

## **Gambling, Licensing & Regulatory Committee    23<sup>rd</sup> February 2015**

### **Report of the Assistant Director of Governance & ICT**

#### **City of York Council Community Governance Review**

##### **1. Summary**

- 1.1 This report updates councillors on the outcome of an initial consultation exercise as part of a community governance review approved by Staffing Matters and Urgency Committee. The report seeks agreement to the requests from two parish councils in regard to electoral arrangements and recommends further steps to be taken in respect of other requests.

##### **2. Background**

- 2.1 The community governance review commenced in September 2014 following the agreement of the Staffing Matters and Urgency Committee on 1 September 2014.
- 2.2 Each council must regularly undertake community governance reviews, with government guidance indicating that they should take place every 10 to 15 years. The last full review of parishing arrangements in York was in 2002. It was carried out under earlier legislation and was implemented by Order of the Department of Communities and Local Government in 2008.
- 2.3 Prior to the commencement of the current community governance review two Parish Councils had requested alterations to their electoral arrangements. The structure of the review allows for these two matters to be considered early in the review process.
- 2.4 The first stage of the community governance review during which interested parties were invited to put forward proposals for areas to be reviewed ended on 31 December. During this period:

- Each Parish Council was consulted individually
- All City of York Councillors were notified of the review
- An article appeared in the York Press
- All resident associations were notified individually
- A web page was maintained on the Council's website providing information about the review
- The Electoral Services manager attended a number of meetings on request

2.5 Twelve submissions were received. Full details appear in appendix one. Of the twelve submissions received, three were to confirm that current arrangements were considered to be satisfactory, one requested a reduction in councillors, three requested consideration to alterations of the boundaries, one requested de-warding and two expressed interest in parishes being created.

2.6 When conducting a community governance review Members are obliged to make a recommendation as to whether or not Parishes should be abolished and whether or not their areas should be changed. Recommendations are also required to be made as to whether the name of a Parish should be changed and whether a Parish with a Council should cease to have one. In light of the consultation responses and in reliance on their local knowledge Members are asked to formally confirm that no changes are to be proposed to the existing arrangements for Parish Councils beyond those which may come about following the further work and consultation being recommended in section 3 below or those recommended for implementation in section 4. Likewise Members are asked to confirm that no other changes to electoral arrangements are proposed.

### **3. Representations received**

3.1 Groves Resident Association (CGR/Y/7) and a member of the public (CGR/Y/12) have both requested the creation of a parish council which would be within the Guildhall Ward.

- 3.2 It is recommended that both these proposals should be the subject of public consultation. It is proposed that Officers should work with the parties to seek to define an exact boundary for the proposed parish or parishes but that the consultation should be broad enough to allow other options to be brought forward. During the consultation period residents would be contacted individually and at least one public meeting would be offered. The consultation would need to be supported by an information document providing details of the powers of Parish Councils, how parish councillors are appointed, their tax raising powers etc. In order to allow for the outcome of the consultation to be reported to Committee in September but bearing in mind the forthcoming elections, it is proposed that the consultation should begin in late June and run for a minimum period of six weeks. If Members would prefer a longer period of consultation then it would be preferable to report the outcome to the planned meeting in October.
- 3.3 Haxby Town Council (CGR/Y/4), Rawcliffe Parish Council (CGR/Y/1 & CGR/Y/10) and Osbaldwick Parish Council (CGR/Y/11) have all requested changes to the parish boundaries. In each case the proposal or part of it impacts on neighbouring parishes and the relevant Councils will need to be consulted. In addition it is recommended that there should be direct consultation with the occupiers of properties affected by the submissions. The proposed consultation timetable would be the same as for Guildhall.
- 3.4 Two parish councils have requested that current wards be abolished, Haxby Town Council (CGR/Y/4/2) and Heslington Parish Council (CGR/Y/9). In each case it is recommended that Officers work with the Parish Councils to ensure that the case for this change can be detailed and properly presented to Members for consideration at a future meeting, most probably in September.
- 3.5 Wheldrake Parish Council (CGR/Y/8) has requested a reduction in its number of Parish Councillors from the current number of thirteen. The parish feels a reduction thirteen seats will allow the parish council to fill vacancies and operate more affectivity. It is recommended that this proposal should also be the subject of further work to detail the evidence of difficulties in filling existing vacancies, to ascertain the Parish Council's wishes as to the future size of the Council and to confirm how the proposed number can effectively perform the functions of the Parish Council.

