

<b>MEETING:</b>	<b>AUDIT &amp; GOVERNANCE COMMITTEE</b>
<b>MEETING DATE:</b>	<b>9 September 2014</b>
<b>TITLE OF REPORT:</b>	<b>THE ROSS-ON-WYE COMMUNITY GOVERNANCE REVIEW</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR, GOVERNANCE</b>

## **Classification**

Open

## **Key Decision**

This is not an Executive Decision

## **Wards Affected**

Ross-on-Wye East and Ross-on-Wye West

## **Purpose**

To make recommendations following the Ross-on-Wye Community Governance Review.

## **Recommendations**

**THAT:**

**Audit and Governance Committee recommends to Council that with effect from 1<sup>st</sup> April 2015 ('the effective date'):**

- a) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be amalgamated to constitute a new parish;
- b) The new parish shall be known as 'Ross-on-Wye';
- c) The existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall cease to exist;
- d) The parish councils for the parishes of Ross-on-Wye Rural and Ross-on-Wye Town shall be dissolved;
- e) There shall be a parish council for the new parish of Ross-on-Wye;
- f) The name of that new council shall be 'Ross-on-Wye Parish Council';
- g) The first election of all parish councillors for the new parish of Ross-on-Wye shall be held on the ordinary day of election of councillors in 2015;
- h) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2015 for the new parish of Ross-on-Wye shall be four years;
- i) The existing Ross Rural East and Ross Rural West wards of the parish of Ross-on-Wye Rural; and the existing Ross-on-Wye East and Ross-on-Wye West

- wards of the parish of Ross-on-Wye Town, shall all be abolished;
- j) The number of parish councillors to be elected for the new parish of Ross-on-Wye shall be eighteen;
  - k) The new parish of Ross-on-Wye shall be divided into three wards which shall be named: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West; and shall comprise the respective areas of the district wards bearing the same names;
  - l) The number of parish councillors to be elected for each ward in the new parish of Ross-on-Wye shall be six;
- m) All the land, property, rights and liabilities of Ross-on Wye Rural Parish Council and Ross-on-Wye Town Council shall transfer from those councils to the new Ross-on-Wye Parish Council;
  - n) From the effective date until the councillors to be elected to the new parish council come into office, the new parish shall be represented by the elected district councillors for the district wards of Ross-on-Wye East and Ross-on-Wye West (as existing at 26<sup>th</sup> September 2014);
  - o) That no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council;
  - p) The Assistant Director, Governance be given delegated authority to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 ('the Reorganisation Order') (to be substantially in the form set out in Annex 5 to this report, subject to any necessary typographical and/or technical amendments) and publicise the outcome of the community governance review in accordance with section 96 of the Local Government and Public Involvement in Health Act 2007; and
  - q) The Electoral Registration Officer be requested to commence preparatory electoral administrative work from 15<sup>th</sup> October 2014 as a consequence of the above changes; and that the Reorganisation Order shall have effect from that date for those purposes.

## Alternative Option

- 1 Retain both Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council as two separate authorities. The advantage of this option is that governance would continue unchanged. However, this option is not recommended as the Ross-on-Wye Community Governance Working Group accepted the view of Ross-on-Wye Town Council that the current arrangements were inappropriate. This was particularly in view of the proposed expansion of the Ross-on-Wye area outlined in the Herefordshire Local Development Framework. The total population is approximately 10,600, with about 9,600 living in the town and 1,000 living in the rural area. There are nearly 8,000 electors in the combined area. The rural parish area currently has one councillor for every 105 electors, while the town council has one councillor for every 591. Because the Ross-on-Wye Rural area is geographically spread around the town, it does not form one community and is, in effect, the outer edges of the town.

