



COUNCIL

20TH FEBRUARY 2018

AGENDA ITEM (10)

**COMMUNITY GOVERNANCE REVIEWS - CIRENCESTER TOWN COUNCIL AND UPPER
RISSINGTON PARISH COUNCIL**

Accountable Officer	Nigel Adams Head of Democratic Services 01285 623202 nigel.adams@cotswold.gov.uk
Purpose of Report	To consider undertaking further Community Governance Reviews in relation to potential increases in the number of councillors to be elected to the Cirencester Town Council and Upper Rissington Parish Council; and warding arrangements in Upper Rissington.
Recommendation	That the Council agrees to undertake Community Governance Reviews in relation to (i) a potential increase in the number of councillors to be elected to Cirencester Town Council; and (ii) a potential increase in the number of councillors to be elected to Upper Rissington Parish Council and the division (or not) of the parish into wards for the election of those councillors (as set out in paragraphs 7.2 and 8.13 of this report).
Reason(s) for Recommendation(s)	To ensure that the statutory provisions are met, and that due process is followed.
Ward(s) Affected	New Mills; The Rissingtons
Key Decision	No
Recommendation to Council	N/A
Financial Implications	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.
Legal and Human Rights Implications	The reviews will be conducted in accordance with statutory provisions and associated guidance.
Environmental and Sustainability Implications	None

Human Resource Implications	The conduct of the reviews will be met from existing resources.
Key Risks	None
Equalities Impact Assessment	Not required

Related Decisions	Council, 9 th July 2013 - Approval of Final Recommendations for the previous District-wide Community Governance Review Council, 29 th September 2015 - Approval of Community Governance Review re a number of Parish De-wardings
Background Documents	Review requests from Cirencester Town Council and Upper Rissington Parish Council
Appendices	None

Performance Management Follow Up	Implement Council decision.
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Options for Joint Working	These reviews relate to parish areas within Cotswold District, and such reviews cannot look beyond the District boundary.
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Background Information	
1. <u>General</u>	
1.1 A Community Governance Review (CGR) of the then 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 th February 2014, with the changes being in force for the elections in May 2015.	
1.5 At around the same time, the Local Boundary Commission for England (LGBCE) 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).

1.9 Insofar as Cirencester Town Council was concerned, eight new wards were created to replace five previous wards. However, as the LGBCE could not change councillor numbers, this led to seven of the new wards being represented by two town councillors and one (New Mills) being represented by a single town councillor.

2. Warding at Parish/Town Council Level

2.1 The imposition of local warding arrangements (outside Cirencester) and the consequent division of parishes across two or more District Wards was not welcomed by any of the parishes involved; and, indeed, the sub-division of parishes had been opposed by some as part of the DER process. In some places, this opposition 'hardened' after the May 2015 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 resulted in requests from the affected councils for the removal of such warding arrangements at parish/town council level and, at its Meeting on 29th September 2015, this Council agreed to undertake a CGR which, subject to representations received, could secure the requested outcomes. Such a review would 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.

3. Cirencester Town Council - New Mills Ward

3.1 As mentioned in paragraph 1.9 above, there is an inequity in the warding arrangements relating to Cirencester Town Council, in that seven wards are represented by two town councillors and one (New Mills) is represented by a single town councillor.

3.2 A request was subsequently received from Cirencester Town Council for a CGR to be undertaken to address this situation and to increase the overall number of councillors on the Town Council to 16 (from 15) by way of an increase, from one to two, of the number of councillors to represent the New Mills Ward. The review is requested on the grounds of equity/fairness of representation and effective and convenient governance.

3.3 Even if this CGR is approved by the Council, the consent of LGBCE will be required, as the CGR will be seeking to alter the electoral arrangements for a parish 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 - that said, while LGBCE 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.

4. Upper Rissington Parish Council

4.1 A request has recently been received from Upper Rissington Parish Council for a CGR to be undertaken with a view to increasing the overall number of councillors on the Parish Council. The potential for the introduction of wards has also been suggested.

