

Meeting:	Audit and governance committee
Meeting date:	14 April 2016
Title of report:	Community governance review
Report by:	Head of corporate governance

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To assess the case for undertaking a community governance review (CGR) of parish boundaries and electoral arrangements.

Recommendation(s)

THAT:

- (a) in light of the evidence base attached at appendix 1 the committee recommend to full Council either:**
- i. to progress a series of targeted CGRs focussed on the parishes/issues identified at paragraph 9 below; or**
 - ii. to progress a county wide CGR to have particular regard to the issues identified at paragraphs 9 and 10 below; and in either case**
 - iii. to request that draft terms of reference for such a review be drafted for full Council consideration**

Alternative options

1. To do nothing. This is not recommended as periodic CGRs help to reduce the risk of local democracy failing to be appropriately and adequately resourced to meet the needs of the community. The Local Government Boundary Commission for England (LGBCE) recommends that councils review local governance arrangements every 10 to 15 years, and parish arrangements have not been considered since the

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establishment of Herefordshire Council in 1998. If this option is followed it remains open to parishes to request a CGR of their area and the council would be required to carry out such a review.

- Alternative options for progressing any review are set out in the body of the report.

Reasons for recommendations

- The decision as to whether or not to undertake a review rests with full Council, and the audit and governance committee is responsible for making recommendations on this matter to full Council.

Key considerations

- In September 2015 the audit and governance committee received a report setting out the reasons for considering undertaking a CGR in the county, and agreed a timetable by which the information necessary to assess the case for a CGR would be collated.
- Herefordshire is currently divided into 239 parishes and there are no areas within the county which are not 'parished'. Within the county there are 133 parish councils, (some of which are group parish councils which collectively represent more than one parish), and four parish meetings (where there is no parish council but a parish meeting is held at least twice a year to which all electors are entitled to attend and vote on certain matters).
- A CGR can consider a number of issues, including whether to:
 - create a new parish (this may be where an area is not currently parished, or as a result of bringing together two or more existing parishes)
 - alter the boundary of one or more existing parishes
 - bring a number of parishes together as a grouped parish council
 - alter the number of seats on an existing parish council
- A community governance review provides an opportunity to remove unsuitable boundaries and ensure that boundaries both reflect local identities and facilitate effective and convenient local government. Reviews also offer principal councils the opportunity to consider the future of what may have become redundant or declining parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council.
- To inform the recommendation of the committee, a range of information has been collated including current elector numbers per parish, number of uncontested seats in the 2015 local elections and number of seats remaining vacant after the election. In addition parishes were asked to identify any issues they would wish a CGR to address, and the views of ward members have also been sought. An analysis of this information is summarised at appendix 1; full profiles for each parish are available as background papers.
- The parishes where there is consensus that a review would be beneficial are:

Parish(es)	Reason for review
Belmont Rural	The parish council identified that there is an unsuitable boundary placing a large area of housing within Newton Farm

	<p>Ward, despite the area only having access via Belmont Rural Ward.</p> <p>Additionally, the parish council expressed an interest in amalgamating Woodfield Gardens, including the Belmont abbey complex currently within Clehonger parish, within the parish.</p> <p>Both proposals involve areas outside of the current boundaries of Belmont Rural District Ward. As a result this would necessitate a ward boundary change as well as the parish review. (see plan at appendix 2)</p>
Bishopstone & District	<p>The council indicated that they wish to remove the three seats which remained vacant following the elections in May 2015. Current and proposed arrangements would involve relatively low numbers of electors for every councillor on the parish council.</p>
Border Group	<p>The council identified that a review could consider if the group should be amalgamated into a single council. The potential for swapping individual members of the group with other parishes was also considered.</p>
Bredenbury & District	<p>The parish council identified a parish within the group was able to have voting powers disproportionate to its size due to the distribution of seats. It was proposed that the number of seats for other members of the group be increased.</p>
Bromyard & Winslow Town Council	<p>The town council reiterated dissatisfaction with ward boundary changes made by the boundary commission. It was expressed that the council would like to be un-warded and noted dissatisfaction with ward boundaries through the town's high street.</p> <p>The council identified that they would like to reduce the number of councillors to 15, with 12 and 3 seats on the respective wards.</p> <p>The election was uncontested in 2015.</p>
Brockhampton Group	<p>The parish council noted that there had been issues filling all available seats due to the parishes within the group having very small populations. It was proposed that the number of seats within the group could be reviewed to address this issue.</p>
Dorstone	<p>The parish council proposed that a small number of properties would be better represented by neighbouring parish councils due to the geography of the parish.</p>
Hentland & Ballingham Group	<p>The parish council identified that there are a number of unsuitable boundary issues. The parish council is made up of a number of parishes covering a dispersed and long geographic area bordering another 15 parishes. The geographic area covered does not represent an obvious</p>

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	community of identity.
Kilpeck Group	The parish council expressed an interest in merging the group into a single parish council.
Longtown Group	The parish council expressed an interest in separating the parish of Walterstone from the group and instead amalgamating Walterstone with Ewyas Harold group parish council.
Moreton and Lugg	Identified a small number of properties affected by a border anomaly. It was proposed that the properties would be better represented in the neighbouring parish of Wellington.
Peterchurch	Wish to increase the number of seats on the council by one to reflect an increase in population.
Wellington	Identified a number of minor boundary anomalies.

