



COUNCIL

26TH FEBRUARY 2019

AGENDA ITEM (15)

COMMUNITY GOVERNANCE REVIEWS

Accountable Officer	Nigel Adams Electoral Registration Officer 01285 623202 nigel.adams@cotswold.gov.uk
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Purpose of Report	To consider representations made in respect of the Community Governance Review (CGR) proposals; and to agree final outcomes for implementation.
Recommendation	<p>That, having regard to the statutory and other considerations and the responses to the Community Governance Review proposals:-</p> <p>(a) the removal of the current warding arrangements at parish/town level in respect of Bourton-on-the-Water, Fairford, Moreton-in-Marsh, South Cerney and Tetbury be approved;</p> <p>(b) the New Mills Ward of Cirencester Town Council be represented by two councillors;</p> <p>(c) in relation to Upper Rissington Parish Council -</p> <p>(i) an increase in the number of councillors be approved, with the Council determining whether there should be nine or eleven councillors; and</p> <p>(ii) the Council determines whether to introduce warding arrangements and, if so, what option to pursue;</p> <p>(d) an Order be made to reflect the agreed arrangements, such Order to provide that such arrangements shall apply with effect from the May 2019 elections.</p>
Reason(s) for Recommendation(s)	To ensure that the statutory provisions are met.

Ward(s) Affected	All
Key Decision	Yes
Recommendation to Council	N/A

Financial Implications	Minimal - a number of notices will need to be published, and an Order made; but these costs can be met from within existing budgets.
Legal and Human Rights Implications	The review has been conducted in accordance with statutory provisions and associated guidance.
Environmental and Sustainability Implications	None
Human Resource Implications	The conduct of the review has been/will be met from existing resources.
Key Risks	None
Equalities Impact Assessment	Not required

Related Decisions	<p>(i) Council, 16th December 2014 - Initial Approval of CGR re New Mills Ward, Cirencester Town Council (Minute CL.31 refers)</p> <p>(ii) Council, 29th September 2015 - Approval of CGR re Town/Parish De-warding (Minute CL.25 refers)</p> <p>(iii) Council, 20th February 2018 - Approval of CGR re New Mills Ward, Cirencester Town Council and Upper Rissington Parish Council (Minute CL.74 refers)</p>
Background Documents	Review documentation and consultation responses.
Appendices	Appendix A - Possible Warding Options - Upper Rissington Parish Council

Performance Management Follow Up	<p>(i) Implement Council decision(s).</p> <p>(ii) Publicise Review outcome.</p>
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Options for Joint Working	Any community governance review relates solely to the Cotswold District area, and cannot look beyond the District boundary.
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<p>Background Information</p> <p>1. <u>General</u></p> <p>1.1 Cotswold District Council carried out a Community Governance Review of the then existing parish arrangements within the District in 2012/13. The Review enabled the Council to consider what changes, if any, were needed to those 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 represented and that the electoral arrangements of parishes were appropriate, equitable and readily understood by their electorates.</p>
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1.2 As a result, 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. The relevant Order was made on 7th February 2014, with the changes being in force for the elections in May 2015.

1.3 However, during 2013/14, 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, the outcome gave rise to some consequential amendments at Parish/Town level - a number of parishes were divided between new district wards, meaning that the LGBCE had to create parish wards. The warding arrangements were newly-created for Bourton-on-the-Water, Fairford, Moreton-in-Marsh, South Cerney and Tetbury; and revised wards applied for Cirencester. Insofar as Cirencester Town was concerned, seven of the eight new wards were to be represented by two councillors; whilst one (New Mills) would only have one councillor (as, through the DER, the LGBCE could not alter the overall number of councillors to be elected to the Town Council).

1.4 The District Council subsequently agreed to undertake Community Governance Reviews in respect of the de-warding and Cirencester New Mills arrangements; along with a review of the electoral arrangements for Upper Rissington Parish Council, both in terms of councillor number and warding. Details are set out later in this report.

2. Review Considerations

2.1 In conducting any 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?

2.2 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, or ward, ensuring that these make sense 'on the ground';
- ensuring that people are able to identify clearly with the parish or parish ward in which they are resident (i.e. have a sense of place);
- the need to balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in an area;
- the need to ensure that parish/ward boundaries are strong and readily identifiable by permanent features, e.g. watercourses, major roads, or railway lines;
- any current and planned or potential development within an area during a period of five years from the start of the Review process (in order to seek to 'future-proof' the Review, and avoid the need for further reviews in the short to medium term).

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

'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.'

