

Meeting:	Audit and governance committee
Meeting date:	23 September 2015
Title of report:	Community governance review
Report by:	Governance manager

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Countywide

Purpose

To agree the timetable to assess the case for undertaking a community governance review (CGR) of parish boundaries and electoral arrangements.

Recommendation(s)

THAT:

- (a) the timetable as set out at paragraph 9 be agreed.**

Alternative options

1. To do nothing. This is not recommended as periodic CGRs help to reduce the risk of local democracy failing to be appropriately and adequately resourced to meet the needs of the community. The Local Government Boundary Commission for England (LGBCE) recommends that councils review local governance arrangements every 10 to 15 years, and parish arrangements have not been considered since the establishment of Herefordshire Council in 1998.

Reasons for recommendations

2. To ensure that appropriate foundations are in place should the council agree to a future CGR in Herefordshire.

Key considerations

3. Herefordshire is currently divided into 239 parishes and there are no areas within the county which are not 'parished'. Within the county there are 133 parish councils, (some of which are group parish councils which collectively represent more than one parish), and four parish meetings (where there is no parish council but a parish meeting is held at least twice a year to which all electors are entitled to attend and vote on certain matters).
4. The Local Government and Public Involvement in Health Act 2007 devolved responsibility for determining the governance arrangements of this first tier of local government to principal authorities, and they must do this by way of a CGR.
5. A CGR can consider a number of issues, including:
 - whether to create a new parish
 - whether to alter the boundary of one or more existing parishes
 - whether to group a number of parishes together in a grouped parish council
 - whether to alter the number of seats on an existing parish council
6. A community governance review offers an opportunity to remove anomalous boundaries and ensure that boundaries both reflect local identities and facilitate effective and convenient local government. Reviews also offer the chance to principal councils to consider the future of what may have become redundant or declining parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council. Recommendations from reviews should bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
7. CGRs can be undertaken in relation to one or more specified parishes or across the whole of the principal council's area, and may be in response to a community governance petition, or to address a particular identified issue. The council may reject a request for a specific parish CGR if it is already considering undertaking a county wide CGR. Guidance issued jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England advises that principal councils should regularly review the need for a community governance review and, as a matter of good practice consider conducting a review every 10 to 15 years; there has not been a countywide review since the establishment of Herefordshire Council in 1998.
8. The decision as to whether or not to undertake a review rests with full Council, and the audit and governance committee is responsible for making recommendations on this matter to full Council. To inform the recommendation of the committee, a range of information is being collated including current and projected elector numbers per parish, number of uncontested seats in the recent local elections, issues the parishes would wish a CGR to address, and the costs of resourcing a CGR.
9. It is proposed that the following timetable would be followed:
 - January 2016 - report to audit and governance committee setting out the case for undertaking a community governance review and proposing draft terms of reference for recommendation to full Council

- March 2016 – report to full Council to determine whether to undertake a review and if so to agree the terms of reference/timescale for doing so
- Subject to the above, the intention would be to progress a review on the following timescale reporting to full Council in March 2017:

Stage	Action	Timescale
Commencement	Publish terms of reference	Following full Council approval
Preliminary stage	Meetings of working group to consider consultation arrangements	One month
Stage 1	Initial submissions invited	Three months
Stage 2	Consideration of submissions received. Draft recommendations prepared	Two months
Stage 3	Draft recommendations published and consulted on	Three months
Stage 4	Consideration of submissions received. Final recommendations prepared	Two months
Final stage	Recommendations submitted to full Council for approval	One month

Community impact

10. The recommendations support the council to meet its code of corporate governance by ensuring that decisions are taken on the basis of good information, and that the council is transparent, open and responsive to Herefordshire's needs.

Equality duty

11. This proposal does pay due regard to the council's public sector equality duty as set out below as it supports access to local democracy by refreshing the arrangements for local government:
12. A public authority must, in the exercise of its functions, have due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected

- characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Financial implications

13. None associated with this decision.

Legal implications

14. The Local Government and Public Involvement in Health Act 2007 determines the process and timescales to be followed when conducting a CGR. Whilst CGRs are not mandatory, it is recommended by the Local Government Boundary Commission for England (LGBCE) that councils conduct one every 10 to 15 years using the legislative framework.
15. The LGBCE has responsibility for making any changes to ward boundaries following a community governance review. These are called 'consequential changes'. Any proposals for any consequential changes should be consulted on as part of a review and the recommendation made to the LGBCE. The LGBCE is then responsible for making the changes to the wards or divisions.

Risk management

16. Should a countywide CGR not progress, there may be requests for unplanned piecemeal/smaller-scale parish reviews. A countywide co-ordinated CGR would therefore achieve greater economies of scale and would reduce the likelihood of ad-hoc reviews of single or groups of parishes within the county.

Consultees

17. Initial consultation with Herefordshire Association of Local Councils (HALC) has taken place and HALC is supportive of the proposal. All parishes councils have been asked to identify whether they have any specific issues they would wish a community governance review to address and these responses will inform a further report to the committee.

Appendices

None.

Background papers

None identified.