## Reasons for Recommendations

### (a) One local council to represent the whole Ross-on-Wye area

1. The Ross-on-Wye Community Governance Review Group ('the review group') considered that it would be beneficial to all residents in Ross-on-Wye Rural and Ross-on-Wye Town to have one council representing the whole area. The town council asked Herefordshire Council to undertake the Community Governance Review because the proposed expansion of the conurbation meant that it was timely to review the existing parish boundaries. The reference to expansion referred to the consultation on the Herefordshire Local Development Framework, which could potentially mean an additional 1,000 dwellings being built in Ross in the period up to 2026. It seemed an appropriate time to carry out a Community Governance Review alongside a planning document which would be in force for the next 15 years.
2. The recommended option would create a unified structure, better able to respond to the potential growth in housing an industry, most of which would take place in the Ross-on-Wye rural area.
3. To effect the preferred changes it is recommended that the existing parishes of Ross-on-Wye Rural and Ross-on-Wye Town cease to exist and their respective parish and town councils be abolished. It is further recommended that a new parish be created covering the combined areas of the two abolished parishes and that the new parish has a new parish council. This last recommendation is mandatory as the combined electorate of the new parish will exceed 1000.

### (b) Name for the new council

4. The name most frequently suggested in response to the consultation was Ross-on-Wye Council, suggested by 38% of respondents. Although the town council wished to retain the title 'Ross-on-Wye Town Council', the working group felt that naming a newly-created council 'Ross-on-Wye Council' would reflect the fact that there was a new council that represented the Ross rural area as well as the town. This raises a legal issue because section 14(2) of the Local Government Act 1972 ('the 1972 Act') provides that:

'(2) The parish council shall be a body corporate by the name "The Parish Council" with the addition of the name of the particular parish.'

5. Accordingly, it is recommended that the name of the new parish council is 'Ross-on-Wye Parish Council.' Section 245 of the 1972 Act allows a parish council to resolve that the parish shall have the status of a town; whereupon the council will bear the name of the council of the town. In addition, the Chairman and Vice-Chairman of a town council are entitled to the style of 'town mayor' and 'deputy town mayor' respectively.

### (c) Electoral arrangements

6. Ross-on-Wye Town Council currently has a higher proportion of voters to councillors than either Ledbury or Leominster town councils. The comparisons are shown in the following table:

<b>Council</b>	<b>Number of councillors</b>	<b>Population (2011)</b>	<b>Electorate (2014)</b>	<b>Electors per councillor (2014)</b>
Ledbury Town	18	9,600	6994	388
Leominster Town	16	11,700	8327	520
Ross-on-Wye Town	12	9,600	7098	591
Ross Rural Parish	8	1000	840	105

7. The working group suggested that 15 councillors might be an appropriate number in any newly created council. However, in the consultation exercise (See annexes), 50% of those who responded thought that 15 councillors would be too few; and a number of respondents suggested that 18 would be an appropriate number. Taking account of the likely increase in council committees resulting from the transfer of assets from Herefordshire Council, and future population growth, the working group recommends that 18 councillors would be appropriate, which would be comparable with arrangements at Ledbury. Councillor numbers would be as in the following table:

<b>Number of councillors</b>	<b>Estimated Electorate (2026)</b>	<b>Electors per councillor</b>
15	9,300	620
17	9,300	547
18	9,300	516
19	9,300	489
21	9,300	443

8. It is therefore recommended that the number of councillors to be elected for the parish of Ross-on-Wye be eighteen.
9. The working group was strongly of the view that the new community governance arrangements should come into force in time for the elections in 2015. It is therefore recommended that the election of all parish councillors for the parish of Ross-on-Wye be held on the ordinary day of election of councillors in 2015; and that the term of office of every parish councillor elected on that date for the parish of Ross-on-Wye be four years.
10. From the table in paragraph 7 above it is clear that there is a wide disparity between the number of electors per councillor in the rural parish (105 electors per councillor) and in the town (591 electors per councillor). Following the review of electoral arrangements for Herefordshire Council, the area subject to this community governance review will be divided into three district wards: Ross-on-Wye East, Ross-on-Wye North, and Ross-on-Wye West. The working group was strongly of the opinion that it would be logical and appropriate for the new parish of Ross-on-Wye to be warded in like manner, and that the individual wards should have the same names and comprise the same area of the district wards. This suggestion was notified to the existing councils of the Rural Parish and Town in mid July. At the date of writing this report (4<sup>th</sup> August 2014) only one parish councillor had responded on the matter and that representation was strongly in favour. The committee will be notified of any further responses when it meets to consider this report.

