

## EAST HERTFORDSHIRE DISTRICT COUNCIL

### COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN COUNCIL – DECISION NOTICE

#### 1. Introduction

- 1.1 On 13 February 2018 East Hertfordshire District Council ('the Council') commenced a community governance review of Buntingford Town Council, including the town boundary. On 17 October 2018 the Council considered the responses received to the second stage consultation on the community governance review, together with the recommendations of the Executive in relation to the review. The Council agreed and gave effect to the final recommendations of the community governance review as follows:-

- (1) That no new parishes be constituted in the area under review**
- (2) That no change be made to the name of Buntingford, Cottered or Aspenden parishes and that all three parishes each continue to have a council.**
- (3) That the areas of Buntingford and Cottered parishes be altered as follows:-**
  - o That the area of land north of Park Farm Industrial Estate occupied by the new Redrow housing development but not including Parkside and its neighbouring properties, be transferred from Cottered Parish to Buntingford Parish.**
- (4) That no other changes be made at this time to the parish boundary between Buntingford and Cottered parishes.**
- (5) That no changes be made at this time to the parish boundary between Buntingford and Aspenden parishes.**
- (6) That no change be made to the number of councillors to be elected to Buntingford Town Council (12), Aspenden Parish Council (6) or Cottered Parish Council (6).**
- (7) That Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council each continue to not be divided into wards for the purpose of electing town/parish councillors.**
- (8) That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council wards as necessary to ensure coterminosity between those boundaries and the revised Parish boundaries**

**made in this Community Governance Review; and**

- (9) That the Council make the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018.**

- 1.2 A copy of the Reorganisation of Community Governance Order referred to at (9) above, including a plan showing the area described at (3) above, is attached to this Decision Notice.

**2. Considerations and reasons for the decisions**

- 2.1 The following paragraphs consider in turn the matters on which a Council undertaking a community governance review must or may make recommendations. In each case the Council applied the criteria set out in the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') and the statutory guidance, together with the policies set out in the terms of reference for the review in the context of the evidence submitted, the responses to the consultation and the recommendations of the Executive; and agreed the final recommendations of the community governance review as indicated.

**Whether a new parish or any new parishes should be constituted**

- 2.2 Section 87 of the 2007 Act requires that a principal council undertaking a community governance review must make recommendations on whether a new parish or any new parishes should be constituted. In relation to Buntingford, Cottered and Aspenden, the entire area under review is already parished.

**Agreed recommendation 1 – That no new parishes be constituted in the area under review**

**Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered**

- 2.3 Section 88 of the 2007 Act requires that a community governance review must make one of the following recommendations in relation to each of the existing parishes under review:
- (a) That the parish should not be abolished and that its area should not be altered;
  - (b) That the area of the parish should be altered; or
  - (c) That the parish should be abolished.
- 2.4 No substantive evidence has been submitted to support any proposition that any of the parishes under review should be abolished and the statutory

guidance states that 'the Government expects to see a trend in the creation, rather than the abolition, of parishes' and that 'the abolition of parishes should not be undertaken unless clearly justified'.

- 2.5 The review must also make recommendations as to whether or not the name of the parish should be changed; and if (as is the case for Buntingford, Cottered and Aspenden) the parish has a council, recommendations as to whether or not the parish should continue to have a council.
- 2.6 No evidence has been submitted to the review regarding any proposed change of name for any of the parishes, nor to support a proposition that any of Buntingford, Cottered or Aspenden parishes should not continue to have a council.
- 2.7 Regarding the potential alteration of the parish areas, the draft recommendations included a number of proposals which are addressed in turn below.

**(a) Residential development north of Park Farm Industrial Estate**

- 2.8 In arriving at its draft recommendation that an area identified by the Town Council, including the above development as well as Parkside and its neighbouring properties, should be transferred from Cottered to Buntingford, the Council in May 2018 noted that the area is closer to the built up area of Buntingford town than it is to Cottered village, which is approximately two miles distant and separated by largely undeveloped land.
- 2.9 A majority of those responding to the second stage consultation did not support the proposal that Parkside and the new housing development should transfer from Cottered to Buntingford. However the numbers responding were relatively low when compared both with the first round of consultation and the total number of properties in the area affected.
- 2.10 It is the case that the character of the Redrow 'Maples' development is that of an urban extension which has much in common with housing developments in other parts of Buntingford. It is within walking distance of Buntingford Town Centre, with which the development will form a more or less continuous built-up area.
- 2.11 On the other hand, Parkside and its neighbouring properties are further away from the town centre and are separated from the Redrow development by a small area of undeveloped land. Across the two stages of consultation a majority of Parkside residents have stated that they do not wish to become part of Buntingford.
- 2.12 The Executive on 11 September 2018 therefore recommended that the Council should confirm its proposal that the new housing development should become part of Buntingford, but in relation to Parkside and its neighbouring

properties should amend its proposal so that this area remains within Cottered. The new boundary thus created – running north along the A10 to the northern boundary of the Redrow site and then eastwards to the existing boundary, will meet the criteria for parish boundaries set out in the Government guidance.

