

EAST HERTS COUNCIL

OVERVIEW & SCRUTINY COMMITTEE – 17 APRIL 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND  
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN  
COUNCIL – REPORT ON INITIAL CONSULTATION

WARD(S) AFFECTED: BUNTINGFORD, MUNDENS & COTTERED

**Purpose/Summary of Report**

- To report the responses received during the initial consultation period for the Community Governance Review of Buntingford Town Council, and to invite the Overview & Scrutiny Committee to forward their comments to the Executive for its consideration when making recommendations to the Council on the review.

**RECOMMENDATIONS FOR THE OVERVIEW & SCRUTINY  
COMMITTEE: That:**

<b>(A)</b>	<b>The Overview &amp; Scrutiny Committee consider the responses received to the initial consultation on the Community Governance Review of Buntingford Town Council, and</b>
<b>(B)</b>	<b>The Overview &amp; Scrutiny Committee forward their comments on the matters under review, as set out in section 6 of the report, to the Executive for its consideration when making recommendations to the Council on the Community Governance Review.</b>

- 1.0 Background – Community Governance Reviews
- 1.1 The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal authority such as East Herts Council to review and make changes to the governance arrangements for parishes and parish/town councils in its area.
- 1.2 The procedure for making decisions on these matters is a Community Governance Review. This 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;
  - Electoral arrangements for parish councils (the year of election; number of councillors; warding), and/or
  - Grouping parishes under a common parish council or de-grouping parishes.
- 1.3 A Community Governance Review may be triggered by a statutory petition or a formal 'application' in the terms of the 2007 Act, or the Council may decide to undertake a review at any time, e.g. in response to population changes or new housing development, as part of a periodic programme of reviews or in response to a request from a town/parish council.
- 1.4 In undertaking a review the Council must consult local electors and other interested parties and must follow guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).
- 1.5 A Community Governance Review begins when the Council publishes terms of reference for the review and ends when it agrees the final recommendations (which must be within 12

months of the review starting) and adopts a Community Governance Reorganisation Order detailing any changes in accordance with those recommendations. Any revised electoral arrangements take effect at the next ordinary parish elections, which in East Herts are scheduled for May 2019.

1.6 In accordance with regulations issued under the Local Government Act 2000, functions relating to Community Governance Reviews are not to be the responsibility of an authority's executive. The draft and final recommendations of the review must therefore be agreed by the Council or under delegated arrangements agreed by the Council.

## 2.0 Community Governance Review of Buntingford Town Council

2.1 The Council on 27 July 2016 agreed to undertake a Community Governance Review of Buntingford Town Council, including the town boundary. The review was agreed following a request from Buntingford Town Council, which identified the following two areas currently in neighbouring parishes that the Town Council proposed should be transferred to the Town Council's area:-

- Parkside and new housing development north of Park Farm Industrial Estate (currently in Cottered Parish); and
- Buntingford Business Park (currently in Aspenden Parish).

2.2 The Town Council stated that in its view these areas are, or will be, seen by residents and/or workers as part of Buntingford town and they are some distance from the villages of Cottered and Aspenden respectively.

2.3 A map showing the areas which the Town Council considers should be transferred into its area is included in the consultation leaflet at Essential Reference Paper C.

### 3.0 Timetable for the review and progress to date

- 3.1 The review began on 13 February 2018 with the publication of terms of reference setting out the aims, process and timetable, the matters on which it would focus and policies that the District Council considers relevant. This commenced the first period of public consultation until 6 April 2018, during which local residents and all interested parties were invited to make initial submissions on the Town Council's proposals and any other matters that they feel should be considered.
- 3.2 Following the close of the initial consultation, the submissions received are now being reported to the Overview & Scrutiny Committee, which is invited to submit comments to the Executive for its consideration when making recommendations to the Council on the matters covered by the Community Governance Review. The Council on 16 May 2018 will agree the draft recommendations of the review.
- 3.3 The Council's draft recommendations will then be published for a further round of public consultation until 20 July 2018. It is proposed that any Community Governance Reorganisation Order will be made at the Council Meeting on 17 October 2018, in order to allow for the implementation of any agreed changes in the revised register of electors on 1 December 2018 and (if applicable) in the council tax base data ahead of the new financial year.

