



**COUNCIL**

**29<sup>TH</sup> SEPTEMBER 2015**

**AGENDA ITEM (14)**

**COMMUNITY GOVERNANCE REVIEW - DE-WARDING OF PARISHES**

<b>Accountable Officer</b>	Nigel Adams Head of Democratic Services 01285 623202 nigel.adams@cotswold.gov.uk
<b>Purpose of Report</b>	To consider undertaking a further Community Governance Review in relation to the de-warding of parishes where such arrangements were imposed as a direct result of the District Electoral Review.
<b>Recommendation</b>	<b>That the Council agrees to undertake a further Community Governance Review, specifically in relation to any parish where the relevant council applies to remove its local (but not District) warding arrangements.</b>
<b>Reason(s) for Recommendation(s)</b>	To ensure that the statutory provisions are met, and that due process is followed.
<b>Ward(s) Affected</b>	Bourton Vale; Bourton Village; Fairford North; Lechlade, Kempsford and Fairford South; Moreton East; Moreton West; Siddington & Cerney rural; south Cerney Village; Tetbury East & Rural; Tetbury Town; Tetbury with Upton
<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
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<b>Equalities Impact Assessment</b>	Not required
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<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)
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<b>Background Documents</b>	(i) LGBCE District Electoral Review (ii) CGR/De-Warding Requests from Bourton-on-the-Water Parish Council and South Cerney Parish Council
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<b>Appendices</b>	None
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<b>Performance Management Follow Up</b>	Implement Council decision.
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<b>Options for Joint Working</b>	This review relates to parish areas within Cotswold District, and cannot look beyond the District boundary.
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<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 (DER) 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 DER was concerned were as follows:-

- LGBCE could not create or abolish parishes, or amend their boundaries;
- If a parish was divided between new district wards, the LGBCE had to create parish wards;
- 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 lay wholly within a single District Ward).

1.8 The outcome of the DER gave rise to the need for LGBCE to impose local warding arrangements in a number of parishes (newly-created for Bourton-on-the-Water, Fairford, Moreton-in-Marsh, South Cerney and Tetbury; and revised wards for Cirencester).

## 2. De-Warding at Parish/Town Council Level

2.1 With the exception of Cirencester, where warding has been in place for many years, the imposition of local warding arrangements and the consequent division of parishes across two or more District Wards was not welcomed by many, if not all, of the parishes involved; indeed, the sub-division of parishes had been opposed by some as part of the DER process. It is also evident that, in some places, this opposition 'hardened' after the May elections, with many people considering such arrangements to have been unnecessary, confusing, and indeed divisive (particularly in parishes where not all wards were contested).

2.2 This was also a double disappointment for Fairford Town Council, where the previous warding arrangements were due to be removed (see paragraph 3.1 above).

2.3 Informal approaches have been received to ascertain whether the District Council can and/or would be willing to reverse the imposition of the warding arrangements at parish council level.

2.4 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 (CGR) to address this issue - acknowledging that they had to impose such warding arrangements as a consequence of the DER.

2.5 The CGR would need to follow due process - the parish/town council would need to submit a formal request (agreed by way of a resolution at a formal meeting) to the District Council who, in turn, would need to give approval for a CGR to be undertaken. There would then follow a period of consultation and a report back to CDC for a final recommendation to be agreed.

2.6 It should be noted that such a review will NOT affect the District Councillor arrangements for any parish - the affected parishes will still be warded for District (election) purposes. However, the CGR will seek to remove the more artificial divide for parish purposes and parish elections.

2.7 Even if a CGR was to be approved by CDC, there are two further issues that would need to be addressed, as follows:-

- (i) The consent of LGBCE would be required, as the CGR would be seeking to alter the electoral arrangements for a parish or parishes which were put in place by an Order

arising out of an LGBCE review within the previous five years, which has been through the Parliamentary approval procedure - while the Commission considers consent cases carefully, the advice received, on a without prejudice basis, is that it is fairly likely that consent would be given. However, it is essential that there is good evidence of local support for the proposals.

- (ii) The CGR guidance states that any new or revised parish electoral arrangements will come into force at ordinary parish elections, rather than parish by-elections, unless the terms of office of sitting councillors are cut and, essentially, new elections then held. However, it is not clear as to whether such requirements apply in the case of parish/town 'de-warding', and clarification is still awaited from LGBCE on this point.

2.8 Against the above background, each of the affected councils has been contacted and advised of the possible way forward; and has been asked to confirm whether there is formal support to seek to remove the parish level warding arrangements. If one or more councils wish to pursue this, then all proposals could be combined into one review proposal/order. These proposals could also be combined with the CGR previously agreed in relation to Cirencester to address one further 'discrepancy' arising out of the DER in relation to the overall number of town councillors for Cirencester and an even distribution across the town wards.

2.9 Formal review/de-warding requests have already been received from Bourton-on-the-Water Parish Council and South Cerney Parish Council. On the basis of discussions held, similar requests are expected in relation to Fairford, Moreton-in-Marsh and Tetbury. Any further requests received will be reported orally at the Council Meeting.

### 3. Review Considerations and Process

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

- the identities and interests of the community in the area - i.e. parishes (and parish wards) 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 and/or ward 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 Although 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.

3.4 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.
- (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) Seek formal agreement of LGBCE to the Order.
- (vii) Subject to LGBCE approval, make formal Order, and make copies available as required by relevant Regulations.

4. Conclusions

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

4.2 A further review is reasonable given that (i) the warding arrangements had to be imposed as a direct consequence of the DER and were not sought by the local councils/residents concerned; and (ii) such arrangements are considered unnecessary, confusing, and divisive by local councils and their residents.

(END)