

HERTSMERE BOROUGH COUNCIL

Meeting name & Date	Full Council Wednesday 17th November 2021
Agenda item	
Report title	Proposed Community Governance Review in Aldenham West and Shenley
Report reference no.	
Borough Wards affected	Aldenham West Shenley
Report author, job title & email	Harvey Patterson, Head of Legal & Democratic Services Harvey.patterson@hertsmere.gov.uk Sam Langford, Electoral Services Manager Sam.langford@hertsmere.gov.uk
List of Appendices	<ol style="list-style-type: none">1. Draft terms of reference for the proposed Community Governance Review Working Party2. Projected Community Governance Review Timetable

PUBLIC REPORT - this report is available to the public.

1 RECOMMENDATION

1.1 That Council agree and approve :

1.1.1 that a Community Governance Review be conducted in relation to the Parish Areas of Aldenham, Ridge, Shenley and South Mimms commencing on 1 January 2022;

1.1.2 that the Terms of Reference for the Community Governance Review as set out at Appendix 1, be approved.

1.1.3 That the indicative timetable at Appendix 2 and the legal obligation to complete a Community Governance Review within a 12 month period be noted.

1.2 That the Constitution and Member Development Panel consider the consultation responses to the Review and make recommendations to

Council on the future community governance arrangements for the Parish Areas under consideration.

2 PURPOSE OF THIS REPORT

- 2.1 To conduct a Community Governance Review (CGR):-
- (1) to consider the case for aligning the boundaries of the Parish Ward of Aldenham West with the boundaries of the Borough Ward of Aldenham West;
 - (2) to consider separating from the Parish of Aldenham the area falling within Polling District EA; and
 - (3) to determine the community governance arrangements required to replace the non-functioning Parish Council of Ridge taking into account the potential impacts on the adjoining parishes of Shenley and South Mimms.

3. DETAILS

- 3.1 Following the Local Government Boundary Commission for England (LGBCE) review of Hertsmere in 2018, changes were made to the Borough's ward boundaries one of the consequences of which was that the boundaries of the Aldenham West Parish ward ceased to correspond with the new boundaries of the Aldenham West Borough ward. As a result, Aldenham Parish Council have requested a Community Governance Review to consider the case for re-aligning the Parish and Borough Ward boundaries, the practical consequences of which would be the extension of the Aldenham West Parish Ward to incorporate the adjacent unparished area of Patchett's Green, essentially polling districts EE and EF totalling 31 dwellings and 389 registered electors.
- 3.2 Aldenham Parish Council has also requested that consideration is given in the CGR to removing the dwellings in Falcon Way, Osprey Close, Kestrel Close and Peregrine Close Watford, falling within Polling District EA (totalling 164 dwellings and 255 registered electors) from the parish of Aldenham. The reason for this request is that these dwellings form part of a larger Watford housing estate that extends beyond the Watford BC boundaries into Hertsmere (and the Aldenham West Ward) but is effectively walled-in and separated from the rest of Aldenham Parish by the M1, with all the access roads leading into Watford Town.
- 3.3 The practical consequences of this are that in both physical and functional terms, these households are located in the urban area of Watford but the residents are required to pay a precept to Aldenham Parish Council with whom they have little or no connection for services and facilities they do not receive or will make little, if any, use of. Aldenham Parish Council rightly considers the optimal solution to be the incorporation of Polling District into the Borough of Watford but as that would require a Borough Boundaries Review that includes Watford Borough, of which there is little prospect in the

foreseeable future, the short term expedient is to remove the area of polling district AE from the parish of Aldenham, thus relieving these de facto residents of Watford of the burden of paying a precept to Aldenham Parish Council.