2.4 Insofar as 'Parish Warding' is concerned, 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.'

3. Council Warding Arrangements

3.1 With the exception of Cirencester, where warding had 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 any 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 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). This was also a double disappointment for Fairford Town Council, where the previous warding arrangements were due to be removed (see paragraph 1.2 above).

3.2 Informal approaches were subsequently received to ascertain whether the District Council could and/or would be willing to reverse the imposition of the warding arrangements at parish council level and, following confirmation from officers from LGBCE that it was open for the District Council to undertake a further Community Governance Review (CGR) to address this issue, formal requests were received from the Parish/Town Councils of Bourton-on-the-Water, Fairford, Moreton-in-Marsh, South Cerney and Tetbury for such warding arrangements to be removed. The rationale provided by the councils included (i) the fact that the warding arrangements had had to be imposed as a direct consequence of the DER and had not been sought by the local councils/residents concerned; and (ii) the fact that such arrangements were considered unnecessary, confusing, and divisive by the local councils and their residents.

3.3 The District Council agreed to conduct further Community Governance Reviews for the de-warding proposals. The approach followed the usual process, including letters to every household in each of the affected parishes, with bespoke briefing notes and comments forms.

3.4 The outcomes of the consultations were as follows:-

Parish	In SUPPORT of the removal of warding arrangements	AGAINST the removal of warding arrangements
Bourton-on-the-Water	92	12
Fairford	73	15
Moreton-in-Marsh	86	20
South Cerney	92	12
Tetbury	112	17

3.5 In each instance, the de-warding proposals are also supported by the District and County Councillors that represent the affected parishes.

3.6 There was also a commonality of comments made as part of the consultations.

3.7 Those who supported the removal of the warding arrangements cited the following arguments:-

- warding was divisive, and did not enable a cohesive community;
- warding was confusing from an elector and elections perspective;
- warding was an unnecessary complexity;
- whilst reasonably large in size and electorates, residents still identified with the parish as a whole in community terms;
- wards were not based on separate communities within the parish, but provided an artificial divide to enable elector equality in respect of wards at the District level;
- even if wards were based on communities of interest/identity, the election process could not guarantee representation from within those wards - because the qualification criteria would effectively allow for people to come forward for any of the wards from within the parish/town or from within three miles of the boundary (a candidate's proposer and seconder would need to reside within the ward, but the candidate him/herself need not);
- fundamentally, all councillors should work for the whole parish, and be elected by the whole parish.

3.8 Those in opposition largely provided no substantive reasons for their view - for one parish, one resident did believe that the wards were different from a community identity perspective. There were also some who commented 'why change?'.

3.9 Having regard to the consultation responses, it is clear that the de-warding proposals have significant support from the majority of those who responded, along with the local councils and elected member representatives.

3.10 Given the other key review criterion of elector equality, the current electorate figures across the parish wards have been reviewed. The findings are set out below, from which it can be seen that there are some significant variances in some of the wards/parishes. It is considered that this would tend to lend further support for de-warding.

Parish Ward	Electors	Councillors	Electors per Councillor WARD	Electors per Councillor PARISH	% Variance Ward from Parish Average
Bourton South-East	674	3	225	280	-20%
Bourton Village	2406	8	301	280	8%
Fairford North	1974	9	219	242	-10%
Fairford South	1178	4	295	242	22%
Moreton East	2052	6	342	332	3%
Moreton West	1595	5	319	332	-4%
South Cerney Rural	747	3	249	257	-3%
South Cerney Village	2082	8	260	257	1%
Tetbury East	1410	4	353	305	16%
Tetbury Town	1713	6	286	305	-6%
Tetbury West	1456	5	291	305	-5%

4. New Mills Ward, Cirencester Town Council

4.1 Prior to the DER, and arising out of the previous CGR, the Town Council had 15 members split equally across five town wards. With the DER decision to have eight wards at District level, this led to an inequity in the warding arrangements relating to the Town Council, in that seven wards were to be represented by two town councillors, and one (New Mills) was to be represented by a single town councillor - despite a request from the Town Council through the DER consultation process for all eight town wards to be represented by two councillors. LGBCE stated that it could not put forward a variation in the number of town councillors as part of the DER and that this would need to be pursued via a CGR.

4.2 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 was requested on the grounds of equity/fairness of representation and effective and convenient governance.

4.3 The District Council agreed to conduct a further Community Governance Review for this proposal. The approach followed the usual process, including letters to every household in the affected ward, with a bespoke briefing note and comments form.

4.4 There was only a small response, with 22 in favour and 1 against. Those supporting the increase referred to the population growth in the ward which they felt justified another councillor, and the fact that this would then bring representation in line with the other wards. No additional comments were provided by the one elector who opposed the increase.

