

Report to:	Civic Affairs Committee	25 March 2021
Lead Officer:	Jeff Membery	

Community Governance Review – Foxton Parish Council

Executive Summary

1. A Community Governance Review was conducted for Foxton Parish Council following their request to increase the number of councillors from nine to 10.
2. The Civic Affairs Committee instructed officers to conduct a Community Governance Review in response to this request which commenced 7 December 2020 with the publication of the Terms of Reference for the review.
3. Civic Affairs Committee is invited to make its recommendation, providing an outcome to the Review.

Key Decision

4. No

Recommendations

5. It is recommended that Civic Affairs Committee could:
 - (a) Agree to the request from Foxton Parish Council to increase the number of parish councillors from nine to 10,
 - (b) Decide to make no change to the number of parish councillors from nine.
 - (c) Agree to amend the number of parish councillors to an alternative number.

Reasons for Recommendations

6. Foxton Parish Council has requested a Community Governance Review to increase its numbers from nine to 10.

Details

7. On 20 July 2020 a request was received from Foxtton Parish Council to increase the number of councillors from nine to 10. On 3 November 2020 Civic Affairs 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.
8. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) provided for a Principal Council to conduct a review of the community governance arrangements. This can be 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 arrangement for new and/or exiting parishes. Section 93 of the 2007 Act allows principal councils to decide how to undertake such a review, provided 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. Section 93 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 Principal Council must have regard to the need to secure that community governance is effective and convenient.
9. 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.
10. The Terms of Reference for this review were published on 7 December 2020 and submissions were invited by 7 December 2020 and 7 February 2021.
11. Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors.
12. In 1988 the National Association of Local Councils (NALC) 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

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 population¹.

13. 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

14. Foxton has 1029 electors (February 2021). Although there has recently been some growth the electorate is not forecast to significantly increase or decrease over the next five years.
15. Any changes to the size of a Parish Council would normally take effect at the next scheduled election of the parish. The next scheduled parish elections in South Cambridgeshire will be held in May 2022.
16. The consultation was open for submissions for a period of two months (closed on 7 February 2021).
17. The consultation was promoted via South Cambridgeshire District Council social media and paid social media posts, via Foxton Parish Council and via posters around the village.

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

18. Residents were encouraged to respond online but could also access paper submission forms from the Parish Council clerk.
19. 15 responses were received in total, all online. 93% (14/15 responses) agreed with increasing the number of councillors to 10. 10/15 responses provided comments (Appendix B).

Options

20. The Committee could

- (a) Agree to the request from Foxtton Parish Council to increase the number of parish councillors from nine to 10.
- (b) Decide to make no change to the number of parish councillors from nine.
- (c) Agree to amend the number of parish councillors to an alternative number,

Implications

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

Financial

22. There are no financial costs to the Council. The cost for Parish Council elections falls to the parish.

Legal

23. By section 82 the 2007 Act Councils have a discretionary power to undertake a Community Governance Review.

Section 93 the 2007 Act states the following duties of a Council in undertaking a review:

“(1) The principal council must comply with the duties in this section when undertaking a community governance review.

(2) But, subject to those duties, it is for the principal council to decide how to undertake the review.

(3) The principal council must consult the following—

(a) the local government electors for the area under review;

(b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

(4) The principal council must have regard to the need to secure that community governance within the area under review—

(a) reflects the identities and interests of the community in that area, and

(b) is effective and convenient.

(5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—

(a) that have already been made, or

(b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

(6) The principal council must take into account any representations received in connection with the review.

(7) As soon as practicable after making any recommendations, the principal council must—

(a) publish the recommendations; and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.”

These duties are reflected within the Terms of Reference agreed by Committee prior to commencement and must be considered in making a decision.

Section 100(1) of the 2007 Act empowered the Secretary of State to issue guidance as to the carrying out of Community Governance Review's. By section 100(4) of the Act, the Council is obliged to have regard to any such guidance issued.

The currently relevant Guidance was published the DCLG in March 2010 (“the Guidance”).

24. Section 153-157 of the guidance on community governance reviews, issued under section 100 of the Local Government Public Involvement and Health Act 2007 provides guidance on council size and states:

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 Guidance on community governance reviews 44 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.

Staffing

25. The outcome of this Community Governance Review can be implemented within existing resources.

Risks/Opportunities

26. Undertaking a Community Governance Review has given Foxton residents the opportunity to engage with local democracy and determine how they wish to be

represented in future. Failure to engage effectively with local communities may render the consultation results open to challenge.

Equality and Diversity

27. The Council worked with Foxton Parish Council to identify and consult with interested parties and ensured consultation materials were accessible. There was provision made for collection of paper submissions via the parish council, online and by post.

Alignment with Council Priority Areas

A modern and caring Council

28. Appropriate community governance arrangements will help the Council to sustain existing successful, vibrant villages and establish successful and sustainable new communities.

Background Papers

[Civic Affairs Committee 3 November 2020 Report and Minutes](#)

Appendices

Appendix A: Terms of Reference

Appendix B: Consultation Responses

Report Author:

Ellen Bridges – Development Officer
Telephone: (01954) 713294