- 3.4 In this regard, it should be noted that although the Council has the power to create a new civil parish out of an unparished area, it has no power to 'de-parish' any part of a parished area, that is to say to return a parished area to an un-parished state. What the Council can do however, is 'separate' part of a parish from that parish to create a new civil parish. In summary, in order to achieve the objective desired by Aldenham Parish Council, the Council can separate and thereby create a new civil parish comprising the area of Polling District EA, thus removing it from Aldenham Parish Council and the burden of their precept. It follows that it is not proposed to establish a Parish Council for the new Parish.
- 3.5 The other driver for a CGR is Ridge Parish Council which at present has 144 registered electors. Some members will recall that in 2011 Ridge PC requested the Council to dissolve it as they were finding it very difficult as a 'small' Parish Council (not more than 150 electors) to attract candidates to either stand for election or put themselves forward for co-option when casual vacancies arose. Although the ensuing review recommended the abolition of the Ridge Parish Council, the Council in fact declined to do so.
- 3.6 Consequently Ridge Parish Council continues to exist on paper but not in fact as all the requisite features of a functioning Parish Council appear to be entirely absent. For example, there is no evidence that any of the candidates elected unopposed at the last all out elections in 2019 actually accepted office or that, as all Parish Councils are legally required to do, Ridge Parish Council called and held an annual meeting at which a Chairman was elected for the forthcoming year, nor is there any evidence that the Parish Council has ever called a Parish Meeting, nor since the 2019 elections has any councillor from Ridge PC notified the Monitoring Officer of any disclosable pecuniary interest for entry in the Ridge Parish Council Register of Members Interests, despite being under a legal obligation to do so within 28 days of accepting office. In addition, all Parish Councils are required to appoint a Clerk to arrange and minute their meetings and to act as the Responsible Officer in relation to the records, finances and assets of the Parish Council and again, there is no evidence that Ridge PC currently has a Clerk, hardly surprising given the apparent absence of any councillors to appoint and remunerate such a person and act as a co-signatory to the Parish Council's cheque book (assuming it still has a bank account).
- 3.7 Although it is not appropriate to confidently predict the outcome of a CGR, unless the consultation responses indicate a desire on the part of residents of Ridge to not only retain their Parish Council but also to stand as councillors to make it function effectively, the dissolution of Ridge Parish Council is inevitable. That being so, the stakeholder and public consultation through the CGR must also be directed to seeking views on the available alternatives and because some of these will have a direct impact on the neighbouring parishes of Shenley and South Mimms, it is appropriate Shenley Parish Council and South Mimms Parish Council and the electors in these areas should also be consulted through the CGR.

- 3.7 There are four alternatives to the continuation of Ridge Parish Council, as follows:-

Alternative 1 – Dissolve Ridge Parish Council

Not all civil parishes will have a parish council but the existence of a civil parish (or if one does not exist, the creation of a civil parish) is a necessary pre-condition to the creation of a parish council for that parish. Accordingly, the Council could dissolve Ridge Parish Council and transfer the records, assets (and liabilities) of the former Parish Council to the Council. In that event the electors in the former civil parish of Ridge will have lost the first tier of democracy, although that is electors will not have enjoyed in practice for at least the last four years.

Alternative 2 - Merge Ridge Parish Council with South Mimms Parish Council

This would involve the grouping of the existing civil parishes of Ridge and South Mimms and the creation of a single new Parish Council for the two civil parishes in the Group. The distinct and historic identity of each could be respected in the naming of the new Parish Council and the Council would be responsible for designing the electoral arrangements for the new Parish Council and the transfer of the asset and liabilities of Ridge Parish Council and South Mimms Parish Council to the new combined Parish Council. Given the small number of electors in the current Ridge civil parish, it is likely that any electoral arrangements scheme for the new Parish Council would return a single councillor only to the new Parish Council.

Alternative 3 - Merge Ridge Parish Council with Shenley Parish Council

The process for this and the implications of this are as set out in Alternative 2. Again, it is likely that given the small number of electors in the current Ridge civil parish, it would return one councillor to the new Parish Council.

Alternative 4 - Merge Ridge Parish Council with Shenley Parish Council and South Mimm's Parish Council

This option recognises that Ridge is not the only Parish Council to encounter governance issues as the Council had to intervene last year to appoint Borough Councillors to administer the affairs of South Mimm's Parish Council following a mass resignation of councillors. In terms of the likely electoral impacts of such a grouping, the electors in the current civil parish of Ridge would probably return one councillor to the new Parish Council and the electors in the current South Mimm's civil parish, would return three councillors. In terms of electoral arrangements, a tri-Parish grouping under a single Parish Council could also justify the creation of two or more parish electoral wards to better reflect community identities and allegiances as well as having the potential to reduce the costs to the new Parish Council of contested by-elections.

