

Council Report

Ward(s) affected: Clandon and Horsley

Report of the Director of Finance

Author: John Armstrong, Democratic Services Manager

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Matt Furniss

Tel: 07891 022206

Email: matt.furniss@guildford.gov.uk

Date: 4 December 2018

## **Community Governance Reviews: East and West Clandon Parish Councils**

### **Executive Summary**

Earlier in the year, the Borough Council received two separate requests to undertake Community Governance Reviews (CGRs) in accordance with provisions of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") to increase the number of elected councillor seats in two parish councils.

East Clandon Parish Council sought to increase the number of seats from 5 to 6 for the reasons set out below:

- (a) to help with capacity in terms of demands;
- (b) to maintain a quorum for meetings; and
- (c) for succession planning purposes as it has several long standing councillors.

West Clandon Parish Council sought to increase the number of seats from 6 to 8 for the reasons set out below:

- (a) This would better enable the Parish Council to cover the range of responsibilities taken on by councillors.
- (b) It would make it easier to achieve a quorum - this is sometimes an issue given the extensive community, business and professional interests of West Clandon residents.
- (c) It would also enable the Parish Council to be more inclusive in drawing representation from more sections of the West Clandon community.

On 24 July 2018, the two requests were considered by full Council and approval was given to proceed with the reviews. The terms of reference for both reviews were published on 3 September and so launched an eight-week period of consultation with local people and interested parties.

This report sets out details of the representations received during the consultation period and explains the options open to the Council in making its formal response to the CGRs.

**Recommendation to Council:**

- (1) To determine whether, taking account of the statutory considerations:
- (a) the number of parish councillors to be elected to East Clandon Parish Council should be increased from five to six with effect from May 2019;
  - (b) the number of parish councillors to be elected to West Clandon Parish Council should be increased from six to eight with effect from May 2019; and
  - (c) the recommendation contained in the respective terms of reference for each review that no other changes should be made to the electoral arrangements for East Clandon Parish Council and West Clandon Parish Council
- should be approved.
- (2) Subject to approval of paragraph (1) above, to agree that the Democratic Services Manager be authorised:
- (a) to make a community governance reorganisation order under Section 86 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) to give effect to the proposed increases and such other changes as may be approved in respect of these community governance reviews, together with all necessary incidental, consequential, transitional or supplementary provisions as may be required to give full effect to the order; and
  - (b) to inform, as soon as practicable after the community governance reorganisation order has been made, the appropriate authorities as set out in paragraph 10.5 (ii) of this report.

Reason for Recommendation:

To ensure that community governance within the area under review is:

- reflective of the identities and interests of the community in that area; and
- is effective and convenient.

**1. Purpose of Report**

- 1.1 Community Governance Reviews (CGRs) undertaken in accordance with the 2007 Act must ensure that the views of local people and interested parties are taken into account. In consequence, publication of the terms of reference launched an eight-week period of public consultation in each parish. This report sets out the responses to the consultation in respect of both parishes and the further requirements of the 2007 Act that Council must take into account when determining CGRs.

**2. Strategic Priorities**

- 2.1 To undertake the reviews will be consistent with our desire to be open and accountable to our residents, to deliver improvements and enable change across the borough.

### **3. Background**

#### Community Governance Reviews

3.1 A CGR is a review of one or more areas of the borough to look at one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of a parish and the style of a new parish (i.e. whether to call it a “village”, “community” or “neighbourhood” with the council similarly named as a “village council”, “community council” or “neighbourhood council”);
- The electoral arrangements for parishes (including council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes

3.2 In determining a CGR, the Council must have regard to the following criteria,

- the need to secure that community governance in the area under review:
  - (a) reflects the identities and interests of the community in that area, and
  - (b) is effective and convenient.
- to take into account any representations received in connection with the review.

3.3 A CGR must also 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.

#### Community Governance Review Request

3.4 On 17 May 2018, the Council received a request from East Clandon Parish Council for a CGR to increase the number of parish councillors from 5 to 6 for the reasons set out below:

- (a) to help with capacity in terms of demands;
- (b) to maintain a quorum for meetings; and
- (c) for succession planning purposes as it has several long standing councillors.

3.5 On 14 June 2018, the Council received a request from West Clandon Parish Council for a CGR to increase the number of parish councillors from 6 to 8 for the reasons set out below:

- (a) This would better enable the Parish Council to cover the range of responsibilities taken on by councillors.
- (b) It would make it easier to achieve a quorum - this is sometimes an issue given the extensive community, business and professional interests of West Clandon residents.
- (c) It would also enable the Parish Council to be more inclusive in drawing representation from more sections of the West Clandon community.

- 3.6 On 24 July 2018, the two requests were considered by full Council and approval was given to proceed with the reviews, based on the terms of reference attached as **Appendices 1 and 2** to this report. The agreed terms of reference for both reviews were published on 3 September 2018, which coincided with the launch of an eight-week period of consultation with local people and interested parties.

