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| <b>SUBJECT</b>             | SBDC Parish Councils – Community Governance Review                                   |
| <b>REPORT OF</b>           | Governance & Electoral Arrangements Committee Chairman -<br>Councillor Patrick Hogan |
| <b>RESPONSIBLE OFFICER</b> | Head of Legal & Democratic Services, Joanna Swift                                    |
| <b>REPORT AUTHOR</b>       | Mat Bloxham, 01494 732143, mbloxham@chiltern.gov.uk                                  |
| <b>WARD/S AFFECTED</b>     | Denham; Stoke Poges; Farnham & Hedgerley   |

## 1 Purpose of Report

Correspondence has been received from 3 Parish Councils requesting that the electoral arrangements for those Parishes be changed. This report outlines the requests that have been received and provides guidance on how proposed changes to Parish electoral arrangements can be reviewed so that Members can consider whether or not to conduct a Community Governance Review in relation to the 3 requests received from Parish Councils.

### **RECOMMENDATIONS:**

- 1. To note the correspondence received from 3 Parish Councils proposing changes to electoral arrangements within their respective Parish areas:**
  - a) Denham Parish Council – Removal of Parish Wards**
  - b) Stoke Poges Parish Council – Reduction in Council Size (number of Parish Councillors)**
  - c) Farnham Royal Parish Council – Removal of Parish Wards**
- 2. To consider whether to conduct a Community Governance Review on any of the above Parish Council areas.**
- 3. Subject to recommendation 2, it is requested that authority to agree the Terms of Reference of the review be delegated to the Head of Legal and Democratic Services in consultation with the Chairman of the Governance & Electoral Arrangements Committee.**

## 2 Reasons for Recommendations

Members are asked to consider the requests received from Denham, Stoke Poges and Farnham Royal Parish Councils to review the electoral arrangements for those areas, and agree whether to conduct a Community Governance Review.

### **3 Statutory Provisions**

- 3.1. Under the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) decisions about the creation of parishes in South Bucks District and their electoral arrangements, are devolved to the District Council. The Council has responsibility for undertaking community governance reviews and deciding whether to give effect to the recommendations made in those reviews. In making that decision, the Council must take account of the views of local people and also have regard to statutory guidance issued by the Secretary of State.
- 3.2. A community governance review is a review of the whole or part of the district to consider one or more of the following:
- creating, merging, altering or abolishing parishes;
  - the naming of parishes in the style of new parishes;
  - the electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and
  - grouping parishes under a common parish council or de-grouping parishes.
- 3.3. The purpose of a community governance review is to secure an arrangement which will bring about improved community engagement, better local democracy and will result in more effective and convenient delivery of local services. The review must take account of the identities and interests of the community in that area and those arrangements for community representation and engagement already in place. There is therefore a requirement for consultation with not only local people but also with local organisations and businesses during the review process.
- 3.4. Community governance reviews can be triggered by local people presenting a petition to the Council. The Council has a duty to carry out a review if it receives a valid petition, unless there has been a previous review in the last 2 years or a current review in already ongoing.
- 3.5. Otherwise, the Council has discretion to conduct a community governance review at any time. For example a review may be appropriate following a major change in the population of a community or to re-draw boundaries which have become anomalous. The guidance issued by the Secretary of State suggests that it would be good practice for Councils to consider conducting a review in their area every

10-15 years – except for areas with very low populations when less frequent reviews may be adequate.

- 3.6. The Council can decide on the terms of reference for a community governance review. But in areas where there is both a district council and a county council, district councils are required to notify the county council of their intention to undertake a review and of the terms of reference. Review must be completed within 12 months.

### **Requests Received from Parishes**

- 3.7. At a meeting of Denham Parish Council on 13 November 2017 the Parish Council agreed to propose to South Bucks District Council that the number of Parish Wards be reduced from 3 to 1. The Parish Clerk wrote to the South Bucks District Council on 27 March 2018 to advise that this proposal had been made.
- 3.8. In light of this request Parish Clerks were asked at a Liaison meeting held on 19 April to advise if their Parish Councils were seeking to make similar requests to the Council to review electoral arrangements. An email was also sent to all Parish Clerks on 10 May requesting confirmation on this.
- 3.9. In response we have received requests from 3 Parish Councils (Denham, Stoke Poges and Farnham Royal) to review the electoral arrangements within those Parishes. The requests that have been received are included in Appendix 2.
- 3.10. Confirmation has been received from Beaconsfield, Burnham, Dorney, Fulmer, Gerrards Cross, Hedgerley, Iver, Taplow and Wexham Parish Council Clerks that they are not aware of proposals to request the Council to review electoral arrangements in their Parish at the current time.
- 3.11. The requests received to date do not constitute a Community Governance Petition or Application. As such, the Council is not required to conduct a review in response to the requests received. The Council does however have a power to conduct a review in response to a “reasonable request”. The Council also has the power, if it wishes to conduct a review, to make recommendations other than what has been requested.
- 3.12. If Members agree to conduct a review the Council must have regard to the need to ensure that community governance within the area under review:

- Reflects the identities and interests of the community in that area, and
- is effective and convenient.

