

EAST HERTS COUNCIL

EXECUTIVE – 24 APRIL 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF BISHOP'S STORTFORD TOWN
COUNCIL – REPORT ON INITIAL CONSULTATION

WARD(S) AFFECTED: BISHOP'S STORTFORD ALL SAINTS, CENTRAL,
MEADS, SILVERLEYS AND SOUTH; MUCH HADHAM

Purpose/Summary of Report

- To report the responses received during the initial consultation period for the Community Governance Review of Bishop's Stortford Town Council, together with the comments of the Overview & Scrutiny Committee (to follow), and to invite the Executive to forward their comments to the Council for its consideration when agreeing the draft recommendations of the review.

RECOMMENDATIONS FOR THE EXECUTIVE: That:

(A)	The Executive consider the responses received to the initial consultation on the Community Governance Review of Bishop's Stortford Town Council, together with the comments of the Overview & Scrutiny Committee in relation to the review, and
(B)	The Executive forward their comments on the matters under review, as set out in section 6 of the report, to Council for its consideration when agreeing the draft recommendations of the Community Governance Review.

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 Bishop's Stortford Town Council

- 2.1 The Council on 16 December 2015 agreed to undertake a Community Governance Review of Bishop's Stortford Town Council, including the town boundary. The review was agreed following a request from Bishop's Stortford Town Council, which identified two issues for consideration:-
 - (i) **The parish boundary between Bishop's Stortford and Thorley.** The Town Council identified development which crosses the parish boundary - for example at St Michael's Mead - and areas of future development to the south of the town either consented or envisaged in the district plan. Parts of the areas identified are currently in Thorley Parish but the Town Council considers the developments are, or will be, seen by residents as part of Bishop's Stortford and has therefore suggested that its boundary with Thorley Parish be re-drawn to follow the existing district ward boundary, including the whole of the District Council's Bishop's Stortford South Ward within the area of Bishop's Stortford Town Council.

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

- (ii) **The ward boundaries within the town.** The Town Council also made a number of detailed proposals for changes to ward boundaries within the town to address perceived anomalies, often arising from new or infill developments, such as roads split between two or more wards or where access is from a different ward.

Full details of the Town Council's request, including maps of the proposed ward boundary changes, are attached in **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 Executive, which is invited to submit its comments to the Council for consideration when agreeing its draft recommendations for the review at the Council meeting on 16 May 2018.
- 3.3 The results of the consultation have also been reported to the Overview & Scrutiny Committee. Any comments made by the

Overview & Scrutiny Committee will be circulated to the Executive before the meeting.

- 3.4 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 46 community groups and business organisations based in the areas under review
- Consultation leaflets (copy attached at Essential Reference Paper D) distributed via the Council offices at Wallfields and Charringtons, Bishop's Stortford 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**.

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.
- 5.9 Current electorate figures and estimated February 2023 forecasts for each ward within the Bishop's Stortford and Thorley parishes are set out in **Essential Reference Paper E**.
- 5.10 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 Bishop's Stortford and Thorley

- 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 (St James Way) is a '*pronounced physical barrier (either natural or built) such as a major road*' and is '*likely to remain easily identifiable*'. Indeed it is already the district ward boundary.
- 6.4 In addition, certain housing development within the existing area of Thorley Urban ward – primarily at St Michael's Mead – is linked physically to equivalent development in Bishop's Stortford with no green space or other barrier between. The Town Council suggests that this will also apply to the significant proposed development that is indicated in the District Plan at Bishop's Stortford South (south of Whittington Way).
- 6.5 The issue is perhaps less clear cut in other parts of the area proposed for review. Of key importance will be the views of local residents as reported during the consultation process (see **Essential Reference Paper B**), although of course it is not possible at this stage to know the opinions of future residents of the proposed new developments.
- 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 The question of 'effective and convenient community governance' and in particular the future viability of Thorley Parish Council is also a key consideration. If the whole of the area proposed by the Town Council were to be transferred to Bishop's Stortford, the remaining area of Thorley Parish (the current Thorley Rural ward) would have an electorate of 47 and this is not forecast to grow significantly in the next five years.
- 6.8 Section 94 of the 2007 Act provides that where a council creates a new parish, if that parish has 150 or fewer electors the principal council may not recommend that a parish council be created. This threshold does not apply to existing parish councils – if a Community Governance Review concludes that the existence of the parish council reflects community identities and provides effective and convenient local government, despite the small number of electors, then it can recommend that the parish council should stay in existence – but the question of viability must be considered.
- 6.9 This may have a bearing on the Council's recommendations in one of two ways. Firstly the Council could decide that the potential future non-viability of Thorley Parish Council is a significant enough factor that the Town Council's proposal should not be agreed on the grounds that it would not promote effective and convenient community governance.
- 6.10 Alternatively, if the Council is of the view that the boundary should nevertheless be changed for reasons of community identities and interests, it may be necessary to consider further recommendations in relation to Thorley Parish including other arrangements for community representation. These could include one of the following:-
- (a) Retention of Thorley parish and its parish council within its reduced area

- (b) Retention of Thorley parish with a reduced area but grouped with another parish for parish council purposes
- (c) Retention of Thorley parish with a reduced area but with the parish council replaced by a parish meeting
- (d) Abolition of Thorley parish or the inclusion of its area into another parish

6.11 Any proposal for a change of the types (b) to (d) would require a further comprehensive consultation, including the residents and other interested parties in any other parish area involved.

6.12 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.

