

Parish Electoral Arrangements

Parish Review Working Group, item 3

Committee:	Parish Review Working Group	Agenda Item
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Title:	Parish Electoral Arrangements	
Author:	Peter Snow, Electoral Services Officer, 01799 510431	Item for decision

Summary

A review of parish electoral arrangements has been carried out in consultation with parish councils in Uttlesford. Section 17 of the Local Government and Rating Act 1997 empowers district councils to review electoral arrangements for parishes in their area and to give effect by order to any agreed changes. The matters that may be considered are the number of parish councillors allocated to each of the parishes, whether parishes should, or should continue to be, divided into wards, and what the size, boundaries and names of those wards, if any, should be.

This report contains suggestions for changes in a small number of cases and considers the advantages of adopting a more proactive approach in relation to parish council size.

Recommendations

The Working Group is asked to recommend to the Operations Committee a suitable scheme of electoral arrangements for parishes in the district for adoption with effect from the ordinary election of parish councillors in May 2007, and to consider the merits of adopting a template for the recommended number of parish councillors depending on council size.

Background Papers

Guidance on the establishment and review of parish electoral arrangements issued by the Electoral Commission August 2006

Environment Circular 11/97 on Parish Reviews

The published scheme of parish council representation and wards in Uttlesford updated to August 2005

The file on the current review of parish electoral arrangements

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Impact

Communication/Consultation	Parish and town councils in Uttlesford and parish meetings; other interested parties and members of the public
Community Safety	N/a
Equalities	N/a
Finance	No implications
Human Rights	N/a
Legal implications	No specific legal implications
Ward-specific impacts	All wards
Workforce/Workplace	N/a

Situation

- 1 The Council commenced a review of parish electoral arrangements as long ago as August 2005, in tandem with a parish review and a review of polling districts and polling places, both now completed. The review was advertised in the local press and all existing parish councils and other interested parties were consulted.
- 2 It is usual for parish arrangements to be considered during each four-year cycle during the period leading up to the ordinary election of parish councillors.
- 3 The Local Government and Rating Act 1997 gives district councils a power to review the electoral arrangements of the parishes in their area, and to make any changes considered necessary. Provided no change is proposed to the external boundaries of those parishes, the council may also propose, in particular circumstances, the establishment or grouping of parish councils, the disbanding of grouped parishes, or the dissolution of a parish council.
- 4 Please refer to Appendix A setting out existing parish and parish ward electoral arrangements. There are presently 52 parish and town councils in Uttlesford. Of those, Swards End was created as recently as 2004 although the electoral arrangements order allowing for an election in May 2007 is only now in the process of being made. There is also a proposal, not yet activated, to create a new parish of Flich Green from part of the existing parish of Little Dunmow. Five further parishes have the status of parish meeting only and do not raise a precept.
- 5 Forty-four of the district's parish councils consist of a single un-warded parish. Eight are warded. Of those, Great Dunmow, Great Easton, Saffron Walden and Stansted Mountfitchet have wards co-inciding with district ward boundaries; Elmdon and Wenden Lofts and The Sampfords are groupings of two parishes each; and Hatfield Broad Oak and Quendon and Rickling have internal ward divisions independent of any other boundary.

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- 6 It is disappointing to report that as many as 26 parish councils failed to respond to this consultation specifically relating to their own electoral arrangements, in spite of an initial letter and a further reminder. The reminder letter of January 2006 pointed out that 'it may be necessary for me to make assumptions about the views of parish councils regarding the suitability of present arrangements' if they did not reply. Appendix B sets out details of those responses that have been received.
- 7 Arising from this exercise consideration needs to be given to the following matters:
- Great Easton/Tilty: to note arrangements already agreed for the formation of a new grouped parish of Great Easton and Tilty with effect from 3 May 2007.
 - Little Dunmow: arising from the parish review, to note a decision already made to increase the number of parish councillors in Little Dunmow to 11 with effect from the election in May 2007.
 - Quendon and Rickling: to consider a request from the Parish Council to abolish the two separate wards of Quendon and Rickling and to merge together the whole parish retaining the existing number of parish councillors of seven.
 - Saffron Walden and Swards End: to note the proposed arrangements for revised and new electoral arrangements respectively, in these parishes.
 - Lindsell: to note the current position in relation to the possible creation of a new parish council.
 - Parish wards: to examine the current balance of electors and councillors in warded parishes to assess the need for any change.
 - Parish electoral scheme: to look at the merits of adopting a policy setting the number of parish councillors by electorate size and stating that ward representation should be broadly proportional.

