

BOUNDARY COMMISSION CONSULTATION RESPONSE

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices:	Appendix 1: Draft Response from Epsom & Ewell Borough Council Appendix 2: Maps

Summary

The Local Government Boundary Commission in England (“Boundary Commission”) has published its draft recommendations on Council size and warding arrangements in the Borough. The Task and Finish Group established by this committee has met and reached consensus on the draft response for a vote before Full Council. This committee is required to approve the response and recommend it to Full Council.

Recommendation (s)

The Strategy and Resources Committee is asked to:

- (1) Review the Council’s draft response to the Boundary Commission at Appendix 1.**
- (2) Approve, with any necessary amendments, the draft response for consideration by Full Council on 7 December 2021.**

1 Reason for Recommendation

The Boundary Commission intend to publish their final recommendations in March 2022 and any new electoral arrangements for the Borough will come into effect at the Borough council elections in 2023. This is the last opportunity for the Council, its members, electors, and other stakeholders to comment on the Boundary Commission’s draft recommendations. The deadline to respond is 13 December 2021.

2 Background

- 2.1 The Boundary Commission met with officers and members, including the Full Council between March and July 2020. Thereafter...

Strategy and Resources Committee

16 November 2021

02-Sep-20	First meeting for the Task & Finish Group
11-Nov-20	Report on Electoral and Polling District Forecasting and Member Workload taken to the Task & Finish Group.
09-Dec-20	Task & Finish Group considered warding arrangements to equalise representation figures following Cllr email recommending the creation of a new ward. The Task and Finish Group received an updated electoral data spreadsheet
Jan-21	The Task and Finish Group discussed the warding arrangements report initially considered 9 December 2020.
Mar-21	Council submitted its submission on Council Size
Apr-21	Council political groups continued to meet with the LGBCE
20-Apr-21	LGBCE decide the number councillors needed before consulting.
17-May-21	The LGBCE held a community groups stakeholder session
02-Jun-21	The Task and Finish Group met to begin to develop a submission on warding arrangements ahead of 19 July 2021 deadline.
12-Jul-21	Draft submission on warding taken to S&R.
19-Jul-21	The consultation on warding arrangements ends (started 11-May-21)

- 2.2 On 19 July 2021 the Council agreed that it would meet the Boundary Commission's deadline of 13 December 2021 to respond to the draft proposals.
- 2.3 The Council's Task and Finish Group met in person on 13 October 2021. Consensus was reached on the Council's response and that can be found in the draft response at Appendix 1. The Council's points in response are summarised at paragraph 5.2 below.

3 Proposals

- 3.1 The Boundary Commission's recommendations, if adopted, mean electoral arrangements will decide the local authority area i) needs 35 Councillors (3 fewer than now) ii) across 14 wards (1 more than now) iii) with changes to all boundaries except Stoneleigh.

Proposed Council Size

- 3.2 The Council provided projected figures on elector population. These figures were used to predict the size of wards based on the number of electors in 2027.

Strategy and Resources Committee

16 November 2021

- 3.3 It is not a case that more people inevitably means more councillors. The Boundary Commission was clearly satisfied that the warding pattern scheme demonstrates that 35 councillors is suitable for the local authority area in terms of scrutiny and structure. The Council can confirm it agrees with the Boundary Commission's recommendation on Council size.
- 3.4 The Boundary Commission's methodology takes the mean average electors per councillor based on 35 councillors in the borough; the warding patterns are based on this figure. It is unlikely that anything said by a consultee will change the Boundary Commission's view on Council size. The Council should be reassured by this when responding to the Boundary Commission's recommendations.

Warding patterns

- 3.5 The following is a summary of the Boundary Commission's recommendations (adopting the same headings in the Draft report).

This is no substitute for reading the review of evidence and analysis in the Boundary Commission's report using the online interactive map or large PDF plan that provide the clearest depiction of the new ward patterns.

This summary compares the current number of councillors and ward boundaries to the recommendations. Electoral variance or inequality refers to the forecast in 2027.

Auriol and Cuddington

- 3.5.1 There are no changes proposed to the number of councillors in Cuddington ward (3) nor Auriol ward (2).
- 3.5.2 There is a change to the boundaries which is expected to result in an electoral variance of -2% in Cuddington ward and -1% in the Auriol ward.