#### Parish Council Electoral Arrangements

- 3.7 The Local Government Act 1972 specifies that each parish council must have at least five councillors, but there is no upper limit. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 electors had between five and eight councillors; those between 501 and 2,500 electors had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors. Making provision for the usual fluctuations in the electorate size, at the time of receipt of both requests for a CGR, East Clandon Parish electorate was 204 and the West Clandon Parish electorate was 1,074.
- 3.8 The Borough Council holds records of parish elections held in the Clandons dating back to, and including, 1995. Records reveal that there have been no contested parish elections in either parish between 1995 and the present.
- 3.9 The Local Government Act 1972 states that at least one- third of members should be present for a meeting to be quorate. With an increase to six and eight councillors in East and West Clandon respectively, overall the situation would remain unaltered.

#### Parish Warding

- 3.10 Parish warding must be considered as part of a CGR. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards. In considering whether a parish should be divided into wards, the 2007 Act requires that consideration be given to:
- (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.
- 3.11 The electorate of East Clandon is focused around the village and there would appear to be no advantage in setting any parish ward boundaries. The electorate of West Clandon is focused on the village, but also runs along the length of the A247 from the A3 to the A25. Since there is no more than one focused settlement there would appear to be no advantage in setting any parish ward boundaries. In addition, both parish councils have requested there should be no imposition of any parish ward boundaries as a part of this review.

3.12 The size of the local government electorate in the Borough is currently 98,534<sup>1</sup>. Of those, 49,937 live in parished areas. There are 183 parish council seats across the Borough and the average parish councillor to elector ratio is 1:273. The local government electorate in East Clandon parish is currently 202. If the number of parish councillors were increased to six, the ratio would change from 1:40 to 1:34. The local government electorate in West Clandon parish is currently 1,045. If the number of parish councillors were increased to eight, the ratio would change from 1:174 to 1:131.

#### 4. Consultations

4.1 In arriving at its recommendations in a CGR, the Council must take into account the views of local people. The 2007 Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in it.

4.2 In carrying out the consultation with local electors and those with an interest in the respective parishes, officers:

- (a) Created a bespoke page on the Borough Council's website, which set out the terms of reference for each review and included the facility to respond to the relevant consultation by completing an online form<sup>2</sup>.
- (b) Used social media to alert residents and partner agencies and those following the Council of the consultation.
- (c) Issued a press release to all local media.
- (d) Engaged with East and West Clandon Parish Councils, including a feature on their website setting out the terms of reference for the review and submission of an advert in the parish newsletter, 'The Clandons' magazine, which is delivered to all households in both parishes.
- (e) With the assistance of both parish councils, advertised the consultation on the parish council noticeboards
- (f) Wrote to Surrey County Council, Surrey County Councillors Julie Iles and Keith Taylor (the local divisional councillors) and Sir Paul Beresford MP.
- (g) Canvassed the views of the local Borough Councillors.

4.3 The responses to the consultation have been disappointingly low, but nevertheless in favour of an increase in the number of parish councillors and no support has been received for changes to other electoral arrangements. The comments received are as follows:

*"I am writing in support of the proposal to increase the number of elected parish councillors for East Clandon Parish Council from five to six. As a resident of East Clandon since December 1994, I have followed and supported the progress of the Parish Council over those years. Of note is the significant increase in rules, regulations and other conformity the parish council has been expected to achieve in recent years but with just five councillors. As the workload continues to increase significantly, the proposal to add a sixth councillor is both timely and sensible. Undoubtedly, the range and volume of compliance will continue in future and an added resource will provide a wider range of skills, experience and time to be*

---

<sup>1</sup> Electorate figures in paragraph 3.12 are correct as at 1 September 2018.

<sup>2</sup> <https://www.guildford.gov.uk/comgovrev>

*brought to the parish council to maintain its effectiveness. The addition should also ensure a quorum of councillors is available for their meetings and help in planning for future staffing of this most important village entity. I strongly support the proposal to add the sixth councillor. I also support your proposal of no change to the year of ordinary elections and that no parish warding should be introduced in East Clandon parish."*

East Clandon resident.

*I support the proposal to increase the number of councillors on the parish council of East Clandon from 5 to 6. It is often difficult to ensure that there is a quorum for PC meetings and increasing the number of members will facilitate this.*

East Clandon resident.

### **Comments from the local Councillors**

#### **4.4 Borough Ward Councillors have commented:**

*"Although it is true that many residents are not overly involved with their parish councils (except perhaps for elections every four years), I believe that the overwhelming majority would agree that local decision-making by locally elected representatives is essential if local democracy is to have any real meaning. However, it can often be difficult to attract new local councillors, which can result in an unnecessarily high workload for those who do step forward. I therefore support a moderate increases in the number of councillors in the Councils of East and West Clandon."*

Cllr David Reeve

*"I fully support the increase in Parish councillors for East and West Clandon. Parish councils provide an invaluable role in the effective management of the local area and both councils do a great job already, but require additional councillors to meet both their legislative duties and maintain full functionality."*

Cllr Matthew Sarti

*"I am fully supportive of the proposals, which will enable the parish councils to carry out their role more efficiently and effectively."*

