

CABINET

Agenda Item: 9

Wards: Cranmore, Doultong and Nunney, Street North, Street South and Street West

Portfolio: Finance, Governance and Corporate Services

Report Author: Cllr John Parham **Meeting Date:** 12 February 2018

SUBJECT: **Requests for Community Governance Reviews from Street Parish Council and Cranmore Parish Council**

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Report Sign off	Seen by:	Name	Date
	Chief Executive/ Deputy Chief Executive(s)	Stuart Brown	23/01/2018
	Legal	Lesley Dolan	24/01/2018
	Finance	Paul Deal	24/01/2018
	Group Manager	David Clark	23/01/2018
	Portfolio Holder	Cllr John Parham	16/01/2018
	Ward Members	Bryan Beha Lloyd Hughes Terry Napper Timothy Rice Adam Sen David van Dyk	25/01/2018
	Summary:	To consider requests from Street and Cranmore Parish Councils to undertake community governance reviews to increase the number of councillors by three and one respectively.	
Recommendation:	Members are RECOMMENDED to: (1) Accede to the request of the Street Parish Council to undertake a community governance review of the electoral arrangements of the Parish		

	<p>(2) Accede to the request of the Cranmore Parish Council to undertake a community governance review of the electoral arrangements of the Parish</p> <p>(3) Agree the terms of reference set out in this report as the terms of reference to be identified by the District Council as principal council for the conduct of the community governance reviews of the parishes of Street and Cranmore pursuant to Section 81 of the Local Government and Public Involvement in Health Act 2007</p> <p>(4) Approve the means of consultation as identified in this report.</p>
Direct and/or indirect impact on service delivery to our customers and communities:	The increase in numbers would give greater access to elected representatives for residents of the two parishes
Contribution to Corporate Priorities:	Work with our full range of partners to coordinate and deliver services focused on specific groups, improving customer experiences while reducing duplication
Legal Implications:	Any review would be carried out strictly in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 (as amended) and Guidance on Community Governance Reviews (March 2010) published by the Department for Communities and Local Government and the Local Government Boundary Commission for England.
Financial Implications:	None
Impact on Service Plans:	None
Value for Money:	Not applicable
Equalities Implications:	None

Risk Assessment and Adverse Impact on Corporate Actions:	None
Scrutiny Recommendation (if any)	

INTRODUCTION

1. This report relates to proposals for community governance reviews generated by request from the Street Parish Council and the Cranmore Parish Council.

2. Community governance reviews are regulated primarily by the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”)

3. In addition, guidance has periodically been issued by the Government providing procedural advice on the carrying out of reviews. The latest version of such guidance was issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

4. Section 79 of the 2007 Act effectively defines a community governance review as a review of the whole or part of the principal council’s area, for the purpose of making recommendations as to the future governance of the locality. For the purposes of the 2007 Act, the District Council is the “principal council”.

5. Community governance reviews can be initiated either unilaterally by the principal council or in response to the submission of a petition which fulfils certain statutory criteria. The current reviews have been requested by the Street Parish Council and the Cranmore Parish Council and it is for Mendip District Council to decide whether or not it wishes to initiate a review arising from these requests.

6. The purpose of such a review is also specified in the 2007 Act. Under Section 93(4), the principal council “*must 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.*”

7. The March 2010 Guidance also identifies a number of factors which are relevant to any review carried out under the 2007 Act. These factors are considered in more detail later in this report.

8. The review process consists of a number of stages, which can be summarised as:

- Preparation of terms of reference as required by Section 81 2007 Act
- First consultation stage
- Consideration of consultation responses
- Identification of the principal council's recommendations following first consultation
- Second consultation stage – consultation on recommendations
- Consideration of consultation responses
- Identification of the principal council's decisions following second consultation
- Ratification of principal council's decision by full Council
- Any steps required following decision (if the decision entails any change to governance arrangements in the relevant area)

9. In terms of consultation, the principal council is largely left to identify its preferred method. However, Section 93(3) of the 2007 requires the principal council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review. For the purposes of these reviews, the areas "under review" are the whole of the Parish of Street and the whole of the Parish of Cranmore. Section 93(6) requires the principal council to take into account any representations received in connection with the review. More detailed analysis of the consultation process appears later in this report.