The report will examine each of these matters in turn.

Great Easton/Tilty

- 8 An approach was received from Tilty Parish Meeting, via Councillor Down, in early 2005 enquiring about future options available to the Parish Meeting. This was in the light of difficulties the PM had encountered owing to a lack of willing volunteers to enable it to continue to function in an effective manner. Three options were offered consisting of a grouping arrangement with an adjoining parish or parishes, the merger of the parish with another parish

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- 15 An order will therefore be made increasing the number of parish councillors in Little Dunmow to 11 effective at the May 2007 election. This number will change again, as indicated in paragraph 13, when the new parish is created and, at that stage, new elections will be required.

Quendon and Rickling

- 16 The continued existence of the separate parish wards of Quendon and Rickling has been considered previously. The wards were almost abolished at the last review but, at the last minute, were reprieved. The matter was taken up again with the Parish Council for two reasons. First, the precise line of the ward boundary appeared not to be known and second, the balance of ward representation was not proportional to the electorate. The letter suggested that the ward representation be changed as follows to better reflect the electorate balance:
- Quendon ward (104 electors) – change from 3 to 2
 - Rickling ward (328 electors) – change from 4 to 5
- 17 The response from the Parish Council in a letter dated 1 May 2006 was to request a change of electoral arrangements to abolish the wards and to revert to seven councillors being elected for the whole parish. The Parish Council's view was that keeping the two wards was outdated for such a small community and it would be preferable for each councillor to represent both Quendon and Rickling.
- 18 This proposal does seem a sensible way forward and it is recommended that the electoral arrangements for Quendon and Rickling be changed accordingly with effect from the ordinary election in May 2007.

Saffron Walden and Swards End

- 19 It appears that, at long last, the saga of implementing new electoral arrangements for these two parishes will be resolved. A new parish of Swards End was created from 1 April 2004. To accommodate revised district warding arrangements in 2003, a new ward of Swards End had already been created in Saffron Walden parish electing one councillor. After the creation of the new parish eleven months later, the whole of the Swards End ward of Saffron Walden ceased to be part of Saffron Walden parish but the ward has continued to exist ever since because of the inability for an electoral arrangements order to be made.
- 20 The consequence of this bizarre sequence of events has been that Swards End parish councillors have had to be appointed rather than elected for a period of three years and the Swards End representative on the Town Council has continued to serve in spite of having no constituents and representing a ward no longer part of the Town Council's area. Broadly speaking this is a legal muddle brought about because an order transferring

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powers to the Electoral Commission to determine electoral arrangements for new parishes did not cover these particular circumstances.

- 21 An order is now imminent and will have the following effect. The Swards End ward of Saffron Walden parish will be abolished with effect from the day after the order is made and the councillor's term of office will cease on that day. New electoral arrangements for both parishes will come into effect on the ordinary day of election as follows:

For Saffron Walden:

- Audley ward – 5 councillors
- Castle ward – 5 councillors
- Shire ward – 5 councillors

For Swards End:

- 5 councillors and no division into wards

- 22 In effect, the electoral arrangements for Saffron Walden are identical to the existing scheme except for the omission of a councillor for Swards End. Members are asked to note these arrangements.