Cllr Jenny Wicks

#### **4.5 Surrey County Councillors have commented:**

*"I support the proposed increase in the number of members on East Clandon parish council. I understand that the proposal will involve no additional cost to the parish precept. The parish council delivers many important social and community activities alongside the statutory duties, and this looks likely to increase in the future. The parish has recognised the need for a greater number of councillors to enable them to achieve this".*

Cllr Julie Iles, Horsleys Division

*"As the County Councillor for the Division that includes West Clandon, I frequently attend West Clandon PC meetings. I can confirm that, with the current maximum of 6 Councillors, they have sometimes had problems achieving their quorum of 3,*

*particularly when there has been a vacancy. I therefore support the maximum number of Councillors being increased as part of the Governance review.”*

Cllr Keith Taylor, Shere Division

Surrey County Council had no further comment.

#### **4.6 Comments from the local Member of Parliament**

No comments have been received from Sir Paul Beresford, MP for Mole Valley.

### **5. Equality and Diversity Implications**

5.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.

5.2 No Equalities Impact Assessment has been undertaken with regard to these CGRs as officers believe that increasing the number of parish councillors would not have any direct relevant equality and diversity implications.

### **6. Financial Implications**

6.1 There are no financial implications arising from the recommendations in this report.

### **7. Legal Implications**

7.1 The Council has conducted the CGRs in accordance with the requirements set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 (as amended) and guidance issued by the Secretary of State under Section 100(4) of the 2007 Act<sup>3</sup>.

### **8. Human Resource Implications**

8.1 Officers in Democratic Services will conduct the CGRs within existing staff resources.

### **9. Summary of Options**

#### Number of parish councillors on East Clandon Parish Council

9.1 To agree to increase the number of parish councillors to be elected to East Clandon Parish Council from five to six

or

To agree to leave the parish council membership as it is, at five members.

---

<sup>3</sup> ["Guidance on Community Governance Reviews" – DCLG and Local Government Boundary Commission for England \(March 2010\)](#)

### Number of parish councillors on West Clandon Parish Council

- 9.2 To agree to increase the number of parish councillors to be elected to West Clandon Parish Council from six to eight

or

To agree to leave the parish council membership as it is, at six members.

### Other electoral arrangements

- 9.3 To consider:
- (a) whether there should be any change to the year in which elections to the parish councils are held (currently every four years with next elections due in May 2019); and
  - (b) whether the parish councils should be divided into wards for the purpose of electing parish councillors and, if so, the name, number and boundaries of any such wards, and the number of parish councillors to be elected for such wards.
- 9.4 In relation to (a) in paragraph 9.3 above, officers recommend that no change be made as parish elections currently take place at the same time as borough council elections and elections to other parish councils in the borough. Any change to this would incur higher costs.
- 9.5 In relation to (b) in paragraph 9.3 above, officers recommend that no change be made as the introduction of warding was not requested by the parish councils and none of those responding to the consultation requested any such change.
- 9.6 If the increase in the number of parish councillors is agreed, the new arrangements would take effect from the next local elections in May 2019.

## **10. Conclusion**

- 10.1 The number of elected members for both East and West Clandon Parish Councils is already generally in keeping with the size of the electorates according to the Borough average and national figures. In addition, local elections have not been contested in these parishes for some considerable time.
- 10.2 As with all elected bodies, diversity and representation from all sectors of the community is to be encouraged and welcomed. More seats on the parish councils can mean an opportunity to bring a more diverse range of the community to those parish councils.
- 10.3 It is right that local councils work towards resilience and make provision for possible absences of their members, future retirement of longstanding individuals and the need to be quorate in order to make lawful decisions that affect the delivery of services for their respective communities.
- 10.4 An increase in membership would similarly increase the potential for the parish councils to undertake a greater number of community events and activities.

10.5 Should the Council support the increase in the number of elected parish councillors for East and West Clandon Parish Councils:

(i) A Community Governance Reorganisation Order will be made in accordance with the requirements of Section 86 of the 2007 Act.

(ii) Following the making of the Order, the following bodies will be informed and supplied with copies of it:

- the Secretary of State for Communities and Local Government
- the Electoral Commission
- the Office of National Statistics
- the Director General of the Ordnance Survey
- Surrey County Council
- East Clandon Parish Council
- West Clandon Parish Council

10.6 Whatever the Council's decision on the outcomes of these CGRs, it is a requirement that these outcomes must be publicised. Therefore, the Council's final decision, reasons for that decision, relevant maps and copies of any reorganisation order (if appropriate) will be made available through the following publicly accessible places:

- the Guildford Borough Council website
- the Guildford Borough Council offices
- East and West Clandon Parish Councils' websites

We will also issue a press release setting out details of the Council's decision in relation to this matter.

## 11. **Background Papers**

"Guidance on Community Governance Reviews" – DCLG and Local Government Boundary Commission for England (March 2010)

## 12. **Appendices**

Appendix 1: Agreed terms of reference of the Community Governance Review of East Clandon Parish Council

Appendix 2: Agreed terms of reference of the Community Governance Review of West Clandon Parish Council