**(b) Buntingford Business Park**

- 2.13 Buntingford Business Park is not a residential area and it lies to the west of the A10 bypass which is the existing boundary in this area and meets statutory guidance. The Council in May 2018 recommended that no change be made to the boundary between Buntingford and Aspenden.
- 2.14 A small majority of respondents to the second stage consultation agreed with the Council's recommendation that Buntingford Business Park should remain in Aspenden Parish. Again, overall numbers were low, but no substantial evidence was submitted to give rise to any reconsideration of this proposal and the Executive on 11 September 2018 recommended that it should be confirmed.
- 2.15 The recommendations below build on the above findings and give effect to the criteria and policies in the terms of reference for the review in relation to community identities and interests, effective and convenient local government and the size, population and boundaries of the respective parishes.
- 2.16 In relation to community cohesion, this is related to community identities and interests and no evidence has been submitted to suggest that any of the recommendations will damage community cohesion.
- 2.17 The 2007 Act requires a principal council in undertaking a community governance review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils. However, the guidance also states that 'what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers' and that 'their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies'. No evidence has been submitted to the review that the town or parish councils under review should be replaced by any other arrangements.

**Agreed recommendation 2 – That no change be made to the name of Buntingford, Cottered or Aspenden parishes and that all three parishes each continue to have a council.**

**Agreed recommendation 3 - That the areas of Buntingford and Cottered parishes be altered as follows:-**

- **That the area of land north of Park Farm Industrial Estate occupied by the new Redrow housing development (marked as Area A on the map at sheet number 2 of Essential Reference Paper B to the Council report), but not including Parkside and its neighbouring properties, be transferred from Cottered Parish to Buntingford Parish.**

**Agreed recommendation 4 - That no other changes be made at this time to the parish boundary between Buntingford and Cottered parishes.**

**Agreed recommendation 5 - That no changes be made at this time to the parish boundary between Buntingford and Aspenden parishes.**

**What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.**

**Council size**

- 2.18 The Local Government Act 1972, as amended, specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size and no legislative guidance on the ideal number of parish councillors.
- 2.19 The Local Government Boundary Commission for England (LGBCE)'s guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, [the principal council] should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]"
- 2.20 The statutory guidance goes on to state: "In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service

provision may also be important factors in reaching conclusions on council size."

- 2.21 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.
- 2.22 The Aston Business School also published research in 1992 which showed actual levels of representation at that time as follows:-

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
Up to 500	5-8	10,001 – 20,000	13-27
501 – 2,500	6-12	Over 20,000	13-31
2,501 – 10,000	9-16		

- 2.23 When recommending the number of councillors to be elected for each parish, the Council must take into account 'the number of local government electors for the parish and 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'.
- 2.24 For the purposes of the community governance review, East Herts District Council therefore calculated current and estimated forecast electorates and elector-to-councillor ratios for the areas under review, based on (i) no change and (ii) the changes included in the final recommendations of the review.
- 2.25 Whilst every care has been taken to ensure that the figures below are as accurate as possible, it will be noted that any forecast electorate figure can only be an estimate based on the best information available. In particular, planned or consented development may not take place as scheduled, or at all. A technical note on the methodology employed in calculating the electorate forecasts is available on request.
- 2.26 The following tables show the current and forecast electorates and elector-to-councillor ratios for each of the parish/town councils, for each of the two scenarios outlined:-

**Table A – Current and forecast electorate figures/ratios with no change to boundaries**

<b>Parish</b>	<b>No. of Cllrs</b>	<b>Current electorate Feb 2018</b>	<b>Ratio (electors/ Councillor)</b>	<b>Forecast electorate Feb 2023</b>	<b>Forecast ratio Feb 2023</b>
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			Feb 2018		
<b>Aspenden</b>	6	196	33	197	33
<b>Buntingford</b>	12	4,579	382	5,982	498
<b>Cottered</b>	6	557	93	861	143

**Table B – Current and forecast electorate figures/ratios taking into account boundary change now recommended**

Parish	No. of Cllrs	Current electorate Feb 2018	Ratio (electors/ Councillor) Feb 2018	Forecast electorate Feb 2023	Forecast ratio Feb 2023
<b>Aspenden</b>	6	196	33	197	33
<b>Buntingford</b>	12	4,605	384	6,286	524
<b>Cottered</b>	6	531	88	557	93

2.27 Taking into account the above information, it is not proposed that the changes now recommended give rise to the need for any amendment to the size of any of the town or parish councils under review.