Lindsell

- 23 There is a requirement in the Local Government Act 1972 that any parish with 200 or more local government electors must have a parish council. Lindsell parish has been hovering around the 200 mark for the past few years and, prior to December 2005, had had in excess of this number for a continuous period of two years.
- 24 Discussions have taken place with Lindsell parish meeting about the possibility of the parish acquiring parish council status but there is no enthusiasm locally for this to happen. On two occasions now the parish meeting has voted against having a parish council although there is a realisation that this may eventually have to happen. A parish having more than 150 but less than 200 electors may, if it so wishes, resolve to have a parish council. However, there is no discretion once the 200 mark is reached.
- 25 Common sense has been applied in Lindsell's case as the number of electors as at December 2005 fell to 199. It is felt however, that if the number of electors in Lindsell were to reach a total that would be unlikely to fall back below this threshold, there would be no alternative but to proceed with the making of an order to establish a parish council.
- 26 It is too early at this stage to say whether this position will be reached when the revised register is published on 1 December but the position will continue to be monitored. As there is some resistance to the formation of a parish council in this case, and the position is not clear cut, it is not proposed that any action should be taken prior to the election in May 2007.

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Parish Electoral Scheme

- 27 The existing number of parish councillors for each parish is set out on the attached Appendix C with an indication of the current number of electors in each case. The Council has never adopted a scheme to recommend the number of councillors by size but it may now be worth doing so. Equally, this report examines the issue of proportionality for warded parishes.
- 28 There is no rule or legislative provision dealing with the number of councillors by electorate size. Neither is there a statutory requirement to impose a system of proportionality in warded parishes but equity says that ward representation should be broadly proportional.
- 29 The Electoral Commission's recent guidance refers to research by the Aston Business School that a typical parish council representing less than 500 people had between five and eight councillors; those between 500 and 2,500 had six to 12 councillors; and those between 2,500 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,000 and 20,000 had between 13 and 27 councillors, while almost all councils over 20,000 population had between 13 and 31 councillors.
- 30 The guidance also refers to NALC Circular 1126 which suggests that the minimum number of councillors for any parish should be seven and the maximum 25. The only statutory requirement at present is that contained in Section 16 of the Local Government Act 1972 that the minimum number of parish councillors is five. There are presently ten parish councils in Uttlesford with the minimum number of parish councillors.
- 31 It is becoming increasingly apparent that it is difficult for any parish council to operate with only five parish councillors. This is because illness and absence might make it difficult for a parish to achieve a quorum. At least one-third of the full number of members must be present to achieve a quorum but that number must be no less than three.
- 32 Without wishing to be in any way prescriptive, the following is presented for discussion purposes as a general guide to the number of parish councillors to be allocated depending on electorate size. If members agree, the scale could be adopted as the preferred council size, subject to consideration of particular circumstances. The suggested scale is:
- For parishes with up to 700 electors, there should be between five and eight councillors (although the minimum number should generally be six).
 - Smaller parishes with fewer than 250 electors may retain five councillors if it is considered they will have difficulty recruiting more than that number.
 - 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.

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- 33 Appendix C demonstrates that the great majority of parishes fall within the suggested parameters. It may well be the case that most of those parishes currently with five members would benefit from an increase to six, although some of the very smallest might struggle to recruit an extra councillor.
- 34 Recent experience indicates that Great Canfield may possibly have at least one councillor too many and that some others, such as Elsenham, Farnham, Henham, and Wendens Ambo, which have all had to make an abnormally high number of co-options in recent years, may benefit from a review. Some parishes such as Hatfield Broad Oak and Hatfield Heath would probably benefit from one or two extra members.
- 35 Nevertheless, apart from Great Easton and Quendon and Rickling, and the parishes subject to recent parish reviews, no parishes have requested amendments to their electoral schemes. It is probably too late in the electoral cycle to start consulting on the basis of proposed changes for 2007. The best suggestion for consideration at this stage is to adopt the guidelines included in paragraph 32, or whatever members decide is appropriate, as a signal of future intent and to monitor the position in all of the parishes in May 2007 and beyond.

