

EAST HERTS COUNCIL

COUNCIL – 17 OCTOBER 2018

REPORT BY HEAD OF LEGAL & DEMOCRATIC SERVICES AND
MONITORING OFFICER

COMMUNITY GOVERNANCE REVIEW OF EASTWICK AND GILSTON
PARISH COUNCIL – REPORT ON SECOND STAGE CONSULTATION AND
FINAL RECOMMENDATIONS

WARD(S) AFFECTED: HUNSDON

Purpose/Summary of Report

- To report the responses received during the second stage consultation period for the Community Governance Review of Eastwick and Gilston Parish Council; and to agree and give effect to the final recommendations of the Community Governance Review.

RECOMMENDATIONS FOR THE COUNCIL: That:

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(A)	The Council note the responses received to the consultation on the Community Governance Review of Eastwick and Gilston Parish Council, together with the recommendations of the Executive in relation to the review;
(B)	The Council agree and give effect to the final recommendations of the Community Governance Review as follows:-

	<p>(1) That no new parishes be constituted in the area under review;</p> <p>(2) That Eastwick Parish should not be abolished and that its area should not be altered;</p> <p>(3) That Gilston Parish should not be abolished and that its area should not be altered;</p> <p>(4) That no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council);</p> <p>(5) That the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3;</p> <p>(6) That the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4;</p> <p>(7) That Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors; and</p>
(C)	<p>The Council make the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018 as attached at Essential Reference Paper B.</p>

1.0 Background – Community Governance Reviews

1.1 Chapter 3 of Part 4 of 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 mechanism 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 or other person(s).
- 1.4 Section 93 (3) of the 2007 Act requires that in undertaking a review the Council must consult (i) the local government electors for the area under review; and (ii) any other person or body (including a local authority) which appears to the principal council to have an interest in the review. Section 93 (6) states that the Council must take into account any representations received in connection with the review; whilst Section 100 (4) provides that the Council must have regard to 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.

Consequential recommendations to the LGBCE

- 1.6 Any changes to parish or parish/town 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 may make recommendations to 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.

2.0 Issues for consideration and decision-making criteria for a Community Governance Review

- 2.1 Section 93 (4) of the 2007 Act requires a principal council to have regard to the need to secure that community governance within the area under review –
 - (a) reflects the identities and interests of the community in that area; and
 - (b) is effective and convenient.
- 2.2 Section 93 (5) provides that in deciding what recommendations to make, a principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) –
 - (a) that have already been made, or

(b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

2.3 The guidance issued by the Secretary of State and the LGBCE states that when considering the above criteria, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

2.4 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’. 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.’

Electoral arrangements

2.5 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) affected. Electoral arrangements are defined in the 2007 Act as:-

- **Ordinary year of election** – the year in which ordinary elections of the parish/town councillors are to be held;
- **Council size** - the number of councillors to be elected to the parish/town council; and

- **Parish warding** - whether the parish should be, or should continue to be, divided into wards for the purpose of electing parish/town councillors, including the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward.

Making recommendations

- 2.6 Sections 87 to 92 of the 2007 Act provide that at the end of a Community Governance Review the principal council must make recommendations as to:
- (a) Whether a new parish or any new parishes should be constituted;
 - (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and
 - (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
- 2.7 The principal council may also make recommendations about:
- (a) The grouping or de-grouping of parishes;
 - (b) Adding parishes to an existing group of parishes; or
 - (c) Making related alterations to the boundaries of a principal council's electoral area.

3.0 Community Governance Review of Eastwick and Gilston Parish Council

- 3.1 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.

Terms of reference

- 3.2 The review began on 20 March 2018 with the publication of terms of reference setting out the aims, process and timetable for the review and the matters to be considered. The terms of reference included a number of policies, consistent with the criteria at section 2 above, to guide the consideration of evidence and the formulation of recommendations during the review. A copy of the terms of reference is attached at **Essential Reference Paper C**.

Initial consultation and draft recommendations

- 3.3 The initial period of public consultation ran from 20 March 2018 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.
- 3.4 In total four responses were received to the initial consultation. Three of these were in favour of the Parish Council's proposal and one offered no comment.
- 3.5 The Council meeting on 16 May 2018 discussed the Community Governance Review. In considering whether or not the proposals from the Parish 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.

- 3.6 The Council agreed as its draft recommendations for the review that the number of parish councillors to be elected to Eastwick and Gilston Parish Council by electors in Gilston Parish should 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.

4.0 Second stage consultation

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

- 4.2 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 and local community 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.

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

5.0 Responses to the second stage consultation

5.1 No further submissions were received in response to the second stage consultation.

6.0 Recommendations of the Executive

6.1 The Executive on 11 September 2018 considered the Community Governance Review. The Executive Member for Finance and Support Services asked the Executive to note that no further responses were received and to forward recommendations to Council, which would agree the final outcome of the review.

