

EAST HERTS COUNCIL

EXECUTIVE – 11 SEPTEMBER 2018

REPORT BY EXECUTIVE MEMBER FOR FINANCE AND SUPPORT SERVICES

COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN COUNCIL – REPORT ON SECOND STAGE CONSULTATION

WARD(S) AFFECTED: BUNTINGFORD, MUNDENS & COTTERED

Purpose/Summary of Report

- To report the responses received during the second stage consultation period for the Community Governance Review of Buntingford Town Council and to invite the Executive to forward their recommendations to the Council for consideration when agreeing the final outcome of the review.

RECOMMENDATIONS FOR THE EXECUTIVE: That:

(A)	The Executive consider the responses received to the second stage consultation on the Community Governance Review of Buntingford Town Council as set out in section 7 of the report, and
(B)	The Executive forward their recommendations to the Council for consideration when agreeing the final outcome 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 degrouping 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.

3.0 Issues for consideration and decision-making criteria for the review

- 3.1 Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be (i) reflective of the identities and interests of the community in that area; and (ii) effective and convenient
- 3.2 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 LGBCE guidance 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’. In relation to boundaries, the guidance states that these ‘should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways.’
- 3.3 In accordance with the above principles, the Council has set out policies in the terms of reference for the review including the following:-

Community identities and interests

- 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.

Parish boundaries

- 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

- e) 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.

4.0 Electoral arrangements

4.1 Once the Council has determined whether it will make 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 will represent.

4.4 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.

5.0 Initial consultation and draft recommendations

5.1 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. The first period of public consultation ran 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 felt should be considered.

5.2 In total 42 responses were received to the consultation – 33 from individual residents, eight from statutory bodies or local organisations and one other.

5.3 In relation to the parish boundary between Buntingford and Cottered, eleven respondents agreed with the Town Council's proposed change, whilst 31 respondents opposed it.

5.4 In relation to the parish boundary between Buntingford and Aspenden, fifteen respondents agreed with the Town Council's

proposed change whilst twenty respondents opposed the change.

- 5.5 Following the close of the initial consultation, the submissions received were reported to the Overview and Scrutiny Committee on 17 April 2018 and the Executive on 24 April 2018, which made recommendations to the Council for consideration when agreeing its draft recommendations for the review.
- 5.6 The Council meeting on 16 May 2018 discussed the Community Governance Review. In considering whether or not the proposals from the Town Council should be recommended, the council took into account the responses received to the consultation, the LGBCE's guidance on community governance reviews, geographical data, electorate projections and the recommendations of the Executive which in turn were informed by the comments of the Overview & Scrutiny Committee.
- 5.7 Following consideration in turn of each element of the Town Council's proposal, the Council recommended that one of the areas identified by the Town Council, but not the other, should be transferred to the Town Council's area. The Council's decisions formed the basis of the draft recommendations of the Community Governance Review, to be subject to a further round of public consultation as follows:-

(a) Residential development north of Park Farm Industrial Estate

Regarding the boundary between Buntingford and Cottered, the Council noted that the area identified by the Town Council is closer to the built up area of Buntingford town than it is to Cottered village, which is approximately two miles distant and separated by largely undeveloped land.

The new boundary proposed (the A10 bypass) meets the criteria in the guidance and once the residential development at the south of the area identified is completed, a built-up area will extend more or less continuously from Buntingford town to Parkside in the north of the area.

The Council recommended that the area between the A10 bypass and Ermine Street to the north of Park Farm Industrial Estate, including Parkside and the new housing development marketed as The Maples, which is currently in Cottered Parish, should be incorporated within the Buntingford Town Council area.

(b) Buntingford Business Park

In relation to the boundary between Buntingford and Aspenden, the council noted that Buntingford Business Park is not a residential area and that it lies to the west of the A10 bypass which is the existing boundary and meets statutory guidance.

The Council did not feel that compelling evidence had been submitted to support the proposal to incorporate this area into Buntingford and therefore recommended that no change should be made to the parish boundary between Buntingford and Aspenden.

(c) District ward boundaries

Any changes to parish boundaries agreed as part of the Community Governance Review will not automatically change the equivalent boundaries for District Council elections. In order to maintain consistency the Council recommended that the LGBCE should be asked to change the relevant District ward boundaries to align them with any revised parish boundaries above.

5.8 A map showing the proposed revised parish boundaries reflecting the above draft recommendations, is attached at **Essential Reference Paper B**.

6.0 Second stage consultation

6.1 The Council's draft recommendations were then published for a further round of public consultation from 31 May 2018 until 27 July 2018.

6.2 As for the first round of public consultation, a range of methods and channels were used to publicise the draft recommendations 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 and business organisations based in the areas under review
- Consultation leaflets 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 draft recommendations
- 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.