4.5 Given the other key criterion of elector equality, the electorate figures across the town wards have also been reviewed. The current electorate figures are set out below, which confirm the increase in New Mills since the DER, in line with then projected development. The DER also took account of the development of the strategic site in Cirencester, hence the current discrepancy in elector numbers within the Four Acres ward.

Town Ward	Electorate
Abbey	1898
Chesterton	1838
Four Acres	1563
New Mills	1867
St Michael's	1857
Stratton	2064
The Beeches	2206
Watermoor	2055

4.6 These figures would also justify the increase in town councillor numbers for the New Mills ward.

5. Upper Rissington Parish Council

5.1 A request was 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 warding was also suggested.

5.2 The following rationale was 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 the 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 of 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.

5.3 The advisory 'scale' referred to is set out in paragraph 2.3 above. At present, Upper Rissington Parish Council is represented by seven councillors.

5.4 In terms of **councillor numbers**, it is clear that the advisory 'scale' would provide for 11 councillors for a parish with an electorate the size of Upper Rissington.

5.5 However, since the creation of the Parish Council in 2000, there have only been two contested elections (arising out of casual vacancies); and at the subsequent four-yearly all-out elections no more than five candidates have ever come forward. That said, in the past year, requests have been received from residents for vacancies to be filled by election - although on one occasion a contest had not proved necessary as only one candidate came forward; and three attempts to fill vacancies did not result in any candidates submitting nomination forms. The most recent attempt did secure two candidates for two vacancies.

5.6 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.

5.7 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. Indeed, if the Parish Council had not asked for an increase in numbers, it is clear that we would have received a request via a public petition containing a minimum of 250 signatures.

5.8 The key issue is that any increase should be sustainable, so that any review does 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.

5.9 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, to seek a further increase to eleven from 2023. A related point is that an increase to nine leaves the Council quorum at three, whilst an increase to eleven leads to a quorum of four - which puts further pressures on elected/co-opted councillors in the event of there being vacancies.

5.10 Insofar as **warding** is concerned, there are competing considerations. Whilst wards are sometimes introduced to reflect divides/differences between old and new areas of a parish, especially if pressures are distinct in each area, the creation of wards could easily reinforce/harden those divisions, and potentially undermine the desire for a 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).

5.11 The creation of wards is seen by some supporters as a mechanism to ensure representation from distinct community areas within the parish - although the legislation cannot actually guarantee this, 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 (a candidate's proposer and seconder would need to reside within the ward, but the candidate him/herself need not).

5.12 An over-arching consideration is the principle of each elector's vote carrying the same weight, which means that each councillor should represent as near as possible the same number of electors (on a parish and parish ward basis).

5.13 The District Council agreed to conduct a further Community Governance Review for this proposal. Given what would be a large increase in councillor numbers if the scale was applied, and having regard to the local context, the consultation offered two options relating to an increase in councillor numbers - from 7 to 9 and from 7 to 11. It was also pointed out that it would be possible to review numbers again in advance of the 2023 elections if the smaller increase was supported this time around.

5.14 The approach followed the usual process, including letters to every household in the affected ward, with a bespoke briefing note and comments form. However, as the initial consultation did not lead to any clear view from residents, especially relating to warding, the consultation was re-opened for a further period and an exhibition/drop-in session was held at Upper Rissington Village Hall.

5.15 The outcomes of the consultation were as follows:-

(i) Increase in Councillor Numbers

- 27 residents supported an increase from 7 to 9
- 22 residents supported an increase from 7 to 11
- 13 residents expressed support for an increase in councillor numbers, but expressed no preference for the size of increase
- 1 resident did not support any increase

(ii) Potential Introduction of Warding Arrangements

- 29 residents supported the introduction of warding arrangements
- 35 residents did **not** support the introduction of warding arrangements

5.16 The Parish Council also submitted current views - advocating an increase in councillor numbers to nine but **not** supporting the introduction of warding.

5.17 In terms of **councillor numbers**, there is almost total support for an increase but the responses are quite closely divided on the level of increase. Some residents are mindful of previous difficulties in securing candidates/councillors and would therefore prefer a stepped approach. Those who support the larger increase feel that the increased size of the village warrants such an increase in councillor numbers (and this accords with the CDC advisory scale; a council of eleven would provide a greater opportunity to enable representation to reflect a wider cross section of the Parish - promoting better community cohesion; and a larger number of councillors will allow the greater workload to be shared more easily, reducing the burden which would apply if there was a small group of councillors. Supporters of this approach also advocate that this review should be the catalyst of change within the village and, therefore, change should be definitive rather than reviewing the situation again in the next four years.