- 3.8 Council should also note that in the absence of any community demand, it is not proposed to consider the parishing of any part of the un-parished areas of the Borough other than in Polling Districts in EE and EF

4. CGR – THE LAW

- 4.1 The relevant legislation is contained in Part 1 of the Local Government Act 1972 and Part 4 of Chapter 3 of the Local Government and Public Involvement in Health Act 2007. Together this legislation enables the Council to create a civil parish in an unparished area and create a parish council for that new parish but also to group together one or more parish areas and create a single parish council for the group. The Council can also dissolve a group or separate one or more parishes from a group
- 4.2 The amendments and reforms introduced by the 2007 Act were intended to streamline the processes for conducting and giving effect to recommendations made in a CGR. Not only would stakeholder and public consultation inform the recommendations of a CGR, but the 2007 Act also introduced the power for residents to petition a principal Council to conduct a CGR and for and a properly constituted local neighbourhood forum to make an application to the Council to conduct a CGR in respect of their neighbourhood area. The Council is also required to complete a CGR within 12 months of its inception.
- 4.3 In any event, the LGBCE recommends that it is good practice to conduct a CGR review every 10 -15 years, whereas, within this time frame the Council has only reviewed Ridge Parish Council (in 2011/12 and made no changes) and Elstree and Borehamwood Town Council (in 2018 as part of the Council's full electoral boundaries review). It is therefore timely that the local governance issues raised by Ridge Parish Council will necessitate consideration of the effectiveness of local governance in Shenley and South Mimms.

5. Who will undertake the review?

- 5.1 CMDP will be responsible for conducting the CGR in accordance with the Terms of Reference approved by full Council and officers will support CMDP in reviewing the current arrangements and leading on the stakeholder and public consultation. CMDP will be responsible for presenting both draft and final recommendations to the Council.
- 5.2 The Council will be required to approve final recommendations prior to the Community Governance Order giving effect to the agreed changes being made.

Primary officer contacts for this review will be:-

Sajida Bijle – Managing Director/Returning Officer/Electoral Registration Officer

Harvey Patterson – Head of Legal and Democratic Services

Sam Langford – Electoral Services Manager

6. Consultation

- 6.1 To take full account of the views of local people a comprehensive consultation process will form part of the review which will include the , the affected Parish Councils, election agents for the political parties, relevant ward and parish councillors and other interested organisations and residents in the areas falling with the approved Terms of Reference. It is also mandatory for the Council to consult Hertfordshire County Council. Details of the proposals will be made available on the Council's website and through social media and press releases and other publicity will be issued where appropriate.

7. TIMETABLE

- 7.1 CDMP should note that the Council is legally required to complete a CGR within one year of its inception and attention is drawn to the indicative timetable at Appendix 2.

8. FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS

- 8.1 The review will be completed within the current Electoral Services department budgets.

9. LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS

- 9.1 In conducting the review the Council must comply with the requirements of The Local Government and Public Involvement in Health Act 2007 and have had regard to the Statutory Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.
- 9.2 In the event that any proposals are made to the electoral arrangements; the Council will make the relevant Order(s) to implement the agreed changes.

10. EFFICIENCY GAINS AND VALUE FOR MONEY

- 10.1 None for the purposes of this report

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 Hertsmere Borough Council will not hold elections in 2022. The CGR can be actioned as per terms of reference and a timetable set out by the Borough Council.

12. PERSONNEL IMPLICATIONS

- 12.1 None for the purposes of this report

13. EQUALITIES IMPLICATIONS

- 13.1 None for the purposes of this report

14. CORPORATE PLAN and POLICY FRAMEWORK IMPLICATIONS

14.1 None for the purposes of this

15. ASSET MANAGEMENT IMPLICATIONS

15.1 None for the purposes of this report unless the decision is taken to adopt Alternative 1 and simply dissolve Ridge Parish Council in which case the assets and liabilities of the Parish Council will accrue to the Council.

16. HEALTH AND SAFETY IMPLICATIONS

16.1 None for the purposes of this report.

17. BACKGROUND DOCUMENTS USED TO PREPARE THIS REPORT

Document Title:	Filed at:
The Local Government Boundary Commission for England – Guidance on Community Governance Reviews.	https://www.lgbce.org.uk/how-reviews-work/technical-guidance

18. CONSULTATION ON DRAFT REPORT

A draft of this report was sent to the following on the following dates:

Consultees	Report sent	Comments rcvd
Managing Director/RO/ERO	14/10/2021	14/10/2021
Head of Legal & Democratic Services	14/10/2021	14/10/2021
Constitution and Member Development Panel	25/10/2021	25/10/2021