
Meeting: General Purposes Committee
Date: 8 December 2011
Subject: Community Governance Review – Stotfold Parish (Area of Fairfield)
Report of: Head of Legal and Democratic Services
Summary: This report is to update Members on the progress of the Community Governance Review currently being undertaken for the area of Fairfield within the parish of Stotfold.

Contact Officer: John Atkinson, Head of Legal and Democratic Services
Public/Exempt: Public
Wards Affected: Stotfold and Langford
Function of: General Purposes Committee

CORPORATE IMPLICATIONS

Council Priorities:

This report contributes to the Council's requirement to bring about improved community engagement.

Financial:

1. None specifically arising from this report but the process of carrying out a governance review is to consult the local government electors together with any other person or body who appears to have an interest in the review and therefore there will be considerable administrative costs.

Legal:

2. Community Governance Reviews operate under the following legislative framework:

Local Government & Public Involvement in Health Act 2007;

Guidance on community governance reviews, issued jointly by Department for Communities and Local Government and the Local Government Boundary Committee for England;

Local Government Act 1972 (as amended);

Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008 625); and

Local Government Finance (New Parishes) Regulations 2008 (SI2008 626).

3. The manner in which this framework applies to this review is explained in the text of the report.

Risk Management:

4. None resulting from this report.

Staffing (including Trades Unions):

5. None resulting from this report.

Equalities/Human Rights:

6. None resulting from this report.

Community Safety:

7. n/a

Sustainability:

8. n/a

RECOMMENDATIONS:

The Committee is asked to:

1. **Consider the results of the public consultation;**
2. **Decide whether or not to recommend that a new parish should be constituted for the area known as Fairfield;**
3. **Recommend that, if a new parish is so constituted, that it be called Fairfield Community Council;**
4. **Make any consequential changes to the area of Stotfold Town Council; and**
5. **Amend the Terms of Reference of the Review so that the second stage consultation period will be extended until 23 January 2012 and that the subsequent stages of the timetable will also be deferred by 14 days in each case.**

Background

9. At the meeting of this Committee on the 4 August 2011 it was resolved to carry out a Community Governance Review, in accordance with Local Government and Public Involvement in Health Act 2007 (the Act), of the Fairfield area of Stotfold. A Map showing the Fairfield area is attached at Appendix A. A community governance review (formerly known as a parish review) is a review

of the whole or part of a principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes.

10. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review. In carrying out the review every household within the parish of Stotfold was consulted together with the list of interested parties as shown at Appendix B.

Criteria for undertaking a review

11. Section 93 of the Act 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.
12. When considering the criteria identified in the Act, principal councils should take into account a number of influential factors, including:
 - the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of a local community or parish.
13. In considering the criteria, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

Consultation

14. Councils are required to consider representations made by local people and interested parties.
15. In carrying out the consultation with the Stotfold parish electorate and the interested parties all respondents were invited to agree or to disagree with the proposal to create a new Fairfield Community Council. Additionally, there was also an opportunity to add any comments. The results of the consultation together with analysis of the comments are shown at Appendix C,
16. Representations have also been received from Stotfold Town Council (Appendix D) with a further submission by the Fairfield Community Action Group (Appendix E).

Timing

17. Principal councils are required to complete the review, including consequential recommendations to the Local Government Boundary Committee for England for related alterations to the boundaries of principal area wards, within 12 months of the start of the review.
18. Reorganisation of community governance orders creating new parishes, abolishing parishes or altering their area can be made at any time following a review. However, for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1 April following the date on which it is made. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made.
19. Parish council elections should normally take place every four years at the same time as the elections for the district/unitary authority ward. However, where a new parish is to be created, it may be necessary to alter the date of the next parish election, particularly if the next elections to the ward are not scheduled to take place for some time. Section 98 of the Act allows principal councils to modify or exclude sections of the Local Government Act 1972 so that the first election to the new parish council is held in an earlier year. This would result in councillors serving either a shortened or lengthened first term to allow the parish council's electoral cycle to return to that of the unitary ward at the next election.

Recommendations and Decisions

20. In conducting community governance reviews (whether initiated by itself or is triggered by a valid petition), the principal council should consider the impact on community cohesion when deciding whether or not to set up a parish council.
21. A principal council must make recommendations as to:
 - (a) Whether a new parish or any new parishes should be constituted;
 - (b) Whether existing parishes should be abolished or whether the area of the existing parishes should be altered; or
 - (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
22. The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria in the Act. Where a principal council has conducted a review following receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make.

23. In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. In taking this evidence into account and judging the criteria in the Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made. For example, a recommendation to abolish or establish a parish council, may negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located, and therefore should not be made.
24. The aim of the Act is to open up a wider choice of governance to communities at the most local level. However, the Government considers that there is sufficient flexibility for principal councils not to feel 'forced' to recommend that the matters included in every petition must be implemented.

Alternative Styles for Parishes

25. The Act introduced amendments to the Local Government 1972 to bring 'alternative styles' for parish councils. Three alternative styles are permitted by the Act:
- (a) Community
 - (b) Neighbourhood
 - (c) Village
26. Where the review relates to a new parish, it is for the principal council, in the first instance, to make recommendations as to the geographical name of the new parish, and as to whether or not it should have one of the alternative styles.

Council size

27. Council size is the term used to describe the number of councillors to be elected to the whole council. The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors; there is no maximum number.
28. Research carried out in 1992, found that the typical parish council representing less than 500 people had between five and eight councillors, and those between 501 and 2,500 had six to twelve councillors.

Publicising Draft Proposals

29. Under the Act the principal council must both publish its recommendations and ensure that those who have an interest are informed of them.

Appendices:

Appendix A - Map of area known as Fairfield

Appendix B - List of Interested parties

Appendix C - Results of Consultation

Appendix D - Representation from Stotfold Town Council

Appendix E - Further submission from Fairfield Community Action Group

Background Papers: None.

Location of Background Papers: N/A