

EAST HERTS COUNCIL

ANNUAL COUNCIL – 16 MAY 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND
MONITORING OFFICER

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

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, together with the recommendations of the Executive; and to propose draft recommendations of the review to the Council for adoption.

RECOMMENDATIONS FOR COUNCIL: That:

(A)	the Council consider the responses received to the initial consultation on the Community Governance Review of Buntingford Town Council, together with the recommendations of the Executive in relation to the review; and
(B)	the Council agree the draft recommendations of the Community Governance Review as the basis for a further round of public consultation as follows:- 1. That the area including Parkside and the new housing development north of Park Farm Industrial Estate,

	<p>shown as Area 'A' on the map in Essential Reference Paper B and currently in Cottered Parish, be incorporated within the area of Buntingford Town Council;</p> <p>2. That the Local Government Boundary Commission for England be recommended to amend the district ward and county division boundaries accordingly; and</p> <p>3. That the area occupied by Buntingford Business Park, shown as Area 'B' on the map in Essential Reference Paper B, remain part of Aspenden Parish and that no change be made to the parish boundary between Buntingford and Aspenden.</p>
--	---

1.0 Background – Community Governance Reviews

- 1.1 The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') provides that a principal authority such as East Herts Council may 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 B**.

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 were reported to the Overview & Scrutiny Committee and the Executive. The Overview & Scrutiny Committee on 17 April 2018 forwarded its comments on the community governance review to the Executive on 24 April, which agreed recommendations to the Council as set out in section 7 of this

report. The Council is now invited to agree its draft recommendations for the community governance 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 Criteria for making recommendations

- 4.1 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
- 4.2 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

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

- *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.*
- *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.*
- *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.*
- *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

- 4.4 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'.
- 4.5 In relation to viability, the Council has set out the following policy in the terms of reference for the review:-

- *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

4.6 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).

- **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.
- **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**.

4.7 The Council should 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.

- 4.8 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.
- 4.9 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 LG BCE 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 7.30 to 7.32 below).

5 Consultation process

- 5.1 For the initial consultation period to 6 April 2018, a range of channels were 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 B**) 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.

5.2 Responses were accepted by post, e-mail or via the online form.

6 Responses to the consultation

6.1 In total 42 responses were received to the consultation – 32 via the online form and 10 others. The responses can be broken down as follows:-

Local residents	33	Aspenden Parish (of which Area ‘B’)	0 (0)
		Buntingford Parish	4
		Cottered Parish (of which Area ‘A’)	29 (18)
		Not stated	0
Organisations	8	Buntingford Civic Society N E Herts Constituency Labour Party Buntingford Town Council Hertfordshire County Council Cottered & Throcking Parish Council Cottered Village Hall Trust A Safer A507 Group Cottered Village Appreciation Society	
Not stated	1		

6.2 All of the responses received to the consultation are set out in

full in **Essential Reference Paper C**. A summary of the responses and issues raised on each of the matters under review is included in the relevant part of section 7 below.

7.0 Issues for consideration

(a) THE PARISH BOUNDARY BETWEEN BUNTINGFORD AND COTTERED

- 7.1 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.
- 7.2 It is 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'* and that once the residential development at the south of the area identified by the Town Council is completed, a built-up area will extend more or less continuously from Buntingford Town to Parkside in the north of the area identified.
- 7.3 The area identified (marked as Area 'A' on the map in Essential Reference Paper B), 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, which is approximately two miles distant and separated from Area 'A' by largely undeveloped rural land.
- 7.4 The community governance review is required to consider changes in the electorate of the area that are likely to occur within the next five years. The electorate in Area 'A' is forecast to increase from 58 in February 2018 to 370 in February 2023.
- 7.5 Government guidance is that parish boundaries 'should reflect the "no-man's land" between communities represented by

areas of low population or barriers such as rivers, roads or railways.'

