

Title: Community Governance Review – Burton Green
Lead Officer: Graham Leach Democratic Services Manager & Deputy
Monitoring Officer (01926 456114)
Portfolio Holder: Councillor Day
Wards of the District directly affected: Kenilworth Abbey & Arden

Summary

The report brings forward a request from Burton Green Parish Council to review the number of Councillors it has representing the two Wards of the Council.

Recommendation(s)

- (1) That the Committee supports the terms of reference for the review as set out at Appendix 1 to the report;
 - (2) That the Committee delegates authority to the Deputy Chief Executive & Monitoring Officer to undertake the review and implement the recommendations, so long as there are no objections to the proposals.
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1 Reasons for the Recommendation

- 1.1 Under the Local Government and Public Involvement in Health Act 2007 Warwick District Council is responsible for undertaking Community Governance Reviews.
- 1.2 Burton Green Parish Council have formally requested Warwick District Council carry out a Community Governance Review to undertake a change to the number of councillors that represent each Burton Green Parish Council Ward. A map illustrating the current Parish Boundary and Parish Wards is attached at Appendix 2 to the report.
- 1.3 At present Burton Green Parish Council is allocated seven Councillors for the Burton Green ward, and four Councillors for the Warwick University ward. At present there are 902 registered electors for Burton Green Ward and 732 for the University Ward.
- 1.4 The number of electors within the University Ward fluctuates during the year as the majority of the electors are students and can be as low as 100 at certain times.
- 1.5 The number of electors in the Burton Green ward is due to increase significantly in the next couple of years as the development grows along Westwood Heath Road, with outline planning permission for 425 homes and 129 under construction.
- 1.6 Burton Green Parish Council feel that a Councillor ratio of nine Councillors for the Burton Green ward and two Councillors for the University ward would be more reflective of the electorate numbers in the Parish ongoing.

- 1.7 In both the 2015 and 2019 Elections to Burton Green Parish Council three of the four seats in the University Ward were not filled (i.e. there was only one person nominated for election). At present there are three vacancies on the Parish Council all within the University Ward.
- 1.8 Committee should be aware that there were also vacancies in the Burton Green ward after the elections in both 2015 and 2019 but the Council was able to successfully co-opt to them and there are currently no vacancies in that ward.
- 1.9 Officers consider that the request is a reasonable one and can be completed in good time before the 1 April 2023 to enable elections to take place on 4 May 2023.
- 1.10 The guidance for undertaking is available on line and will be followed by officers for delivering the review, if the Committee supports it.
- 1.11 Following the guidance officers will advertise the proposal within the local press but will also write directly to, Burton Green Parish Council, Warwickshire County Council, all elected representatives for that area as well as both Warwick University & the student association for the University.

2 Alternative Options available to (name of Committee/Cabinet etc.)

- 2.1 Officers considered the potential for moving the Ward Boundary to run along Bockendon Road or the use of HS2 as a Boundary rather than its current alignment along a bridleway. These were considered with a view to creating a balance of electors within the Wards and create more opportunity for candidates for election. At this time neither of these provided a significant increase in elector numbers within the University Ward and could also be considered one of not reflecting the community. Further consideration of this could be made as the development around the village takes place, most notably HS2, the proposed relief road and the potential for further development along Westwood Heath Road as identified within the local Plan Policy DS(20).

3 Consultation and Member's comments

- 3.1 The District Ward Councillors and Strategic Portfolio Holder have been consulted on this and have raised no objections.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 The proposals within the report are within the legislative framework and associated guidance.

4.2 Financial

- 4.2.1 There are minimal costs associated with undertaking the Community Governance review and these need to be met by the District Council. It is envisaged they will be met within the existing allocated budgets for Democratic Services.

4.3 Council Plan

- 4.3.1 The proposal seeks to ensure enhanced local representation for the Burton Green Community considering where the development is taking place at present.

4.4 Environmental/Climate Change Implications

- 4.4.1 There are no direct environmental implications of the proposal.