### **Parish warding**

2.28 The Council is required to consider whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council and the number and boundaries of parish wards, taking account of population distribution and community identity and interests in the area.

2.29 Regarding whether a parish should be divided into wards, the 2007 Act requires the Council to consider:

- 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.

2.30 Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council are all currently unwarded. No substantive evidence has been submitted to suggest that this is impracticable or inconvenient, or that any areas of any of the parishes should be separately represented. It is not proposed that the boundary change now recommended will give rise to the need for any change to be made to the electoral arrangements at this stage. One respondent to the first round of consultation did suggest that as further development takes place, a wider review of the electoral arrangements in Buntingford may be required in future, possibly including warding of the Town Council.

**Agreed recommendation 6 – That no change be made to the number of councillors to be elected to Buntingford Town Council (12), Aspenden Parish Council (6) or Cottered Parish Council (6).**

**Agreed recommendation 7 – That Buntingford Town Council, Aspenden Parish Council and Cottered Parish Council each continue to not be divided into wards for the purpose of electing town/parish councillors.**

**Making related alterations to the boundaries of a principal council's electoral area.**

- 2.31 Any changes to parish boundaries made as part of this community governance review will not automatically change the equivalent boundaries for District or County Council elections. The Council in May 2018 recommended that the LGBCE should be asked to change the relevant District Ward boundaries to align them with any revised parish boundaries following the review.
- 2.32 This proposal was consulted on as part of the review. A majority of respondents to the second stage consultation did not agree with the proposal although text in the 'comments' box suggested that some of those who opposed it did so because they were opposed to the proposed parish boundary change rather than to the principal of coterminous boundaries.
- 2.33 In the interests of clarity and elector convenience, the Executive on 11 September 2018 proposed that the draft recommendation to the LGBCE should be confirmed.

**Agreed recommendation 8 – That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District Council wards as necessary to ensure coterminosity between those boundaries and the revised Parish boundaries made in this community governance review.**

**Agreed recommendation 9 – That the Council make the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018 as set out at Essential Reference Paper B to the Council report.**



# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

## The East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018

*Made 17 October 2018*

*Coming into force in accordance with article 1*

East Hertfordshire District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007<sup>1</sup> (“the 2007 Act”), has undertaken a community governance review and made recommendations dated October 2018:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3) and 240(10) of the 2007 Act.

### **Citation and commencement**

1.—(1) This Order may be cited as the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2019.

(3) Articles 5 and 6 shall come into force on the ordinary day of election of councillors in 2019.

(4) For the purposes of:

(a) this article; and

(b) proceedings preliminary or relating to the elections of parish councillors for the parish of Buntingford and the parish of Cottered, to be held on the ordinary day of election of councillors in 2019,

this Order shall come into force on the day after that on which it is made.

### **Interpretation**

2. In this Order—

“county” means the county of Hertfordshire;

“district” means the district of East Hertfordshire;

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<sup>1</sup> 2007 c.28

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the East Hertfordshire (Reorganisation of Community Governance) (Buntingford and Cottered) Order 2018” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

### **Effect of Order**

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

### **Parish elections**

4. Elections of all parish councillors for the parishes of Buntingford and Cottered shall be held on the ordinary day of election of councillors in 2019.<sup>2</sup>

### **Number of parish councillors for the parish of Buntingford**

5. The number<sup>3</sup> of councillors to be elected for the parish of Buntingford shall be 12.

### **Number of parish councillors for the parish of Cottered**

6. The number<sup>4</sup> of councillors to be elected for the parish of Cottered shall be 6.

### **Alteration of parish areas**

7. The area coloured and designated by the letter “A” on sheet 2 of the map shall cease to be part of the parish of Cottered and shall become part of the parish of Buntingford.

### **Electoral register**

8. The registration officer for the district shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

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<sup>2</sup> This article provides for parish elections in the parishes of Bishop’s Stortford and Thorley in 2019. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

<sup>3</sup> Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

<sup>4</sup> Section 16(1) of the Local Government Act 1972 (c.70), as amended by section 101 of, and paragraph 6(2) of Schedule 5 to, the Local Government and Public Involvement in Health Act 2007 (c.28), provides for the minimum number of parish councillors on a parish council to be five. There is no minimum number of parish councillors for a parish.

**Order date**

9. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008<sup>5</sup>.

Sealed with the seal of the council on the 19<sup>th</sup> day of November 2018

Signature ..... *Simon Aley* .....  
Title of Signatory ..... *Interim Legal Services Manager* .....



14,675

19<sup>th</sup> day of November 2018

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<sup>5</sup> S.I. 2008/625.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order gives effect to recommendations made by East Hertfordshire District Council for the alteration of the area of the parish of Buntingford and the area of the parish of Cottered within the district of East Hertfordshire.

The parishes of Buntingford and Cottered will be altered with effect from 1 April 2019. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2019.