10. Both reviews requested relate to electoral arrangements, which are defined as:

- ordinary year of election – the year in which ordinary elections of parish councillors are to be held;
- council size – the number of councillors to be elected to the council, or (in the case of a common council) the number of councillors to be elected to the council by local electors in each parish;
- parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes 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.

11. Paragraph 34 contains a draft timetable for carrying out of these reviews. At this stage, it is anticipated that it will be necessary to report to three further meetings of Cabinet in pursuance of the review with a final reference to Full Council at its meeting scheduled for September 2018.

12. The purposes of this report are:

- To apprise Members of the background to community governance review in general
- To identify the timetable for this review
- To secure Members' approval for the terms of reference for the review
- To secure Members' approval for the method to be used in the first consultation stage

13. Following this meeting, the first consultation will take place in accordance with the methodology and terms of reference approved by Members.

BACKGROUND

The request and scope of the review - Street Parish Council

14. The request as submitted relates to the three Wards (North, South and West) of the Street Parish Council. The wards and the electoral arrangements were established by the District of Mendip (Electoral Changes) Order 2011.

15. The Parish Council has requested an increase in the overall numbers of councillors from 12 to 16. However, as the Parish is warded, the increase would have to be in proportion across the three wards.

16. The current electorate of the Street Parish is 8507. In general there is a wide variation of council size between parish councils, which appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England found that the typical parish council representing less than 500 people had between 5 and 8 councillors; those between 501 and 2,500 had 6 to 12 councillors; and those between 2,501 and 10,000 had 9 to 16 councillors. The National Association of Local Councils (NALC) recommends (Circular 1126/1988):

Up to 4,400 electors	12 councillors
Up to 5,400 electors	13 councillors
Up to 6,500 electors	14 councillors
Up to 7,700 electors	15 councillors
Up to 9,000 electors	16 councillors
Up to 10,400 electors	17 councillors

17. Both the existing and proposed number of councillors at Street fall within typical parish council parameters, although with 16 it would satisfy the NALC recommendations.

18. At the ordinary elections in 2011 there was a total of 10 candidates, 3 for Street North, 4 for Street South and 3 for Street West. In 2015, there was again 10 candidates, 4 for Street North, 3 for Street South and 3 for Street West. However, at a by-election for a councillor for Street North Ward held on 23 February 2016 there were 2 candidates and at a by election for 2 councillors for Street North Ward held on 10 March 2016, there were 7 candidates.

19. With existing planning consents, it is anticipated that the electorate of Street will rise to 9,152 over the next 5 years.

20. Advice from the Local Government Boundary Committee for England is that it is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors.

21. There is no provision in legislation that each parish councillor should represent, as nearly as may be, the same number of electors. However, the Local Government Boundary Commission for England believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different parish wards. Such variations could make it difficult, in workload terms, for councillors to adequately represent the interests of residents. There is also a risk that where one or more wards of a parish are over-represented by councillors, the residents of those wards (and their councillors) could be perceived as having more influence than others on the council.

22. The current situation is:

Ward	Current electorate	Councillors	Ratio
Street North	3300	4	825
Street South	3799	5	760
Street West	1814	3	605

23. The solution proposed by the Street Parish Council is:

Ward	Current electorate	Councillors	Ratio
Street North	3300	6	550
Street South	3799	7	543
Street West	1814	3	605

24. There are alternative solutions which the Council could consider. For example, a fourteen member council would give the following ratios:

Ward	Current electorate	Councillors	Ratio
Street North	3300	5	660
Street South	3799	6	633
Street West	1814	3	605

Proposed terms of reference for the review - Street Parish Council

25. Under Section 81 of the 2007 Act, the principal council's first task in any community governance review is to establish the terms of reference under which the reviews will be conducted.

26. With reference to the requirements of the 2007 Act and the Guidance from March 2010, and also with regard to the request from the Parish Council, officers have identified the following as possible terms of reference for any review:

- (1) How effective, cohesive and convenient are the current arrangements for governance in the parish of Street, and how well do those arrangements reflect the identities and interests of the community in that area?**
- (2) Are there any aspects of the current electoral arrangements which inhibit or adversely affect their effectiveness, convenience and cohesion, as well as their ability to reflect the identities and interests of the community? If**

so, is there potential for these to be remedied by a change in the current governance arrangements?

