

**Committee:** Electoral Arrangements Working Group

**Agenda Item**

**Date:** 25 October 2010

**4**

**Title:** Community Governance Review – Parish Electoral Arrangements

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Item for decision

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## Summary

1. As part of the Community Governance Review (CGR) already in progress, the Council has agreed to review and, where necessary amend, the electoral scheme relating to each parish and town council in the Uttlesford District. The only exceptions to this will be in respect of the parishes of Birchanger, Little Canfield, Stansted Mountfitchet and Takeley where a separate review of parish boundaries is being undertaken. Subject to those exceptions, the Working Group will be invited to review each electoral scheme and make suitable recommendations to the Finance and Administration Committee. The agreed electoral schemes will then operate at the ordinary election of parish councillors in May 2011.

## Recommendations

2. That Members decide on the electoral scheme to be applied in each parish area under review and recommend accordingly to the Finance and Administration Committee.

## Financial Implications

3. There are no direct costs associated with these proposals other than the staff time involved, administrative costs and the preparation of the necessary reorganisation order. All costs will be met from existing budgets.

## Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

Representations from parish and town councils and other interested parties  
Government guidance and legislation

## Impact

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Communication/Consultation	Consultation with all affected interested parties
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Community Safety	No impact
Equalities	No impact
Health and Safety	No known impact
Human Rights/Legal Implications	Need to follow due legal processes for carrying out any changes to parish electoral schemes
Sustainability	No direct relevance to this process
Ward-specific impacts	All wards except Birchanger and Stansted South
Workforce/Workplace	No impact

### Situation

6. The Council commenced a CGR on 16 August 2010 and wrote to all parish councils inviting comments about their electoral schemes at that time. The terms of reference for the review are set out in paragraph 8 of the report to your meeting on 18 October.
7. The timetable already agreed allows for all final recommendations for changes to be agreed by the Finance and Administration Committee on 25 November and to be implemented immediately by order. This is because any changes made in parish wards might necessitate changes to the register of electors due to be published in revised form on 1 December. To allow for that possibility, the CGR is being fast-tracked in respect of all parishes except for those listed in paragraph 1.
8. Having reviewed the representations made by parish councils, any changes in ward arrangements seem unlikely but it will be helpful to stick to the intended timetable. The remaining part of the report concentrates on the comments and submissions received from parishes and makes suggestions for how Members may proceed.
9. The factors which must be taken into account in reviewing parish electoral arrangements are set out in s95 of the Local Government and Public Involvement in Health Act 2007. This states that the Council must consider:
  - Council size – the number of councillors to be elected
  - Parish warding – whether the parish should, or should continue to be, divided into wards, and the boundaries and number of councillors to be elected for any such ward

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- Electorate size and distribution – the number and distribution of local government electors in the parish in the period of five years from the start of the review
10. The Act also sets out the rules for determining whether there should be a parish council depending on the number of electors in the parish concerned. This states that any parish with more than 1,000 local government electors must have a parish council; if the parish has fewer than 150 electors, it cannot have a council unless there is one already in place and it is then for the principal area council to decide whether it should continue; if there are between 150 and 1,000 electors it is similarly for the principal council to decide whether there should be a parish council.
11. Members will be aware that the Council has adopted a set of guidelines to be followed in reviewing parish arrangements. The guidelines are set out below:
- For parishes with up to 700 electors, there should be between six and eight councillors (although the statutory minimum of five will continue to be allowed where justified by local circumstances).
  - For parishes with between 701 and 2,500 electors, there should be between nine and 12 councillors.
  - For parishes with more than 2,500 electors, there should be between 13 and 16 councillors.
  - Any parish wards (or separate parishes in grouped parish councils) fixed or altered as part of a review will be based upon principles of broad proportionality.
  - The Council's view is that it is likely to be difficult for small parishes to maintain effective administration with only the statutory minimum of five councillors. This is because meetings might not be able to take place where a quorum cannot be achieved as a result of illness, absence and/or resignations.
12. Therefore, in considering what electoral schemes should be put in place for the next four year period following the ordinary elections next May, Members should be guided by the terms of the legislation and the Council's own guidelines as set out in paragraphs 9, 10 and 11 above.
13. As can be seen, the responses received from parish and town councils set out in appendix C are a mixture of the thoughtful and well argued and bland statements that change is or is not required without any attempt at supplying a reasoned explanation. In view of the importance of the electoral scheme to the functioning of each parish it is a little disappointing that more thought has not been given in some parishes to the factors involved in either retaining or changing an electoral scheme. No response has been received at all from either High Easter or Little Chesterford Parish Council in spite of a number of reminders.