10. There are a number of other parishes where a review may be beneficial although there is no evidence that the parish council themselves wish to pursue a review. These include a general potential to establish existing group parish councils as a single parish council. This has the advantage of enabling a more appropriate number of councillors and ratio of councillors to electors, as well as reducing electoral costs. This later point is due to the fact that, whilst operating as a council, and precepting as a single entity, elections for group parishes must be held for each parish individually thus increasing the costs overall. Other parishes where review may be beneficial are:

Parish(es)	Reason for review
Lower Bullingham	Lower Bullingham Parish Council is divided into two separate wards (effectively identical to a group parish council). There is a significant imbalance in representation between the two wards. Lower Bullingham, Lower Bullingham Ward has six councillors representing 187 electors. Lower Bullingham, Withybrook Ward has four councillors representing 1,135 electors.
Hereford City	There are some significant differences in councillor/elector ratios between wards within the city area, and potential for review of city boundaries particularly bordering Holmer. The Parish Ward of Hereford, Racecourse was won by uncontested election in may 2015.
Huntington	Huntington Parish Council has a number of electors below the legal requirement for a single parish council (150 electors) with 93 registered electors as of September 2015, and 88 electors as of March 2016.
Aconbury, Dinmore Hampton Charles, and Stoke Edith	A parish meeting is formed where there are not enough electors within a parish to form a council, and where the parish is not part of a group parish council. A parish

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parish meetings	<p>meeting does not hold elections. A chairman is elected by attendees at the annual meeting of the parish.</p> <p>All four parish meetings represent a very small number of electors (Dinmore representing 10 electors). Parish meetings have the power to draw a precept. Of the four meetings in Herefordshire, only Aconbury draws a precept. This precept is a very small amount, considerably lower than that drawn by any parish council.</p>
Leominster Town Council	<p>There were an equal number of candidates and seats for all seats on Leominster Town Council in May 2015. As a result, all seats on the town council were elected by uncontested election.</p>

11. At the September meeting, committee members sought clarification as to the impact of a change in parish boundary arrangements on neighbourhood plans. The neighbourhood area boundary is the set development plan boundary even if the parish council administrative boundaries change. If a plan had been approved and, following a boundary change the new parish wished to realign the plan to a new boundary the plan would need to be withdrawn, the boundary redefined and the process begun again. If a plan was in development and a boundary change was effected the referendum could still take place on the existing plan boundaries, although there would be additional time/resource required to effectively 'build' the electoral register for the relevant neighbourhood plan area. It is possible that following a boundary change there could be a neighbourhood plan area relevant to two different 'new' parish councils; in that case there would be two 'qualifying bodies' adding to the governance complexity. All such considerations would need to be taken into account when reviewing options for any specific parish boundary change.
12. Given the issues identified, and having regard to the national guidance, it is not recommended that the status quo remain. It is open to members to determine whether to recommend that a series of targeted CGR's be undertaken to address the particular issues identified in paragraph 9 above, or to progress a county-wide CGR which would also review those issues identified in paragraph 10 above. In either event, additional research is needed to clarify projected elector number growth in the areas under review to inform the development of terms of reference.
13. Once full Council has approved terms of reference for a community governance review, legislation requires that it must be completed within 12 months, and specifies the process to be followed, including consultation. Once completed any elections required as a result of any changes would be undertaken as part of the ordinary elections scheduled for May 2019.
14. CGR's require input from the elections team whilst they are being conducted and, once an outcome has been determined which impacts on electoral arrangements, changes must be made to the relevant electoral registers and a review of polling places for that area be undertaken. Regard should be had to the following elections scheduled and consideration be given to the impact/timing of any CGR on these:
 - 2018 – no elections scheduled
 - 2019 – European Parliament with Herefordshire local elections (Herefordshire Council and all parish councils)

