



**COUNCIL**

**16<sup>TH</sup> DECEMBER 2014**

**AGENDA ITEM (10)**

**REQUEST FOR COMMUNITY GOVERNANCE REVIEW - CIRENCESTER TOWN COUNCIL**

<b>Accountable Officer</b>	Nigel Adams Head of Democratic Services 01285 623202 nigel.adams@cotswold.gov.uk
----------------------------	---

<b>Purpose of Report</b>	To consider a request for the Council to undertake a further Community Governance Review in relation to the number of councillors to represent Cirencester Town Council.
<b>Recommendation</b>	<b>That the Council agrees to undertake a further Community Governance Review, specifically in relation to a proposed increase in the number of councillors to represent Cirencester Town Council, to sixteen; and the consequent increase, to two, of the number of town councillors to represent the proposed New Mills Ward.</b>
<b>Reason(s) for Recommendation(s)</b>	To ensure that the statutory provisions are met.

<b>Ward(s) Affected</b>	The proposed ward of Cirencester New Mills
<b>Key Decision</b>	No
<b>Recommendation to Council</b>	N/A

<b>Financial Implications</b>	The largest resource requirement relates to Officer time, although a number of formal notices will need to be published. However, these costs can be met from within existing budgets.
<b>Legal and Human Rights Implications</b>	The review will be conducted in accordance with statutory provisions and associated guidance.
<b>Environmental and Sustainability Implications</b>	None
<b>Human Resource Implications</b>	The conduct of the review will be met from existing resources.
<b>Key Risks</b>	None

<b>Equalities Impact Assessment</b>	The proposal being mooted seeks to ensure equal representation across the eight proposed wards at Town Council level.
-------------------------------------	---

<b>Related Decisions</b>	Council, 9 <sup>th</sup> July 2013 - Approval of Final Recommendations for the previous District-wide Community Governance Review (Minute CL.18 refers)
--------------------------	---

<b>Background Documents</b>	Review request from Cirencester Town Council Chief Executive Officer dated 2 <sup>nd</sup> December 2014
-----------------------------	--

<b>Appendices</b>	None
-------------------	------

<b>Performance Management Follow Up</b>	Implement Council decision.
---	-----------------------------

<b>Options for Joint Working</b>	This review relates solely to one parish area within Cotswold District, and cannot look beyond the District boundary.
----------------------------------	---

<b>Background Information</b>	
1. <u>General</u>	
1.1 A Community Governance Review of the existing parish arrangements within the District was carried out in 2012/13.	
1.2 The Review enabled the Council to consider what changes, if any, were needed to the then existing arrangements, in order to ensure that (i) parish governance within the District was robust, representative and able to meet new challenges; and (ii) that there was clarity and transparency to the areas that parish/town councils represent and that the electoral arrangements of parishes were appropriate, equitable and readily understood by their electorates.	
1.3 In the event, the Council agreed to nine parish boundary changes; an increase in the number of councillors to be elected to Moreton-in-Marsh and Fairford Town Councils; and the abolition of the existing wards of the parish of Fairford.	
1.4 The relevant Order was made on 7 <sup>th</sup> February 2014, with the changes being in force for the elections in May 2015.	
1.5 More recently, the Local Boundary Commission for England (LGBCE) has conducted a District Electoral Review of Cotswold District. While, in essence, this Review looked at arrangements at District level (numbers of councillors and revised District Ward patterns), the outcome gave rise to some consequential amendments at Parish level.	
1.6 The 'rules' relating to parishes insofar as the District Review was concerned were as follows:-	
<ul style="list-style-type: none"> <li>• LGBCE could not create or abolish parishes, or amend their boundaries;</li> <li>• If a parish was divided between new district wards, the LGBCE had to create parish wards;</li> </ul>	

- LGBCE could only change parish electoral arrangements as a direct consequence of district ward proposals.

1.7 In short, while the LGBCE could not alter the external boundaries of a parish, or change parish councillor numbers, it was required to create parish wards in those cases where a parish was to be divided between different District wards (so that each parish ward lies wholly within a single District ward).

1.8 The outcome of the District Review gave rise to the need for LGBCE to create parish/town wards for Bourton-on-the-Water, Cirencester, Fairford, Moreton-in-Marsh, South Cerney and Tetbury.

1.9 It also created one further 'discrepancy' in relation to the town wards for Cirencester, which has prompted the further review request from the Town Council.

## 2. Electoral Arrangements for Cirencester

2.1 At District level, Cirencester will be divided into 8 no. single-member wards with effect from the 2015 elections.

2.2 These arrangements lead to the need for consequential parish warding arrangements at Town Council level, with 8 no. coterminous wards. However, as LGBCE is unable to change the number of town councillors, this has resulted in a Final Recommendation which sees the retention of 15 councillors, with seven wards returning two members and one of the wards (New Mills) returning just one member.