Article 4 provides for parish elections in the parishes of Buntingford and Cottered in 2019, and then to continue according to the established system of parish elections every four years.

Articles 5 and 6 specify the numbers of parish councillors to be elected for the parishes of Buntingford and Cottered respectively.

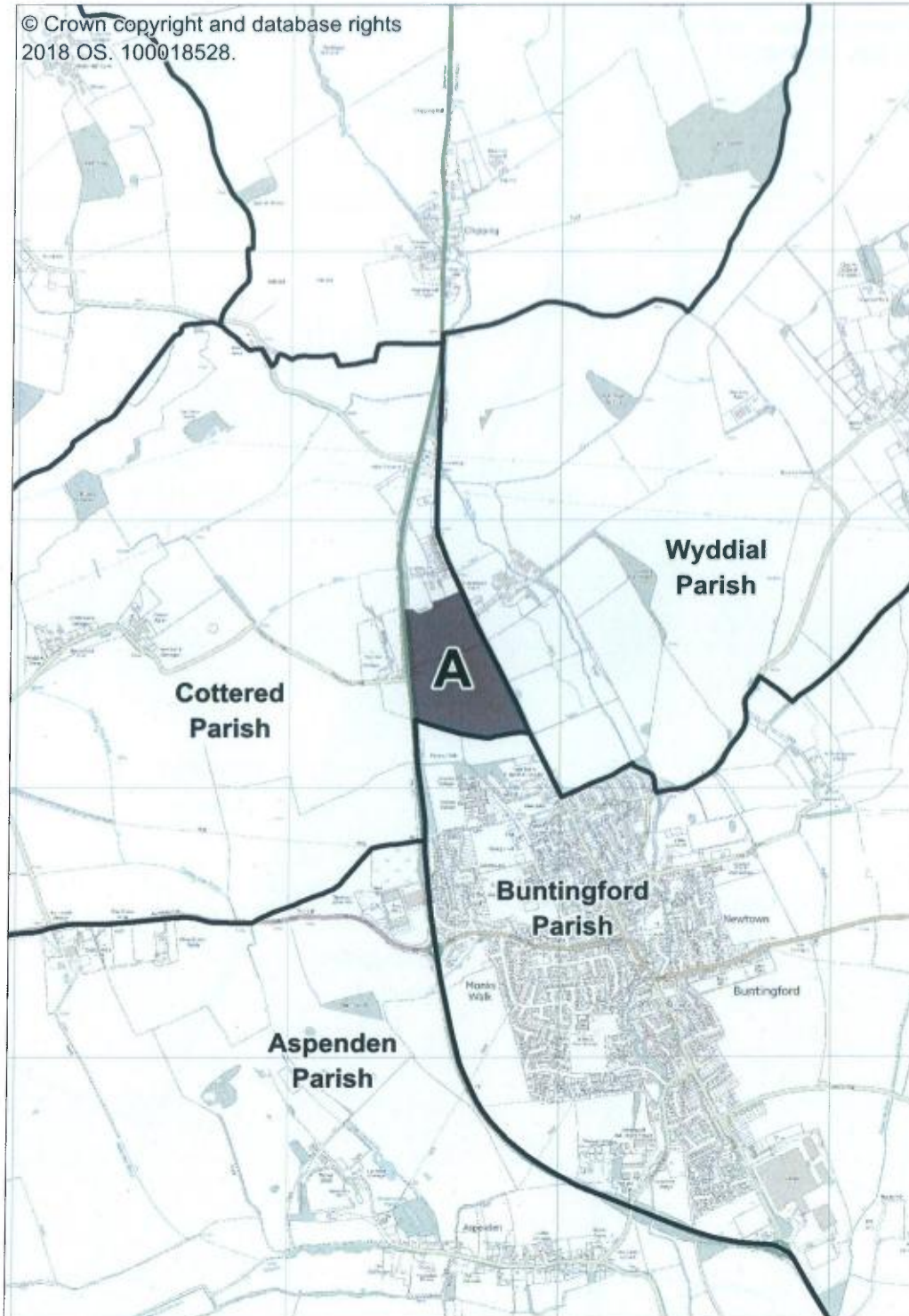
Article 7 and the map establish the revised areas of the parishes of Buntingford and Cottered.

Article 8 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the alteration to the areas of the parish of Buntingford and the parish of Cottered. It is available, at all reasonable times, at the offices of East Hertfordshire District Council.

MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BUNTINGFORD AND COTTERED) ORDER 2018

SHEET NUMBER 1 – GENERAL OUTLINE



MAP REFERRED TO IN THE EAST HERTFORDSHIRE (REORGANISATION OF COMMUNITY GOVERNANCE) (BUNTINGFORD AND COTTERED) ORDER 2018

SHEET NUMBER 2 – ALTERATION OF PARISH AREAS