Stoneleigh

- 3.5.3 There are changes to the number of councillors in Stoneleigh (now 3, proposed 2).
- 3.5.4 There is no change to the boundaries. The Boundary Commission 'are of the view that retaining the existing boundaries best reflects the community in the Stoneleigh area'. With changes elsewhere there will be an improved electoral variance of 9% by 2027.

Ewell Court, Ruxley and West Ewell

- 3.5.5 There are changes to the number of councillors in Ewell Court and Ruxley (now 3, proposed 2). There are no changes to the number of councillors in West Ewell (3).

Strategy and Resources Committee

16 November 2021

3.5.6 There are changes to the boundaries. The Boundary Commission has adopted the Council's proposal to amend the boundary between West Ewell and Court wards with a further change to the southern boundary to include Brook Close and Revere Way. This will result in electoral variance of 6% in Ewell Court, 8% in Ruxley and -5% in West Ewell by 2027.

Court and Horton

3.5.7 There are no changes to the number of councillors in Court ward (3). The Boundary Commission has created a new Horton ward on the site of the Hospital Cluster. Horton is the proposed ward name. Horton will be a 2-councillor ward.

3.5.8 There are changes to the boundaries to Court ward. To reduce inequality the Boundary Commission propose including Gibraltar Crescent in Court Ward. The Boundary Commission has accepted the Conservatives' boundary proposal for Horton ward. The proposals, if adopted, are expected to reduce the inequality variance to -6% in Court ward and 0% in Horton ward by 2027.

Ewell and Nonsuch

3.5.9 There are changes to the number of Councillors in Ewell ward (now 3, proposed 2). The Boundary Commission propose renaming Ewell as "Ewell Village". There are no changes to the number of councillors in Nonsuch ward (3).

3.5.10 The changes to the boundaries are based on the Council's proposal with an amendment that the boundary run along the A24 Epsom Road/Ewell By-Pass to create a stronger and more identifiable boundary. The proposal if adopted is expected to result in improved inequality variance of -4% in Ewell ward and 2% in Nonsuch ward.

College, Stamford, Town and Woodcote

3.5.11 There are no changes to the number of Councillors in College (3), Town (3) and Woodcote (3). The number of councillors in Stamford will change (now 3, proposed 2).

3.5.12 The Boundary Commission adopted the Council's proposals regarding the boundaries with an amendment to include Windmill Lane as a "*more identifiable boundary*" and "*to use the railway line as the boundary of College ward*". The proposal if adopted is expected to result in an improved inequality variance of College (-6%), Town (5%) Woodcote (-5%) and Stamford (8%).

Strategy and Resources Committee

16 November 2021

4 Boundary Commission's powers etc.

- 4.1 The Boundary Commission's powers extend to powers to review evidence, amend the timetable for responses, carry out further consultations and further tours. It is unlikely that without significant new evidence (e.g., triggering a review of the recommended Council size) that this will happen.
- 4.2 It is unlikely the Boundary Commission will need to extend the time for responding to the consultation, particularly where it is intended that the draft response will be taken to Full Council before the consultation deadline of 13 December.
- 4.3 The Boundary Commission, in their final proposals that are laid before Parliament for negative resolution, can propose names of new wards and changes to existing wards. While the Council has powers to change the name of wards it is in the Council's interests that the Boundary Commission make these changes. That avoids the need for a separate, Council-led consultation and ensures that changes to warding patterns and names are implemented simultaneously.

5 Council's response

- 5.1 The Task and Finish Group were asked to reach consensus where possible on the Council's response to the Boundary Commission. The Task and Finish Group is a cross-party group. It is hoped that members' views are reflected through membership of the Task and Finish Group. The Council's proposed response to be voted on by Full Council is intended to be representative of members' views. That is not to say that individual members and parties cannot submit alternative responses and the Council's response must make clear that its response should be afforded no greater status compared to responses from other consultees.
- 5.2 The Boundary Commission's proposals largely reflect what was submitted by the Council previously. The following four points of response are agreed on by the Task and Finish Group and the draft response reflects this in greater detail.
 - 1) *That Woodcote ward becomes Woodcote and Langley Vale ward.*
 - 2) *That the boundary between Court ward and the proposed Horton ward follow the B284 Hook Road until Chantilly Way, retaining the former St. Ebba Hospital site centred around Parkview Way.*
 - 3) *That Revere Way remain within West Ewell ward to avoid an isolated 'doughnut' geography.*
 - 4) *That all of Downside , excluding Ash Mews , be transferred from Town ward to College ward.*

6 The Consultation Response

Should the Council respond to all draft recommendations?

