



REPORT of DIRECTOR OF RESOURCES

**to
COUNCIL
8 FEBRUARY 2018**

LITTLE TOTHAM PARISH COUNCIL – REQUEST TO REVIEW ELECTORAL ARRANGEMENTS

1. PURPOSE OF THE REPORT

- 1.1 To receive and consider a request from Little Totham Parish Council for a review of its electoral arrangements in terms of the size of its membership.

2. RECOMMENDATIONS

- (i) That the request of Little Totham Parish Council in terms of the principle of instigating a Community Governance Review be agreed;
- (ii) That the views of the Council are sought on the principle of exploring the possibility of a wider Review of those Parishes where the Parish Council membership is at the statutory minimum;
- (iii) That the Council considers the possibility of the above matters being put within the remit of the Corporate Governance Working Group to examine and report further.

3. AREA FOR DECISION / ACTION

- 3.1 The Parish Council has resolved to request the District Council to carry out a review to enable its present membership to be increased from five to seven Councillors. A copy of the letter is attached as **APPENDIX 1**.
- 3.2 A change to increase the number of Parish Councillors can only be brought about as a result of a Community Governance Review under the Local Government and Public Involvement in Health Act 2007 undertaken by the District Council. A Review may be instigated by resolution of the District Council itself or on petition from local electors. In the case of Little Totham, a petition would need to be signed by at least 37.5% of the total current electorate.
- 3.3 The District Council therefore needs to consider the request, and must have regard to Government advice on Community Governance Reviews. It would be useful to know whether the Parish Council has canvassed the views of local electors as to the size of its membership, and further information has been sought on this. It is noted that at the last election there were insufficient candidates to fill the number seats; to what extent

this may have indicated a lack of interest on the part of electors in becoming involved with Parish Council work will always be open to speculation.

- 3.4 The Guidance on Community Governance Reviews says that the Government has made clear its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
- 3.5 The Guidance adds that in the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of two or three areas. However, it is recognised that a full-scale review will not always be warranted, particularly where a review of the whole area or a significant part of the principal council's area has been carried out within the last few years. Occasionally, it may be appropriate to carry out a smaller review, for example, to adjust minor parish boundary anomalies.
- 3.6 Officer comments on the request as submitted, and which have been put to the Parish Council are as follows:
- a) It is acknowledged that the membership size has been set at the minimum legal level along with some other Parish Councils, and that this has been so since 1974. The District Council may therefore wish to broaden the scope of any review to include these although each area must be considered on its own merits.
 - b) While operating with fewer Councillors than the legal minimum need not be an issue in itself, it is clear that the potential threat to a quorum is the more real, as the example provided demonstrates.
 - c) With regard to sharing workloads and responsibilities, this is something that can of course fluctuate over time. It is open to the Parish Council to co-opt or bring in other persons to assist, albeit in a non decision-making capacity.
 - d) If a Community Governance Review is instigated and undertaken, any order subsequently made to give effect to its conclusion will not, I suspect, take effect until the next ordinary elections in 2019 when the opportunity arises again for new people to come forward.
- 3.7 The Chairman of the Parish Council has responded with the following points:
- Government Guidance suggests that it is good practice for a principal Council to consider conducting a review every 10 - 15 years.
 - Since the last election the Parish Council has been proactive in its communication and approach to the village.
 - There is no longer a lack of interest and the community has become very active in Parish issues – five residents have expressed an interest in becoming Parish Councillors.

- The Parish Council is already proposing to co-opt a person in a non-decision making capacity to assist with meeting its responsibilities, and the request to increase its membership represents proper planning for the future.
- The National and Essex Association of Local Councils recommend that the minimum number of Parish Councillors should be seven.
- The threat to the legal quorum is something the Parish Council constantly has to manage.

3.8 The initial view of Officers was that on balance the reasons provided by the Parish Council for seeking an increase in its membership were not sufficiently substantial to justify instigating a Community Governance Review at this stage. Any such review, which would be at cost to the District Council, would involve publicity and local consultation. In the light of the additional comments from the Parish Council the balance may have shifted towards agreeing the basis for a review provided there is a reasonable expectation that the increased level of community involvement is likely to be maintained.

3.9 Members will be required to ensure that the community governance within the area under review will be reflective of the identities and interests of the community in that area; and be effective and convenient. Section 95 of the 2007 Act provides, among other things, that when considering the number of councillors to be elected for the parish as a whole, the authority must have regard to the number of electors for the parish, and any change in that number likely to occur in the next five years.

3.10 In considering this request in the wider context of Parish Reviews in the District, there are six other Parish Councils (Little Braxted, Great Braxted, Mundon, North Fambridge, Steeple and Stow Maries, together with the joint Parish Councils of Asheldham and Dengie, Langford and Ulting, and Woodham Mortimer with Hazeleigh) which operate with five Members. Their electorates are within a range up to 691 – the current electorate of Little Totham being 329. Another issue to examine would be whether Little Totham has more duties and responsibilities to administer.

4. IMPACT ON CORPORATE GOALS

4.1 The undertaking of a Community Governance Review is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

5. IMPLICATIONS

- Impact on Customers** – This may have an indirect benefit on customers in the sense that the electors of Little Totham are residents of the District and an increase in the size of the Parish Council may be of benefit to or enhance democratic representation.
- Impact on Equalities** – None.

- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers:

Letter from Little Totham Parish Council.

Government guidance on Community Governance Reviews.

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