

**REPORT TO THE STRATEGY & RESOURCES COMMITTEE – 28TH JULY 2020
AGENDA ITEM 10**

**COMMUNITY GOVERNANCE REVIEW- CATERHAM VALLEY
PARISH COUNCIL**

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Recommendations:	That, in accordance with its delegated powers, the Committee determines that: A. a Community Governance Review be undertaken forthwith to examine the merits of increasing the number of Councillors from six to ten (five in each of the two Parish Wards) with effect from May 2021; and B. the terms of reference of the review be as per 4.4 below.
Appendices:	Appendix 'A' - table showing the ratios of Councillors per electors for Parish Councils throughout the District.
Background papers defined by the Local Government (Access to Information) Act 1985	Request from Parish Council dated 5 May 2020

1. Background

1.1 Part 4 of the Local Government and Public Involvement in Health Act 2007 empowers Districts and Boroughs to take decisions about governance arrangements for parish councils within their areas (e.g. the creation of new Parishes / Parish Wards; parish boundary changes; the number of seats on Parish Councils and associated electoral arrangements). The Act requires relevant districts and boroughs to base such decisions on the outcome of community governance reviews, to be conducted in accordance with Government guidance which include the following stages:

- setting terms of reference;
- consulting with parishioners and other stakeholders on draft proposals; and
- taking representations into account.

1.2 Community Governance Reviews may be initiated by a petition, the District / Borough Council itself or, as in this case, a request from a Parish Council.

1.3 The whole of the Tandridge District became parished in 1999. The 20 Parish Councils concerned are listed at Appendix 'A', together with current electorates and the number of seats on each Council.

2. Request from Caterham Valley Parish Council for an increase in the number of its Councillors

2.1 At its meeting on 5th September 2017, the Parish Council resolved to request an increase in the number of its Councillors from six to ten. This was explored at the time, but the parish councillors wished to complete their term of office until May 2020.

2.2 The Parish Clerk contacted the Democratic Services team in Autumn 2019 to enquire about increasing the number of councillors. However, there was not enough time to conduct the review before the May 2020 elections.

2.3 Due to the covid-19 pandemic, the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 postponed the elections scheduled for May 2020 by one year. Following this, the Parish Council enquired about the increase in the number of its councillors again in May 2021.

2.4 The Government's guidance on community governance reviews refers to the following typical ranges of Parish Council size relative to the number of electors:

Parish Councils in England with the following electorate ranges	Typical number of Parish Councillors
less than 500	between 5 and 8
between 501 and 2,500	between 6 and 12
between 2,501 and 10,000	between 9 and 16

2.5 The guidance also cites a National Association of Local Councils Circular which suggests that the minimum number of Councillors for any Parish should be seven.

3. Make up of Caterham Valley Parish Council and electoral arrangements / history

3.1 As shown in the table at **Appendix 'A'**, Caterham Valley's electorate is approximately 6,500. The Parish Council comprises just six seats (three for each of its Harestone and Valley Parish Wards). Consequently, it has a ratio of over 1,000 electors per Councillor, the highest in the District.

3.2 The Parish Council was formed following its inaugural election in 2000, together with those covering the previously 'un-Parished' areas in the north of the District (i.e. Caterham Valley, Warlingham, Whyteleafe and Woldingham). Elections have followed in four-yearly cycles ever since and both Wards have been contested on every occasion. The next election is in May 2021.

- 3.3 At the time of preparing this report, one seat in the Harestone Ward is vacant following a recent resignation.
- 3.4 In recent years, there have been informal discussions about the potential for a Caterham Town Council which could be created by merging the Caterham on the Hill and Caterham Valley Parish Councils. The creation of a town council would have to be subject to a separate community governance review and would not be covered in this review.

4. Conducting a Community Governance Review

- 4.1 The guidance accompanying the legislation indicates that, before conducting a review of individual areas, it is good practice for the Council to first consider whether it wishes to deal with such requests as one-off reviews or if, to avoid a piecemeal approach to local governance arrangements, it would be more appropriate to conduct a wider review of some or all of the area covered by the District / Borough.
- 4.2 Subject to Caterham Valley Parish Council being able to enlarge next May, officers consider that it would be legitimate to conduct an immediate review in this instance because:-
- (i) the request does not have a direct impact on the governance arrangements of any neighbouring parishes; and
 - (ii) the governance arrangements for the other 19 Parish Councils in the District do not appear to be presenting any difficulties.
- 4.3 There are a number of requirements relating to the conduct of Community Governance Reviews which must be observed. The aim of each review must be to *“reflect the interests and identities of the community and to secure for it convenient and effective local governance”*. The County Council must also be notified that a review is taking place.
- 4.4 Terms of reference must be drawn up for each review. If the Committee is minded to accommodate Caterham Valley Parish Council’s request, Members are invited to consider the following draft terms of reference:
- (i) the review should be limited to considering the Parish Council’s request for its size be increased from six to ten Councillors;
 - (ii) in conducting the review, local people will be made aware that the review is being carried out at the instigation of the Parish Council, and the reasons provided by the Parish Council for the request;
 - (iii) the consultation provides information on the choices available to Tandridge when considering the request. Given the limited scope of the review there are only two choices available, namely to increase the size of the Parish Council to ten Members or to conclude that no change is needed; and
 - (iv) the review should commence in September 2020 and allow a minimum of six weeks for consultation responses to be received.