6.2 Councillor G Williamson moved, and Councillor E Buckmaster seconded, a motion that the recommendations now detailed be supported. After being put to the meeting and a vote taken, the motion was declared CARRIED and the Executive made the following recommendations to the Council:-

That (A) the receipt of no further responses to the second stage consultation on the Community Governance Review of Eastwick and Gilston Parish Council, be noted; and

(B) the draft recommendations for the Community Governance Review of Eastwick and Gilston Parish Council, be confirmed.

7.0 Considerations and final recommendations

7.1 The following paragraphs consider in turn the matters on which the Council must or may make recommendations as set out in section 2 of the report. In each case the criteria set out in the 2007 Act and the statutory guidance, together with the policies set out in the terms of reference for the review, are applied in

the context of the evidence submitted, the responses to the consultation and the recommendations of the Executive; and the final recommendations of the Community Governance Review are proposed.

Whether a new parish or any new parishes should be constituted

- 7.2 Section 87 of the 2007 Act requires that a principal council undertaking a Community Governance Review must make recommendations on whether a new parish or any new parishes should be constituted. In relation to Eastwick and Gilston, the entire area under review is already parished.

Recommendation 1 – That no new parishes be constituted in the area under review

Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and the grouping of parishes

- 7.3 Section 88 of the 2007 Act requires that a Community Governance Review must make one of the following recommendations in relation to each of the existing parishes under review:
- (a) That the parish should not be abolished and that its area should not be altered;
 - (b) That the area of the parish should be altered; or
 - (c) That the parish should be abolished.
- 7.4 No evidence has been submitted to support any proposition that either of the parishes under review should be abolished or their area altered.

- 7.5 The review must also make recommendations as to whether or not the name of the parish should be changed; and if the parish has a council, recommendations as to whether or not the parish should continue to have a council. Eastwick and Gilston parishes are currently grouped under a single common parish council.
- 7.6 No evidence has been submitted to the review regarding any proposed change of name for either parish, nor to support any proposition that either Eastwick or Gilston parish should not have a council or that the two parishes should not continue to be grouped under a single parish council.
- 7.7 The recommendations below build on the above findings and give effect to the criteria and policies in the terms of reference for the review in relation to community identities and interests, effective and convenient local government and the size, population and boundaries of the respective parishes.
- 7.8 In relation to community cohesion, this is related to community identities and interests and no evidence has been submitted to suggest that any of the recommendations will damage community cohesion.
- 7.9 As stated above, the 2007 Act requires a principal council in undertaking a Community Governance Review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly

elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'. No evidence has been submitted to the review that the grouped parish council should be replaced by any other arrangements.

Recommendation 2 – That Eastwick Parish should not be abolished and that its area should not be altered.

Recommendation 3 – That Gilston Parish should not be abolished and that its area should not be altered

Recommendation 4 - That no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council).

What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

Council size

- 7.10 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.
- 7.11 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. [...]”

7.12 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.”

7.13 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.

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

Electors	Councillors	Electors	Councillors
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		

- 7.15 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 661 (March 2018). This figure has grown from 331 in 2015.
- 7.16 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.
- 7.17 When recommending the number of councillors to be elected for each parish, the Council must take into account 'the number of local government electors for the parish and any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts'.
- 7.18 For the purposes of the Community Governance Review, East Herts District Council has therefore calculated current and estimated forecast electorates and elector-to-councillor ratios for the areas under review (forecasts updated September 2018).
- 7.19 Whilst every care has been taken to ensure that the figures below are as accurate as possible, it will be noted that any forecast electorate figure can only be an estimate based on the best information available. In particular, planned or consented development may not take place as scheduled, or at all. A technical note on the methodology employed in calculating the electorate forecasts is available on request.
- 7.20 The following table shows the current and forecast electorates and elector-to-councillor ratios for each of the parishes under review.

Parish	Current no. of cllrs	Current electorate Feb 2018	Ratio (electors/ Councillor) Feb 2018	Proposed no. of cllrs	Forecast electorate Feb 2023	Forecast ratio Feb 2023
Eastwick	3	126	42	3	215	72
Gilston	3	535	178	4	535	134
Eastwick & Gilson Parish Council	6	661	110	7	750	107

7.21 The proposed increase in the number of councillors for Gilston Parish is therefore forecast to improve electoral equality. There is no duty to ensure electoral equality between parishes, but the LG BCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in representation. 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.

Parish warding

7.22 The Council is required to consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.

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

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

7.24 Eastwick and Gilston Parishes are currently unwarded. No evidence has been submitted to suggest that this is impracticable or inconvenient, or that any areas of either parish should be separately represented. It is not proposed that the forecast change in the electorate or the proposed increase of one in the size of the parish council would give rise to any need for this to change.

Recommendation 5 – That the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3.

Recommendation 6 – That the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4.

Recommendation 7 – That Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors.

8.0 Conclusions

8.1 The second stage consultation period for the Community Governance Review of Eastwick and Gilston Parish Council closed on Friday 27 July 2018. This report sets out the issues for consideration in the review; the results of that consultation; and the proposed final recommendations of the review. No further submissions were received in response to the consultation. The Council is invited to agree and give effect to the final recommendations of the Community Governance Review and to make the Reorganisation of Community Governance Order at **Essential Reference Paper B**.

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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