4.2 The following rationale has been provided in support of such review/increase in numbers:-

- The size of the village has increased substantially over the past four years as a result of the development at Victory Fields; and the 'scale' adopted by District Council would allow for a larger number of councillors based on the size of the electorate.
- An increase in the Council size will permit the Council to reflect a wider cross section of the Parish - promoting better community cohesion.
- A larger number of councillors will allow the greater workload to be shared more easily, reducing the burden on a small group of councillors.
- A larger pool of councillors will facilitate the creation a committees (e.g. Finance, Staffing and Planning), which will lead to more effective management of the Council.
- The request reflects the request of a large number of electors, actively supported by the County Councillor, for the review.

4.3 The advisory 'scale' referred to above can be seen in paragraph 5.3 below. At present, Upper Rissington Parish Council is represented by seven councillors. However, a body of eleven councillors could be appropriate based on its current (and growing) electorate.

5. Review Considerations and Process

5.1 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?

5.2 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'.

5.3 Insofar as 'Council Size' is concerned, the following is an extract from the Information Note produced for the previous District-wide CGR:-

'The Local Government Act 1972 (as amended) specifies that each parish council must have at least five councillors; but there is no maximum number.'

There are no rules relating to the allocation of councillors between parish wards, other than each parish ward must have at least one parish councillor.

The Government is of the view that, in all types of authority, 'it is an important demographic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the elections of councillors'.

However, whilst consistency across councils is important, local circumstances are key in any decision - each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. The Council will therefore pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter; as well as the existing number of local government electors for a parish and any change in that number which is likely to occur in the period of five years from the start of the Review.

A number of years ago, the Council adopted the following scale as 'guidance' in determining the number of councillors for a parish:-

Electorate	Number of Councillors
<i>not exceeding 200</i>	<i>5</i>
<i>201 - 500</i>	<i>7</i>
<i>501 - 1,000</i>	<i>9</i>
<i>1,001 - 2,000</i>	<i>11</i>
<i>2,001 - 4,000</i>	<i>13</i>
<i>over 4,000</i>	<i>15</i>

This scale will be used to guide this Review, as it would appear to have proved robust for many years. However, the scale is not absolutely prescriptive, and the Council acknowledges that other scales are operated across the country, including a more complex version devised by the National Association of Local Councils (involving smaller electorate band widths and incremental increases of one across councilor numbers).

In the case of any potential increase in councillor numbers, the Council will have regard to whether previous elections and by-elections have been contested or whether there have been difficulties in attracting sufficient candidates to stand for election, leading to uncontested elections and/or a need to co-opt members in order to fill vacancies. Similarly, a particular issue or temporary set of circumstances is not likely to support a permanent change in numbers.

In the case of any potential decrease in councillor numbers, this Council will need to look at the frequency of contested elections, whether co-option has been the 'norm', and whether a parish council has functioned perfectly well with reduced numbers over a period of time.

In summary, a request to change the number of councillors will be considered following a review of the circumstances of previous elections - where parish council elections have been consistently contested in the past, an increase in numbers may be considered more positively; but where elections have been regularly uncontested, an increase in councillor numbers is only likely to be considered in exceptional circumstances. Any request would need to be supported by a justification as to why the changes should be pursued.'

5.4 Insofar as 'Parish Warding' the Information Note contained the following:-

'Parish warding is the division of a parish into wards for the purpose of electing councillors. The Review will consider any existing or proposed parish wards, including the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards.

There should be a clear rationale behind any warding (or de-warding) proposals, which reflects the identities and interests of the community of the area, and is effective and convenient. Regard should also be had to the size, population and boundaries of any ward, together with the number of councillors to be elected for each ward and the number of electors they will represent.

Consideration will also be given to whether the number, or distribution, of local government electors for the parish would make a single election of councillors impracticable or inconvenient; and/or whether it is desirable that any area or areas of the parish should be separately represented.'

6. Next Steps

6.1 Should the Council agree to undertake these further reviews, the key stages in the review process will be as follows:-

- (i) Initial consultation on proposal:-
 - Local government electors in the areas
 - County Councillors for the areas
 - 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 'Cirencester Order'.
- (vii) Subject to LGBCE approval, make formal Orders, and make copies available as required by relevant Regulations.
- (viii) Revised arrangements to be effective from May 2019 elections.

6.2 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. These reviews are timed so that any revised arrangements will take effect at the all-out elections in May 2019.