#### **(d) Procedural matters**

11. The working group did not identify the need for any consequential changes to Herefordshire Council's electoral arrangements as a result of the recommendations concerning the Ross-on-Wye Community Governance Review. Accordingly, this report proposes that no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council.
12. The Audit and Governance Committee will consider whether to accept the recommendations of the review group, with or without the additional recommendations contained within this report and any other modifications, before making recommendations to Herefordshire Council.
13. The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities. The Local Government Boundary Commission for England's involvement is limited to giving effect to consequential recommendations for related alterations to the electoral areas of 'principal councils' (such as Herefordshire).
14. Because this report proposes that no recommendations be made to the Electoral Commission to request consequential alterations be made to any electoral areas of the County of Herefordshire District Council, if the council accepts the recommendations to change the current two council arrangements in Ross-on-Wye, that will be the final decision on the matter. Accordingly, it is recommended that Council be requested to give delegated authority to the Assistant Director, Governance to execute The County of Herefordshire District Council (Reorganisation of Community Governance) (Ross-on-Wye) Order 2014 (to be substantially in the form set out in Annex 3, subject to any necessary typographical and technical amendments) ('the Reorganisation Order').
15. If the council decides to give effect to the recommendations made in a community governance review it must publicise the decision, and its reasons for that decision. It is therefore recommended that Council be requested to give delegated authority to the Assistant Director, Governance to publicise the outcome of the community governance review in accordance with section 96 of the 2007 Act.
16. If council approves the recommendations, the changes will take effect before the next local elections in May 2015. It is recommended that the effective date for the Reorganisation Order is 1<sup>st</sup> April 2015. This is because a precept can only be set for a whole year from 1<sup>st</sup> April to 31<sup>st</sup> March the following year. As preparatory work for the election of councillors to the new parish council in May 2015 will need to commence well before 1<sup>st</sup> April 2015, it is further recommended that the Reorganisation Order take effect for such electoral preparatory purposes on 15<sup>th</sup> October 2014 to enable the Electoral Registration Officer to implement the electoral administrative changes required.
17. As a consequence of the effective date being 1<sup>st</sup> April 2015, the existing rural parish and town councils will be abolished on that date, but the new councillors for the new council will not be elected until the first Thursday in May 2015. To ensure that Ross-on-Wye has democratically elected representation at parish level during this short period (under six weeks), it is recommended that from 1<sup>st</sup> April 2015 until the councillors to be elected to the new parish council come into office, the new parish be

represented by the elected district councillors for the district wards of Ross-on-Wye East and Ross-on-Wye West.

18. Lastly, it is recommended that all the land, property, rights and liabilities of Ross-on-Wye Rural Parish Council and Ross-on-Wye Town Council transfer from those councils to the new Ross-on-Wye Parish Council on 1<sup>st</sup> April 2015.

