

East Herts Council Report

Council

Date of meeting: 26 July 2023

Report by: Councillor Ben Crystall – Leader of the Council

Report title: Proposed Community Governance Reviews

Ward(s) affected: Bishop's Stortford South, Great Amwell & Stansteads, Hertford Heath & Brickendon, Hertford Kingsmead, Hertford Rural, Sawbridgeworth, Ware Priory, Ware Rural, Ware St. Mary's and Ware Trinity.

Summary – Council on 16 November 2022 agreed in principle to undertake community governance reviews of (i) Ware town and certain neighbouring parishes and (ii) the Rush Green area, with a view to considering any changes to town/parish or town/parish ward boundaries that may be desirable in those areas.

The Council's decision arose from consideration of the Local Government Boundary Commission for England's Electoral Review of East Herts and, in the case of (i) above, a request from Ware Town Council.

Council agreed that the community governance reviews should take place after the May 2023 local elections and that the Head of Legal and Democratic Services should bring forward as soon as practicable after those elections draft terms of reference for the reviews for consideration by the Council.

This report presents those draft terms of reference and proposes that the two community governance reviews identified be taken forward. It also identifies a number of further areas where a review

of community governance arrangements may be beneficial (in relation to electoral arrangements of certain town/parish councils) and proposes that consultation be undertaken with those town/parish councils in this regard.

RECOMMENDATIONS FOR COUNCIL

- a) That a community governance review be undertaken of Ware Town and parts of Wareside and Thundridge Parishes and that the draft terms of reference and indicative timetable for the review be agreed as attached at Appendix B.**
- b) That a community governance review be undertaken of the area covered by the Rush Green roundabout and that the draft terms of reference and indicative timetable for the review be agreed as attached at Appendix C.**
- c) That the Head of Legal and Democratic Services be authorised to progress the community governance reviews at a) and b) above including making any minor amendments necessary to the terms of reference and timetable for the reviews prior to formal publication.**
- d) That Tewin Parish Council, Thorley Parish Council and Sawbridgeworth Town Council be consulted as to whether they would support a community governance review being undertaken of their respective areas to address the issues regarding warding of their town/parish councils as set out at paragraphs 2.24 to 2.31 below.**

1.0 Proposal(s)

1.1 As above.

2.0 Background

2.1 The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal council such as East Herts District Council to review and make changes to community governance within its area. The term 'community governance' in this context relates to town and parish councils.

2.2 Changes to community governance arrangements must be made in accordance with the recommendations of a Community Governance Review (CGR) undertaken by the Council. A CGR 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;
- The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and/or
- Grouping parishes under a common parish council or de-grouping parishes.

2.3 In undertaking a CGR, a principal council must undertake certain actions set out in the 2007 Act and must follow guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).

2.4 The Council may undertake a CGR at any time either in response to a specific issue such as a change in population resulting from new housing development or as part of a periodic programme of reviews (the guidance states that principal councils should consider undertaking a CGR every 10-15 years). Subject to certain qualifications a principal council must carry out a CGR if it receives a valid community governance petition or formal 'application' under the terms of the 2007 Act.

Electoral Review of East Herts 2022

2.5 On 16 November 2022 the Council received a report on the outcome and implementation of the LGBCE's Electoral Review of East Herts. This review resulted in changes to ward boundaries and names across East Herts at district council level, which came into effect at the local elections on 4 May 2023.

2.6 Although the LGBCE may make consequential changes to the warding arrangements of town and parish councils as part of an Electoral Review – and did so in this case in relation to the electoral arrangements for the town or parish councils of Bishop's Stortford, Hertford, Ware and Wareside - it is not empowered to change the external boundaries of parishes themselves. Rather it is East Herts Council using its powers as above under the 2007 Act that has responsibility for reviewing and making any changes to parish boundaries.

2.7 As part of a community governance review a principal council may request the LGBCE to make 'related alterations' to bring

district ward and/or county division boundaries into line with any amended parish boundaries.

2.8 The most recent community governance reviews in East Herts were undertaken in 2018 when changes were made to the boundaries between Bishops Stortford and Thorley and between Buntingford and Cottered parishes, and to the electoral arrangements of Bishop's Stortford Town Council, Thorley Parish Council and Eastwick & Gilston Parish Council.

2.9 There were two areas in the LGBCE's 2022 report where the Commission suggested that it may be appropriate for the Council to undertake a community governance review following the implementation of its recommendations, as set out below. In relation to one of these a separate request for a review was also received from the relevant town council.

2.10 Council on 16 November 2022 agreed in principle to undertake the community governance reviews suggested and that the Head of Legal and Democratic Services should bring forward after the May 2023 local elections draft terms of reference for consideration by the Council.

