

EAST HERTFORDSHIRE DISTRICT COUNCIL

COMMUNITY GOVERNANCE REVIEW OF EASTWICK AND GILSTON PARISH COUNCIL – DECISION NOTICE

1. Introduction

1.1 On 20 March 2018 East Hertfordshire District Council ('the Council') commenced a community governance review of Eastwick and Gilston Parish Council. On 17 October 2018 the Council considered the responses received to the consultation on the community governance review, together with the recommendations of the Executive in relation to the review. The Council agreed and gave effect to the final recommendations of the community governance review as follows:-

- (1) That no new parishes be constituted in the area under review;**
- (2) That Eastwick Parish should not be abolished and that its area should not be altered;**
- (3) That Gilston Parish should not be abolished and that its area should not be altered;**
- (4) That no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council);**
- (5) That the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3;**
- (6) That the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4;**
- (7) That Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors; and**
- (8) That the Council make the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018.**

1.2 A copy of the Reorganisation of Community Governance Order referred to at (8) above is attached to this Decision Notice.

2.0 Considerations and reasons for the decisions

- 2.1 The Council agreed to undertake the community governance review following a request from Eastwick and Gilston Parish Council which sought an increase of one in the number of parish councillors, from six to seven. The request was made on the basis that the completion of the Terlings Park development has resulted in the number of dwellings in Gilston being more than doubled and the Parish Council believed that an increase in the number of parish councillors was required to support this growth.
- 2.2 The following paragraphs consider in turn the matters on which a Council undertaking a community governance review must or may make recommendations. In each case the Council applied the criteria set out in the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') and the statutory guidance, together with the policies set out in the terms of reference for the review in the context of the evidence submitted, the responses to the consultation and the recommendations of the Executive; and agreed the final recommendations of the community governance review as indicated.

Whether a new parish or any new parishes should be constituted

- 2.3 Section 87 of the 2007 Act requires that a principal council undertaking a community governance review must make recommendations on whether a new parish or any new parishes should be constituted. In relation to Eastwick and Gilston, the entire area under review is already parished.

Agreed recommendation 1 – That no new parishes be constituted in the area under review

Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and the grouping of parishes

- 2.4 Section 88 of the 2007 Act requires that a community governance review must make one of the following recommendations in relation to each of the existing parishes under review:
- (a) That the parish should not be abolished and that its area should not be altered;
 - (b) That the area of the parish should be altered; or
 - (c) That the parish should be abolished.
- 2.5 No evidence has been submitted to support any proposition that either of the parishes under review should be abolished or their area altered.

- 2.6 The review must also make recommendations as to whether or not the name of the parish should be changed; and if the parish has a council, recommendations as to whether or not the parish should continue to have a council. Eastwick and Gilston parishes are currently grouped under a single common parish council.
- 2.7 No evidence has been submitted to the review regarding any proposed change of name for either parish, nor to support any proposition that either Eastwick or Gilston parish should not have a council or that the two parishes should not continue to be grouped under a single parish council.
- 2.8 The recommendations below build on the above findings and give effect to the criteria and policies in the terms of reference for the review in relation to community identities and interests, effective and convenient local government and the size, population and boundaries of the respective parishes.
- 2.9 In relation to community cohesion, this is related to community identities and interests and no evidence has been submitted to suggest that any of the recommendations will damage community cohesion.
- 2.10 The 2007 Act requires a principal council in undertaking a community governance review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'. No evidence has been submitted to the review that the grouped parish council should be replaced by any other arrangements.

Agreed recommendation 2 – That Eastwick Parish should not be abolished and that its area should not be altered.

Agreed recommendation 3 – That Gilston Parish should not be abolished and that its area should not be altered

Agreed recommendation 4 - That no change be made to the name of either Eastwick or Gilston Parish and that the parishes continue to be grouped under a single common parish council (Eastwick and Gilston Parish Council).

What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

Council size

- 2.11 The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size and no legislative guidance on the ideal number of parish councillors.
- 2.12 The Local Government Boundary Commission for England (LGBCE)'s guidance is 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, [the principal council] 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. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]"
- 2.13 The guidance goes on to state: "In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size."
- 2.14 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.
- 2.15 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

Electors	Councillors	Electors	Councillors
Up to 500	5-8	10,001 – 20,000	13-27
501 – 2,500	6-12	Over 20,000	13-31
2,501 – 10,000	9-16		

- 2.16 Eastwick and Gilston Parish Council is a grouped parish council and currently has six councillors, three from each parish. The total current electorate for

Eastwick and Gilston parishes is 661 (March 2018). This figure has grown from 331 in 2015.