Parish Wards

- 36 Appendix D sets out details of existing parish warding schemes. Surprisingly, there appears to be no proportionality rule relating to parish wards. The EC guidance says that 'there are no rules relating to the allocation of councillors between parish wards but obviously each parish ward must have at least one parish councillor'. In effect, when the Commission examines proposals for new or revised parishes under a review procedure, the evidence presented must be tested rigorously and the effect is usually that ward representation is arranged proportionally.
- 37 Factors relating to whether there should be parish wards include:
- Where the size and distribution of electors in a parish are such that a single election of councillors would be inconvenient or impractical.
 - To reflect the need for the separate representation of communities within a parish.
 - When principal area boundaries are being reviewed, it is normal for parish ward boundaries to reflect those boundaries so that no unwarded parish, or parish ward, is divided by a principal area ward boundary. The same considerations do not apply in reverse, when parish electoral arrangements are being reviewed.
 - In a grouped parish, each separate parish must be given separate representation.

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- Consideration must be given to expected changes in the number and distribution of electors within the next five years.
 - Any boundaries fixed must be readily identifiable and local ties should not be broken.
- 38 In the circumstances, the Council should perhaps affirm that any parish wards fixed or altered as part of any review should be based on principles of broad proportionality.
- 39 With the exception of Quendon and Rickling, and perhaps The Sampfords, the ward arrangements for each of the eight warded parish councils in Uttlesford are all broadly proportional. As discussed above, it now seems that the warding scheme for Great Easton will alter to reflect the new grouping arrangement, and the warding scheme at Quendon and Rickling will cease to exist.
- 40 The scheme at Saffron Walden is about to be modified as part of the order introducing electoral arrangements in Swards End. The schemes at Hatfield Broad Oak and Elmdon and Wenden Lofts reflect local communities and seem to work well. The scheme at The Sampfords, where the separate parishes of Great and Little Sampford are grouped together, is not totally proportional and would probably not be framed that way if introduced now. However, the allocation of members to the two elements has local acceptance and it is not proposed that it should be altered.
- 41 That leaves the two urban parishes of Great Dunmow and Stansted Mountfitchet. It is likely that both schemes will have to be examined at some not too distant point as a result of development at Woodlands Park and Rochford Nurseries respectively but there is no imperative to do so now.
- 42 The balance between Great Dunmow North and South wards seems about right although the electorate in the North ward is likely to grow at a faster pace than in the South ward as a result of the continuing development at Woodlands Park. A review of electoral arrangements is required to take account of electorate growth within the next five years.
- 43 In Great Dunmow North, the expected rate of development has been calculated at 35 dwelling completions per year. In the South ward, the expected number of dwelling units has been estimated at 50 in total. That would give estimated electorates in 2011 of:
- North ward – 2780 electors
 - South ward – 3642 electors
- 44 As the balance between the wards is not likely to change materially, it is proposed that ward representation be left unchanged at the present time. Given that the total number of outstanding units at Woodlands Park is in the region of 1060, it is likely that a further review in four years time will result in a proposal for change.

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- 45 As for Stansted, the position is less clear. However, the planners' present assumption seems to be that virtually the whole of the Rochford Nurseries site should be complete by 2011. Although most of the site is located in Birchanger, it will impact significantly on the electorate in Stansted South. The overall effect is expected to be:
- Stansted North – 2270 electors
 - Stansted South – 2578 electors
- 46 When the warding scheme was changed in 2003, it was on the basis that Rochford Nurseries would be largely complete by now and the electorate in South ward would have grown to exceed the electorate in North ward. Consequently, eight members were allocated to South ward and only seven to North ward. Logically this should now be the other way round. However, the expected pace of the development of this site now means that the balance of ward representation should be about right within the next five-year period. On that basis, no change is proposed.

