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Report of the Head of Licensing and Registration

Report to Electoral Working Group

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Subject: Considering information and representations for the Community Governance Reviews of Scarcroft and Rawdon

1 Purpose of this report

1.1 To outline the process that will be followed to consider all the background info and any representations received regarding the two Community Governance Reviews.

2 Background information

2.1 At its meeting on 25 June 2012, General Purposes Committee agreed the Terms of Reference, process and timetable to conduct: -

- A Community Governance Review for the existing parish council of Scarcroft to determine whether the number of parish councillors should be increased from seven to nine; and
- A Community Governance Review to determine whether a new Parish and new Parish Council for Rawdon be established

2.2 As part of that process, it was agreed that EWG would be used to consider the background information and any representations received in response to the public consultation for each review. EWG would then make its recommendations for consideration by General Purposes Committee on 30 August 2012 before that committee makes final proposals for approval by Full Council on 12 September 2012.

2.3 The public consultation ran for five weeks commencing 26 June 2012 and ended on 31 July 2012. Appendix 1 holds all the required background information and details of representations received for Scarcroft. Appendix 2 holds the same information for Rawdon.

3 Main issues

3.1 The background information included in the appendices that EWG has to consider for each review includes: -

- A map of the area affected by the review, and its relation to other nearby parish or town councils and existing polling districts;

- Any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review (e.g. residents' associations, community forums, tenant management organisations, area committees);
- Details of any developments in the area under review which is likely to occur in the period of five years from the start of the review;
- Demographic information on population size for the area under review and any change which is likely to occur in the period of five years from the start of the review;
- Electorate information for the area under review including the number of local government electors for the parish, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any particular boundaries;
- Potential effects of any proposals by the Boundary Commission's review of parliamentary constituencies on the area under review;
- Details of any likely precept or any change to an existing precept as a potential consequence of a review;
- Details of any council land or property that will transfer to any new parish on formation;
- Details of any representations made during the public consultation; and
- Any recommendations received, with officer comments, regarding the electoral arrangements for the area under review which will include: -
 - The ordinary year in which elections are held;
 - The number of councillors to be elected to the council;
 - The division (or not) of the parish into wards for the purpose of electing councillors;
 - The number and boundaries of any such wards;
 - The number of councillors to be elected for any such ward; and
 - The name of any such ward.

3.2 Whilst considering the information above, EWG will need to have regard to Section 93 of the Local Government and Public Involvement and Health Act 2007 which requires principal councils to ensure that community governance within the area under review will be:

- reflective of the identities and interests of the community in that area; and
- effective and convenient.

- 3.3 The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. EWG will need to ensure that community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. DCLG's guidance states it would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.
- 3.4 The 2007 Act requires principal councils to make recommendations as to: -
- a) Whether a new parish or any new parishes should be constituted;
 - b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; or
 - c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
- 3.5 When making recommendations to General Purposes Committee, EWG will therefore need to specify the following: -
- What new parish or parishes (if any) should be constituted in the area under review. In relation to existing parishes under review, the review must also make recommendations as to whether the parish should be abolished or not, or its area altered or not, whether or not the name of the parish should be changed, and whether or not the parish should continue to have a council. However, if the proposed parish has 1,000 or more local government electors, the review must recommend that the parish should have a council. If the review recommends a parish should continue to have a parish council, the review must also make recommendations as to what changes (if any) should be made to the council's electoral arrangements (which include the number of councillors to be elected to the council).
 - What electoral arrangements should be constituted in the area under review. The review must consider whether to recommend that the parish should, or should not, be or continue to be divided into wards for the purpose of electing councillors. For these purposes, the Council must consider whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish should be

separately represented on the council. In deciding to recommend that a parish should be divided into wards, the Council must have regard to certain factors¹ when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward. In deciding to recommend that a parish should not be so divided, the Council must have regard to the number of local government electors for the parish, and any change in that number likely to occur in the next 5 years when considering the number of councillors to be elected for the parish.

- Interim Arrangements for any new parish or change to any existing parish. Normally the existing local authority Ward Councillors will act as parish councillors until any required election is determined.

3.6 EWG's recommendations will be considered by General Purposes Committee on 30 August 2012 before that committee makes final proposals for approval by Full Council on 12 September 2012. Once approved any new parish or changes to an existing parish will be made in a Reorganisation of Community Governance Order. This Order will be drafted and executed by the council's Legal Services.

4 Recommendations

4.1 Note the contents of the report and confirm recommendations for proposals for both Scarcroft and Rawdon.

¹ Included in electorate information under 3.1 of this report