- 2.17 At the ordinary parish elections in May 2015, three parish councillors were returned to Eastwick and Gilston Parish Council, leaving three places unfilled which were subsequently filled by co-option.
- 2.18 When recommending the number of councillors to be elected for each parish, the Council must take into account 'the number of local government electors for the parish and any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts'.
- 2.19 For the purposes of the community governance review, East Hertfordshire District Council therefore calculated current and estimated forecast electorates and elector-to-councillor ratios for the areas under review (forecasts updated September 2018).
- 2.20 Whilst every care has been taken to ensure that the figures below are as accurate as possible, it will be noted that any forecast electorate figure can only be an estimate based on the best information available. In particular, planned or consented development may not take place as scheduled, or at all. A technical note on the methodology employed in calculating the electorate forecasts is available on request.
- 2.21 The following table shows the current and forecast electorates and elector-to-councillor ratios for each of the parishes under review.

Parish	Current no. of cllrs	Current electorate Feb 2018	Ratio (electors/ Councillor) Feb 2018	Proposed no. of cllrs	Forecast electorate Feb 2023	Forecast ratio Feb 2023
Eastwick	3	126	42	3	215	72
Gilston	3	535	178	4	535	134
Eastwick & Gilson Parish Council	6	661	110	7	750	107

- 2.22 The proposed increase in the number of councillors for Gilston Parish is therefore forecast to improve electoral equality. There is no duty to ensure electoral equality between parishes, but the LGBCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in representation. Eighteen parish councils within East Hertfordshire currently have five or six parish councillors. Only four of these have an electorate in excess of 500. The thirteen parish councils that currently have seven councillors range in electorate from 210 to 1,273.

Parish warding

- 2.23 The Council is required to consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.
- 2.24 Regarding whether a parish should be divided into wards, the 2007 Act requires the Council to consider:
- a) Whether the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - b) Whether it is desirable that any area or areas of the parish should be separately represented.
- 2.25 Eastwick and Gilston Parishes are currently unwarded. No evidence has been submitted to suggest that this is impracticable or inconvenient, or that any areas of either parish should be separately represented. It is not proposed that the forecast change in the electorate or the proposed increase of one in the size of the parish council would give rise to any need for this to change.

Agreed recommendation 5 – That the number of councillors to be elected to represent Eastwick Parish on Eastwick and Gilston Parish Council remain unchanged at 3.

Agreed recommendation 6 – That the number of councillors to be elected to represent Gilston Parish on Eastwick and Gilston Parish Council be increased from 3 to 4.

Agreed recommendation 7 – That Eastwick and Gilston parishes each continue to not be divided into wards for the purpose of electing parish councillors.

Agreed recommendation 8 – That the Council make the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018 as set out at Essential Reference Paper B to the Council report.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018

Made 17 October 2018

Coming into force in accordance with article 1

East Hertfordshire District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007¹ (“the 2007 Act”), has undertaken a community governance review and made recommendations dated October 2018:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3) and 240(10) of the 2007 Act.

Citation and commencement

1.—(1) This Order may be cited as the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2019.

(3) Articles 5 and 6 shall come into force on the ordinary day of election of councillors in 2019.

(4) For the purposes of:

(a) this article; and

(b) proceedings preliminary or relating to the elections of parish councillors for the parish of Eastwick and the parish of Gilston to be held on the ordinary day of election of councillors in 2019,

this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“county” means the county of Hertfordshire;

“district” means the district of East Hertfordshire;

“existing” means existing on the date this Order is made;

¹ 2007 c.28

“map” means the map marked “Map referred to in the East Hertfordshire (Reorganisation of Community Governance) (Eastwick and Gilston) Order 2018” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Parish elections

4. Elections of all parish councillors for the parishes of Eastwick and Gilston shall be held on the ordinary day of election of councillors in 2019.²

Number of parish councillors for the parish of Eastwick

5. The number³ of councillors to be elected for the parish of Eastwick shall be 3.

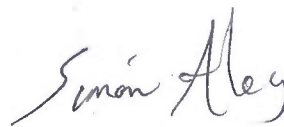
Number of parish councillors for the parish of Gilston

6. The number⁴ of councillors to be elected for the parish of Gilston shall be 4.

Order date

7. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008⁵.

Sealed with the seal of the council on the 19th day of November 2018



[Signature]

19th November 2018

[Title of signatory]

14677

Interim Legal Services Manager

² This article provides for parish elections in the parishes of Bishop’s Stortford and Thorley in 2019. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

³ Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

⁴ Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

⁵ S.I. 2008/625.

EXPLANATORY NOTE

(This note is not part of the Order)

Eastwick and Gilston parishes in East Hertfordshire are grouped under a common parish council.

This Order gives effect to recommendations made by East Hertfordshire District Council for an increase in the number of councillors to be elected for Gilston Parish from 3 to 4.

The number of councillors to be elected for Eastwick Parish will remain unchanged at 3.

The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2019.

Article 4 provides for parish elections in the parishes of Eastwick and Gilston in 2019, and then to continue according to the established system of parish elections every four years.

Articles 5 and 6 specify the numbers of parish councillors to be elected for the parishes of Eastwick and Gilston respectively.

MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (EASTWICK AND GILSTON) ORDER 2018