Parish Elections and vacancies

- 47 To round off the review it may be of interest to Members to have a brief insight into the election of parish councillors and the way that vacancies are dealt with. In May 2007 there were 410 vacancies in 61 electoral areas and 399 successful nominations. There were 13 contested elections and in 22 areas the number of nominations exactly matched the number of vacancies.
- 48 On the other side of the coin, as many as 27 parishes or wards were undersubscribed and this involved 55 vacancies. There were some glaring examples of bad practice. Ashdon and Margaret Roding were both inquorate following the election and had further elections. This then resulted in 12 candidates for six places in Ashdon and a contested election. At Margaret Roding there were only four candidates so the fifth councillor was co-opted.
- 49 At Henham as many as five co-options were needed, at Elsenham and Great Canfield there were four, and at Farnham and Wendens Ambo three.
- 50 It is perhaps at odds with the democratic principle that many councillors are co-opted following an election. In most cases where this occurred, due notice of the person co-opted was given but in a few cases, vacancies were either not filled or not notified. It is known, for example, that Great Canfield ran for a long period of time with two vacancies and, until very recently, had at least one vacancy.
- 51 Since May 2003, records indicate there have been as many as 92 further vacancies, indicating a turnover rate of more than 22%. Through a combination of circumstance and misfortune, Newport has had as many as ten vacancies so that only two originally elected members remain, and as many as eleven parishes have incurred more than two vacancies. On the other hand, 12 parishes have not suffered a single vacancy.

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- 52 The only casual vacancy to result in a contested election was for the Saffron Walden Castle ward. Elections were requested for two vacancies at Hatfield Heath but, in each case, only one nomination was received. There may have been further unrecorded casual vacancies as many parishes produce their own notices of vacancy without informing the Council. In a small minority of cases the notices produced are incorrect and it is known that vacancies in at least one parish (Great Canfield) have been filled without following the correct procedure. Suspicions remain in other instances.
- 53 It is really essential for UDC to be informed of vacancies arising as requests for an election have to be sent to the Chief Executive. Also, declarations of interest forms must be sent to the monitoring officer at UDC and an attempt is made to maintain an up to date list of parish councillors throughout the district. A reminder of the correct process has recently been sent to all parish councils.
- 54 In some circumstances, it may be necessary to suggest that a review of electoral arrangements will be carried out. This might happen, for example, in the case of a failure to fill vacancies by co-option, or if an excessively large number of vacancies arises at the ordinary election. This is an area that the Council should continue to monitor carefully as the electoral arrangements for each parish should be, and be seen to be, both suitable and workable.

Summary of Recommendations

- Note the previous decision to make a grouping order establishing a new parish council of Great Easton and Tilty on the basis set out in this report.
- Note the decision made as part of the parish review process to increase the number of parish councillors in Little Dunmow to 11 with effect from the ordinary election in May 2007.
- Agree to the request of Quendon and Rickling Parish Council to abolish the separate wards of Quendon and Rickling and to the election of seven councillors for the whole parish effective from May 2007.
- Note the proposed arrangements for Saffron Walden and Swards End parishes, both in the short term, and from May 2007.
- Defer any move to establish a parish council for the parish of Lindsell until such time as it becomes clear that the parish meets the criteria set out in Section 16 of the Local Government and Rating Act 1997.
- Adopt, for future review purposes, the criteria set out in paragraph 32 to guide the Council's approach to parish electoral arrangements.
- Adopt a policy that parish wards fixed or altered as part of a future electoral review should be based on principles of broad proportionality.
- Other than those listed above, leave existing parish wards unchanged for the May 2007 election.

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- Arrange for a further review to be carried out in the period leading up to the ordinary election of parish councillors in May 2011 and continue to monitor the performance of parish councils in the meantime.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That parish electoral arrangements do not reflect the wishes and interests of local inhabitants, or the distribution of electors.	Unlikely given the extensive consultation required as part of any review.	Could have significant implications.	Correctly follow review processes.