5.18 Opinion on the potential introduction of **warding arrangements** was similarly divided.

5.19 The comments made by those opposing warding reflect many of the views put forward by the councils seeking to remove warding in their areas - see paragraph 3.7. It is also argued that the village divisions are not based on the identities and interests of different communities but arise from different problems being experienced by those in the newer developments, associated with planning/developer matters. These residents believe that the parish is still small enough to function without wards and, most importantly, are unlikely to address the 'divides' between old and new areas, but could easily reinforce/harden those divisions, and potentially undermine the desire for a parish to come together as one community. Reference is also made to the fact that, one elected, all councillors would be expected to work in the best interests of the parish as a whole (i.e. not simply in the interests of their respective wards).

5.20 Those supporting the introduction of warding refer to the 'splits' within the village caused by the manner in which it has evolved and been developed and hope that wards would provide a dedicated focus to address area-specific problems. The representations contained very little by way of justification for warding having regard to the statutory criteria, or detailed comments.

5.21 Two possible warding options have been identified by residents, and these are set out in **Appendix 'A'**. These reflect the old and new development areas, and a middle ground (comprising elements of both. The current electorate is 1,399. Officers have looked at the potential elector split across the wards in both options, and for a council with both nine and eleven councillors - the outcomes are as follows (the figures in brackets are actual calculations, before 'rounding'):-

(i) Option A - Nine Councillors

Parish Ward	Electors	Councillors	Electors per Councillor WARD	Electors per Councillor PARISH	% Variance Ward from Parish Average
1	588	4 (3.79)	147	155	-5%
2	273	2 (1.76)	137	155	-12%
3	538	3 (3.47)	179	155	16%

(ii) Option A - Eleven Councillors

Parish Ward	Electors	Councillors	Electors per Councillor WARD	Electors per Councillor PARISH	% Variance Ward from Parish Average
1	588	5 (4.62)	118	127	-7%
2	273	2 (2.14)	137	127	8%
3	538	4 (4.23)	136	127	7%

(iii) Option B - Nine Councillors

Parish Ward	Electors	Councillors	Electors per Councillor WARD	Electors per Councillor PARISH	% Variance Ward from Parish Average
1	743	5 (4.79)	149	155	-4%
2	118	1 (0.76)	118	155	-24%
3	538	3 (3.47)	179	155	15%

(iv) Option B - Eleven Councillors

Parish Ward	Electors	Councillors	Electors per Councillor WARD	Electors per Councillor PARISH	% Variance Ward from Parish Average
1	743	6 (5.48)	124	127	-2%
2	118	1 (1.29)	118	127	-7%
3	538	4 (4.23)	135	127	6%

5.22 As can be seen from the above, both of the permutations with eleven councillors achieve an elector equality within the maxima 10% thresholds (plus or minus) - but even then the starting thresholds are higher than would normally be sought.

5.23 Officers have also looked at the impact of a two-ward proposal, based on the combination of Wards 1 and 2, and a stand-alone Ward 3. The calculations based on a council of nine members still lead to percentage variances outside of the thresholds, but the following outcome is based on a council of eleven:-

Parish Ward	Electors	Councillors	Electors per Councillor WARD	Electors per Councillor PARISH	% Variance Ward from Parish Average
1 & 2 combined	861	7 (6.77)	123	127	-3%
3	538	4 (4.23)	135	127	6%

5.24 Overall, the consultation responses support an increase in councillor numbers, although there are differing views as to whether there should be nine or eleven councillors. Opinion is divided on the introduction of warding, with slightly more residents objecting to warding than in support. It could also be argued that more justified comments have been provided by those who oppose warding.

5.25 All parishes are different, and decisions on these matters are sometimes based on a 'judgement call' by the District Council - which is the case here. Given the circumstances, Officers have deliberately not identified any specific recommendations at this stage, but will offer an opinion at the Meeting if requested.

6. The Next Steps and Future Timetable

6.1 The Council is asked to consider the representations made; to assess them against the statutory criteria and other key considerations that should be taken into account; and to agree the outcome of the Reviews.

6.2 A number of procedural and legal matters will then follow, such as the making of the associated Order and the amendment of the Register of Electors to reflect any changes. Any changes will be implemented in time for the 'all-out' Town and Parish Council elections scheduled for Thursday 2nd May 2019.

6.3 As required, Officers have sought the consent of LGBCE to the de-warding and Cirencester Town Council changes (as the proposals seek to alter the electoral arrangements for 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). Written confirmation has now been received from LGBCE consenting to the changes.

(END)