2.3 This has prompted the following request from Cirencester Town Council:-

*'At a recent meeting of Cirencester Town Council held on November 11<sup>th</sup>, Minute 139.15 refers, the Boundary Commission's Final Recommendations and the consequent impact on the electoral make up of the Town Council was considered.*

*Concern was expressed that the recommendations do not result in the ratio of the number of local government electors to the number of members of the council being the same in every electoral area.*

*Furthermore, the impact of the recommendations does not reflect the best interests of the New Mills ward compared to the other wards in Cirencester in respect of democratically elected representation and local democracy.*

*This appears to be contrary to Schedule 2 of the Local Democracy, Economic Development and Construction Act 2009.*

*Notwithstanding the immediate impact in 2015, if the projected 2019 electoral figures are considered the recommendations result in 2,048 electors being represented by just one town councillor in New Mills.*

*The nearest democratic representation to this (dividing ward electorates by two) would be the Chesterton Ward with 1,163 electors per councillor, with the St Michael's ward being most fairly represented with 1,035 electors per councillor.*

*Whilst the Town Council raised these concerns with the Boundary Commission we have been advised that this inequality can only be addressed through a Community Governance Review.*

*Cirencester Town Council formally agreed at its November meeting that such a review should be undertaken on behalf of the New Mills electorate.*

*The Town Council therefore calls for a review on the basis that the Final Recommendations of the Commission will result in the electoral representation in New Mills being inequitable and therefore a Community Governance Review is required to ensure equitability and fairness, both in terms of community engagement and governance; each of the eight wards within the town boundary of Cirencester should return two members to the Town Council with the Town Council comprising 16 members from May 2015.'*

### 3. Review Considerations

3.1 In conducting a Community Governance Review, the District Council is required to take account of the following two key criteria:-

- the identities and interests of the community in the area - i.e. parishes should reflect distinctive and recognisable communities of interest and place, with their own sense of identity;
- the effective and convenient governance of the area - i.e. do local council arrangements provide for good local democracy and community engagement?

3.2 Other considerations and factors include:-

- the impact of community governance arrangements on community cohesion;
- the size, population and boundaries of a local community or parish, ensuring that these make sense 'on the ground'.

3.3 In anticipation of the review request, contact has been made with officers from LGBCE, who have confirmed that it is open for the District Council to undertake a further community governance review to address this discrepancy - as they had not been able to deal with this as part of the District Review - and that such a change appeared reasonable.

3.4 LGBCE officers have also confirmed that the Council can agree to undertake, and start, a further review before the District Electoral Review Order has been through due Parliamentary process.

### 4. The Review Process

4.1 Given that the Council has carried out a District-wide review within the last two years, it is not obliged to carry out a further review at this time. However, it has the power to do so if it so wishes - and in this instance it can be argued that a review is warranted as the circumstances have changed as a result of the outcome of the District Electoral Review.

4.2 Should the Council agree to undertake this further review, the key stages in the review process will be as follows:-

(i) Initial consultation on proposal:-

- Local government electors in the area
- County Councillor(s) for the area
- Local public and voluntary organisations, e.g. schools, health bodies
- Local businesses
- Residents' and/or Community Associations

N.B. The Town Council will not be consulted at this stage as the 'sponsor' of the proposal.

(ii) CDC considers representations received, and formulates draft recommendation(s).

(iii) Publication of, and consultation on, draft recommendation(s).

(iv) CDC considers representations received and decides whether to implement recommendation(s), in whole or in part.

(v) Publication of review decision, including reasons.

(vi) Make formal Order, and make copies available as required by relevant Regulations.

4.2 If the proposal is approved by the District Council, following the full review process, a further stage is required prior to an Order being made - namely that the formal agreement of LGBCE would need to be sought and obtained, as the effect of the Community Governance Review Order would effectively be seeking to amend a provision within the District Electoral Review Order that has been through the Parliamentary approval procedure.

4.3 It is understood that this element alone is likely to take in the region of two months. In the circumstances, even if the Council agrees to undertake another community governance review immediately, and everything goes well, the relevant Order could not be made in time so as to be effective for the May 2015 elections (given the overall election timetable, which will start in March). However, a by-election process could be used to secure the additional member as soon as any Order takes effect.

## 5. Conclusions

5.1 The request for a further review is reasonable given the change in circumstances appertaining to the future warding arrangements for Cirencester Town Council, and the inequality that would exist if existing councillor numbers were retained and 'super-imposed' onto the new wards.

5.2 The issue cannot be resolved by LGBCE; but this Council has powers to conduct a Community Governance Review.

5.3 While there is not sufficient time for any change to be implemented in time for the May 2015 elections, a by-election process could be used to secure the additional member as soon as any Order takes effect.

(END)