Proposed community governance review – Ware and parts of Wareside and Thundridge

2.11 The current boundary of Ware Town Council follows quite closely the built-up residential area of the town. As a result, the proposed North and East Ware housing development designated in the East Herts Local Plan (2018) as WARE2, lies in the main outside the town boundary and within the parishes of Wareside and a small part of Thundridge.

2.12 The LGBCE's recommendations addressed this matter by extending the northern boundary of Ware Trinity district ward to include most of the new development within the ward, with a new single-councillor Ware Rural ward composed of the parishes of Thundridge, Widford and part of Wareside.

2.13 Ware Town Council considers that a similar logic should apply to parish boundaries and agreed on 18 July 2022 to write to East Herts Council requesting a community governance review with a view to expanding the Ware town boundary to include the whole of the designated area for WARE2. A copy of Ware Town Council's request is attached at Appendix A to this report.

2.14 In relation to the LGBCE's recommendations, the proposed boundary near Moles Farm and the A10 does not follow the entirety of the residential development. The LGBCE explained that this is because it decided to follow the existing parish and county division boundary and has suggested that a community governance review would be the most effective way to make parish boundary changes in this area, with a subsequent request to the Commission for related alterations to update the district ward and county division boundaries accordingly.

2.15 The LGBCE also suggested a further area of Ware for a possible community governance review. This is to tidy up the boundary between Ware St Mary's and Ware Priory wards, which appears to unnecessarily split a number of roads.

Again, this is because the LGBCE decided to follow the county division boundary in the first instance. Ware Town Council has also identified this issue in its request for a review, together with a number of other detailed changes to the town wards and boundary that it would wish to see addressed.

Proposed community governance review - Rush Green

2.16 The LGBCE received a number of requests that the Rush Green roundabout should be incorporated into a single ward so that issues pertaining to the roundabout could be directed to a single ward councillor, rather than being split between four wards as currently. However, the legislation governing Electoral Reviews (the Local Democracy, Economic Development and Construction Act 2009) requires the LGBCE, where it proposes a principal council ward boundary that cuts across a parish ward or unwarded parish, to create an equivalent parish ward boundary. Therefore, placing the entirety of the roundabout in one of the four existing wards would have required the creation of a parish ward with no electors, which would not promote effective and convenient local government. Again, the Commission suggested that a community governance review with a subsequent request for related alterations may be the most appropriate process for addressing this issue.

Community governance reviews – process, timing and terms of reference

2.17 The Council may decide how to undertake a CGR, provided it complies with the legislation and statutory guidance. The review must include a period or periods of public

consultation and must satisfy certain requirements in relation to the publication of recommendations and consideration of representations received.

2.18 When undertaking a review the Council must have regard to the need to secure community governance that reflects the identities and interests of the community in the area, and that is effective and convenient. The Council must consult local electors in the area under review and other persons or agencies who appear to have an interest in the review. The Council must take into account any representations it receives as part of the review. In relation to proposed electoral arrangements, a CGR must take into account projected electorate figures over a five year period.

2.19 A community governance review will typically take up to 12 months to complete (and in the case of a review triggered by a statutory petition or request must be completed within this timescale). Following the statutory process, if the Council accepts the recommendations arising from a review it will make a Community Governance Reorganisation Order to implement the proposals.

2.20 Any revised electoral arrangements made as a result of a community governance review will then come into effect at the next ordinary local elections (i.e. in May 2027).

2.21 Draft terms of reference for the proposed community governance reviews of Ware, Wareside and Thundridge and Rush Green are attached at Appendices B and C respectively.

Other possible areas for review

2.22 In addition to the reviews proposed above by the LGBCE and Ware Town Council, officers have identified a number of town/parish councils where there may be potential to enhance community governance by revisiting the arrangements currently in place. These represent relatively minor changes to electoral arrangements and no changes are proposed to the external boundaries of any of the parishes.

2.23 Members are invited to consider whether consultation should be held with the town/parish councils below to ascertain whether they would welcome a community governance review of their area(s) to address the issue(s) identified:

Tewin Parish Council

2.24 Tewin Parish is currently divided into two wards – Tewin North and Tewin South - for electoral purposes. This reflects the previous situation under which the boundary between the former district council wards of Hertford Rural North and Hertford Rural South ran through the parish.

2.25 Following the changes recommended by the LGBCE and implemented in May 2023, the whole of Tewin Parish now falls within the new district ward of Hertford Rural. Subject to consideration of any other reasons why it may be desirable for any area or areas of the parish to be separately represented, the opportunity now exists to consider whether Tewin Parish should in future be unwarded, with a single election of councillors being held for the whole parish.

