



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	15 NOVEMBER 2018
REPORT OF THE:	COUNCIL SOLICITOR AND MONITORING OFFICER
TITLE OF REPORT:	PROPOSED INCREASE IN THE NUMBER OF MALTON TOWN COUNCILLORS
WARDS AFFECTED:	MALTON

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

A Community Governance Review (CGR) is undertaken by the principal council for the area (i.e. this Council) and is a review of the whole or part of the District to consider *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 town council or village council etc.);
- The electoral arrangements for a parish (including the number of councillors to be elected to the parish council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes

Legislation requires the Council to undertake a CGR when a valid community governance petition has been received; however, the Council may exercise its discretion and undertake a CGR at any time. The Local Government and Public Involvement in Health Act 2007 (as amended), sets out the legal framework for undertaking CGRs.

The District Council has received a request from a town council to undertake a review in order to increase the number of elected town councillors.

Malton Town Council has requested the District Council to undertake a CGR in order to increase the number of elected town councillors from 10 to 12 for the reason set out below:

- (a) the increased number of homes

It is understood that the local District councillors all support the proposed CGR.

2.0 RECOMMENDATION(S)

- (1) That the community governance review of Malton Town Council be conducted in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007, as described in this report.
- (2) That the terms of reference in respect of the community governance review including the proposed timetable, as set out in **Appendix 1** to this report, be approved and published.
- (3) That the Council Solicitor be authorised to conduct the community governance review on the Council's behalf and to take all necessary action to comply with the Council's statutory obligations in that regard.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 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.

4.0 SIGNIFICANT RISKS

- 4.1 No significant risks have been identified in preparing this report

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Council has a duty to respond to the petition

REPORT

6.0 REPORT DETAILS

- 6.1 The 2007 Act amended the responsibility for parish area reviews from what is now the Local Government Boundary Commission for England (LGBCE) to principal councils, subject to adherence to regulations and directions issued by the former Department for Communities and Local Government (DCLG) and the Electoral Commission. Principal councils in this context are specifically district councils in England. The process for considering a change is now termed a Community Governance Review (CGR).
- 6.2 A CGR is a review of one or more areas of the district 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
- 6.3 A CGR may not change parliamentary, borough ward or county division boundaries, although it might lead to recommendations to the LGBCE to make changes to ward or division boundaries.

Community Governance Review Request

- 6.4 On 26 July 2018, the Council received a request from Malton Town Council for a CGR to increase the number of Town Councillors from 10 to 12 due to;
- (a) the increased number of homes

A community governance petition signed by 436 residents was received from Malton Town Council on Monday 10 September 2018. The petition requested that the number of Town Councillors from 10 to 12.

Undertaking a Community Governance Review

- 6.5 The suggested terms of reference of the CGRs in respect of Malton Town Council are set out in **Appendix 1**. The procedure for a CGR requires the Council:
- (a) to agree the terms of reference for the review
 - (b) to then publish and consult on the terms of reference with the local electorate and those with an interest
 - (c) taking into account representations received, to agree final recommendations and, if required, to make a community governance reorganisation order to give effect to agreed changes.
- 6.6 The terms of reference relate only to the electoral arrangements for Malton Town Council. In addition to the number of councillors to be elected to the town council, the legislation also requires the Council to make recommendations on other related “electoral arrangements” for Malton Town Council, as follows:
- (a) the year in which ordinary elections of councillors are to be held;
 - (b) the division (or not) of the parish into wards for the purpose of electing councillors;
 - (c) the number and boundaries of any such wards;
 - (d) the number of councillors to be elected for any such ward;
 - (e) the name of any such ward.
- 6.7 It is suggested that the terms of reference should propose at this stage that, in relation to (a) in paragraph 6.6 above, no change be made to the year of ordinary elections, as they currently coincide with district council elections and elections to other parish councils in the district.
- 6.8 In relation to (b) to (e) in paragraph 4.4 above, it is suggested at this stage that, irrespective of the outcome of the CGR, Malton Town Council should continue to be unwarded, i.e. that no changes be made. The Town Council supports this proposal.
- 6.9 Following the consultation, and taking into account the representations received, the Council must consider the following questions in relation to whether the town council should, or should not, be divided into wards for the purpose of electing parish councillors:
- (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 on the town council.
- 6.10 If the Council decides in its final recommendations that the town council should continue to be unwarded, it must have regard to the following factors when considering the number of councillors to be elected for each parish:
- (a) the number of local government electors for each parish; and
- (b) any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.
- 6.11 Section 93 of the 2007 Act allows principal councils to decide how to undertake a CGR, provided that they comply with a number of duties prescribed in the Act, as follows:
- (i) Before undertaking a CGR, the Council must notify North Yorkshire County Council that a CGR is to be undertaken and its terms of reference.
- (ii) In conducting a CGR, the Council must consult with the following:
- the local government electors in the area under review (i.e. the parish of Malton),
 - Malton Town Council
 - any other person or body which appears to have an interest in the review (e.g. local businesses, local residents' associations, amenity groups, local public and voluntary organisations - such as schools or health bodies)
- (iii) When undertaking a CGR, the Council must also:
- have regard to the need to secure that community governance in the area under review:
 - reflects the identities and interests of the community in that area, and
 - is effective and convenient.
 - take into account any representations received in connection with the review.
- 6.12 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.
- 6.13 It is anticipated that the consultation on the terms of reference of this CGR will involve:
- Publication of the terms of reference on the District Council's website and the town council's website respectively
 - Publicity for the CGR to be displayed in any parish magazine and on parish notice boards and in community venues within the parishes
 - Press releases
 - Communication with local community groups
- 6.15 A suggested timetable for the conduct of the CGR is included within the draft terms of reference (see **Appendix 1**).

6.16 The Council is required to complete a CGR within a period of 12 months.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

It is envisaged that the only cost to the Council will be in officer time in conducting the CGRs, which will be met from within existing budgets.

b) Legal

The Council must conduct a CGR 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.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

8.0 NEXT STEPS

8.1 This report is the first step towards carrying out a CGR of Malton Town Council in response to their request. Should the Council agree the terms of reference for the CGR, it will be published and an eight-week period of public consultation will take place in the parish. It is anticipated that a formal report on the outcome of the consultation will be submitted to Full Council on 21 February 2019.

8.2 If, following the review, the Council decides to make a Community Governance Reorganisation Order in respect of the proposal to increase the number of parish councillors, the changes would take effect from the next scheduled parish and town council elections on 2 May 2019.

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Background Papers:

Include any referenced papers

Background Papers are available for inspection at:

Location or web address