(3) Within the area covered by the parish of Street, what would be the effect on

- **effectiveness, cohesion and convenience of governance**
- **the reflection of the identities and interests of the community**

of and by the arrangements for governance in the area which would be caused by the change of electoral arrangements across the three wards.

The request and scope of the review – Cranmore Parish Council

27. The request as submitted relates to the whole of the Parish, and it is assumed that the current arrangements have been in place, at least, since 1974.

28. The Parish Council currently comprises 6 councillors and the request is that the number be increased to 7. At the May 2015 ordinary elections there were 5 nominations for the 6 vacancies, and in May 2011 there were 6 nominations

29. The current electorate of the Parish is 386. The statutory minimum number of parish councillors is five, however, the National Association of Local Councils (NALC) recommends (Circular 1126/1988) that where a Parish Council has up to 900 electors, it should have 7 councillors.

30. With existing planning consents, it is anticipated that the electorate of Cranmore will rise to 392 over the next 5 years.

Proposed terms of reference for the review - Cranmore Parish Council

31. With reference to the requirements of the 2007 Act and the Guidance from March 2010, and also with regard to the request from the Parish Council, officers have identified the following as possible terms of reference for any review:

(1) How effective, cohesive and convenient are the current arrangements for governance in the parish of Cranmore, and how well do those arrangements reflect the identities and interests of the community in that area?

(2) Are there any aspects of the current electoral arrangements which inhibit or adversely affect their effectiveness, convenience and cohesion, as well as their ability to reflect the identities and interests of the community? If so, is there potential for these to be remedied by a change in the current governance arrangements?

(3) Within the area covered by the parish of Cranmore, what would be the effect on

- **effectiveness, cohesion and convenience of governance**
- **the reflection of the identities and interests of the community**

of and by the arrangements for governance in the area which would be caused by the change of electoral arrangements.

Consultation

31. The statutory requirement for a review is to consult both those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

32. It is suggested that, as these are solely reviews of the electoral arrangements of each Parish, that consultation should be by way of:

- A Notice displayed on at least one notice board in each Parish
- A letter to the Somerset County Council
- A letter to each Parish Council

Future work

33. A timetable for these two reviews is set out in paragraph 34 below. It may be that certain elements of this timetable will be slightly adjusted as the review process continues, but it is not expected that there will be any significant change.

34. In terms of decision making, the salient dates for the purposes of this review are:

- **Friday 23 February to Monday 26 March 2018** – first consultation period
- **Monday 26 March 2018** – formal close of the first consultation
- **Monday 9 April 2018** – Cabinet meeting to consider a report on the consultation and to decide on a recommendation for the review
- **Monday 16 April to Tuesday 15 May 2018**- second consultation period
- **Monday 18 June 2018** – Cabinet meeting to consider the second consultation and to make final recommendations.
- **Monday 24 September 2018** – Full Council to consider the final recommendations

OPTIONS CONSIDERED

35. Not pursuing one or both requests, and alternative options of between 12 and 16 councillors for Street.

RECOMMENDATIONS

Members are RECOMMENDED to:

- (1) Accede to the request of the Street Parish Council to undertake a community governance review of the electoral arrangements of the Parish
- (2) Accede to the request of the Cranmore Parish Council to undertake a community governance review of the electoral arrangements of the Parish
- (3) Agree the terms of reference set out in this report as the terms of reference to be identified by the District Council as principal council for the conduct of the community governance review of the parishes of Street and Cranmore pursuant to Section 81 of the Local Government and Public Involvement in Health Act 2007
- (4) Approve the means of consultation as identified in this report.

REASONS FOR RECOMMENDATIONS

The parishes are both of the view that the level of work that they are undertaking necessitates additional parish councillors, and the requests fall within the representation levels recommended by the National Association of Local Councils.

Contact Officer: Steven Lake
Ext No: 41236
Email: steven.lake@mendip.gov.uk

List of background papers:

1. Letter dated 12 May 2017 from Street Parish Council
2. E-mails dated 28 October 2016 and 9 November 2017 from Cranmore Parish Council
3. NALC Circular 1126/88