

REPORT TO: Civic Affairs Committee

4 December 2018

LEAD OFFICER: Head of Sustainable Communities and Wellbeing

Community Governance Review – Milton Parish Council

Purpose

1. To consider submissions received in relation to the community governance review of Milton Parish and make a decision on whether to agree or disagree an increase in Parish Councillors for Milton Parish Council.

Recommendations

2. That Civic Affairs Committee could:
 - (a) Agree to the request from Milton Parish Council to decrease of the number of parish councillors from 15 to 12.
 - (b) Decide no change to the number of parish councillors from 15.
 - (c) Agree to amend the number of parish councillors to an alternative number.
3. If the Committee decides to change the number of Parish Councillors they could:
 - (a) Agree to implement any change from the next scheduled election in May 2022, or
 - (b) Agree to implement any change on the 1st Thursday in May in any year earlier (to be funded by the parish council).
 - (c) Agree to implement any change from the next scheduled election in May 2022, or on the 1st Thursday in May in any year earlier (to be funded by the parish council) should the Parish Council nominate to do so.

Reasons for Recommendations

4. Milton Parish Council has requested a Community Governance Review to reduce its numbers from 15 to 12.

Background

5. On 22 May a request was received from Milton Parish Council to reduce the number of councillors. On 26 June the Committee agreed for a Community Governance Review to be conducted following this request from Milton Parish Council that the number of councillors on the Parish Council be decreased from 15 to 12 to enable meetings to be quorate with 4 councillors. On the 4 September the Committee agreed the terms of reference and timetable for undertaking the review.
6. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) provides for a Principal Council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether or not to make any changes to parish boundaries or size, and/or the creation of new parishes; and the review of the electoral arrangements for new and/or existing

parishes. Section 93 of the 2007 Act allows principal councils to decide how to undertake such a review, provided that they comply with the duties in the Act which apply to councils undertaking reviews. If, following a review, the Council decides that changes should be made to the electoral arrangements they may make an Order giving effect to the changes.

7. Section 95 of the 2007 Act provides, among other things, that when considering the number of councillors to be elected for the parish as a whole, the authority must have regard to the number of electors for the parish, and any change in that number likely to occur in the next five years.
8. The Terms of Reference for this review were published on 5 September 2018 and submissions were invited between 5 September 2018 to 5 November 2018.
9. Civic Affairs Committee has delegated authority to make decisions on parish numbers following a Community Governance Review.

Considerations

10. The Council must have regard to the following factors when considering the number of councillors to be elected for a parish:
 - the number of local government electors for the parish;
 - any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.
11. The current electorate for Milton is 3,370 (Sept 2018) and the existing number of parish councillors is 15. The electorate is forecast to increase to 3,518 by 2022/3.
12. In line with NALCs recommendations a parish the size of Milton would have between 10 and 11 councillors.¹ Whereas in line with Aston Business School recommendations Milton would have between 9 and 16 councillors.²
13. The number of parish councillors for each parish council cannot be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. The National Association of Local Councils (NALC) has suggested that the minimum number of councillors for up to 900 electors should be seven and the maximum 25 for electors over 23,000. Within the minimum and maximum limits, the following allocations are recommended by NALC:

Electors	Councillors	Electors	Councillors
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20

¹ How to undertake a Community Governance Review (CGR), Association of Electoral Administrators, 2016, p.43, 2.72.

² How to undertake a Community Governance Review (CGR). Association of Electoral Administrators 2016. P43. 2.73

3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	over 23,000	25
9,000	16		

NALC goes on to say that this table may, however, not be appropriate in rural authorities with sparsity of population³

14. The Aston Business School conducted research that was published in 1992 which showed the then levels of representation. According to the Association of Electoral Administrators, it is likely that these levels of representation have not greatly changed in the intervening years.

Electors	Councillors
Less than 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
Over 20,000	13-31

15. The table below shows the number of parish councillor seats compared to the size of electorate, for parishes in the district, with a similar electorate size. This indicates that parishes in South Cambridgeshire have higher numbers of councillor seats than NALCs recommendations.

Parish	Electorate (Sept 2018)	Council Size
Bar Hill	3099	13
Fulbourn	3801	15
Gamlingay	2944	15
Girton	3405	15
Great Shelford	3486	15
Linton	3505	15
Melbourn	3668	15
Milton	3370	15
Papworth Everard	2805	13
Waterbeach	3619	15
Willingham	3221	15

³ How to undertake a Community Governance Review (CGR), Association of Electoral Administrators, 2016, p.43, 2.72.

16. The current relevant Guidance was published by the DCLG in March 2010. This Guidance must be considered as a whole, but sections 153 - 157 are highlighted as being particularly relevant:

153 Council size is the term used to describe the number of councillors to be elected to the whole council. The 1972 Act, as amended, specifies that each parish council must have at least five councillors; there is no maximum number. There are no rules relating to the allocation of those councillors between parish wards but each parish ward, and each parish grouped under a common parish council, must have at least one parish councillor.

154 In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.

155 The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

156 In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.

157 Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.

