

Report of the Head of Licensing and Registration

Report to General Purposes Committee

Date: 30 August 2012

Subject: Community Governance Review recommendations on whether to increase the number of parish councillors for Scarcroft parish council

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Harewood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Council received a request from Scarcroft Parish Council on 2 April 2012 to increase the size of the Parish Council from 7 to 9 councillors.
2. Following the receipt of such a request the Council is required to consider undertaking a Community Governance Review. General Purposes Committee agreed the process and Terms of Reference for a review on 25 June 2012.
3. Public consultation was carried out during the period 26 June to 31 July 2012. The council's Elections Working Group (EWG) met on 21 August 2012 to consider any representations received and additional background information before making their recommendations for General Purposes Committee's consideration which are given in this report.

Recommendations

4. That the recommendations as detailed in the report be confirmed as the authority's final proposals and sent to Full Council for approval.

1 Purpose of this report

- 1.1 To consider EWG's recommendations regarding the request from Scarcroft Parish Council to increase the size of the Parish Council from 7 to 9 Councillors and subsequent Community Governance Review to establish whether such an increase should be approved.

2 Background information

- 2.1 The Council received a letter from the clerk to Scarcroft parish council on 2 April 2012. Following the receipt of such a request the Council is required to consider undertaking a Community Governance Review. A copy of the request is attached at Appendix A.
- 2.2 The request was submitted in accordance with Part 4 of the Local Government and Public Involvement in Health Act 2007 (the Act).
- 2.3 Before the Act came into force, Councils had power to vary the numbers on local parish councils by making an order. Procedures were not prescriptive and numbers on parish councils, or other Parish electoral arrangements, could be varied easily and quickly. Unfortunately this is no longer the case and the procedures prescribed for community governance reviews, set out in the 2007 Act, have to be followed even when the only issue to be considered is a variation in a parish council's numbers.
- 2.4 The Act allows for the public to petition for reviews in their areas. It is, however, not necessary for a petition to be received to initiate a review. Scarcroft Parish Council has requested an increase in its numbers and it is for the Council to decide whether it wishes to undertake a review of the Scarcroft parish area with a view to increasing the size of the parish council.
- 2.5 A community governance review must in any event, make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. If the review recommends that a new parish should be constituted, the review must also make recommendations as to the name of the new parish, whether or not the new parish should have a parish council, and whether or not the new parish should have one of the alternative styles. However, where a new parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.
- 2.6 The Council has the power to undertake a community governance review of the whole or part of its area other than in response to a valid community governance petition. As a result, the Council could commence a separate review of a wider area than the petition area if it so wished, and could then make recommendations as to new parishes, the aggregation of parishes, or the alteration or abolition of parishes in a wider part of its area.
- 2.7 At its meeting on 25 June 2012, General Purposes Committee agreed the process and Terms of Reference for a Community Governance Review to determine the request received from Scarcroft Parish Council.

3 Main issues

3.1 When a request such as this is received, and the Council decides to undertake a Community Governance Review, it must do so within 12 months. In these circumstances the stages of the Review are as follows: -

- Terms of Reference for the Review Agreed (agreed by GPC on 25 June 2012)
- Council consults widely with local people on proposal (public consultation was carried out between 26 June and 31 July 2012)
- Council takes into account any representations received (all representations were considered by EWG at their meeting on 21 August 2012)
- Council makes recommendations whether there should be an increase to the number of parish councillors (the reason for this report)
- Council publishes its decision
- Interim governance arrangements agreed
- Election held (the timetable for the review has been set so the elections to any new parish can coincide with the Police and Crime Commissioner elections in November 2012 to help reduce costs)

3.2 When undertaking a Community Governance Review a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. The stages outlined above take account of the requirements of the legislation and the available guidance. However, subject to this, it is for the Council to decide how to undertake the review. In deciding what recommendations to make, the Council must take into account 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. EWG considered this at its meeting on 21 August 2012 before agreeing their recommendations.

3.3 In order for any required election to take place jointly with the Police and Crime Commissioner elections on 15 November 2012, this review needs to be finalised by no later than 5 October in order to make the necessary changes to the registers before publication on 16 October. Also, it should be noted that the last date for publication of Notice of Election for a parish election to take place on 15 November is 11 October, after this date the election could not take place on 15 November. This makes the timetable critical with no allowance for any slippage.

3.4 Recommendations of Elections Working Group (EWG) – EWG met on 21 August 2012 to consider the following information from the review: -

- 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);
- The need to secure that community governance in the area under review reflects the identities and interests of the community in that area, and is effective and convenient.
- 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
- Officer recommendations 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.

3.5 A copy of the report that went to EWG is at Appendix A which includes the above information. After careful consideration of the above information, EWG also considered the need to secure that community governance arrangements reflect the identities and interests of the community in the area and have recommended: -

- To increase the size of Scarcroft Parish Council from 7 to 9 Councillors;
- That the electoral arrangements are as set out in Appendix A; and
- That the interim arrangements are that the existing parish councillors cover the duties of the two new parish councillors until those vacancies to the parish council are filled

3.6 GPC is asked to consider the report and information to EWG at Appendix A as well as the recommendations made by EWG, and to agree final proposals to be submitted to full Council for approval.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 All local government electors for the area under review and any other person or body who appears to have an interest in the review has been consulted on the proposal, and GPC is asked to take into account all representations received in connection with the review. GPC is also asked to have regard to the need to secure that the community governance arrangements for the area reflect the identities and interests of the community in the area and are effective and convenient. In deciding what recommendations to make to full Council, GPC is also asked to take into account any other arrangements (apart from those relating to parishes and their institutions), that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An equality screening document has been completed for this review and has concluded that the consultation arrangements have helped ensure all people affected by the review were given an opportunity to comment which includes an opportunity to raise any equality, diversity, cohesion or integration issues.

4.3 Council policies and City Priorities

4.3.1 This review does not affect the council's budget and policy framework, although reviewing local electors' needs does support the council's aims to be the best city for communities, and in particular the four year priority to increase a sense of belonging that builds cohesive and harmonious communities.

4.4 Resources and value for money

4.4.1 No additional human resources are required to carry out the review.

4.4.2 There is no budget to carry out Community Governance Reviews so the cost of this review will have to be met from within existing budget. The cost of carrying out this review was estimated at £1,000. This is mainly costs from printing and publishing Notices in local press.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Under the Council's Constitution, General Purposes Committee alone has the delegated authority to make recommendations for the final proposals for any Community Governance Review to Full Council. This is not delegated to the Chief Executive.

4.6 Risk Management

4.6.1 There is always a risk of challenge to the decision. There is no right to appeal as such, although if local electors disagreed with the final recommendations they could lobby the full Council not to give effect to them, or a decision by full Council could be challenged by way of judicial review on the usual principles.

5 Conclusions

5.1 That EWG have properly considered any representations received and the additional information listed at 3.4 of this report to determine their recommendations whether the number of parish councillors for Scarcroft should increase.

6 Recommendations

6.1 That the recommendations as detailed at 3.5 in the report be confirmed as the authority's final proposals and sent to Full Council for approval

7 Background documents¹

- Local Government and Public Involvement in Health Act 2007
- The Electoral Commission Guidance on Community Governance Reviews, April 2008
- Reasons for Scarcroft's request and guidance on number of parish councillors on parish or town councils

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.