(b) The ward boundaries within Bishop's Stortford Town Council

6.13 The detailed changes proposed by the Town Council to the ward boundaries within the existing Bishop's Stortford parish area are set out in **Essential Reference Paper C**. These represent changes to roads which have residents in more than one ward and where the Town Council has requested that the boundary be redrawn either (i) so that all properties are in the ward which currently has the largest number of electors; or (ii) so that the road(s) are in the ward from which access is gained or for some other reason as noted. A total of approximately 450 properties, currently housing approximately 850 electors, are included in the proposals across 18 separate locations.

6.14 Officers have reviewed the proposals and visited the locations identified. In each case the proposals appear to successfully address anomalies that have arisen in the main due to new or infill development and have the potential to provide practical and convenient arrangements for electors.

6.15 The net effect of the proposed changes on electoral equality between the wards would be relatively minor. Currently the average number of electors per town councillor across all five Bishop's Stortford wards is 1,599. Central ward currently has the highest ratio at 1,870 and Silverleys the lowest at 1,399. The changes would slightly reduce the ratio for Central ward and slightly increase that for Silverleys, thereby improving equality by a small margin overall. South ward would gain the largest number of electors (approximately 340) but its ratio would still remain within 3.0% of the town average.

6.16 Any issues around community identities and interests in particular locations will be informed by the public consultation process (see **Essential Reference Paper B**).

6.17 In deciding whether to recommend implementation of the proposed ward 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 LG BCE and there could be a short-term loss of coterminosity between the parish ward and principal area division boundaries (for further details see paragraphs 6.26 – 6.28 below).

(c) Electoral arrangements – warding

6.18 Regarding whether a parish should (continue to) 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.

6.19 Bishop’s Stortford Town Council is currently divided into five wards and no evidence has been submitted to the review that the number of wards should increase or decrease, regardless of whether the boundary changes are agreed.

6.20 In relation to Thorley Parish Council, the parish is currently divided into two wards – Urban and Rural. If the proposal to transfer the area that currently makes up the Urban ward to Bishop’s Stortford is agreed, there will clearly be a need to reconsider the electoral arrangements for the remainder of the parish (see paragraph 6.10 above) and if the Parish Council is retained in a smaller area it is suggested that an unwarded parish would be appropriate.

6.21 The Council will note that at 513, Thorley currently has the lowest electorate of any warded parish within East Herts.

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

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

(a) Bishop’s Stortford Town Council:- No change to boundaries

Ward	No. of Cllrs	Current electorate Feb 2018	Ratio	Forecast electorate Feb 2023	Ratio
All Saints	4	6,175	1,544	6,256	1,564
Central	4	7,481	1,870	8,526	2,131
Meads	3	4,715	1,572	11,766*	1,961*

Silverleys	3	4,196	1,399		
South	4	6,212	1,553	6,337	1,584
Total	18	28,779	1,599	32,885	1,827

(b) Bishop's Stortford Town Council:- With additional area and all boundary changes proposed by the Town Council

Ward	No. of Cllrs	Current electorate Feb 2018	Ratio	Forecast electorate Feb 2023	Ratio
All Saints	4	6,071	1,518	6,151	1,538
Central	4	7,250	1,812	8,295	2,074
Meads	3	4,634	1,545	11,764*	1,961*
Silverleys	3	4,275	1,425		
South	4	7,015	1,754	7,699	1,925
Total	18	29,245	1,625	33,909	1,884

(* The forecast electorate figure for Meads and Silverleys wards has been aggregated because at the time of finalising the forecasts accurate information was not available on the distribution between the two wards of new dwellings that will be occupied before February 2023 within the proposed Bishop's Stortford North development.)

(c) Thorley Parish Council:- No change to boundaries

Ward	No. of Cllrs	Current electorate Feb 2018	Ratio	Forecast electorate Feb 2023	Ratio
Thorley Rural	3	47	1:16	54	1:18
Thorley Urban	4	466	1:116	1,025	1:256
Total	7	513	1:73	1,079	1:154

(d) Thorley Parish Council:- If boundary changes proposed by Bishop's Stortford Town Council are agreed

Ward	No. of Cllrs	Current electorate Feb 2018	Ratio	Forecast electorate Feb 2023	Ratio
Thorley Rural	3*	47	1:16	54	1:18

(* NB the legal minimum number of councillors for a parish council is 5)

6.23 The above figures suggest that within Bishop's Stortford, electors of Central ward are currently slightly under-represented on the town council and that if no boundary

changes are made this under-representation will increase slightly over the next five years, whilst by 2023 electors of All Saints and South wards may be relatively over-represented due to new development elsewhere in the town. This may require an adjustment in the allocation of seats on the council.

- 6.24 If the proposed boundary changes are agreed, the under-representation in Central ward and the over-representation in South ward are less significant but the relative over-representation in All Saints ward will remain an issue.
- 6.25 For Thorley Parish Council, there is already a significant electoral inequality between the two wards and this is forecast to be exacerbated further in the 'no boundary change' scenario. If the proposed boundary changes are made, significant decisions will need to be made regarding the future electoral arrangements for Thorley parish as described above.

(e) Consequential recommendations to the LGBCE

- 6.26 Any changes to parish/parish ward 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/parish ward boundaries. The LGBCE would require evidence that the Council has consulted on this as part of the review.
- 6.27 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.

6.28 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 Bishop's Stortford Town Council closes on Friday 6 April. This report sets out the issues for consideration in the review and the results of that consultation. Any comments of the Overview & Scrutiny Committee on the review and/or the consultation responses will also be reported to the Executive. The Executive are invited to forward their comments on the matters in the report for consideration by the Council when it meets to agree the 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

ERP C – Original request and proposals from Bishop's Stortford TC

ERP D - Consultation leaflet

ERP E – Electorate forecasts

Background Papers

None

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