## **Key Considerations**

19. A Community Governance Review considers whether the electoral arrangements for particular areas are appropriate and if there should be any changes in the areas covered by town and parish councils to make sure communities are represented fairly and appropriately. The review looks at the number of councillors and the parish boundaries and takes into account expected changes in the area, such as a growing population.
20. The review was undertaken by the review group, a working party of Herefordshire councillors, including councillors representing the Ross area. The review was conducted in accordance with the Local Government Boundary Commission guidance on community governance reviews. The review considered whether the town and parish councils should become one council, and looked at how such a change might affect residents. The review also considered the number of councillors needed in any new merged council to best serve the residents in both the town and rural areas. The review was conducted in an open and inclusive way so that the whole community could be involved and make their views known.
21. The Ross-on-Wye area is currently governed by Ross-on-Wye Town Council and Ross Rural Parish Council. However, the physical area that is currently divided between the town and rural parish councils appears increasingly linked as a single whole in terms of economic and recreational activity and planning.
22. Residents of the Ross rural area use and enjoy facilities provided within the town, such as Dean Hill Park, St Mary's Churchyard, the weather station, skatepark, bandstand and allotments. The town council also purchased the Larruperz Centre, which is now run by a community association for the local community. The town council is in negotiation with Herefordshire Council for the possible transfer of other buildings and land under the community asset transfer scheme. Council tax payers living within the town council boundary currently pay approximately £1.50 a week for these facilities, whilst council tax payers in the rural area, who also benefit from these facilities, pay the parish council around £0.15 a week.
23. However, residents in the rural area have no opportunity to express their views about either the current facilities provided by the town council or the proposed asset transfers, which will affect them. Similarly, the views of residents in the town area are not represented in considering developments in the rural area which, nevertheless, impact on the town.
24. To ensure that the review was conducted in an open and inclusive way, and that the whole community had an opportunity to be involved and make their views known, the council conducted a public consultation. The results of the consultation are in Annex 2 to this report.
25. The consultation ran from 5<sup>th</sup> March to 16<sup>th</sup> April 2014, and there were 98 responses in total. 64% of respondents (63), lived in the town, and 30% (29), lived in the rural area. This represents less than 1% of town residents and 3% of rural residents. The

response rate was therefore higher from the residents of Ross Rural area. 78% of those who responded to the question agreed with the proposal to merge Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council to form one council representing the whole area. However, only 50% of those living in the Ross Rural area agreed, while 92% of respondents living in the town area agreed with the proposal. Both the Town Council and the Rural Parish Council sent a collective response.

26. Some of the residents of the Ross Rural area felt that Ross Rural residents would be paying more council tax, but would see no benefits. They felt that they should expect to see improvements in, for example, street lighting, car parks and bus services in the rural area, if they were asked to pay more. Some residents were concerned that they might not be properly represented on a newly created council, because it would focus on the needs of the town and its residents. Residents also expressed the view that people living just outside the Ross area, in Bridstow, for example, used the town facilities in the same way as they did, but without being asked to pay an increase in council tax. These views were taken into account by the working group in considering their recommendations. However, they felt that, on balance, the advantages of change, particularly in view of the projected growth in the area, would benefit all residents.

## **Community Impact**

27. The impact of the recommended option would be felt mainly by residents of the Ross-on-Wye Rural area, who would see an increase in their council tax contribution. However, they would also be better represented on the council.

## **Equality and Human Rights**

28. The recommendation pays due regard to the council's public sector equality duty as set out below, having due regard to the need to:
- "eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
  - 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**

29. No financial implications arise for Herefordshire Council from this report.

## **Legal Implications**

30. The Ross-on-Wye Community Governance Review has been conducted in accordance with the requirements of Chapter 2 to Part 4 of the Local Government and Involvement in Health Act 2007; and the Guidance on Community Governance Reviews published by the Local Government Boundary Commission for England in March 2010.

## **Risk Management**

31. No risk management implications arise for Herefordshire Council from this report.

## **Consultees**

32. Both Ross-on-Wye Town Council and Ross-on-Wye Rural Parish Council were consulted, and there was a public consultation exercise. A summary of the responses received are at annex 2 to this report. Further consultation with the two local councils has been undertaken regarding warding of the proposed new local council. The results of this further consultation will be reported to the committee.
33. Ward Members for Ross-on-Wye East and Ross-on-Wye West were consulted.

## **Appendices**

Annex 1: Background information

Annex 2: Summary of consultation responses

Annex 3: Draft: The County of Herefordshire District Council (Reorganisation of Community Governance) Order 2014

## **Background Papers**

None identified