

**REPORT TO:** Civic Affairs Committee

5 March 2019

**LEAD OFFICER:** Head of Sustainable Communities and Wellbeing

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## **Community Governance Review – Stapleford Parish Council**

### **Purpose**

1. To make a decision on whether to agree or disagree an increase in parish councillors for Stapleford Parish Council

### **Recommendations**

2. That Civic Affairs Committee could:
  - (a) Agree to the request from Stapleford Parish Council to increase of the number of parish councillors from 9 to 11
  - (b) Decide no change to the number of parish councillors from 9
  - (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 1<sup>st</sup> Thursday in May later this year, in 2020 or 2021 (to be funded by the parish council)

### **Reasons for Recommendations**

4. Stapleford Parish Council has requested a Community Governance Review to increase its numbers from 9 to 11.

### **Background**

5. This decision has been deferred from the Civic Affairs Committee meeting of 4 December 2018.
6. On 22 August 2018 a request was received from Stapleford Parish Council to increase the number of councillors from 9 to 11. On 4 September the Committee agreed for a Community Governance Review to be conducted following this request and agreed the terms of reference and timetable for undertaking the review.
7. 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.

8. 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.
9. The Terms of Reference for this review were published on 31 August 2018 and submissions were invited between 12 September 2018 and 12 November 2018.
10. Civic Affairs Committee has delegated authority to make decisions on parish numbers following a Community Governance Review.

### **Considerations**

11. 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.
12. The current electorate for Stapleford is 1572 (Sept 2018) and the existing number of parish councillors is 9. The electorate is not forecast to significantly increase or decrease over the next five years.
13. In line with NALC's recommendations a parish the size of Stapleford would have between 8 and 9 councillors.<sup>1</sup> Whereas in line with Aston Business School recommendations Stapleford would have between 6 and 12 councillors.<sup>2</sup>
14. 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:

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
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
3,500	11	17,000	21

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

<sup>2</sup> How to undertake a Community Governance Review (CGR). Association of Electoral Administrators 2016. P.43. 2.73

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 population<sup>3</sup>

15. 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.

<b>Electors</b>	<b>Councillors</b>
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

16. 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. It can be seen that several parishes in South Cambridgeshire of similar size to Stapleford have higher numbers of councillor seats than NALC's recommendations.

<b>Parish</b>	<b>Electorate (Sept 18)</b>	<b>Councillors</b>
Foxton	1018	9
Oakington & Westwick	1188	9
Haslingfield	1233	11
Balsham	1269	9
Caldecote	1296	9
Harston	1361	11
Whittlesford	1445	11
Duxford	1473	11
Meldreth	1496	9
<b>Stapleford</b>	<b>1572</b>	<b>9</b>
Orchard Park	1730	9
Comberton	1866	13
Swavesey	1900	11

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

17. 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.

18. In its request to the Council, Stapleford Parish Council states that  
"The Council feels that there are unprecedented challenges on planning and infrastructure to tackle in the future. Although only 5 people stood at the recent election, after a drive by the Council, 7 applicants came forward with 5 completing the selection process. This does show that there is interest but we need to capitalise and meet the future. Council is of the opinion that this can only be realised by a larger number of members because of several facets:

- The parish has grown in size raising overall demands
- The work for the volunteers who are councillors has increased over the last decade and it needs additional councillors to offset and share this work

- Councillors receive no remuneration and so it is not fair to ask them to put in any more free time but for it to be shared; SPC meets monthly showing how seriously it views its accountability to the electorate
- The demands on a PC are such as a myriad of skill sets are required and this means more people - financial acumen, leadership skills, planning awareness, legal knowledge
- The council has a vision for the future and needs the people to manage it - S106 developments, additional physical resources for cultural pursuits
- There are so many consultation groups that we need councillors to attend them as the debates have impacts on the village infrastructure;
- The work on our neighbourhood plan and the impact means that we need more councillors to support the electorate and the community.
- Having 11 councillors will facilitate a better approach to governance and decision making through committee work.

19. 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.

20. The previous included an option to the committee, should they decide to change the number of parish councillors, to allow the parish council to choose the date for implementation of changes. This option has been removed because of the need to avoid further delay were an election to be held in 2019 given the shortage of time between the Civic Affairs committee and the date on which nominations would need to open.
21. The clerk of Stapleford parish council has indicated that the parish council has discussed implementation date, and should the committee agree an increase in parish councillors their preference would be for implementation in the current year, ie on 2 May 2019.

### **Consultation Responses**

22. The consultation was open for submissions for a period of two months (closed on the 12 November 2018). Ten responses were received in total, all online. 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**

23. The Committee could:
  - a. Agree to the request from Stapleford Parish Council to increase of the number of parish councillors from 9 to 11.
  - b. Decide no change to the number of parish councillors from 9.
  - c. Agree to amend the number of parish councillors to an alternative number.
24. 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 1<sup>st</sup> Thursday in May in any year earlier (to be funded by the parish council).

### **Implications**

25. 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**

26. The terms of reference for a Community Governance Review of the parish of Stapleford considered 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, 4 December 2018

<http://scams.moderngov.co.uk/documents/g7278/Public%20reports%20pack%20Tuesday%2004-Dec-2018%2010.00%20Civic%20Affairs%20Committee.pdf?T=10>

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Terms of Reference for Stapleford Community Governance Review

<http://www.scams.gov.uk/media/12155/community-gov-review-stapleford-terms-of-ref.pdf>

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