14. In concluding this part of the review, the Council must agree and publish recommendations either for change or no change to the electoral schemes for each of the parishes in the district. Putting to one side those parishes where boundary changes are being considered, it can safely be stated that no changes are required to the existing schemes in the following parishes:

- Ashdon; Barnston; Berden; Broxted; Clavering; Debden; Elmdon and Wenden Lofts; Elsenham; Farnham; Felsted; Flitch Green; Great Canfield; Great Chesterford; Hatfield Broad Oak; Hatfield Heath; Hempstead; Henham; High Easter\*; High Roothing; Langley; Little Dunmow; Little Easton; Little Hallingbury; Manuden; Newport; Quendon and Rickling; Radwinter; Stebbing; Ugley; Wendens Ambo

\* No response received from Parish Council but existing scheme seems satisfactory

Members are asked to agree to recommend that the electoral scheme in these parishes can be confirmed as unchanged because in each case the scheme is suitable for the parish council concerned and meets the statutory criteria.

15. That leaves essentially three categories of parishes: those where suggested changes were agreed; those where suggested changes were not agreed; and those parishes governed by parish meeting only.

16. Looking first at those parishes where changes were agreed, the following considerations apply in framing a recommendation:

- Arkesden – the proposal agreed for consultation was to increase the number of parish councillors from five to six. The comments from the Parish Council are somewhat confusing. Although clarification has been sought none has been forthcoming. It has been interpreted that the Parish Council agrees to an increase and that is the recommendation. A total of six parish councillors seems to be a reasonable number for the parish given the size of the electorate.
- Great Hallingbury – the proposal agreed for consultation was to support a decrease in the number of parish councillors from nine to eight. The parish is well below the threshold for nine councillors and has accepted the suggested change. It is therefore recommended that the number of eight parish councillors be confirmed. It should be noted that the increase from eight to nine was only agreed from the last ordinary election in 2007.
- Hadstock – the proposal was for an increase from five to six. The Parish Council supports the change and it is recommended accordingly.
- Margaret Roding – in the case of Margaret Roding, the five year forecast indicates that there will be fewer than 150 electors. This is the threshold below which a newly created parish would not be able to form a parish council. However, for existing parishes with parish councils already in place, the principal council has the discretion to allow them to continue. As far as I am aware the Parish Council is reasonably active and the letter

from the parish Clerk supports the increase to six. I have spoken to the Parish Chairman and he is keen to introduce new blood onto the council. In the circumstances, it is recommended that the change be confirmed.

- Swards End – the parish council was newly created in 2004 and the first proper election of parish councillors took place in 2007. The Parish Council applied back in May this year, before the current review started, for an increase of parish councillors from five to seven. The supporting comments are set out in appendix C. This was mistakenly reported to your July meeting as a request for six councillors. The request seems entirely reasonable, meets the Council's guidelines, and will enable the parish to function more effectively. It is recommended accordingly.
- Thaxted – there have been two by-elections held in Thaxted parish since 2007, one of which was contested and one which was not. Thaxted is predicted to have 2247 electors by 2015, close to the threshold for the allocation of 13-16 councillors. It was proposed that the number to be elected should increase from nine to 11 and the Parish Council supports this change. It is recommended accordingly.
- The Sampfords – this grouped parish was formed in 1973 by combining the parishes of Great and Little Sampford. The parishes remain as separate civil parishes but the grouped parish council has continued ever since. The number of members elected for each of the parishes does not reflect the balance of the electorate (see appendix C for more details) and it is proposed that the number to be elected in Great Sampford increases from five to six and the number in Little Sampford decreases from four to three, thus maintaining the same number of councillors overall. The Parish Council supports this change and it is recommended accordingly.

