

Community Governance Review – Draft Recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council.

REPORT OF: Head of Regulatory Services
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Wards Affected: All Burgess Hill Wards & Cuckfield
Key Decision: No
Report to: Scrutiny Committee for Customer Services & Service Delivery
22 June 2022

Purpose of Report

1. Following completion of the first of two public consultations, to summarise for the committee the findings of the first consultation.
2. To consult the Committee regarding our draft recommendations.

Recommendations

3. **The Committee is recommended to:**
 - (i) **Note the findings of the first public consultation.**
 - (ii) **To provide advice upon, and further to that advice, to agree the principal electoral authority's draft recommendations for Burgess Hill Town Council and Ansty & Staplefield Parish Council, upon which a second public consultation would be conducted.**
 - (iii) **To note that following the second public consultation, further findings and the final recommendations of the principal electoral authority will be presented to this committee on 14 September 2022.**
 - (iv) **To note the final decision will be taken by Council in the light of the consultation responses received through the Community Governance Review**

Background

4. The committee will recall that this Community Governance Review (CGR) was initiated following a valid petition submitted by the requisite number of local registered electors, pursuant to the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007. The petition called upon this Council to review the extent of the electoral wards of the Burgess Hill Town Council considering LGBC's creation of two new parish wards, Northern Arc East, and Northern Arc West.
5. As reported to this committee on 25 May 2022, the full petition wording is as follows:

We, the undersigned residents of Burgess Hill, request Mid Sussex District Council to undertake a Community Governance Review for Burgess Hill Town Council based on the extent of Burgess Hill determined by the local Government Boundary Commission final recommendations document published on 1st February 2022. The Review is to seek to match the Town Council wards with the District Council wards to simplify matters for electors and to seek to equalise the number of electors per Town Councillor by increasing the number of Town Councillors to up to 22 Councillors. In

the event of a positive outcome of the Review to complete the redrawing of the boundary by May 2023.

6. Owing to potential consequential impacts for a neighbouring parish council and because that parish council also disagrees with the LGBCEs revisions to their Councillor numbers, it was also resolved that we would review those matters for Ansty & Staplefield Parish Council.
7. At its meeting of 25 May 2022, the Committee advised upon and agreed the Terms of Reference and Guidance for Respondents relating to the CGR. The first public consultation opened on 25 April 2022 and closed on 3 June 2022.
8. Members will recall from our Guidance for Respondents, that CGRs require consultees to make qualitative submissions that should address the themes explained within the Terms noted the submissions that merely express support or opposition for a particular proposition, or that provide nothing for us to consider.
9. Your Officers have evaluated the qualitative submissions that were received, and we present the findings below:

Public Engagement

10. Each eligible elector was sent a letter giving Public Notice of the CGR, signposting to the consultation material published at the Council's website. This letter explained how to contribute to the Review. The letter also provided electors with their unique Elector Number, to be quoted with their submission to enable our electoral services team to verify that all individual responses came from registered local government electors of the Burgess Hill Town Council and the Ansty & Staplefield Parish Council areas.
11. Although a qualitative Review, for the Committee's contextual information, we received 319 submissions that were acceptable (83.5%). A further 63 responses were rejected for undue brevity and providing nothing for us to consider (16.5%).
12. Of the 319 accepted submissions, 300 (94%) were from residents and stakeholders of Burgess Hill, and 19 (6%) were from residents and stakeholders of Ansty & Staplefield.
13. Of the 319 accepted submissions, 299 support the extent of the Review considerations for Burgess Hill and a majority specifically suggest that the Northern Arc is and should be part of Burgess Hill. 6 such expressions of support relating to the Northern Arc wards were submitted by electors in the Ansty & Staplefield parish.
14. Of the 319 accepted submissions, 20 raised objections. 7 out of 20 related to the proposed incorporation of the Northern Arc into Burgess Hill and were submitted by 3 Burgess Hill electors and 4 Councillors representing nearby areas. The remaining 13 were from electors of Ansty & Staplefield and these mostly opposed the LGBCE's reductions to their parish councillor numbers.

Public Consultation Findings

15. The full set of accepted submissions is published and represents a background paper, for committee members to peruse. A link is provided at the end of this report.
16. **Relating to Burgess Hill Town Council** – many electors referred to inception of the Northern Arc suggesting that since at least 2011 the strategic housing developments have always been intended to be within Burgess Hill. Several residents refer to the public information website www.burgesshill.net which provides Northern Arc updates.

