

EAST HERTS COUNCIL

ANNUAL COUNCIL – 16 MAY 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND  
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF EASTWICK AND GILSTON  
PARISH COUNCIL – REPORT ON INITIAL CONSULTATION AND DRAFT  
RECOMMENDATIONS

WARD(S) AFFECTED: HUNSDON

**Purpose/Summary of Report**

- To report the responses received during the initial consultation period for the Community Governance Review of Eastwick and Gilston Parish 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:**

<b>(A)</b>	<b>the Council consider the responses received to the initial consultation on the Community Governance Review of Eastwick &amp; Gilston Parish Council, together with the recommendations of the Executive in relation to the review; and</b>
<b>(B)</b>	<b>the Council agree the draft recommendations of the Community Governance Review as the basis for a further round of public consultation as follows:-  That the number of parish councillors to be elected to Eastwick and Gilston Parish Council by electors in</b>

<p><b>Gilston Parish be increased from three to four, thereby increasing the total size of the grouped parish council with effect from the May 2019 parish elections to seven councillors.</b></p>
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## **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 Eastwick & Gilston Parish Council**

2.1 The Council on 1 March 2018 agreed to undertake a Community Governance Review of Eastwick & Gilston Parish Council. The review was agreed following a request from the Parish Council which sought an increase of one in the number of parish councillors, from six to seven. The request was 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 the Parish Council believes that an increase in the number of parish councillors is required to support this growth.

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

- 3.1 The review began on 20 March 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 27 April 2018, during which local residents and all interested parties were invited to make initial submissions on the Parish Council's proposal and any other matters that they feel should be considered.
- 3.2 Submissions received during the initial consultation were reported to the Overview and Scrutiny Committee and the Executive. The Executive on 24 April 2018 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.

#### **4.0 Consultation process**

- 4.1 For the initial consultation period to 27 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 community groups based in the areas under review

- Consultation leaflets (copy attached at **Essential Reference Paper B**) distributed via the Council offices at Wallfields and Charringtons, community centres/halls and other local venues
- 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.

4.2 Responses were accepted by post, e-mail or via the online form. The responses received to the consultation are set out in section 6 below.

## **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'

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 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.*

### **Parish council size**

5.4 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.

5.5 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. [...]"

5.6 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."

5.7 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.

5.8 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
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		

## **6.0 Responses to the consultation**

6.1 Four responses were received to the consultation as follows:-

No.	Received from	Agree with the proposal?	Reasons/other comments
1	Resident of Gilston	Yes	Increased residents gives increased work to the

			councillors. We need more hands on board.
2	County Councillor	Yes	As the County Councillor for the Division in which Gilston is located I can understand the reason for the request. The addition of the Terlings Park development added considerably to the size of the electorate. I can appreciate the need to support the needs of the parish by adding to the membership of the council. I can see no reason to object to this taking place and I'm sure they will make good use of an extra person.
3	Herts County Council	-	HCC has no observations or representations to make regarding the proposals set out in the community governance review.
4	Resident of Gilston	Yes	As the population of Gilston has increased significantly in the last few years and a better representation of the views of the parish is required to help the Parish Council move forward

## **7.0 Issues for consideration**

### **(a) The number of parish councillors to be elected**

7.1 Eastwick and Gilston Parish Council is a grouped parish council



and currently has six councillors, three from each parish. The total current electorate for Eastwick and Gilston parishes is 659 (March 2018). This figure has grown from 331 in 2015.

- 7.2 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.
- 7.3 In considering the number of councillors to be elected for each parish and the number of electors they represent, 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 March 2023 forecasts for Eastwick and Gilston are set out in **Essential Reference Paper C**. These show that the total electorate of the grouped parish council is forecast to grow further, to 750 by March 2023.
- 7.4 Eighteen parish councils within East Herts currently have five or six parish councillors. Only four of these have an electorate in excess of 500. The thirteen parish councils that currently have seven councillors range in electorate from 210 to 1,273. There is no duty to ensure electoral equality between parishes, 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.

### **Recommendations of the Executive**

- 7.5 The Executive on 24 April 2018 considered this matter and supported the proposal from the parish council. Accordingly the Executive RESOLVED:-

*That the Council be recommended to include the increase of the size of Eastwick and Gilston Parish Council in the draft*

*recommendations of the review.*

## **(b) Warding**

- 7.6 The Council must consider whether a parish should 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.
- 7.7 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.
- 7.8 Eastwick and Gilston Parishes are currently unwarded and it is not suggested that the forecast change in the electorate or the proposed increase of one in the size of the parish council give rise to any need for this to change.

## **8.0 Conclusions**

- 8.1 The initial consultation period for the Community Governance Review of Eastwick and Gilston Parish Council closed on Friday 27 April. This report sets out the issues for consideration in the review, the responses received in that consultation and the recommendations of the Executive in relation to the review. The Council is now invited to agree the draft recommendations for 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

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