4.5 Consultation must take place with local residents and other relevant groups / individuals who could reasonably be expected to have an interest in the review. The Council must, of course, take account of representations received.

4.6 The legislation does not impose a required means of consultation and we are not necessarily obliged to canvass every household by post. There are over 4,000 residential properties in Caterham Valley and such a measure would cost in the region of £1,800. Given that the subject matter is relatively minor (i.e. compared to the proposed creation of a new Parish Council or a significant boundary change) it is suggested that residents be engaged via a local media campaign and information on the Council and Parish websites and notice boards. District and County Councillors would also be consulted, together with the local constituency offices of registered political parties, the Surrey & Sussex Association of Parish and Town Councils (SCAPTC) and community groups. At the conclusion of the consultation period, Committee Members will consider the results and recommend an outcome to Full Council. The review process and any recommendations arising therefrom will be published in a public notice.

5. Provisional Timetable

5.1 Subject to this Committee's approval, the Community Governance review timeline would be as follows:

- Mid September 2020 - commence consultation (for a minimum of six weeks)
- December 2020 - consider responses received
- 21st January 2021 – present recommendations to Strategy & Resources Committee
- 11th February 2021 - Council ratifies decision
- should the review process conclude that that the number of Parish Council seats be increased to ten, an Order would be made to that effect and the election process to fill the ten vacancies would commence.
- 6th May 2021– Polling Day
- 10th May 2021 – the ten duly elected Councillors would commence office.

6 Comments of the Chief Finance Officer

6.1 If the Council were to contact every resident in the parish by post this would result in stationery and postage costs estimated at £1,800. However, this is not planned in this Review and contact with residents is proposed by alternative means.

6.2 The cost of carrying out the Community Governance Review will therefore consist principally of Officer time, which will be met from existing budgets.

7 Comments of the Head of Legal Services

7.1 It is vital that the Community Governance Review is undertaken in accordance with the Local Government and Public Involvement in Health Act 2007 and the guidance produced by the Department for Communities and Local Government and the Local Government Boundary Commission for England. Failure to adhere to these could result in the review being open to challenge and judicial review.

8 Climate Change implications

8.1 There are no proposals that would significantly impact on the Council's climate change commitments.

9. Equality implications

9.1 Consideration of impacts under the Public Sector Equality Duty are as follows:

Questions	Answer
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	Not at this point.
What steps can be taken to mitigate any potential negative impact referred to above?	Not applicable.

10. Conclusion

10.1 The Parish Council has made a case for increasing the number of its seats from six to ten. This is a reasonable request given that the Council's current size, in relation to the Parish's electorate, is well below that for others in the District and elsewhere. The size of Parish Councils can only be increased following the consideration of recommendations arising from a Community Governance Review.

10.2 The proposed timetable for the review in section 6.1 above recommends that the additional seats sought by Caterham Valley Parish Council could be created for the elections in May 2021.

----- end of report -----

APPENDIX 'A'

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Parish / Parish Ward	Electorate on 1 June 2020	Number of Councillors	Electors per Councillor
Bletchingley	2386	9	265
Burstow	3542	11	322
Caterham on the Hill	9853		1095
Portley Ward	3413	3	
Queens Park Ward	2939	3	
Westway Ward	3501	3	
Caterham Valley	7946		1324
Harestone Ward	3217	3	
Valley Ward	3282	3	
Chaldon	1447	7	207
Chelsham & Farleigh	653		93
Chelsham Ward	544	5	
Farleigh Ward	109	2	
Crowhurst	267	5	53
Dormansland	2679		383
Dormans Park Ward	643	2	
Dormansland Ward	2036	5	
Felbridge	1800	7	257
Horne	754	7	108
Limpsfield	2880	9	320

Parish / Parish Ward	Electorate on 1 June 2020	Number of Councillors	Electors per Councillor
Lingfield	2619		374
Lingfield Ward	2147	6	
Felcourt Ward	472	1	
Nutfield	2130	9	236
Outwood	564	5	113
Oxted	8861		738
North Ward	4002	6	
South Ward	4859	6	
Tandridge	535	7	76
Tatsfield	1504	7	215
Warlingham	6590		599
East Ward	3731	6	
West Ward	2859	5	
Whyteleafe	3230	7	461
Woldingham	1580	9	176