17. This leaves a number of parishes where the parish council did not agree with the changes being suggested. Please see below for further details:

- Aythorpe Roding – the proposal is to increase the number of councillors to be elected from five to six for the reasons set out in the guidelines adopted in 2006. However, those guidelines contain a caveat that the statutory minimum of five will still be allowed where justified by local circumstances. The Parish Council says that it does not see the need for an increase and has struggled in the past to recruit even to the minimum number. This statement might cast doubt on the council's ability to continue to survive independently as five parish councillors is a statutory minimum. There are only 170 electors in the parish and it is the smallest in the district save for Margaret Roding and Little Chesterford. The decision in this case will revolve around whether the Council should be consistent (given that Margaret Roding seems likely to gain an additional member) or agree to take account of local circumstances. In this case it might be sensible to agree to the retention of five councillors.
- Chrishall – the number of councillors at Chrishall (nine) is out of kilter with other parishes of a similar size and it was suggested that the number should be cut to seven. The Parish Council disagrees that this is

necessary and wishes to retain nine councillors, although no reasons have been given in support of this view. Following the election in 2007, there were two vacancies for which co-options were required and the Parish Council seems to have retained a full complement ever since. Chrishall seems to be an active parish in which recruitment has not proved difficult and Members may therefore think that a number in excess of the eight indicated in the Council's guidelines can be permitted. If Members would prefer to maintain a consistent policy, as at Great Hallingbury where the number of electors is greater, the number could be reduced to eight.

- Great Dunmow – there was initially some confusion as the town clerk wrote confirming the wish to retain seven councillors in the North ward and nine in the South ward. However, it became apparent that the intention was to confirm the actual number of councillors in each ward as six and nine respectively. This presents a difficulty as the present warding scheme does not reflect the number of electors in proportional terms, as the Council's policy should be the case, either now or in five years time. No reasons have been given by the Town Council in support of this view but it is known that there is concern about finding sufficient candidates at future elections. In 2007, the number of nominations received was one short in each ward and co-options had to take place. Unfortunately, the only way to meet the aim of achieving broad proportionality (seen as important in the context of the town wards) is to change to either a 6/8 north/south split, or to 7/9. This would mean either one extra councillor overall, or one fewer. The present 6/9 split is not really sustainable in terms of the five year forecast, or in the longer term, because the North ward will continue to grow at a faster rate than the South ward. On the projected 2015 figures, the proportion of electors in the North ward will be 44.3% and this proportion has grown slowly but steadily in recent years. Members are asked to decide on a recommended warding scheme based on a split of either 6/8, 6/9 as at present, or 7/9.
- Great Easton and Tilty – at the initial consultation stage, it was suggested that the number of councillors to be elected in the Village ward of Great Easton should be increased to five, and the number of councillors overall thus increased to nine. There were two reasons for this. First, in terms of broad proportionality, the representation from Great Easton Village should total more than the number for Duton Hill and Tilty combined. Second, the number of councillors for the size of the electorate overall (757 in 2015) should be in the 9-12 range. The Parish Council wishes to retain the existing scheme for the reasons set out in the appendix. The new grouped parish council (including Tilty) was only established for the first time in 2007 and it does seem reasonable to allow for a further settling in period. Some flexibility could be applied in this case to enable the parish to retain existing arrangements.
- Leaden Roding – this is another parish electing the minimum number of parish councillors. The number of electors is presently 474 and this is projected to rise to 497 by 2015. The Parish Council quotes the difficulty of recruitment in requesting no change to the present number. However,

many parishes with fewer electors currently elect more than five councillors (at least 15 parish councils are in this position). It is my view that a parish containing this many electors should be electing more than the minimum number of councillors and that the expectation would usually be for the election of at least seven. However, a reasonable compromise position would be for the electoral scheme at Leaden Roding to be amended to allow for the election of six councillors and this is suggested for consideration.

- Little Bardfield – the circumstances at Little Bardfield are similar to those at Aythorpe Roding as the number of electors is only a little over 200. The Parish Council has requested that no change is made. It may be sensible to allow the minimum number to be retained in this case.
- Littlebury – the number of electors at Littlebury is below the threshold for the election of 9-12 councillors and it was proposed that the number be reduced from nine to eight. At the same time, there may be merit in considering warding to grant separate representation to the Littlebury Green/Catmere End area as these are separate and distinct communities for which separate polling facilities are provided (including also the small parish of Strethall). There are presently 201 electors in this unit as opposed to 461 electors in Littlebury Village. A suitable scheme might therefore be seven councillors, five to be elected in the Village and two in Littlebury Green. However, the Parish Council wishes to retain the existing scheme and has offered the view that Catmere End and Littlebury Green are already represented on the council and that nine councillors are needed to spread the workload in an active parish. Members are asked to determine the electoral scheme.
- Little Chesterford – this is one of two parishes that did not respond to the CGR. It is a very small parish but, in the absence of any reasoned case, or of any case at all, it is proposed that the number of councillors be increased to six.
- Saffron Walden – until 2007, the Town Council always had 16 councillors. Originally, there were four councillors for each of the four wards. When the warding scheme was changed in 2003, there were only three wards allocated electing five each, but Swards End, which was then still in the town parish area, was transferred to Ashdon ward and was allocated a single councillor thus retaining 16. This was only changed once Swards End became a separately elected parish council in 2007. It was always thought that the town would wish to regain its 16<sup>th</sup> councillor. The electorate forecast would justify this as the Shire Ward is forecast to grow to 4590 electors by 2015 and a sixth councillor could be allocated to that ward. However, the Town Council has agreed there should be no change to the existing number although no reasons were offered in support. There seems no pressing reason to change the scheme and it is suggested accordingly.
- White Roothing – similar circumstances apply here as at both Aythorpe Roding and Little Bardfield. The Parish Council does not wish to increase