Two other important considerations are:

- Community cohesion, and
- The size, population, and boundaries of the local community or parish

3.13. The two themes contained within the requests received relate to Parish Council size (number of Councillors) and Parish ward arrangements specifically.

### **Council Size (Number of Councillors)**

3.14. The legal minimum number of Parish Councillors for each Parish Council is 5. There is no maximum number. There is also no requirement to link electorate size with the number of Councillors; however this is often a consideration. There is no further guidance on the number of Councillors however NALC in 1988 suggested that a practical minimum number of Councillors is 7, along with the following scale to be used as a guide:

| <b>Electors</b> | <b>Councillors</b> |
|-----------------|--------------------|
| 3,500           | 11                 |
| 4,400           | 12                 |
| 5,400           | 13                 |
| 6,500           | 14                 |
| 7,700           | 15                 |

3.15. Aston Business School also published research in 1992 suggesting the following as a guide:

| <b>Electors</b> | <b>Councillors</b> |
|-----------------|--------------------|
| < 500           | 5-8                |
| 501 – 2,500     | 6-12               |
| 2,501 - 10,000  | 13-27              |

3.16. Other key considerations include: population, geography, patterns of communication, representation, and administrative workload reflected in its precept, and any likely change to population.

## Warding

3.17. Parish areas and their wards are used as building blocks for principal council divisions/wards. A relevant consideration is the layout of principal Council boundaries compared to Parish ward boundaries, in particular whether a parish ward will be split by a principal Council boundary. Guidance suggests that this should be avoided. Other factors for consideration include:

- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient (*i.e. number of electors, their distribution and their convenience in voting*)
- Whether it is desirable that any area or areas of the parish could be separately represented on the Council (*more subjective; is it one parish but comprising different parts?*)

### Denham Parish Council

Request Summary (full request shown in Appendix 2):

- Not fair and equal representation as large variance in electors across wards
- Three wards not required due to small area
- Single District ward for Denham (2015)
- Potential for elections in one ward and not others
- Request no reduction in Councillors due to workload

| Ward                 | Polling Districts | Councillors | Electorate | Ratio |
|----------------------|-------------------|-------------|------------|-------|
| Denham South         | SJ, SJA, SJHD     | 7           | 3042       | 435   |
| Denham North         | SK                | 7           | 2476       | 353   |
| Denham South<br>West | SS                | 1           | 547        | 547   |
| <b>Total</b>         |                   | 15          | 6,065      | 404   |

3.18 The total electorate for Denham Parish and the current number of 15 Parish Councillors is broadly in line with NALC/Aston Business School advice.

3.19 The attached map (Appendix 3) shows the current three wards for Denham Parish. As a comparison Stoke Poges and Taplow do not have any Parish Wards and have 13 and 11 Councillors respectively. The District and County Electoral Division do not run within the Parish Ward boundaries.

### Stoke Poges Parish Council

3.20 Request summary: (full request shown in Appendix 2):

- 13 seats should be reduced to 9
- 4 vacant seats during the previous 3 years

| <b>Ward</b> | <b>Polling Districts</b> | <b>Councillors</b> | <b>Electorate</b> | <b>Ratio</b> |
|-------------|--------------------------|--------------------|-------------------|--------------|
| Stoke Poges | SS                       | 13                 | 3905              | 300          |

3.21 The total electorate for Stoke Poges Parish and the current number of 13 Parish Councillors is broadly in line with Aston Business School advice. The NALC guide suggests that the number of Councillors is greater than the guide based on the electorate alone.

3.22 There are no Parish Wards within Stoke Poges Parish boundary as shown on the attached map. (Appendix 3)

### Farnham Royal Parish Council

3.23 Request Summary: (full request shown in Appendix 2):

- Three Parish Wards should be made into a single Parish Ward
- Potential for elections in one ward and not others

| <b>Ward</b>           | <b>Polling Districts</b> | <b>Councillors</b> | <b>Electorate</b> | <b>Ratio</b> |
|-----------------------|--------------------------|--------------------|-------------------|--------------|
| Farnham Royal Central | SFC                      | 3                  | 1088              | 363          |
| Farham Royal North    | SFN                      | 7                  | 3210              | 459          |
| Farnham Royal South   | SFS                      | 1                  | 361               | 361          |
| <b>Total</b>          |                          | 11                 | 4659              | 424          |

3.24 Although the request does not refer to a change to the number of Councillors a comparison with the total electorate and NALC/Aston Business School guides suggests that a small increase in the number of Councillors could be considered if a review were to be carried out.

3.25 The Farnham Common and Burnham Beeches County Electoral Division and Stoke Poges and Wexham Electoral Division split Farham Royal Parish into two areas. It would not be possible to remove all Parish Wards for this reason. The Parish Ward of Farham Royal South is within the Stoke Poges and Wexham Electoral Division. The attached map (Appendix 3) shows the wards within the Parish Boundary.