Consultation responses

- 7.6 In total, eleven respondents agreed with the Town Council's proposal whilst 31 respondents opposed it.
- 7.7 Respondents completing the online form were asked to state whether in their opinion, people who live or work in Area 'A' identify more closely with Buntingford or with Cottered. Eight respondents answered Buntingford, 21 answered Cottered and three stated 'don't know'.
- 7.8 The eleven respondents who supported the Town Council's proposal included Buntingford Town Council itself, Buntingford Civic Society, N E Herts Constituency Labour Party, Hertfordshire County Council and seven local residents including three residents of Area 'A' itself.
- 7.9 Respondents provided a range of arguments in support of the Town Council's proposal. Buntingford Town Council considers that Area 'A' should form part of the Town Council's area 'for the well-being of residents, the positive contribution to the provision of services, the promotion of the feeling of local community and the creation of a viable administrative unit'. The Town Council states that the development north of Buntingford has been included within the settlement boundary of Buntingford in the adopted Buntingford Community Area Neighbourhood Plan and the emerging East Herts District Plan. The Town Council delivers its newsletters and circulars to properties within Area 'A' and states that residents visit the Town Council offices for information and advice.
- 7.10 Some respondents supporting the change reiterated the Town Council's view that the area under review is closer to

Buntingford town than to Cottered village, and is physically linked to the town, with convenient pedestrian access to the amenities of Buntingford which residents look to and identify with. They considered that residents in the area are likely to feel part of the Buntingford community. Other respondents pointed out that the development to the north of the town is currently divided between the two parishes and/or considered that residents would be using services provided by the Town Council and should therefore contribute to the precept and be represented on that Council.

- 7.11 The 31 respondents opposing the change included Cottered & Throcking Parish Council, Cottered Village Hall Trust, A Safer A 507 Group, Cottered Village Appreciation Society and 31 local residents, including fifteen residents of Area 'A' itself.
- 7.12 Cottered & Throcking Parish Council urged that no alterations be made to the boundary between Buntingford and Cottered & Throcking. The Parish Council has provided detailed information in support of this recommendation, referring to geography; the historical evolution of the parish and its community; facilities, finance and services; democracy and representation; the views of other local organisations; relevant reviews and decisions elsewhere. The Parish Council is also concerned about what it sees as shortcomings in the procedure and timetable for the review and the possibility that the District Council's conclusion may be affected by an imbalance between the access and resources available to Buntingford Town Council and Cottered & Throcking Parish Council in making their submissions.
- 7.13 Specific points raised by the Parish Council and other respondents who oppose the Town Council's proposal include:-
- The northern part of Area 'A' is as close to the centre of Cottered as to the A10 roundabout and residential and

commercial developments at the southern gateway to Buntingford.

- Area 'A' is separated from other housing in Buntingford by a school, playing fields and an industrial estate.
- Ermine Street is a clear historic feature and an appropriate parish boundary.
- Most vehicular traffic to and from Parkside and the Redrow site once built will be via the bypass and through Cottered and Throcking Parish.
- Optional facilities and services are as likely to be provided for residents by Cottered & Throcking Parish Council as by Buntingford Town Council.
- The projected number of residents in Area 'A' as a proportion of the whole of Cottered & Throcking Parish means that, given the additional funds that would be available to the Parish Council through precept and New Homes Bonus, those residents would be paid more attention and be better supported within Cottered & Throcking Parish than if Area 'A' becomes part of Buntingford, where they will have less influence on decisions.
- The Parish Council and other organisations have surveyed local residents and consider that they wish the boundaries to remain unchanged.
- Cottered & Throcking Parish Council is better equipped to represent the current and future residents of Area 'A' than Buntingford Town Council.
- The review is unnecessary and not broadly supported. There are no good reasons for changing the boundary.
- Changing the boundary would adversely affect the villages whereas retention of the current boundary would allow for the potential to increase the infrastructure of the parish.
- If the boundary is changed, Cottered will be deprived of much needed funds. Smaller communities must receive available funding to thrive, including support for historic buildings, traffic-calming measures and allotments.

- 7.14 Cottered Village Hall Trust and a number of other respondents stated that they believe the Town Council's proposal is made for financial reasons and that the New Homes Bonus monies due in respect of development within Cottered Parish should be put to beneficial use within that parish.
- 7.15 A number of respondents stated that the review is premature and/or that Buntingford Town Council has no mandate for its proposal from future owners of the most affected homes (in Area 'A'), many of which have still to be built.
- 7.16 Cottered Village Appreciation Society proposed that if there is to be any boundary change, a better option would be to include the area bounded by the historical pathway from Throcking to Ermine Street (including Freman College and Park Farm Industrial Estate) into Cottered Parish.