17. An appreciable number of electors refer to the Town Wide Strategy, the Burgess Hill Neighbourhood Plan, and the District Plan as evidence that the Northern Arc developments will be in Burgess Hill and that future residents will inevitably identify with the town for services and amenity, rather than the Ansty & Staplefield parish.
18. Several electors say that the LGBCE has recognised what they regard to be these 'realities' or 'facts' by creating the new parish wards Northern Arc East and Northern Arc West, which the LGBCE has assigned to the district wards of Dunstall and Leylands in its recent Electoral Review of Mid Sussex District Council.
19. The Burgess Hill Town Council provided a clear and engaging submission which is recommended reading for committee members. It refers also to the Town Wide Strategy, the Burgess Hill Neighbourhood Plan (2016), MSDC's District Plan (2018), the Burgess Hill Masterplan and the outcome of the LGBCE's Electoral Review of Mid Sussex District Council, in support of the town Council's view that 'the case for extending the boundary of Burgess Hill to incorporate the Northern Arc is overwhelming'.
20. The Burgess Hill Town Council submission also suggests that this Review provides an important opportunity to resolve electoral ward misalignment in the Northern Arc area whilst also carefully considering some of the very small wards that have been created within the town. It requests that the principal electoral authority (MSDC) focus on providing 'a clear and logical structure for local government and democratic accountability'.
21. District ward Members for Haywards Heath Lucastes, Haywards Heath Franklands and High Weald, Cllrs. Knight, Clarke, and Stockwell have written to suggest that the extension of the Burgess Hill Town Council boundary to incorporate the parish wards of Northern Arc East and Northern Arc West should be considered only when more of the developments are built and when residents have occupied them. They believe that those future residents should decide what administrative governance they want and what the electoral arrangements should be. For example, whether to be in Burgess Hill, Ansty & Staplefield or in a newly created parish of their own.
22. The County Councillor for the Cuckfield & Lucastes electoral division, Cllr. Bradbury (and district ward Member for Cuckfield) also wrote to oppose consideration of the new Northern Arc parish wards at the present time. He is concerned that future residents be consulted, he does not support a proposed increase to the number of Councillors for Burgess Hill Town Council, and he draws comparisons with two other CGRs within the district where our draft recommendations propose that certain matters be reconsidered in 2025.
23. District ward Members for Burgess Hill Leylands, Burgess Hill Meeds and Burgess Hill Franklands, (who are also Town Councillors) Cllrs. Eggleston, Hicks, Henwood and Eves have written in support of the electoral alignment of the Northern Arc parish wards. They refer to the Town Wide Strategy, the Burgess Hill Neighbourhood Plan, and the District Plan as evidence that the Northern Arc developments will be in Burgess Hill and that future residents will inevitably look to the town for services and amenity, rather than the Ansty & Staplefield parish. They also highlight place, connectivity, electorate, and community interests among a range of relevant considerations. In addition, Cllr. Hicks says the new housing should be incorporated into Burgess Hill from the start and advises that the proposals align with the design brief promoted by Homes England. Cllr. Hicks and Town Councillor, Cllr. Neumann highlight the construction that has begun in the Maple Drive area close to existing homes and see these looking to Burgess Hill for information, services, and amenity.

24. The County Councillor for Burgess Hill North electoral division, Cllr. Condie supports the incorporation of the new Northern Arc parish wards into Burgess Hill suggesting that the villages of Ansty and Staplefield are so far away as to render the status quo “absurd”.
25. The County Councillor for Burgess Hill East electoral division, Cllr. Cherry supports the incorporation of the new Northern Arc parish wards into Burgess Hill highlighting the Town Wide Strategy, the Burgess Hill Neighbourhood Plan, and the District Plan, together with place, connectivity, services, and employment considerations. He also observed that local democracy is probably most effective when voters in the same neighbourhood vote in the same electoral areas. He suggests that the LGBCE recognised this by placing the voters of the whole of the Northern Arc into Burgess Hill’s existing district wards of Dunstall and Leylands.
26. **Findings** – Your Officers note a strong body evidence that the Northern Arc was always intended to be within the administrative area of Burgess Hill. In addition to that highlighted by electors, the Burgess Hill Town Council and elected representatives we note the [Housing Development and Electorate Forecast to 2027](#) approved by Council on 27th January 2021 as part of its Council Size submission to LGBCE.
27. That 5-year electorate forecast refers to the strategic development site the ‘Northern Arc’, Burgess Hill, stating ‘the majority of this site is within the current Cuckfield Ward, with a smaller element within Hurstpierpoint and Downs. However, the development is connected most logically to Burgess Hill and it will be referenced as Burgess Hill in future – with its southern boundary adjacent to Burgess Hill Leylands and Burgess Hill Dunstall wards.
28. A few contributions have discussed the small number of electors that might be in the new Northern Arc parish wards at time of the 2023 elections, but we note that this would be true wherever those new parish wards are at that time. According to the forecast build rates that situation would not persist for very long.
29. It is not usual or advisable to defer governance matters to a late stage of build out as that can result in electors having to vote in areas that they don’t identify with and where democratic accountability does not appear relevant.
30. In your Officer’s view it is right that prospective owners and occupiers of properties in the Northern Arc should have clarity as to local administrative and governance responsibilities, so that they may know this when choosing it as a place to live.
31. The democratic engagement argument that has been presented about new residents determining their sense of community / deciding on electoral arrangements is not persuasive because high levels of engagement are rarely a feature of Community Governance Reviews. Once residents have settled in the Northern Arc, if they feel strongly that they identify with a different area, it is open to them to petition the principal electoral authority for a further CGR at any time, and to contribute to future LGBCE Electoral Reviews.
32. **Relating to Ansty & Staplefield Parish Council** – The Parish Council’s submission states that it understands that the Northern Arc developments within the Ansty and Staplefield Parish area, were always to be moved to Burgess Hill Town Council. However, it believes this move to be premature. It further suggests that election of Councillors to these new wards in May 2023 will be by a tiny number of people.
33. The Ansty & Staplefield Parish Council submission which is recommended reading for committee members strongly opposes the LGBCE’s revised parish electoral