the number of councillors and considers it will be difficult to recruit even the minimum of five. Some latitude from the guidelines could perhaps be allowed in this case as there are only four parish council areas in Uttlesford with fewer electors, although the much smaller and nearly neighbouring parish of Margaret Roding is likely to be granted an additional sixth member.

- Widdington – at some stage in the past the number of parish councillors at Widdington was increased from seven to eight. There have been difficulties in recruitment at various times. At the 2007 election for example, only two nominations were received so that the Parish Council was inquorate and a further election had to be held. At present, there is another vacancy although the Parish has hopes of this being filled. No specific suggestion has been made to reduce the number of councillors but a reduction to seven may help the administration in this small parish.
- Wimbish – the number of electors in Wimbish is swelled by the existence of Carver Barracks where large numbers of service personnel and their families are registered. In normal circumstances there should be a greater number of councillors elected for this size of electorate (nine or ten) but there does not appear to be justification for an increase because of the transitory nature of much of the occupation at the Barracks. The number of electors in Wimbish disregarding service personnel is in the region of 575. The Parish Council says that an observer from the Barracks attends most meetings and there has been no request made either for increased or separate representation, even though there is now a separate polling district serving the Barracks area. In the circumstances, the existing representation looks to be sufficient.

18. That leaves for consideration only those four parishes which operate by parish meeting only, without an elected parish council. These are:

- Chickney – there are only 34 electors at Chickney and the parish has always operated by means of an annual parish meeting. Electors from Chickney vote at Henham but of course do not participate in parish elections. No request has ever been received for the parish to become a parish council (not possible with present numbers) or to become part of another parish area either by merger or by grouping. No representations have been received from the parish at this review.
- Lindsell – there is a long history at Lindsell of resistance to the idea of the parish ever forming a parish council. Under previous legislation this was an ever present threat as the 1972 Act required the district council to establish a parish council in any parish including 200 or more local government electors. Lindsell always hovered around this figure and now clearly has more than 200 electors on a permanent basis. However, the 2007 Act has changed the rules and principal councils now have discretion about whether parish councils should be created where there are between 150 and 1,000 electors. Please refer to the detailed comments received from the parish meeting on this subject as set out in the appendix. There seems no earthly reason to disturb the arrangements



at Lindsell as part of this review and there would only be justification for doing do in the future if opinion changes.

- Strethall – Strethall is another very small parish (20 electors) operating by parish meeting only. It would not be possible to form a separate parish council there and, as in the case of Chickney, a merger or grouping with another parish or parishes would only take place with the consent of the parish meeting. At present there seems no likelihood of this happening. Please refer to the cogent and well argued letter received from Mr Whitfield, Chairman of the Parish Meeting, which refers to the ‘purest form of local democracy’.
- Wicken Bonhunt – this is a very small community with little or no direct access to community facilities. However, as with Lindsell, the parish is of sufficient size for a parish council to be formed if so wished by the local electors although this would remain at the discretion of the district council. No representations have been received from the parish meeting but it is not thought that any change is required.

19. Members are asked to consider all of the matter in this report, especially the proposals listed in paragraphs 14, 16, 17 and 18, and decide the electoral schemes that should apply to those parishes concerned for recommendation to the Finance and Administration Committee.

### Risk Analysis

19. The risk analysis is listed below.

Risk	Likelihood	Impact	Mitigating actions
Electoral schemes do not reflect the needs of those parishes concerned	2 – if the statutory rules are followed, after proper consultation, there is little prospect of inappropriate arrangements being made	2 – there may be a danger of dissatisfaction and some parts of the community feeling disenfranchised if proper arrangements are not made for parish representation	By full consultation and following statutory and local guidelines in determining what the electoral schemes should be

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.