Strategy and Resources Committee

16 November 2021

- 6.1 The Council should respond “*whether or not*” they agree with the draft recommendations. If the Council agrees with the proposal, it should say so. If it does not agree, the Council will need to set out alternative proposals for a different pattern of wards and refer to publicly available information, evidence previously submitted or submit new evidence to support those proposals.

What makes a persuasive response?

- 6.2 The Boundary Commission’s analysis is evidence led. The Council can refer to new evidence. There are no restrictions on submitting new evidence. The Boundary Commission promises to “*keep an open mind about its draft recommendations*”. While a person or organisations status is given equal weight, the strength of the evidence can differ and depends on the quality of the response. If the Council wants to object to the Boundary Commission’s recommendations it should refer to evidence in support of its response.
- 6.3 While evidence could include local views, the Council’s response should reflect the views of members. Local views are an example of evidence that would corroborate a representation and support an alternative analysis.
- 6.4 The response should focus on the Boundary Commission’s criteria (set out at paragraph 6.6 below). Any analysis will need to say why greater weight should be attached to a certain consideration over another.
- 6.5 Crucially the Boundary Commission will not be persuaded to review its recommendations based on bare assertion. Not only must a persuasive response be evidenced, but it must also set out any appropriate alternative arrangement relying on that evidence.
- 6.6 Evidence can be persuasive in various ways, but it should go to the established criteria that the Boundary Commission rely on i.e., on the basis that the ward patterns do not meet the Boundary Commission’s own criteria for a good pattern of wards or that the Boundary Commission has given too much or too little weight to one of those criteria.

Boundary Commission’s criteria

A good pattern of wards should:

Provide good electoral equality¹, with each councillor representing, as closely as possible, the same number of electors.

Reflect community interests and identities² and include evidence of community links.

Be based on strong, easily identifiable boundaries.

Help the council deliver effective³ and convenient local government.

¹ Boundary Commission Report Para.87 “Does your proposal mean that councillors would represent roughly the same number of electors as elsewhere in Epsom & Ewell?”

² Para.88 • Community groups: is there a parish council, residents’ association or other group that represents the area?

• Interests: what issues bind the community together or separate it from other parts of your area?

• Identifiable boundaries: are there natural or constructed features which make strong boundaries for your proposals?

³ Para.89 • Are any of the proposed wards too large or small to be represented effectively?

• Are the proposed names of the wards appropriate?

• Are there good links across your proposed wards? Is there any form of public transport?

Strategy and Resources Committee

16 November 2021

*Footnotes clarify the meaning of some of these terms.

7 Financial Implications

7.1 There are no direct financial implications of this report.

7.2 **S151 Officer comments:** None arising from the contents of this report.

8 Legal Implications

8.1 There are 2 proposed name changes to existing wards and the naming of a new ward. Rather than making name changes through the Local Government Public Involvement and Health Act 2007 s59(3)-(5) the Council is advised to recommend/support name changes in its consultation response and, if accepted, those names would then be part of the Boundary Commission's parliamentary order at the end of the review and come into effect in 2023.

8.2 Full Council must approve the Council's consultation response. The current timetable enables to the Council to meet the deadline of 13 December. If that deadline cannot be met for whatever reason, the Council (through the Chief Executive) should request an extension. If granted, that would extend time for any consultee and not just the Council.

8.3 **Legal Officer's comments:** none arising from the content of this report.

9 Background papers

9.1 The documents referred to in compiling this report are as follows:

Previous reports:

Council, 25 March 2021 – Submission to Boundary Commission on Council size

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=146&MId=1080&Ver=4>

Council, 19 July 2021 – Submission to Boundary Commission on Warding arrangements

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=146&MId=916&Ver=4>

Other papers:

Boundary Commission's Draft Recommendations

<https://www.lgbce.org.uk/all-reviews/south-east/surrey/epsom-and-ewell>