



Public Session

Report Reference Number: C/17/33

Agenda Item No: 14

To:	Council
Date:	24 April 2018
Author:	Palbinder Mann, Democratic Services Manager
Lead Officer:	Gillian Marshall, Solicitor to the Council
Executive Lead:	Councillor Mark Crane, Leader of the Council

Title: Community Governance Review – Kirk Smeaton Parish Council

Summary:

Selby District Council has received a request from Kirk Smeaton Parish Council to conduct a Community Governance Review. The request is to increase the number of Parish Councillors who serve on the Parish Council from five to seven. Under Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2017, the Council has to consider any requests for a review and make a decision with regard to proceeding to a review.

Recommendations:

- i) To proceed with a Community Governance Review as requested by Kirk Smeaton Parish Council.**
- ii) To agree the terms of reference as outlined at Appendix A including the timetable.**

Reasons for recommendation

The request from Kirk Smeaton Parish Council is a valid request for a Community Governance Review and the Council is legally required to consider any requests for a review.

1. The Report

1.1 A Community Governance Review is a review that can take place for the whole or part of the district area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;

- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; 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;

1.2 Under the Local Government and Public Involvement in Health Act 2017, a Community Governance Review can be requested in two ways. The first is through a request from the relevant Parish Council and this in turn must then be considered by the principal local authority. The second is through a public petition signed by the following number of electors in the relevant area:

- Area with fewer than 500 electors – at least 37.5% of the electors;
- Area with between 500 and 2,500 electors – at least 187 of the electors;
- Area with more than 2,500 electors – at least 7.5% of the electors.

Unlike a request, a petition will automatically trigger a Community Governance Review.

1.3 Kirk Smeaton Parish Council has submitted a request to increase the number of Parish Councillors who serve on the Parish Council from five to seven. The Local Government Act 1972 outlines that any Parish Council must have at least five Parish Councillors however no maximum number is prescribed. The current structure of Kirk Smeaton Parish Council is as follows:

Number of Councillors	Ratio of Electors for each Councillor
5	1:66 (330 electors)

1.4 The National Association of Local Councils (NALC) has issued guidance which recommends the following number of Parish Councillors in relation to the electors of the parish:

Electors	Number of Councillors
Up to 900	7
1,400	8
2,000	9
2,700	10

1.5 The only way the number of Parish Councillors can be amended is via a Community Governance Review and the Council has to decide whether to agree to a review following the request. If a review is undertaken, it must have regard to the guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government and legislation as outlined in the Local Government and Public Involvement in Health Act 2017.

- 1.6 In undertaking a review, legislation requires the Council to consult local government electors for the area under review and any other person or body who appears to have an interest in the review and to take any representations received into account when making the final recommendations.
- 1.7 The Council has one year from the date of the request to complete a review to ensure it meets legislation. The request from Kirk Smeaton Parish Council was received on 1 March 2018.
- 1.8 A draft terms of reference including timetable is attached at Appendix A. The Council is asked to agree the terms of reference for the review.

2 Legal/Financial Controls and other Policy matters

2.1 Legal Issues

Under Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2017, the Council has to consider any requests for a Community Governance Review.

2.2 Financial Issues

There may be costs associated with consultation aspect of the review however these will be met within the Council's current budget.

3. Conclusion

- 3.1 The Council is asked to agree to proceed with the review.

5. Background Documents

Local Government and Public Involvement in Health Act 2007

Department for Communities and Local Government Guidance on Community Governance Reviews.

Contact Officer:

Palbinder Mann
Democratic Services Manager
pmann@selby.gov.uk
01757 292207 / pmann@selby.gov.uk

Appendices:

Appendix A – Terms of Reference for the Review