### 4.0 Consultation process

- 4.1 For the initial consultation period to 6 April 2018, a range of channels have been used to publicise the review and invite electors and others to respond including:-

- Notification to the relevant parish/town councils and to the County Council
- Notification to elected representatives for the areas under review and local political parties
- Letters/e-mails to 38 community groups and business organisations based in the areas under review
- Consultation leaflets (copy attached at Essential Reference Paper C) distributed via the Council offices at Wallfields and Charringtons, Buntingford Library, community centres/halls and other local venues
- Consultation leaflets also delivered to all properties directly affected by the Town Council's specific proposals
- A dedicated page for the review on the 'consultations' section of the EHDC website consultation with an online form for responses and periodic links from the home page
- Press releases, social media and 'network' posts and an article in Link magazine sent out with the Council Tax bills.

4.2 Responses were accepted by post, e-mail or via the online form. A full report on the responses received to the consultation is set out in Essential Reference Paper B (to follow).

## 5.0 Criteria for making recommendations

5.1 Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:-

- reflective of the identities and interests of the community in that area; and
- effective and convenient

5.2 The LGBCE guidance states that when considering these criteria, councils should take into account factors including the impact of community governance arrangements on community cohesion; and the size, population and boundaries

of a local community or parish. The guidance further states that 'the general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government'

### **Community identities and interests**

5.3 In accordance with the above principles, the Council has set out policies in the terms of reference for the review including the following:-

- (a) The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. The feeling of local community and the wishes of local inhabitants are therefore important considerations in the review.*
- (b) The Council will give careful consideration both to traditional community identities and historic parish arrangements; and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in an area.*
- (c) The Council considers that the boundaries between parishes will normally reflect the distinct community identities of the respective areas. Boundaries will often follow areas of low population between settlements or pronounced physical barriers (either natural or built) such as watercourses, marshland or moorland; parks, canals, railways or major roads.*
- (d) Should a reorganisation of parish boundaries occur as a result of the review, the Council will aim to select boundaries that are and are likely to remain easily identifiable.*

## **Effective and convenient community governance**

5.4 The LGBCE guidance states:- 'With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient they need to be easy to reach and accessible to local people'.

5.5 In relation to viability, the Council has set out the following policy in the terms of reference for the review:-

*(a) The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their areas.*

## **Electoral arrangements**

5.6 Once the Council has determined whether it will recommend any changes to parish boundaries, it must go on to consider if any changes are required to the electoral arrangements for the parish(es).

5.7 Warding:- The Council must consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.

5.8 The number of councillors:- The Council must consider the number of councillors to be elected for each parish/ward and the number of electors they represent. In so doing the Council will, as required by the 2007 Act, have regard to the current number of electors; and any change in that number which is

likely to occur in the next five years. Current electorate figures and estimated February 2023 forecasts for Aspenden, Buntingford and Cottered parishes are set out in Essential Reference Paper D.

5.9 The Council will also have regard to existing levels of representation, the pattern of existing council sizes which have stood the test of time and the take-up of seats at elections. There is no duty to ensure electoral equality between parishes or wards, but the LGBCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in representation.

#### 6.0 Issues for consideration

6.1 Applying the above criteria and taking into account the results of the public consultation exercise, Members are asked to consider the following issues in turn and in each case identify any comments or observations to assist the Council in reaching its draft recommendations for the review:-

##### **(a) The parish boundary between Buntingford and Cottered**

6.2 The criteria of 'community interests and identities' and 'effective and convenient community governance' are both relevant to any decision on the Town Council's proposal to change this boundary.

6.3 It is certainly the case that the new boundary proposed (the A10) is a '*pronounced physical barrier (either natural or built) such as a major road*' and is '*likely to remain easily identifiable*'.

6.4 The area identified, and particularly the new housing development north of Park Farm Industrial Estate, is closer to the existing built up area within Buntingford Town, than it is to



Cottered Village. Of key importance however will be the views of local residents as reported during the consultation process (see Essential Reference Paper B, to follow).

