

County Council

23 July 2014

Request for Reduction of Council Size: Greencroft Parish Council – Final Recommendation



Report of Colette Longbottom, Head of Legal and Democratic Services Councillor Simon Henig, Leader of Durham County Council

Purpose of the Report

1. To make the final recommendations arising from the request from Greencroft Parish Council to reduce the number of Parish Councillors on the Parish Council from 11 to 8.

Background

2. In July 2013, Greencroft Parish Council expressed an interest in reducing their council size from 11 Councillors to 8 for the following reasons:
 - only five residents stood for election at the last elections held in May 2013 and the Council has experienced difficulties in filling vacant seats by co-option;
 - the number of vacant seats can make it difficult for the Council to be quorate at its meetings;
 - the current arrangement does not promote effective or efficient local governance;
 - the Council is concerned about its future sustainability.

The Law, Duties and Guidance

3. Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
 - i. It must have regard to the need to secure that community governance within the area under review:
 - a. reflects the identities and interests of the community in that area
 - b. is effective and convenient.

- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - a. that have already been made, or
 - b. that could be made
 - for the purposes of community representation or community engagement in respect of the area under review.
 - iii. The Council must take in to account any representations received in connection with the review.
4. Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.
5. The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
6. The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.
7. On the size of parish council's section 16 (1) of the Local Government Act 1972 establishes five councillors as the minimum but does not make any link between the number of electors and the size of the council. The National Association of Local Councils (NALC), the body which represents Parish Councils, has indicated that it believes that seven should be minimum size.
8. Research conducted by Aston Business School in 1992, indicates that councils servicing parishes with less than 500 electors had between 5 to 8 councillors. Greencroft Parish Council had 159 registered electors (May 2013).

Consultation

9. The statutory notice advertising the proposed reduction was published on the County Council's website from 21 January 2014 for a month, and individual letters were sent to local county councillors, the County Durham Association of Local Councils (CDALC), Member of Parliament for the North Durham Constituency, and the Mid Durham Area Action Partnership.
10. The Parish Council displayed relevant notices on the parish council notice board, and in addition a copy was delivered to most of the houses in the parish, in particular those in the main vicinity of Lanchester Road. An item was also placed on the agenda of the Parish Council for any members of the public who wished to comment on the proposals.
11. No objections to the request were received during the consultation period by either the County Council or the Parish Council.
12. The County Durham Association of Local Councils (CDALC) expressed their support for the Parish Council to reduce its council to what it considered to be *an appropriate number of eight councillors*. In their response they wished to draw to the County Council's attention that the reduction in council size makes it easier for an election to be called at normal elections and they were disheartened to hear that local democracy in the area was not as vibrant as it could be.
13. CDALC also commented that Greencroft Parish Council had an electorate of around 159 (at the time of the consultation) and 11 councillors, which represented nearly 7 % of their electorate being required to fill their full complement of councillors which was quite a high proportion of the electorate. Other examples from around the County have 7 councillors and their electorates range between 520 (Castle Eden) and 101 (Muggleswick) therefore the proposal from Greencroft appeared reasonable.
14. Mid Durham Area Action Partnership supported the request by the reasons submitted by the Parish Council which were included within the statutory notice.

Conclusion

15. The review is focused entirely on the size of the Parish Council. The only options which can be considered are to leave the Parish Council at the current size, or to reduce its size. There have been no objections to the proposal and the reasoning behind the Parish Council's request appears appropriate under the circumstances.
16. The Constitution Working Group on 30 June 2014 agreed to recommend to Council to proceed with the publication of the final recommendations, and to resolve to a Reorganisation Order being made after a period of four weeks to reduce the council size of Greencroft Parish Council from 11 to 8, with effect from the Parish Council elections in 2017.

Recommendations and reasons

17. Council is recommended to agree to the publication of a final recommendations to reduce the council size of Greencroft Parish Council from 11 to 8, with effect from the Parish Council elections in 2017.

Background Papers

18. Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England.
19. Community Governance Review - Greencroft Parish Council.

Contact: Clare Burrows, Governance Solicitor	Tel: 03000 260 548
Ros Layfield, Committee Services Manager	Tel: 03000 269 708

Appendix 1: Implications

Finance – None specific within this report.

Staffing – The work will impact on staff time.

Risk - None specific within this report.

Equality and Diversity/ Public Sector Equality Duty – None specific within this report.

Accommodation – None specific within this report.

Crime and Disorder – None specific within this report.

Human Rights – None specific within this report.

Consultation – See report

Procurement – None specific within this report.

Disability Issues – None specific within this report.

Legal Implications – None specific within this report.