arrangements which provide for reductions to their Councillor numbers. Their submission for Ansty and Staplefield Parish Council going forward makes a persuasive case for a council size of 12 parish Councillors given its breadth of responsibilities, the extent of its administrative area and its precept.

34. Several electors of the parish have written in support of the parish Council submission, and a few have highlighted Councillor's trusteeship responsibilities in local organisations and facilities such as the Ansty Centre Trust and the Ansty Village Hall. They argue that the LGBCE's reduction would spread a considerable volume of work among too few parish Councillors. Cllr. Bradbury also supports this view.

Draft Recommendations for Burgess Hill Town Council

35. Your officers evaluated and carefully considered all valid submissions received. Having regard to these it is considered that the draft recommendations of the principal electoral authority should be as follows:
36. The northern exterior boundary of the Burgess Hill Town Council area should be extended to include the LGBCE's newly created parish wards of Northern Arc East and Northern Arc West.
37. The Burgess Hill Town Council should be comprised of 10 Wards represented by 19 Councillors.
38. The Town Council Ward names and Councillor numbers should be as follows:

Town Ward	Electorate June 2022 *	Forecast Electorate 2027	Town Councillor No.
Leylands	4142	5105	3
St. Andrews	4934	5682	3
Franklands	4206	4606	3
Meeds & Hammonds	2786	3212	2
Victoria	3624	3942	2
Dunstall	2079	3223	2
Gatehouse	1823	1881	1
St. Johns	1110	1532	1
	Forecast Electorate May 2023		
Northern Arc East	340	1360	1
Northern Arc West	510	1700	1
			19

* Updated to June 2022 electorate

39. The LGBCE had to create the new parish wards of Northern Arc East and Northern Arc West. They could not simply add them to the Leylands and Dunstall parish wards because they are not able to alter the exterior Town boundary. The principal electoral authority can alter the exterior Town boundary and based upon this public consultation we should do so.
40. The principal electoral authority cannot alter the County Division boundary which runs along the current exterior northern boundary, though we can and most likely will request that the LGBCE considers this related alteration. This would enable a future possibility to consider bringing Northern Arc East into Leylands ward and Northern Arc West into Dunstall ward.
41. The newly created Parish wards of Victoria East and Hammonds North are small. We consider that they should be part of Victoria parish ward. Similarly, the parish ward of Norman has 485 electors currently, forecast to be 521 by 2027. We consider that this too should be part of Victoria Ward parish ward. We can do this because these smaller wards lay wholly within the County division of Burgess North.
42. In the case of Norman parish ward, we cannot achieve coincidence with the new district ward of Burgess Hill Meeds and Hammonds because the current County division boundary runs along the parish ward boundary of Norman and St. Johns parish wards (see map at appendix 1).

Draft Recommendations for Ansty & Staplefield Parish Council

43. Your officers evaluated and carefully considered all valid submissions received. Having regard to these it is considered that the draft recommendations of the principal electoral authority should be as follows:
44. The Ansty & Staplefield Parish Council should be comprised of 5 wards represented by 12 Councillors.
45. The Parish Council Ward names and Councillor numbers should be as follows:

Parish Ward	Electorate April 2022	2023 Parish Councillor No.
Ansty	773	5
Rocky Lane North	789	2
Rocky Lane South	108	1
Staplefield	375	3
Brook Street & Borde Hill	189	1
		12

Policy Context

46. The petition process allows for local views to be considered when considering community representation at Parish level.

Other Options Considered

47. None

Financial Implications

48. There is a slight loss of precept for Ansty & Staplefield Parish Council and a slight gain of precept for Burgess Hill Town Council.

Risk Management Implications

49. Legal precedent establishes that where a principal electoral authority declines or fails to implement the findings of CGR public consultations, the risk of an adverse outcome at any Judicial Review is considerably increased. Your Officers advise that the findings of the public consultation should be the basis for our draft recommendations.

Equality and Customer Service Implications

50. All stakeholders and registered electors will now be consulted on the draft recommendations of this Review.

Other Material Implications

51. At the conclusion of any CGR and following adoption in Council, the Council's Legal Services Division would be required to make Community Governance Orders, if there is to be a change.

Sustainability Implications

52. A key aim of any Community Governance Review is to alight upon suitable Governance and Electoral arrangements that are capable of enduring. There is little or no environmental impact.

Background Papers

[Government & Local Government Boundary Commission Guidance on Community Governance Reviews.](#)

[Link to public consultation responses](#)

Enc. Map ay Appendix 1