This information can then be presented to a future meeting of this Committee.

#### **4. Requests from the Parish of Earswick and the Parish of Strensall with Towthorpe for alterations to the Electoral Arrangements**

- 4.1 The separate parish councils of Strensall and Towthorpe merged in 2008 and an election was required to be held in 2009, which resulted in the new parish being two years ahead of all the other parish councils on their election cycle. The Parish Council confirmed at a meeting attended by the Electoral Services Manager that it still wishes to move the cycle of elections to that of all the parish councils in the City of York Council area. That electoral cycle follows the same pattern as City Council elections. Ward Councillors support this request.
- 4.2 In considering this request Member should have regard to statutory guidance issued by the Secretary of State and the Local Government Boundary Commission for England under section 100 of the Local Government and Public Involvement and Health Act 2007.
- 4.3 The Guidance indicates that: "Parish council elections should normally take place every four years at the same time as the elections for the district". In this case changing the electoral arrangements would therefore be consistent with that guidance as well as advantageous to electors and it is recommended that Members agree to support the implementation of this proposal.
- 4.4 After the last parish elections held in 2011 the Parish of Earswick requested an increase in the number of parish councillors from five to seven, to allow better representation of the electors. The Parish Council has confirmed this during the period of the Review.
- 4.5 The statutory guidance says:

"In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time

and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.”

4.6 The guidance points out that there is a wide variation in council size between parish councils. However, it points to research which suggests that typically a parish council of the size of Earswick would have between six and twelve Councillors. The National Association of Local Councils has recommended that the minimum number of councillors for any Parish should be seven.

4.6 Ward Councillors support this request. It does appear to allow for better representation in the Parish and would be consistent with the statutory guidance. Accordingly it is recommended for approval.

## **5. Options**

5.1 Members may approve all or some of the recommendations or ask for further consultation in respect of those proposals which are currently recommended for approval.

## **6. Implications**

- **Financial**

The costs of undertaking the alterations to electoral arrangements will be met from existing resources

- **Human Resources (HR) *None***

- **Equalities**

The recommendation to alter the electoral cycle of Strensall with Towthorpe Council has no equalities implications. Increasing the size of Earswick Council provides opportunities for additional candidates to put themselves forward for election which may have positive equalities implications. Further stages of the review will consider a range of equalities issues. In particular the impact of any changes on community cohesion will be an important factor in determining recommendations

- **Legal**

The Council's powers and duties in respect of community governance reviews are set out in the Local Government and Public Involvement in Health Act 2007. The changes to electoral arrangements to parishes must be conducted having regard to guidance from the Secretary of State and Electoral Commission.

In addition to its general equalities duties, with which Members are familiar, the Council has a specific obligation in undertaking a community governance review to: have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient. The Council must take into account other arrangements which have or could be made for the purposes of community representation or community engagement in the area.

Other legal requirements are described within the body of the report.

- ***Crime and Disorder*** None
- **Information Technology (IT)** None
- **Property** None
- **Other** None

## **Recommendations**

7. The Committee is requested to:
  - a) Ask Officers to pursue the further work and consultation in respect of proposals affecting the Guildhall ward, Haxby Town Council, Rawcliffe Parish Council, Osbaldwick Parish Council, Heslington Parish Council and Wheldrake Parish Council.
  - b) Recommend that Council approve the following two items and instruct Officers to complete the necessary formalities:
    - An increase in the number of parish councillors for the Parish of Earswick from five to seven

- The alteration of the cycle of elections for the Parish of Strensall with Towthorpe to be the same as all other parish councils, commencing with next full elections on Thursday 7 May 2015.
- c) Recommend that Council confirm that no other changes to community governance arrangements are to be pursued at this time

Reason: To allow better local representation for the electors of the parishes.

### Contact Details

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**Report  
Approved**

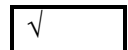


**Date**

12/02/2015

#### Wards Affected:

All



**For further information please contact the author of the report**

**Background Papers: None**

#### Annexes

**Annex A:** Consultation Responses