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

7.0 Results of the second stage consultation

7.1 In total 18 responses were received to the second stage consultation as follows:-

- 2 organisations: - Buntingford Town Council
- Cottered & Throcking Parish Council
- 16 individual responses

7.2 Below is a brief 'headline' summary of the points made in their responses by each of the organisations listed above. The responses received from individuals and organisations are available in full in a background paper to this report:

- **Buntingford Town Council** – supports the proposed change, which it feels will 'enhance 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 feels that electors who reside or will reside in the development to the north of Buntingford and Parkside identify with the parish of Buntingford, the centre of which is a short walk from the properties, rather than with Cottered, the settlement of which is 2.7 miles away. It further states that if the parish boundary is revised, residents of the areas under review will contribute to the precept that promotes the well-being of their area and provides services required; and 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.
- **Cottered & Throcking Parish Council** - strongly opposes the proposed change and believes that the Council's draft recommendation regarding the parish boundary between

Buntingford and Cottered is 'ill-considered, unjustified, inappropriate, and simply wrong'. The Parish Council also strongly believes that the process by which EHDC has arrived at the draft recommendation is 'opaque and defective'.

The Parish Council states that it has 'found absolutely no indication that the views expressed and submissions made by [itself] and by other local organisations and individual residents have been assessed against the criteria set out in published guidance or weighed against opposing views and submissions

The Parish Council also questions the adequacy of the consultation process and states that parish councillors have recently visited residents in Parkside and the new development. They state that several were unaware of the review and none supported the draft recommendation.

The Parish Council states that 'such is the strength of public feeling in our communities that we may feel duty-bound to use all available mechanisms to challenge the process and the recommendation'.

7.3 An analysis of the individual responses received in respect of each element of the Council's draft recommendations is set out below:-

(a) Residential development north of Park Farm Industrial Estate

Of the individual responses to the second stage consultation, three supported the proposal to transfer the area including The Maples (Redrow development) and Parkside from Cottered to Buntingford and thirteen opposed it. Eleven responses came from within the area directly affected, of which ten opposed the change. Two residents of Parkside made a distinction between

the areas proposed for transfer, feeling that Parkside should remain in Cottered even if the area of the new Redrow development was to transfer to Buntingford.

Respondents who supported the change stated that the new development sits at the top of Buntingford High Street and will be affected by Town Council decisions; that residents will use the town's facilities and should contribute to their cost; and that the bypass represents a logical boundary.

Respondents who opposed the change advanced a number of arguments including:

- The status quo works well and the change is unnecessary
- There is no benefit to residents in changing.
- The change is not supported by residents in the affected area, their previous objections have been ignored.
- Residents wish to remain part of Cottered, they use village facilities and events and benefit from lower council tax and discount on booking village hall.
- Changing the boundary will deprive Cottered Parish Council of funds required for e.g. traffic calming.
- Development within Cottered would enhance and invigorate the parish community.
- Buntingford Town Council has not previously communicated with affected residents and is only showing interest now due to the potential financial benefits from new development.
- Residents have not been consulted adequately/have not received written material.
- EHDC is bullying parishes due to Town Council representation on the District Council.
- Buntingford is already too built up and new residents do not appreciate the semi-rural community
- Parkside is separate from the new Redrow development and is a mile outside Buntingford.

(b) Buntingford Business Park

There were six responses in favour of the recommendation that the area occupied by Buntingford Business Park should remain within Aspenden Parish, and three against. Four respondents stated 'don't know'.

(c) District ward boundaries

There were three responses in favour of the proposal that the LGBC be requested to bring the District ward boundaries into line with any revised parish boundaries, and eight against. Two respondents stated 'don't know'.

Text in the 'comments' box suggests that some of those who opposed this proposal did so because they are opposed to the proposed parish boundary changes rather than the principle of coterminous boundaries.

8.0 Electoral arrangements - warding and the number of town/parish councillors

- 8.1 In carrying out the review, the Council is required to take into account both the number and distribution of electors currently and any changes that are likely to take place during the period of five years from the start of the review.
- 8.2 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.

- 8.3 Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council are all currently unwarded.
- 8.4 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) Following implementation of the draft recommendations

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

- 8.5 It is not suggested that the above changes would in themselves require any change to be made to the electoral arrangements at this stage. However, a respondent to the first round of 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.

9.0 Conclusions

- 9.1 The second stage consultation period for the Community Governance Review of Buntingford Town Council closed on Friday 27 July 2018. This report sets out the issues for

consideration in the review and the results of that consultation. The Executive is invited to make recommendations to the Council meeting on 17 October 2018 which is scheduled to agree the final outcome of the Community Governance Review.

- 9.2 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.

10.0 Implications/Consultations

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

Background Papers

Full schedule of responses received to the second stage consultation on the Community Governance Review can be viewed at:

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=119&MId=3380&J=2>

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