4.5 Analysis of the effects on Equality

4.5.1 There are no direct impacts on equality matters from the recommendations.

4.6 Data Protection

4.6.1 There are no specific data protection issues within the report.

4.7 Health and Wellbeing

4.7.1 There are no Health and Wellbeing implications from the proposals.

5 Risk Assessment

5.1 There are no significant risks associated with the report.

Background papers: None

Supporting documents: None

Report Information Sheet

Please complete and submit to Democratic Services with report

| Officer / Councillor Approval *required | Date | Name |
|---|-------------|------------------------------------|
| Ward Members(s) | 6/6/22 | Illingworth Hales Cooke |
| Portfolio Holder | 6/6/22 | Day |
| Financial Services * | 6/6/22 | Lorraine Henson |
| Legal Services | | |
| Other Services | | |
| Deputy Chief Executive | 1/6/22 | Andrew Jones |
| Head of Services(s)* | | |
| Section 151 Officer | 6/6/22 | Andrew Rollins |
| Monitoring Officer | 1/6/22 | Andrew Jones |
| Leadership Co-ordination Group (WDC) | | |
| Other organisations | 1/6/22 | Chris Elliott as Returning Officer |
| Final decision by this Committee or rec to another Ctee / Council? | Yes | |
| Contrary to Policy / Budget framework? | No | |
| Does this report contain exempt info/Confidential? If so, which paragraph(s)? | No | |
| Does this report relate to a key decision (referred to in the Cabinet Forward Plan)? | No | |
| Accessibility Checked? | Yes | |

Burton Green Area Community Governance Review – Terms of Reference

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

What is a Community Governance Review (CGR)?

A Community Governance Review (CGR) is a legal process whereby Councils can create parish councils, review and change electoral arrangements and, in extreme cases, abolish parishes.

Warwick District Council (the District Council) must ensure that community governance in the area under review reflects the identities and interests of the community in that area and is effective and convenient.

It is important that recommendations made through a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

In undertaking the CGR, the Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- the relevant parts of the Local Government Act 1972 (“the 1972 Act”);
- the Guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Electoral Commission in April 2008 (“the Guidance”);
- also the following regulations which guide, in particular, consequential matters arising from the Review:
 - Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
 - Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

What does a Parish Council do?

Parish Councils are the most local form of government. They collect money from Council Tax payers (via the District Council) known as a “precept” and this is used to invest in the area to improve services or facilities. Parish Councils can take different forms but usually are made up of local people who stand for election as Parish Councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services and work to improve the quality of life in the area.

Therefore, the District Council wants to ensure that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner.

Who will undertake the CGR?

Warwick District Council is responsible for undertaking a CGR within its electoral area.

The District Councils Audit & Standards Committee is responsible for overseeing this process and officers will produce draft and final recommendations for consideration by the Committee before a Community Governance Order is made.

Why is Warwick District Council undertaking the review?

Burton Green Parish Council has requested a review of its electoral arrangements to ensure that the community governance for the area continues to be effective and convenient for the community.

At present Burton Green Parish Council is allocated seven Councillors for the Burton Green ward, and four Councillors for the Warwick University ward.

Burton Green Parish Council feel that a Councillor ratio of nine Councillors for the Burton Green ward and two Councillors for the University ward would be more reflective of the electorate numbers in the Parish ongoing.

Consultation

The District Council wants to know what local people think about the electoral arrangements for the Parish and invites the public to send their views and responses in writing to Gillian Friar, Electoral Services Manager, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire CV32 5HZ or by email to elections@warwickdc.gov.uk

The deadline for sending views and responses for consideration in the first stage of the CGR is **at noon Thursday 29 September 2022.**

The District Council will consider all the views and responses received and publish a draft proposal and the reasons behind them. There will then be a further period of time for people to comment on the draft proposal before the final proposal is agreed.

Before making any final proposal, the District Council will take full account of the views of local people.

The District Council will:

- Publish a notice in the local press informing residents of the Review and inviting responses;
- Publish information on the Council's website;
- Publish information on notice boards within the Parish informing residents of the Review and inviting responses;
- Inform and consult; all relevant Warwick District Councillors, all relevant Warwickshire County Councillors, Member of Parliament and both Warwick University and the student association for the University;
- Consult any other person or body which appears to the District Council to have an interest in the Review;
- Take into account any representations received in connection with the Review;
- Inform the Local Government Boundary Commission for England of the commencement of the CGR and keep them informed.