**(b) The parish boundary between Buntingford and Aspenden**

- 6.5 Buntingford Business Park is located on the opposite (western) side of the A10 from Buntingford parish but is closer to the built up area of the town than it is to Aspenden Village. It is a designated area for employment but there are no residential properties on the site.
- 6.6 The Council will note that it has discretion to make changes to the boundary that differ from those suggested by the Town Council if it feels this is appropriate.
- 6.7 Where a reorganisation order includes significant changes to parish boundaries, the order may cover consequential matters that appear to the Council to be necessary or proper to give effect to the order. These may include the transfer and management or custody of property, the setting of precepts for new parishes, provision with respect to the transfer of any functions, property, rights and liabilities and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters. In these matters, the Council will be guided by relevant regulations issued under the 2007 Act.
- 6.8 In deciding whether to recommend implementation of any proposed parish boundary changes, the Council will note that any such changes would not automatically change the equivalent district ward (or county division) boundaries. This would be a matter for the LGBCE and there could be a short-term loss of coterminosity between the parish ward and district ward/county division boundaries (for further details see paragraphs 6.12 – 6.14 below).

**(c) Electoral arrangements – warding**

6.9 Regarding whether a parish should be divided into wards, the 2007 Act requires the Council to consider whether:

- a) the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) it is desirable that any area or areas of the parish should be separately represented.

6.10 Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council are all currently unwarded.

**(d) Electoral arrangements – the number of town/parish councillors**

6.11 The following tables show the current and forecast electorates and elector-to-councillor ratios for each parish council, for each of two alternative outcomes of the review:-

(a) No change to boundaries

Parish	No. of Cllrs	Current electorate Feb 2018	Ratio	Forecast electorate Feb 2023	Ratio
<b>Aspenden</b>	6	196	33	197	33
<b>Buntingford</b>	12	4,579	382	6,106	509
<b>Cottered</b>	6	557	93	861	143

(b) Changes to boundaries as proposed by Buntingford Town Council

Parish	No. of Cllrs	Current electorate Feb 2018	Ratio	Forecast electorate Feb 2023	Ratio
<b>Aspenden</b>	6	196	33	197	33
<b>Buntingford</b>	12	4,637	386	6,476	540
<b>Cottered</b>	6	499	83	491	82

## **(e) Consequential recommendations to the LGBCE**

- 6.12 Any changes to parish boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event that such changes are made the Council should therefore consider recommending the LGBCE that the district ward and county division boundaries are realigned to follow the revised parish boundaries. The LGBCE would require evidence that the Council has consulted on this as part of the review.
- 6.13 Officers have sought advice from counterparts at the LGBCE regarding how likely the Commission would be to agree to such recommendations and whether this could be done in time for the all-out district and parish elections in May 2019.
- 6.14 In response the LGBCE has advised that if a formal request for 'related alterations' is received by September 2018, the required changes could be made in time for the May 2019 elections if the Commission were to agree to them. In the past the Commission has generally agreed related alterations but in circumstances where electoral variances would increase significantly the Commission may choose not to agree them, particularly where the variances grow to such an extent that they would meet the Commission's criteria for an electoral review of the district.

## **7 Conclusions**

- 7.1 The initial consultation period for the Community Governance Review of Buntingford Town Council will close on Friday 6 April. This report sets out the issues for consideration in the review and the results of that consultation. Overview & Scrutiny Committee are invited to forward to the Executive their comments on the matters in the report for consideration by the

Council when it meets to agree its draft recommendations of the review.

7.2 The Council's draft recommendations will be subject to a second round of public consultation between May and July 2018. Following the second round of consultation and in accordance with the statutory process, if the Council accepts the recommendations arising from a review it will make an order to implement the proposals.

## 8.0 Implications/Consultations

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

### Other Essential Reference Papers attached:-

ERP B – Responses to the consultation (to follow)

ERP C – Consultation leaflet

ERP D – Electorate forecasts

### Background Papers

- DCLG/LGBCE Guidance on community governance reviews, March 2010
- Consultation responses as summarised in ERP B.

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