- 2020 – UK Parliamentary elections.
15. In addition in February of this year the Boundary Commission for England launched a review of parliamentary boundaries and is required to report in September 2018; this review will be conducted on the basis of the district ward boundaries as at May 2015 regardless of any subsequent changes made. The initial proposals are scheduled to be published in September 2016 and could inform any Herefordshire CGR.
 16. There is no power to re-charge the cost of conducting any CGR to the parish councils concerned, except by agreement. This is because the responsibility to conduct the review rests with Herefordshire Council.
 17. There will be a financial cost in conducting any CGR, both in terms of officer support and in respect of the consultation process. Once instigated, the CGR must be conducted within a 12 month period.
 18. It is anticipated that the staffing support costs would be absorbed within existing capacity in the democratic services and electoral services teams. That said, dependent on the scope of the review and the volume of responses received it may be necessary to employ temporary staff. It is not expected that a member of staff would have to work full time on the review and there will be peaks and troughs in the workflow involved. Staffing costs for collation of responses and preparation of documentation will also depend on the scope of the consultation and area for review and could range from £7,500 - £15,000. There will also be associated temporary staffing costs to provide legal advice and guidance in the development of the review options and any associated orders arising from the review(s); again dependent on the scope of the review costs could range from £2,000 to £15,000. Any such temporary staffing would be secured through the council's existing arrangements for procurement of interim staffing.
 19. As far as possible the consultation documents would be made available online, however some printing and posting will always be required and the costs associated with this will depend on the scope of the consultation and area for review. On the basis of similar reviews undertaken in other counties, these costs are estimated to range from £500 for a single parish review to £13,000 for a county wide review; dependent on scale printing would either be carried out in-house or procured in compliance with council procedure rules. The additional financial costs associated with determining public support and wider engagement for any specific proposals submitted for consultation are more difficult to quantify at this stage, as it is not possible to predict the level of community interest in developing specific proposals for their local areas. If the parish council proactively undertakes further consultation and investigation, it will do so at its own expense – this would include any public briefing sessions or engagement meetings.
 20. The cost of parish elections is incurred by Herefordshire Council, but is recharged on a proportionate basis to the parishes where an election is held. As it is envisaged that any changes to electoral arrangements would be implemented at the next ordinary elections, there would be no additional costs arising from a by election. Any changes to the boundaries may affect the parish precept that residents affected by a boundary change will pay; any changes to precepts and council tax bills would be applied from the date the adopted recommendations from the review become effective.
 21. Were group parish councils to become a single parish, there would be some reduction in the electoral costs. There are also potential wider economies of scale to

be derived from the formation of fewer larger parish councils, and this is one of the considerations to be taken into account during a review.

Community impact

22. The recommendations help the council to meet its code of corporate governance by ensuring that decisions are taken on the basis of good information, and that the council is transparent, open and responsive to Herefordshire's needs.

Equality duty

23. This proposal pays due regard to the council's public sector equality duty as set out below as it supports access to local democracy by refreshing the arrangements for local government.
24. A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under legislation;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial implications

25. As set out within the key considerations above, the costs of any review vary significantly dependent on: the scale of the area(s) under review; the degree of public engagement; and the level of response rates to consultation.
26. Indicative costs for both options are set out below:

	Temporary staffing costs (up to a maximum of) £000	Printing and postage costs (up to a maximum of) £000	Total £000
Option 1: Targeted CGRs	30	*6.5	36.5
Option 2: County wide CGR	30	13	45

*13 parishes in paragraph 9 x £.5k per parish

27. Budget provision has been made for these non-recurring costs.

Legal implications

28. The Local Government and Public Involvement in Health Act 2007 determines the process and timescales to be followed when conducting a CGR. Whilst CGRs are not mandatory, it is recommended by the Local Government Boundary Commission for England (LGBCE) that councils conduct one every 10 to 15 years using the legislative

framework.

29. The LGBCE has responsibility for making any changes to ward boundaries following a community governance review. These are called 'consequential changes'. Any proposals for any consequential changes should be consulted on as part of a review and the recommendation made to the LGBCE. The LGBCE is then responsible for making the changes to the wards or divisions.

Risk management

30. Should a countywide CGR not progress, there may be requests for unplanned piecemeal/smaller-scale parish reviews. A countywide co-ordinated CGR would prevent requests for ad-hoc reviews of single or groups of parishes within the county; however it should be noted that the appetite from parishes for such reviews is low based on feedback received from parish councils.
31. Changes to boundaries may necessitate consequent changes to contractual or other liabilities which individual parishes may have in place. Such matters must be addressed in the order to be made to effect any recommended changes following completion of the review.

Consultees

32. Herefordshire Association of Local Councils (HALC) has been engaged throughout the process of developing the evidence basis and has assisted in collecting the views of parish councils and has provided a response as attached at appendix 3.
33. All parishes councils were asked to identify whether they have any specific issues they would wish a community governance review to address and the views of the 68 parish councils that responded are included in the background papers.
34. All ward members were consulted and the views of the 13 who responded are included in the background papers.

Appendices

Appendix 1 – Analysis of data.

Appendix 2 – Plan of Belmont Rural parish.

Appendix 3 – HALC response.

Background papers

Parish data sets.

Parish and ward member consultation responses.