There will then be a further period of time for people to comment on the draft proposal before the final proposal is agreed.

A CGR must, by law, be concluded within a twelve-month period. The twelve months starts when the District Council publishes its Terms of Reference and the Review concludes when the District Council makes its final decision on the proposals in the CGR.

Timetable for the Review

| Details | Relevant Date |
|--|------------------------|
| Terms of Reference agreed by Audit & standards Committee | 16 June 2022 |
| Terms of Reference published and consultation period starts | 17 June 2022 |
| Last date for submissions | Noon 29 September 2022 |
| First Draft Proposals are prepared | October 2022 |
| Draft Proposals are prepared | 1 November 2022 |
| Publish Draft Proposals – consultation period begins | 1 November 2022 |
| Draft Proposals – consultation period ends | 21 December 2022 |
| Final Proposals are prepared | January 2023 |
| Final Proposals published | 1 February 2023 |
| Burton Green Reorganisation of Community Governance Order comes into force | 1 April 2023 |

Electorate Forecasts

The June 2022 Register of Electors has been used in providing the existing parish ward electorate figures.

When the District Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the Review starts. Electorate forecasts will be prepared using information contained in the Local Plan and data obtained from the Warwickshire Observatory to project the five-year electorate forecast.

The Government's guidance is that these forecasts should be made available to all interested parties as early as possible in the review process. The information is based on the current parish data.

The Present Structure of the Parish and Electoral Arrangements

| Details | Current Electoral Arrangements |
|------------------------------------|--|
| Type of governance | Warded Parish Council |
| Number of Councillors | 11 |
| Ratio of Councillors to electorate | Burton Green Ward – 128 electors per Cllr. University Ward – 183 electors per Cllr. |
| District Ward | Kenilworth Abbey & Arden |
| County Division | Lapworth & West Kenilworth |
| Parliamentary Constituency | Kenilworth & Southam |
| Last election date | 2019 |
| Next election date | 2023 |

Electoral Arrangements

What does 'Electoral Arrangements' mean?

The term covers the way in which a council is constituted for the parish. It covers:

- the ordinary year in which elections are held;
- the number of councillors to be elected to the parish council;
- the division (or not) of the parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward; and
- the name of any such ward.

Council Size

The Government's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities," and therefore the District Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes and the take-up of seats at elections in its consideration of this matter.

Parishes wishing to increase numbers must give strong reasons for doing so.

The number of parish councillors for each council must be not less than five but can be greater. However, each parish grouped under a common parish council must have at least one parish councillor.

The Aston Business School found the following levels of representation to the good running of a council:

| Electors | Councillors |
|------------------|-------------|
| Less than 500 | 5-8 |
| 501-2,500 | 6-12 |
| 2,501-10,000 | 9-16 |
| 10,001-20,000 | 13-27 |
| More than 20,000 | 13-31 |

It should also be noted that the National Association of Local Councils suggest the minimum number of councillors be seven and the maximum be twenty-five.

The District Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- the number of local government electors for the parish;
- any change in that number which is likely to occur in the period of five years beginning with the day when the Review starts.

Parish Warding

Parishes can be divided into wards for the purpose of electing councillors. (This could depend upon the size and make up of a proposed council). Consideration must be given to the number of and distribution of local government electors which could make a single election of councillors impractical or inconvenient or it may be desirable for areas within the parish to be separately represented.

The Government's guidance is that "the warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of

villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish.”

The number of councillors to be elected for parish wards

The District Council is required to have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected for each ward:

- the number of local government electors for the parish;
- 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.

Reorganisation of Community Governance Orders and Commencement

The Review will be completed when the District Council adopts a Reorganisation of Community Governance Order.

Copies of this Order, the document(s) which set out the reasons for the decisions that the Council has taken will be deposited at the Councils offices at Riverside House, Milverton Hill, Royal Leamington Spa CV32 5HZ and website (www.warwickdc.gov.uk).

In accordance with the Guidance issued by the Government, the Council will issue maps (as necessary) to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000.

Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

The Order will specify when it will take effect for financial and administrative matters and when the electoral arrangements for the Parish Council will come into force.

Date of Publication of these Terms of Reference Friday 17 June 2022