17. In its request to the Council, Milton Parish Council states that
- (a) At their meeting on 8 May 2018 they agreed to request that the number of councillors be reduced from 15 to 12.
 - (b) The reason for this is they have struggled for the past few years to attract people to join the council, despite regular advertising, and now find that after the election this year that they only have eight councillors and do not believe they can attract seven more.

- (c) They are concerned of not being quorate for meetings. Related to this, two of their Councillors are District Councillors and one is also a County Councillor, and may on occasion not be able to attend parish meetings or part of the meetings due to commitments elsewhere.
- (d) If they are successful in the request to reduce numbers they will still need to find more willing volunteers to join the parish council. They are disappointed with the situation but can see no other option if they are to continue to be able to make decisions.

18. Should members decide to change the number of parish councillors they will then need to determine when the change takes effect. One option would be to allow the Parish Council to decide whether to hold an election earlier than May 2022. If members choose this option the Parish Council would need to inform the District Council before 31 January 2019 to allow time to make the Order. If the Parish Council fail to respond by that date officers are recommending that the default date will be May 2022 as recommended in the guidance. If elections take place before May 2021 then sitting councillors' term of office will be cut and all councillors elected on that date will serve a shortened term to bring the parish elections back into schedule alongside District Council elections in 2022. If elections are held in May 2021 then the first term of office could be extended to bring Parish elections back in line in May 2026. As stated above the current relevant Guidance was published by the DCLG in March 2010. This Guidance must be considered as a whole, but sections 149 - 152 are highlighted as being particularly relevant to any decision:

149 Ordinary parish elections are held once every four years with all councillors being elected at the same time. The standard parish electoral cycle is for elections in 2011, 2015 and every four years after 2015, but parish elections may be held in other years so that they can coincide with elections in associated district or London borough wards or county divisions and share costs. For example, all London borough ward elections take place in 2010, 2014 and so on. We would therefore expect parish elections in London to take place in these years.

150 New or revised parish electoral arrangements come into force at ordinary parish elections, rather than parish by-elections, so they usually have to wait until the next scheduled parish elections. They can come into force sooner only if the terms of office of sitting parish councillors are cut so that earlier parish elections may be held for terms of office which depend on whether the parish is to return to its normal year of election.

151 For example, a parish that had elections in 2007 could wait until its next scheduled elections in 2011 for new parish wards to come into force. Alternatively, the new parish wards could have come into force at elections in 2009 if the terms of office of the councillors elected in 2007 were cut to two years. If the elections in 2009 were for two-year terms of office then the parish council could return to its normal electoral cycle in 2011.

152 Alternatively, if new or revised parish electoral arrangements are to be implemented in the third year of sitting councillors' term of office, provision can be made to cut short the term of office of existing councillors to three years. Elections could then

take place with all councillors serving a five-year term of office, enabling the parish to return to its normal year of election.

Consultation Responses

19. The consultation was open for submissions for a period of two months (closed on the 5 November 2018). Four responses were received in total, three online and one via email. The responses have been anonymised and are attached to this report as Appendix A. The relevant District Councillors were also invited to comment and one response was received which has been included in the total at Appendix A.

Options

20. The Committee could:
- a. Agree to the request from Milton Parish Council to decrease of the number of parish councillors from 15 to 12.
 - b. Decide no change to the number of parish councillors from 15.
 - c. Agree to amend the number of parish councillors to an alternative number.
21. If the Committee decides to change the number of Parish Councillors they could:
- (a) Agree to implement any change from the next scheduled election in May 2022, or
 - (b) Agree to implement any change on the 1st Thursday in May in any year earlier (to be funded by the parish council).
 - (c) Agree to implement any change from the next scheduled election in May 2022, or on the 1st Thursday in May in any year earlier (to be funded by the parish council) should the Parish Council nominate to do so.

Implications

22. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Legal

23. The draft terms of reference for a Community Governance Review of the parish of Milton will consider the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government, published in 2010, which reflects Part 4 of the Local Government and Public Involvement in Health Act 2007 and the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625). (The 2007 Act transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.)

Consultation responses

23. As detailed in Section 19 and Appendix A of this report.

Effect on Strategic Aims

24. Appropriate community governance arrangements will help the Council to sustain existing successful, vibrant villages; helping to achieve our vision to deliver superb quality of life for our residents, and remain the best place to live, work, and study in the country.

Background Papers

Report to Civic Affairs Committee p 17-22, 26 June 2018

<http://scambs.moderngov.co.uk/documents/g7276/Public%20reports%20pack%20Tuesday%2026-Jun-2018%2010.00%20Civic%20Affairs%20Committee.pdf?T=10>

Report to Civic Affairs Committee p 5-12, 4 September 2018

<http://scambs.moderngov.co.uk/documents/g7277/Public%20reports%20pack%20Tuesday%2004-Sep-2018%2010.00%20Civic%20Affairs%20Committee.pdf?T=10>

Report Author: Elizabeth Davy – Development Officer
Telephone: (01954) 713111