

EAST HERTS COUNCIL

COUNCIL – 1 MARCH 2018

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES AND
MONITORING OFFICER

REQUEST FOR A COMMUNITY GOVERNANCE REVIEW:
EASTWICK AND GILSTON PARISH COUNCIL

WARD(S) AFFECTED: HUNSDON

Purpose/Summary of Report

- To consider a request from Eastwick and Gilston Parish Council for a Community Governance Review (CGR) of its electoral arrangements with a view to increasing the number of parish councillors from six to seven.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	Council determines whether or not to undertake a Community Governance Review of the electoral arrangements of Eastwick and Gilston Parish Council, and
(B)	If the Council agrees to undertake a Community Governance Review, the terms of reference for, and the timing of, the review be determined by the Chief Executive.

1.0 Background

1.1 The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal authority such as East Herts District Council to review and make changes to

community governance within its area. The term 'community governance' in this context relates to parish and town councils.

- 1.2 Changes to community governance arrangements may be made in accordance with the recommendations of a Community Governance Review (CGR) undertaken by the Council. A CGR is a review of the whole or part of the district with a view to making recommendations on one or more of the following:
 - Creating, merging or abolishing parishes;
 - Boundary alterations between existing parishes;
 - The naming of parishes and the style of new parishes;
 - The establishment of parish councils;
 - The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and/or
 - Grouping parishes under a common parish council or de-grouping parishes.
- 1.3 The Council may undertake a CGR at any time either in response to a specific issue such as a change in population resulting from new housing development or as part of a periodic programme of reviews. Subject to certain qualifications the Council must carry out a CGR if it receives a valid community governance petition or formal 'application' in the terms of the 2007 Act.
- 1.4 In undertaking a CGR, a principal authority must follow guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE) but the Secretary of State has no direct involvement in a review and the role of the LGBCE is now limited to giving effect to consequential recommendations for related alterations to the electoral areas of the principal authority.
- 1.5 The Council has previously agreed to undertake two CGRs elsewhere in the district (of Bishop's Stortford and Buntingford

Town Councils). These reviews are now underway with a view to completion ahead of the next ordinary parish council elections.

2.0 Request from Eastwick and Gilston Parish Council

2.1 The Chairman of Eastwick and Gilston Parish Council wrote on 15 December 2017 to the Head of Legal and Democratic Services requesting a review of the parish council with a view to increasing the number of parish councillors by one, from six to seven. The request is made on the basis that the completion of the Terlings Park development has resulted in the number of dwellings in Gilston being more than doubled and an increase in the number of parish councillors is required to support this growth.

3.0 Issues for consideration

3.1 The Council may decide how to undertake a CGR, provided it complies with the legislation and statutory guidance. The review commences with the publication of terms of reference and concludes with the publication of final recommendations which must take place within 12 months of commencement.

3.2 When undertaking a review the Council must have regard to the need to secure community governance that reflects the identities and interests of the community in the area, and that is effective and convenient. The Council must consult local electors in the area under review and other persons or agencies who appear to have an interest in the review. The Council must take into account any representations it receives as part of the review.

3.3 The request from Eastwick and Gilston Parish Council does not represent a petition or an 'application' in the terms of the 2007 Act and the Council therefore has discretion whether or not to agree to the request. In determining this matter the Council

may wish to give consideration to a number of factors including:-

- Electorate figures and representation. Eastwick and Gilston Parish Council currently has six councillors. The total current electorate for Eastwick and Gilston parishes is 659 (February 2018). This figure has grown from 331 in 2015.
- Timing of the review. The request from Eastwick and Gilston Parish Council is for a relatively minor change to electoral arrangements in response to development that has already occurred. A CGR must take into account projected electorate figures over a five year period. Subject to decisions still to be taken in relation to the District Plan there may be a need for a further review at some future point.
- Previous electoral history. At the ordinary parish elections in May 2015, three parish councillors were returned to Eastwick and Gilston Parish Council, leaving three places unfilled which were subsequently filled by co-option.
- Resources. The Council does not resource its establishment on the basis of conducting ad hoc reviews such as CGRs. Two such reviews are currently underway which are being supported from existing staff and budgetary resources within the Electoral Services and other relevant teams.

4.0 Parish council size

4.1 The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size and no legislative guidance on the ideal number of parish councillors.

- 4.2 The LGBCE's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, [the principal council] should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]"
- 4.3 The statutory guidance goes on to state: "In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size."
- 4.4 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.
- 4.5 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

Electors	Councillors	Electors	Councillors
Up to 500	5-8	10,001 – 20,000	13-27
501 – 2,500	6-12	Over 20,000	13-31
2,501 – 10,000	9-16		

5.0 Conclusions

- 5.1 CGRs will make recommendations about community governance and parish/town council electoral arrangements as defined by the terms of reference set out at the start of the review process.
- 5.2 Following the statutory process, if the Council accepts the recommendations arising from a review it will make an order to implement the proposals. Any changes to a parish/town council's electoral arrangements come into force at ordinary elections (e.g. May 2019) and not at any prior by-election.
- 5.3 The specific request from Eastwick and Gilston Parish Council is set out in paragraph 2.1 above. The Council has discretion over whether or not to undertake a review and is invited to determine the request from Eastwick and Gilston Parish Council in the light of the information in this report.

6.0 Implications/Consultations

- 6.1 Information on any corporate issues and consultation associated with this report can be found in **Essential Reference Paper 'A'**.

Background Papers

E-mail from Chairman of Eastwick and Gilston Parish Council 15 December 2017

DCLG/LGBCE Guidance on community governance reviews, March 2010

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