## **Review Process**

3.26 The first step in the process is for the Principal Council (South Bucks District Council) to consider whether or not to conduct a review. The information provided above sets out a background for each of the 3 Parish Council areas which have requested a review. This information is intended to help Members decide if a review should be carried. If a review were to be carried out further background information would be required. Members are there asked to consider whether or not to conduct a review of any of the Parish areas.

## **Timetable**

3.27 The only prescribed timetable requirement is that if a Council agrees to proceed with a review it must be completed within 12 months (from the date of this meeting). Two of the Parishes requesting a review have however asked that it be completed in time to take effect for the District and Parish elections scheduled for 2 May 2019. A potential timetable that meets this request is shown below for Members information only. It is also worth noting that the timetable is ambitious as it is shorter than the indicative timetable contained in guidance.

- Decision to conduct a review – 26 June 2018
- Terms of Reference Finalised – August 2018
- 1<sup>st</sup> Consultation period (6 weeks) – September to October 2018
- Governance & Electoral Arrangements Committee consider 1<sup>st</sup> consultation responses & prepare / develop draft recommendations – late October 2018
- 2<sup>nd</sup> Consultation period (6 weeks) – November to December
- Governance & Electoral Arrangements Committee consider 2<sup>nd</sup> consultation responses & prepare / publish final recommendations – January 2019
- Publish Reorganisation Order – February 2019
- Implementation – 1 March 2019 (before Notice of Election on 20 March 2019)

## **4 Consultation**

4.1 If Members agree that it would be appropriate to conduct a Community Governance Review consideration should be given to the first stage of consultation. This seeks to build a general picture of views from the community. The guidance suggests that any

consultation should be reasonable and proportionate to the review. There is no specified method of consultation. It is recommended that the first stage of consultation follows the same process for advertising a casual vacancy for a Councillor. This includes publishing a Notice on the Council's website/noticeboards (if any) and asking the Parish Council to do the same. It is suggested that the first stage of consultation takes place over 6 weeks, although this is not prescribed and can be amended to take account of school or public holidays.

- 4.2 The second stage of consultation would involve setting out the draft recommendations and inviting specific comments on proposals to inform the final recommendations. The final recommendations must take into account any comments received. Similarly to the first stage of consultation there is no prescribed format, however the second consultation documents must be available to inspection at the Council offices and in the Parish area. This could include the principle Council and Parish Council websites, and documentation being made available at other public buildings.

## **5 Options**

- 5.1 Not to carry out a Community Governance Review.
- 5.2 To request further information. Members may decide that they require further information before they can decide whether or not there are reasonable grounds to carry out a Community Governance Review. Implications on the timetable should be considered as a further report may need to be considered by the Committee, unless authority to decide whether or not to conduct a review was delegated to a Member Working Group for example.
- 5.3 If Members are satisfied that there are reasonable grounds for a review to be undertaken on the electoral arrangements on one or more of the Parish Council areas the Committee may request a review to be carried out. It would be useful at this stage to receive initial comments on the proposed Terms of Reference to help these to be drafted and finalised. A model Terms of Reference is attached as Appendix 4 for information. If Members choose this option Recommendation 3 of the report requests that authority be delegated to officers in consultation with the Chairman of the Committee to finalise the Terms of Reference. This is intended to reduce the timescale of the review.

## **6 Corporate Implications**

### **6.1 Financial**

There are no direct financial implications arising from the recommendations in this report. A Community Governance Review involving the 3 Parish areas referred to in



this report can be carried out and met within existing budgets. However, there may be additional costs arising from more extensive consultation methods than those listed in the report. There will also be resource implications arising from the work required to carry out the review. The majority of the work will be carried out by Democratic & Electoral Services although support will also be required from other Council departments.

## 6.2 Legal

The Council has the relevant powers to undertake Community Governance Reviews under the Local Government and Public Involvement in Health Act 2007. The Council's Constitution delegates functions relating to community governance from Full Council to the Governance & Electoral Arrangements Committee. It is recommended that if Members agree to carry out a Community Governance Review then the power to agree the final Terms of Reference of that review be delegated to the Head of Democratic & Electoral Services in consultation with the Chairman of the Governance & Electoral Arrangements Committee. This would expedite the timescale of a review.

## 6.3 Sustainability

There are no direct implications arising from this report in relation to Crime and Disorder; Environmental Issues; ICT; Partnership; Procurement; Social Inclusion and

## 7 Links to Council Policy Objectives

This report relates to theme 5 of the Chiltern and South Bucks Sustainable Community Strategy and Corporate Plan: Cohesive and Strong Communities: strong, confident and active communities

## 8 Next Steps

The Parish Councils that have made requests to review will be informed on the decision of the meeting. If a review is to be carried out the next step will be finalise the Terms of Reference of the Review and proceed to the first stage of consultation.

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| <b>Background Papers:</b> | <a href="#">DCLG/LGBCE Guidance</a><br><a href="#">LG&amp;PIHA 2007</a> |
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