7. Initial Evaluation of Proposals - Cirencester Town Council

7.1 The existing situation within Cirencester Town Council was created as a direct consequence of the then new warding arrangements imposed at District level by the LG BCE. This had led to a democratic deficit in the New Mills Ward, with a lack of equity/fairness of representation and a consequent impact on effective and convenient governance.

7.2 It is the view of Officers that a CGR should be pursued, to increase the overall number of councillors on the Town Council to 16 (from 15) by way of an increase, from one to two, of the number of councillors to represent the New Mills Ward.

8. Initial Evaluation of Proposals - Upper Rissington Parish Council

8.1 Against the above criteria, it is clear that the advisory 'scale' would provide for 11 councillors for a parish with an electorate the size of Upper Rissington.

8.2 However, when looking at previous elections, the 'argument' for an increase in councillor numbers is less positive:-

- upon the creation of the Parish Council, there were seven candidates for seven seats at the initial 'election' in March 2000;
- at the subsequent four-yearly all-out elections we have never had more than five candidates come forward;
- although there have been numerous casual vacancies over the years up until 2016, requests from electors for elections to fill such vacancies have only been received on two occasions;
- in those instances where elections were requested, one was contested (three candidates for two seats); and, in the other, there were two candidates for the two seats, meaning that a by-election was not required.

8.3 In addition, in 2015, this Council had to appoint a temporary councillor to ensure that the Parish Council remained quorate and could continue to operate.

8.4 That said, there was a contest to fill vacancies for two seats in October 2017; and an election has been requested to fill one current vacancy.

8.5 The key issue is for any increase to prove sustainable, so that we do not end up creating a situation where there are simply more seats that are not filled. It is also important for any increase in numbers to address longer-term issues rather than a one-off or temporary set of circumstances.

8.6 On the positive side, and in addition to the recent requests for vacancies to be filled by election, it is clear that significant development has occurred in recent years, leading to an increased electorate. A greater level of community interest is very apparent, and there is evidence of significant support from residents for an increased number of councillors on the Parish Council - such that if a request had not been forthcoming direct from the Parish Council, then one would have been received via a public petition containing a minimum of 250 signatures.

8.7 There has also been some discussion as to whether a 'jump' from seven to eleven councillors 'in one go' is realistic, or whether an initial increase to nine would be more prudent - particularly as this would not increase the quorum figure of the council - and then, if successful, seek a further increase to eleven from 2023.

8.8 Based on a council size of eleven, the following three ward option has been put forward:-

- 'old village' (including the turn of the millenium developments on Wellington Road/Smith Barry etc.) - c.700 electors, say 5 councillors;
- 'Victory Fields' (new development) - c.700 electors, say 5 councillors;
- Southgate/Sandy Lane/new development - c.100 electors, say one councillor.

8.9 If wards are created, then the principle of each elector's vote carrying the same weight would mean that each councillor should represent as near as possible the same number of electors - as such, the above option is along the right lines.

8.10 That said, the issue of wards is a 'double-edged sword'. It is accepted that there is currently a divide between the old and new areas of the parish, and that the immediate pressures are distinct in each area. However, the creation of wards could easily reinforce/harden those divisions, and potentially undermine the desire for the village/parish to come together as one community. Also, once elected, all councillors would be expected to work in the best interests of the parish as a whole (albeit with a special affinity to their wards).

8.11 It should also be remembered that the creation of wards will not guarantee representation from within those wards at the levels prescribed - because the qualification criteria will effectively allow for people to come forward for any of the wards from within the parish or from within three miles of the boundary (the assentor requirements relate more to the ward boundaries).

8.12 The District and County Councillors for the area are supportive of a CGR being undertaken.

8.13 Having regard to all of the circumstances, it is the view of Officers that a CGR should be pursued as follows:-

- to increase the number of councillors on the parish council - with the initial consultation offering two options, of nine and eleven;
- to seek views on the possible introduction of warding arrangements (linked to the increase in councillor numbers).

9. Conclusions

9.1 This Council has powers to conduct further CGRs regarding the issues raised within this report.

9.2 The further reviews requested are reasonable and will provide an opportunity for formal consultation to be undertaken and, in due course, for informed decisions to be reached.

(END)