposed LGBCE-driven reduction in the overall number of councillors.

In short, the proposals as they stand are a poor fit to the statutory criteria and are unlikely to be durable given the uncertainty over future development in Mole Valley. The review should be abandoned or deferred until these uncertainties have been resolved. The existing wards currently provide a better fit to the statutory criteria, and I would suggest that the boundaries should not be changed until 2027 (when one-member wards across the parished areas are next up for election) at the earliest.

Kind regards

Paul Kennedy
District Councillor for Fetcham West

*Baroness Morgan of Drefelin, 22 October 2007, Hansard:

I hope that the rationale behind Clause 56 will be seen as straightforward. It has been drafted to ensure that the Boundary Committee and Electoral Commission will be able to continue to reflect the individual circumstances in each local authority area. The statutory criteria within Section 13 of the Local Government Act states that the committee and commission shall have regard to the need to reflect the identities and interests of local communities, the need to secure effective and convenient local government, the need to secure equality of representation and the desirability of securing that each ward in the district returns an appropriate number of councillors.

There is a distinction between “need” and “desirability”. We have ensured that having the appropriate number of councillors per ward is desirable. If—I think that this is the situation that concerns the noble Lord—the Boundary Committee and the Electoral Commission cannot reflect the community identity and interests of an area and provide equality of representation and effective and convenient local government while providing for the appropriate number of councillors, then we would expect them to recommend a different number of councillors. We agree with the noble Lord, Lord Greaves, that it is important that electoral arrangements reflect the local circumstances. If, having conducted an electoral review of an area with elections by thirds, consulted local people and considered the evidence before it, the Boundary Committee decides that it is not possible to meet the statutory criteria with anything other than two-member wards, it will be able to recommend that.

We strongly believe that the Boundary Committee and Electoral Commission should at least be required to consider—I emphasise “consider”—whether it is desirable, when weighed against the other statutory criteria, for every elector to vote in every election. Where there are elections by thirds and the Boundary Committee can recommend a two-member or three-member ward and the other statutory criteria can be met by both, we believe that it would be desirable for a three-member ward to be recommended as it would allow the electors in that ward to vote in every election.

Lord Greaves:

I know that the Electoral Commission said that it is fundamentally unfair and unacceptable for some wards not to poll when others do. I have only ever heard that argument from the Electoral Commission. I have never heard anyone in areas that poll by thirds and which have single-member wards in rural areas complain about it. They ask questions such as, “Are we up this year?”, and “Why not?”, but nobody is marching in the streets waving placards about the issue. It is an academic issue that was invented by the Electoral Commission when it produced this report—which, frankly, everyone thought had been put on a shelf and forgotten about. Although it is a small issue, it is a big one in the 50 or 60 local authorities where it will apply and where in future they will find that the system has changed. And they may not like it. There will not be a huge amount of bother and people will not march in Whitehall with placards when it happens, but some people in some places will be very upset by it. Despite what the Minister has said, which is helpful, I think the Government have been misguided in the wording of this clause.

I shall not press the matter further today. I am not someone who keeps bound copies of Hansard around the walls of my house but occasionally I mark and file away copies in the hope that I will remember where they are when these issues are raised. This is one such issue and I can assure the Minister that her words today may be quoted in the future. I thank her for her answer and beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.

<https://hansard.parliament.uk/lords/2007-10-22/debates/0710224000003/LocalGovernmentAndPublicInvolvementInHealthBill>

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Mansfield, Simon

From: Councillor Kennedy <Councillor.Kennedy@molevalley.gov.uk>
Sent: 07 June 2022 08:00
To: reviews
Subject: Re: Mole Valley review

Categories: Submissions, Simon

I wonder if I can amend my response slightly, by adding a paragraph before the heading on "Uncertainty":

The existing wards also broadly reflect the LGBCE's desire to enable residents to vote each year with nearly half of councillors representing three-member wards and most of the rest representing two-member wards. Currently 70-80% of Mole Valley residents are able to vote in each annual election, which reflects a fair and sensible balance between the four statutory considerations.

I have amended the text in the email below.

Kind regards

Paul Kennedy
07947430762

From: Councillor Kennedy
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Amendment, by leave, withdrawn.

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