

Council – 17th July 2014

Increase in Councillors on Lopen Parish Council – Community Governance Review (CGR)

Assistant Director: Ian Clarke, Legal and Corporate Services
Lead Officer: Angela Cox, Democratic Services Manager
Contact Details: Angela.cox@southsomerset.gov.uk or (01935) 462148

Purpose of the Report

To report the receipt of a request (under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007) from Lopen Parish Council to increase the size of the Parish Council from 5 to 7 Councillors.

Public Interest

A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style (i.e. whether to call it a town council or village council etc) of new parishes;
- the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
- grouping parishes under a common parish council, or de-grouping parishes.

The Local Government and Public Involvement in Health Act, 2007, sets down the principal legal framework within which councils must undertake these reviews.

A valid request has been received from Lopen Parish Council requesting that the District Council conduct a consultation (Community Governance Review) of all the electors and local interested groups to ask if they would support the increase in the number of Parish Councillors from 5 to 7. This report asks for the authorisation of Council to carry out that consultation.

Recommendations

The Council is recommended to:

1. Note the receipt of the request and its validity;
2. Agree to undertake a Community Governance Review of the Parish of Lopen;
3. Agree the Terms of Reference of the review as detailed in Appendix A, including the timetable and arrangements for public consultation;
4. Agree that the review will be carried out by the Democratic Services Manager, in consultation with Ward Members, Area Development Manager (North) and the Area North Committee;
5. Note that further reports will be brought to Council in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

Background

Before the coming into force of the 2007 Act, District Councils had power to vary the numbers on local councils by making an order. Procedures were not prescriptive and numbers on parish councils, or other Parish electoral arrangements, could be varied easily and quickly. Unfortunately this is no longer the case and the procedures prescribed for community governance reviews, set out in the 2007 Act, have to be followed even when the only issue to be considered is a variation in a parish council's numbers.

The Act allows for the public to petition for reviews in their areas. Reviews must be undertaken if petitions are received as follows:

- Area with fewer than 500 electors - at least 50% of the electors
- Area with between 500 and 2,500 electors – at least 250 of the electors
- Area with more than 2,500 electors - at least 10% of the electors.

It is, however, not necessary for a petition to be received to initiate a review. The Parish Council has requested an increase in its numbers and it is for the District Council to decide whether it wishes to undertake a review of the Lopen parish area with a view to increasing the size of the parish council.

Request from Lopen Parish Council

The Parish Council have given the following reasons to support their request to increase the size of the Parish Council to 7 members:-

- Apart from relatively brief casual vacancy periods (mainly due to house moving) the Council has maintained a full quota of members since 2007.
- At the 2007 elections, a local election was held as there were more candidates than vacancies.
- Whilst the 2011 elections did not trigger an election, the single remaining vacancy was filled through co-option near immediately after the election.
- Applications to fill a recent casual vacancy (as a result of a Councillor house move) was oversubscribed.
- The National Association of Local Councils promotes a minimum Council size of 7 irrespective of the local population size.
- A larger pool of Councillors is more likely to represent a more accurate local view.
- With only 5 members and a quorum of three, it can be difficult to arrange a quorate meeting especially during the holiday seasons.
- Quite often members live close to each other and this can cause difficulties maintaining a quorum when common interests are involved. Increasing the council size will reduce such occurrences.
- More workload is being passed on to Parish Councils and “many hands make light work”.

Lopen Parish Council has put forward a reasoned request for an increase in numbers. There is no formal guidance on the size of parish councils, but the minimum number is 5. The DCLG reports that, nationally, local councils representing the following electorates have, typically, the number of councillors stated:

- Less than 500 – between 5 and 8 councillors
- Between 501 and 2,500 – between 6 and 12 councillors

The 1972 Act, as amended, specifies that each parish council must have at least five councillors; there is no maximum number. The Electoral Commission has no reason

to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be 7 and the maximum 25.

Lopen has 203 electors. In the light of the reasons put forward by the Parish Council, officers consider that a review should proceed.

Allowing for the need to report to Council at the various stages of the review progress, it is estimated that the review will take 6 - 9 months to complete. It is suggested that any changes in the composition of the parish council that might be agreed take effect at the beginning of the next Council year in May 2015.

Community Governance Reviews – General Principles relating to Parishes and Parish Councils

Under the legislation the District Council must aim to ensure that community governance in the area under review:-

- reflects the identities and interests of the community in that area
- is effective and convenient
- takes into account any other arrangements for the purpose of community representation or community engagement.

When considering this, the Council should take into account a number of factors, including:

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

A review involves the following stages:

- (1) Setting terms of reference of the review (if the Committee recommends a review in Lopen, suggested terms of reference are set out in Appendix 1);
- (2) Publicising the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- (3) Undertaking consultations with the local government electors for the area and any other person or body (including the Parish Council) who appears to have an interest in the review;
- (4) Considering representations;
- (5) Preparing and publishing draft proposals;
- (6) Undertaking consultation on the draft proposals;
- (7) Considering representations;
- (8) Publishing recommendations;
- (9) Making an order to bring into effect any decisions arising from the review;
- (10) A review must be concluded within 12 months of the publication of the terms of reference.

When undertaking a CGR a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.

Financial Implications

Resources involved will be mainly employee time. Based upon the last similar Community Governance Review of South Cadbury with Sutton Montis Parish Councils, which cost less than £500 for 251 electors, it is anticipated that the cost of this review will also be in the region of £500.

There is no specific budget for Community Governance Reviews and therefore all costs will have to be absorbed within the existing Democratic Services budget for 2014/15.

There is no power to re-charge the cost of the review to any other Council, except by agreement. This is because the statutory power to conduct the review rests with this Council.

Corporate Priority Implications

No implications at the current time.

Carbon Emissions and Climate Change Implications

No implications at the current time.

Equality and Diversity Implications

All local government electors within the parishes of Lopen will be consulted on the proposal and their views considered as part of the consultation process. The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Background Papers

Local Government and Public Involvement in Health Act 2007

The Electoral Commission Guidance on Community Governance Reviews, April 2008

Request from Lopen PC dated 22nd May 2014

Terms of Reference of the Community Governance Review of the Parish arrangements for Lopen