(b) THE PARISH BOUNDARY BETWEEN BUNTINGFORD AND ASPENDEN

- 7.17 Buntingford Town Council proposed that the area occupied by Buntingford Business Park, marked 'Area 'B' on the map in **Essential Reference Paper B** and currently in Aspenden Parish, should be transferred to the Town Council's area.
- 7.18 Buntingford Business Park is a designated area for employment but there are no residential properties on the site, so any issues of community identity and interests can relate to businesses or employees but not to residents or electors.
- 7.19 The business park is closer to the built up area of the town than it is to Aspenden Village. However, it lies to the west of the A10 (bypass) which is the existing boundary and which represents a clear division consistent with the Government's guidance that parish boundaries 'should reflect the "no-man's land" between

communities represented by areas of low population or barriers such as rivers, roads or railways.'

- 7.20 No compelling evidence has been provided to support the proposal that the boundary should change.

Consultation responses

- 7.21 Fifteen respondents agreed with the Town Council's proposal regarding Buntingford Business Park whilst 20 respondents opposed the change.
- 7.22 Respondents completing the online form were asked to state whether in their opinion, people who live/work in Area 'B' identified more closely with Aspenden or with Buntingford. Ten respondents answered Aspenden, nine answered Buntingford and thirteen stated 'don't know'.

Recommendations of the Executive

- 7.23 At the meeting of the Executive on 24 April 2018, Councillor J Jones expressed his support for the proposed changes in the CGR on the basis that they were logical and identified with Buntingford.
- 7.24 Councillor G Jones referred to the map in **Essential Reference Paper 'C'** of the report submitted and expressed his support for the inclusion of Area 'A', on the basis that the new housing development north of Park Farm Industrial Estate was closer to the existing built up area in Buntingford than to Cottered village. Also, the area was located within the A10 bypass which served as a natural boundary. However, he opposed the inclusion of Area 'B', a designated area for employment where there were no residential properties, as it fell outside the natural boundary of the bypass.

7.25 Other Members supported this view. Following debate, the Executive RESOLVED:-

That the Council be recommended to include the boundary change proposed by Buntingford Town Council for its boundary with Cottered parish in the draft recommendations of the review; and also to recommend the Local Government Boundary Commission for England (LGBCE) to amend the district ward and county division boundaries accordingly; and

That the Council be recommended not to include in the draft recommendations of the review the change proposed by Buntingford Town Council in relation to its parish boundary with Aspenden parish.

(c) ELECTORAL ARRANGEMENTS – WARDING AND THE NUMBER OF TOWN/PARISH COUNCILLORS

7.26 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.

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

7.28 The following tables show the current and forecast electorates and elector-to-councillor ratios for each of the parish/town councils, 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
Aspenden	6	196	33	197	33
Buntingford	12	4,579	382	5,982	498
Cottered	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
Aspenden	6	196	33	197	33
Buntingford	12	4,637	386	6,348	529
Cottered	6	499	83	495	82

7.29 It is not suggested that the changes proposed by the Executive in themselves require any change to be made to the electoral arrangements at this stage. However, one respondent to the consultation suggested that as further development takes place, a wider review of the electoral arrangements in Buntingford may be required in future, possibly including warding of the Town Council.

(d) CONSEQUENTIAL RECOMMENDATIONS TO THE LGBCE

7.30 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.

- 7.31 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.
- 7.32 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.

8.0 Conclusions

- 8.1 The initial consultation period for the Community Governance Review of Buntingford Town Council closed on Friday 6 April. This report sets out the issues for consideration in the review, the results of that consultation and the recommendations of the Executive in relation to the review. The Council is invited to agree the draft recommendations of the review.
- 8.2 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.

9.0 Implications/Consultations

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

Background Papers

None

Contact Officer: Alison Stuart – Head of Legal and Democratic Services and Monitoring Officer
Contact Tel No – Extn: 2170
alison.stuart@eastherts.gov.uk