
Meeting: General Purposes Committee
Date: 7 June 2012
Subject: Community Governance Review – Stotfold Parish (Area of Fairfield)
Report of: Head of Legal and Democratic Services
Summary: This is the final report 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 was to consult, on two separate occasions, the local government electors together with any other person or bodies who appeared to have an interest. The postage costs (circa £1500) of the review were absorbed within the Democratic Services budget.

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 TO COUNCIL:

1. **For the reasons set out in the report, the Council makes a Reorganisation Order under Section 86 of the Local Government & Public Involvement in Health Act 2007; which creates a parish in the Fairfield Park area of the current Stotfold parish and establishes a parish council in that area to be named Fairfield Parish Council;**
2. **The Reorganisation Order referred to in 1 above be based on the following key principles, for the reasons set out in the report:**
 - a) **The boundaries of the parish are as shown the map attached at Appendix A and the parish is named the Parish of Fairfield.**
 - b) **The parish council is called 'Fairfield Parish Council'.**
 - c) **The establishment of the parish council to take effect from 1 April 2013 with the first election to be held on 2 May 2013.**
 - d) **The first term of office of elected councillors be for 2 years and the following elections be held on the ordinary day for elections in 2015 and every fourth year thereafter i.e. 2019, 2023 etc.**
 - e) **The size of the Council relating to the number of councillors to be elected to the parish is set at 7, providing a ratio of 270 electors to each parish councillor.**
 - f) **The parish council is not split into separate wards.**
 - g) **The amount of the initial precept of the new parish council for the 2013/14 financial year is £92,525.**
 - h) **Until the councillors elected to the new parish council come into office, the new parish is administered by the persons holding the offices listed below who are in post immediately on 1 April 2013:**
 - **CBC Portfolio Holder for Corporate Resources**
 - **CBC Chairman of the General Purpose Committee**

3.
 - **The existing 3 CBC ward members representing Stotfold and Langford**

The present size of Stotfold Town Council (15 members) remains unchanged pending a Community Governance Review across the whole of the Council's area in 2013.

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.

Initial Consultation

14. Councils are required to consider representations made by local people and interested parties.

15. In the initial 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 were also received from Stotfold Town Council (Appendix D) with a further submission by the Fairfield Community Action Group (Appendix E).

Secondary Consultation

17. At the meeting of this committee on 8 December 2011 it was resolved to consult further with the Stotfold parish electorate and the interested parties (Minute GPC/11/30 refers – see Appendix F) and on this occasion all respondents were invited to agree or to disagree with the concept of warding the whole parish using the existing polling districts as a starting point. Again, there was also an opportunity to add any comments. The results of this consultation together with analysis of the comments are shown at Appendices G(i) and G(ii).
18. Representations have also been received from Stotfold Town Council (Appendix H).

Timing

19. 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.
20. 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 Reorganisation 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.
21. 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

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. When considering the responses made to both of the consultations carried out undertaken it is clear that the majority of the respondents are in favour of the creation of a separate council for the area of Fairfield. Moreover, the alternative proposal to ward the parish of Stotfold was rejected overwhelmingly by the majority of respondents.

Reorganisation Order

28. The Reorganisation Order must specify the sum of the initial precept for the parish council. The precept being recommended is £92,525 which covers anticipated costs for the parish council in its first year including for a clerk, training, elections, insurance and a sum for project/development work.

29. Subject to Council agreeing to make a Reorganisation Order, the creation of the parish and establishment of a parish council would take effect from 1 April 2013 and the date for the first election of councillors to the parish council will be 2 May 2013.
30. There is the option of not making a Reorganisation Order to create a parish and establish a parish council following the review, for which reasons would need to be given, and an option to resolve that the content of any order made is different to those being recommended i.e. an alternative name of the parish and council, number of councillors etc.

Alternative Styles for Parishes

31. 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
32. The petition which triggered the review requested the new council to be named 'Fairfield Community Council'. Where the review relates to a new parish, it is entirely 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.
33. Across the Council's area there are currently 71 parish/town councils. The suggested name of 'Fairfield Community Council' would be a departure from that principle and it is considered would cause confusion to the public and external public sector agencies.

Electoral Arrangements

34. As part of the review the Council is required to consider electoral arrangements of new or altered parishes. These are defined as:
 - (a) **Ordinary year of election – the year in which ordinary elections of parish councillors are to be held**

The next date for parish council elections across the Council's area is 2015 and it is proposed that the first election be held on 2 May 2013, the first term of office of elected councillors be for 2 years and the following elections be held in 2015 and every fourth year thereafter i.e. 2019, 2023 etc. Whilst this would have financial implications for the new parish council 2 years after the first election, it will ensure that the new parish council coincides with that of all others across the Council's area and the standard parish electoral cycle nationally as well as the unitary ward which the parish council would fall in.

(b) **Council size – the number of councillors to be elected to the council**

The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors; there is no maximum number.

Research carried out by Aston Business School regarding levels of representation 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. The recommendation is for the size of the council to be 7 on the basis that it is important that the parish council does not have regular vacancies and, in the interests of democracy, elections are contested. A parish council of 7 members would give a ratio of 290 electors per councillor.

(c) **Parish warding – whether the parish should be divided into wards for the purpose of electing councillors**

There is no requirement for the new parish to be warded and it is considered that splitting the parish into separate wards would be impracticable and inconvenient.

Publicising Draft Proposals

35. Under the Act the principal council must both publish and extensively publicise its decisions 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 Initial Consultation

Appendix D - Representation from Stotfold Town Council (Initial Consultation)

Appendix E - Further submission from Fairfield Community Action Group (Initial Consultation)

Appendix F - Minute GPC/11/30 of General Purposes Committee of 8 December 2011

Appendices G(i) and G(ii) – Results of Secondary Consultation

Appendix H - Representation from Stotfold Town Council (Secondary Consultation)

Background Papers: Petition from Fairfield Action Group.

Location of Background Papers: Priory House