

EAST HERTS COUNCIL

COUNCIL – 27 JULY 2016

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW REQUEST: BUNTINGFORD
TOWN COUNCIL

WARD(S) AFFECTED: Buntingford

Purpose/Summary of Report

- To consider a request from Buntingford Town Council for a Community Governance Review (CGR) of its electoral arrangements.

RECOMMENDATION FOR DECISION: that

(A)	a Community Governance Review of the electoral arrangements of Buntingford Town Council (including its town boundary) be undertaken, with the detailed terms of reference for, and the timing of, the review to be determined by the Chief Executive.
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1.0 Background

1.1 Under provisions of the Local Government and Public Involvement Act 2007 (the 2007 Act), Council has the power to review and make changes to community governance within its area. The term community governance in this context relates to parish and town councils only.

1.2 The 2007 Act streamlined the process of taking decisions to give effect to recommendations made in a community governance review (e.g. the creation of new parishes and the establishment of parish councils) and about other matters such as making changes to parish boundaries and electoral arrangements.

1.3 In undertaking a CGR, Council must follow guidance issued by the Secretary of State.

- 1.4 The Secretary of State has no direct involvement in a review. The role of the Local Government Boundary Commission for England is limited to giving effect to consequential recommendations for related alterations to the electoral areas of principal councils.
- 1.5 In the guidance, the Secretary of State highlights that "... in many cases, making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time, communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours."
- 1.6 The guidance also details that a "...community governance review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that exist....".
- 1.7 A CGR also offers the Authority an opportunity to consider the future of what may have become redundant or moribund parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council.
- 1.8 Should the Authority undertake a review then it would need to take into account how any potential changes to parish boundaries would impact on the boundaries of other tiers of local government.
- 1.9 The Town Clerk of Buntingford wrote to the Head of Legal and Democratic Services on 23rd March 2016 advising that Buntingford Town Council is of the opinion that making the boundary change outlined below will ensure that the new parish boundary reflects local identities and will facilitate effective and convenient local government and that Buntingford Town Council had:

Resolved formally to request a Community Governance Review for the Buntingford parish boundary having regard to

Development taking place to the north of the parish boundary, effectively dividing the site in question into two parishes,

Buntingford and Cottered, the Cottered section being a significant distance from the Cottered settlement boundary.

Parkside – an existing development to the north of the site mentioned above, currently falling within the Cottered parish boundary but a significant distance from the settlement of Cottered.

The existing Buntingford Business Park, again falling within the Cottered boundary but some miles from the settlement area of Cottered.

1.10 In October 2015, the Council granted planning permission for residential development adjoining the north of the currently built up part of the town of Buntingford under planning reference 3/13/1375/OP. The application proposed the erection of 180 homes, a 50-60 bed care home, sheltered accommodation, amenity land for community uses and the creation of a new access to the A10. Whilst adjoining the built up area of the town, the majority of the site is situated in the neighbouring, rural parish of Cottered.

2.0 Report

2.1 Council is under a duty to carry out a CGR review if it receives a valid community governance petition for the whole or part of the council's area. However, the duty to conduct a review does not apply if:

a) it has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition, or

b) it is currently conducting a review of the whole, or a significant part of the area to which the petition relates.

2.2 Notwithstanding the duty mentioned in para 2.1 above, Council may undertake a CGR at any time. The Secretary of State's guidance identifies that a "...review may need to be carried out, for example, following a major change in the population of a community to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries. Principal councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15

years – except in the case of areas with very low populations when less frequent reviews may be adequate.”

2.3 The last electoral review that affected town/parish council electoral arrangements took place in 1998.

3.0 Undertaking a Community Governance Review

3.1 The 2007 Act and statutory guidance allow Council to decide how to undertake a CGR, provided it complies with the duties specified in the legislation.

3.2 Council will need to consult local people and take account of any representations received in connection with any review. When undertaking a review it must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.

3.3 Council will also need to consult “...local government electors in an area under review, and others (including a local authority such as a county council) which appears to have an interest in the review. In the case of a CGR where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies.” Council must take into account any representations it receives as part of a community governance review.

4.0 Timing

4.1 Should Council determine to undertake a review then it is required to complete it (and associated consequential recommendations for principal area ward/division boundaries) within 12 months of commencement. A review begins when the terms of reference of the review are published and it concludes with the publication of recommendations.

4.0 Conclusion

4.1 CGRs will make recommendations in relation to parish/town council electoral arrangements as defined by the terms of reference set out at the start of the review process.

- 4.2 Following due statutory process, if the Council accepts the recommendations arising from a review it will make an order to implement the proposals.
- 4.3 The specific request from Buntingford Town Council is set out in paragraphs 1.9 and 1.10 above
- 4.4 Any changes to a parish/town council's electoral arrangements come into force at ordinary elections (e.g. May 2019) and not by-elections.
- 4.5 Council is invited to consider the request for a CGR from Buntingford Town Council. It has discretion over whether or not to undertake a review for that authority (and affected neighbouring parishes). It could, if so minded, determine to undertake a review of the entire District's community governance arrangements (for parish/town councils) although officers recommend that this is an issue which is specific to recent development in Buntingford and that the review should be restricted to this area of the district.
- 4.6 A map showing the existing electoral wards and town boundary for Buntingford will be available at the meeting.
- 5.0 Implications/Consultations
- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None

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