Thorley Parish Council

2.26 Thorley Parish is currently divided into two wards – Thorley Rural and Thorley Urban - for electoral purposes. This reflects the previous situation under which the boundary between the former district council wards of Bishop’s Stortford South and Much Hadham ran through the parish.

2.27 Following the changes recommended by the LGBCE and implemented in May 2023, the whole of Thorley Parish now falls within the new district ward of Bishop’s Stortford South. Subject to consideration of any other reasons why it may be desirable for any area or areas of the parish to be separately represented, the opportunity now exists to consider whether Thorley Parish should in future be unwarded, with a single election of councillors being held for the whole parish.

Sawbridgeworth Town Council

2.28 Sawbridgeworth town council is currently not divided into wards, with a single election of councillors being held for the whole area of the town council, which is coterminous with the district council ward of Sawbridgeworth.

2.29 In considering whether or not a parish/town should be divided into wards, the 2007 Act requires that consideration be given to whether:

- a) The number, or distribution of the local government electors for the parish/town 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.

2.30 There are currently 6,933 local government electors registered in Sawbridgeworth, electing 12 town councillors. At the ordinary elections to the town council in 2019 and 2023 there were 18 and 17 candidates respectively, leading to lengthy ballot papers and a protracted election count.

2.31 It is suggested that Sawbridgeworth Town Council be consulted on whether there would be any wish to examine, through a community governance review, the desirability of the town being divided into wards for the purpose of electing town councillors at future elections.

3.0 Reason(s)

3.1 The changes to warding arrangements recommended by the LGBCE took effect at the May 2023 local elections.

3.3 The proposed community governance reviews will ensure that parish/town boundaries and wards are reviewed in the light of the changes to district ward boundaries with a view to putting in place governance arrangements at parish/town level that are effective and convenient and reflect community interest and identities.

4.0 Options

4.1 The option exists for the Council to decide not to proceed with the community governance reviews outlined in the report.

4.2 However, this option is not recommended as a community governance review represents an opportunity to put in place parish/town governance arrangements that reflect community interests and identities and promote efficient and convenient

local government and to address any anomalous boundaries. In relation to the proposed Ware/Wareside/Thundridge and Rush Green reviews, the LGBCE has suggested that the Council should consider taking these forward.

5.0 Risks

5.1 Failure to undertake the community governance reviews proposed would carry a risk that community governance arrangements going forward do not fully reflect community interests and identities or promote efficient and convenient local government.

5.2 In addition, the 2007 Act provides for local electors to petition for a review, which the Council would have to complete within 12 months of receipt of a valid petition under the Act.

5.3 It will be necessary for adequate staff resources within the Electoral Services team or elsewhere in the authority to be allocated to ensure that the reviews can be completed within the timetable required.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

Yes – The proposed community governance reviews will include consultation with local electors and other interested parties including organisations working with and on behalf of under-represented

groups. The guidance issued by the Secretary of State and LGBCE states that 'community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it'.

Environmental Sustainability

No

Financial

Yes – Undertaking the proposed community governance reviews will give rise to costs, in particular relating to staff resources to manage and report on the reviews and the preparation and production of publicity/consultation materials. These costs will be met from within the existing budgets and staffing resources of the relevant council services.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – The relevant legal provisions, powers and duties of the Council in relation to the each matter covered by this report are set out in the main body of the report.

Specific Wards

Yes – The proposals for the community governance reviews of Ware/Wareside/Thundridge and Rush Green affect in particular the district wards of Great Amwell & Stansteads, Hertford Heath & Brickendon, Hertford Kingsmead, Ware Priory, Ware Rural, Ware St. Mary's and Ware Trinity. The proposals to consult certain town/parish councils regarding possible further reviews affect in particular the district wards of Bishop's Stortford South, Hertford Rural and Sawbridgeworth.

7.0 Background papers, appendices and other relevant material

7.1 Background papers:

- 'New electoral arrangements for East Herts District Council Final recommendations' - report of the Local Government Boundary Commission for England, August 2022
- 'Guidance on community governance reviews' – DCLG/LGBCE, March 2010

7.2 Appendices:

- Appendix A: Proposal for a Community Governance Review for Ware – discussion paper from Ware Town Council, 18 July 2022.
- Appendix B: Community Governance Review of Ware and parts of Wareside and Thundridge – draft terms of reference
- Appendix C: Community Governance review of Rush Green – draft terms of reference

Contact Member

Cllr Ben Crystall – Leader of the Council

ben.crystall@eastherts.gov.uk

Contact Officer

James Ellis – Head of Legal and Democratic
Services

Contact Tel. No. 01279 502170

james.ellis@eastherts.gov.uk

Report Author

James Ellis – Head of Legal and Democratic
Services

james.ellis@eastherts.gov.uk