

<b>Meeting:</b>	<b>Audit and governance committee</b>
<b>Meeting date:</b>	<b>Wednesday 19 September 2018</b>
<b>Title of report:</b>	<b>Community Governance Reviews.</b>
<b>Report by:</b>	<b>Democratic Services Manager</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

Bromyard Bringsty; Credenhill; Golden Valley South; Queenswood; Stoney Street; Sutton Walls; Wormside;

## **Purpose and summary**

To make recommendations to Council following the Community Governance Reviews (CGRs) undertaken in the Bishopstone group, Bredenbury District Group, Brockhampton Group, Kilpeck Group, Peterchurch, Longtown Group Moreton On Lugg, and Wellington parishes.

If these recommendations are agreed, consequential changes will need to be made to two ward boundaries between Queenswood and Sutton Walls and Stoney Street and Credenhill wards. These changes will require agreement from the Local Boundary Commission for England (LBGCE).

## **Recommendation(s)**

**That:**

- A. It be recommended to Council that the solicitor to the council be authorised to make orders to give effect to the following with changes taking effect from 1<sup>st</sup> April 2019 ('the effective date'):**
  - I. That the parish boundary between the Bishopstone group parish and the Stretton Sugwas parish be moved between Stoney Street and Credenhill ward to enable the following properties (Bradworthy; Pear Tree Cottage; Elandwin; the Bounds; Longhope; Old Weir Farm Cottages; Sugwas Pool Cottage;**

Miramar; Anchorage; Heathmere, and St. Margarets Bunglalow) to be moved from the Bishopstone district group parish to Stretton Sugwas parish, and that this proposal does not require other changes to the existing governance arrangements for the parishes affected;

- II. That consequent upon this change being made that the Council recommend to the Local Government Boundary Commission for England ( LGBCE) that the boundaries of the Stoney Street and Credenhil ward be changed to ensure coterminosity with the new parish boundary;
  - III. The number of seats on Brockhampton group parish be reduced from 15 to 10 to better reflect the number of electors; the ratio of parish council seats will be 5 for the Linton Parish group member (a reduction of 1 seat); 4 for the Norton parish group member (a reduction of 2 seats) and 1 for the Brockhampton parish group member (a reduction of 2 seats), and that the electoral arrangements will remain unchanged in all other respects.
  - IV. The existing parish councils of Kilpeck, Kenderchurch, St. Devereux, Treville and Wormbridge that make up the existing Kilpeck group parish council shall all be dissolved; the existing parishes of Kilpeck, Kenderchurch, St. Devereux, Treville and Wormbridge that make up the existing Kilpeck group parish council shall all be abolished; and to form a new parish as shown on the map in appendix C and that the new parish shall be represented by a Parish Council; ); the name of that new parish council shall be 'Kilpeck Parish Council, and that the electoral arrangements will remain unchanged in all other respects
  - V. The number of seats on Peterchurch parish council be increased from 8 to 9 to accommodate current and future population growth, and that the electoral arrangements will remain unchanged in all other respects
  - VI. That the parish boundary in the Moreton on Lugg parish and the parish of Wellington be moved between Queenswood and Sutton Walls to enable two properties, namely Aylus Cottages, to move from the parish of Moreton on Lugg into the parish of Wellington (Marked A on the map contained in Appendix E and G) and that this proposal does not require other changes to the existing governance arrangements for the parishes affected;
  - VII. That consequent upon this change being made that the Council recommend to the Local Government Boundary Commission for England ( LGBCE) that the boundaries of the Queenswood and Sutton Walls ward be changed to ensure cot6erminosity with the new parish boundary;
  - VIII. The parish boundary between Wellington and Hope Under Dinmore is adjusted to enable three properties, namely the Old Fruit Farm, Bathfield and Queens Wood House to move from their current parish, Wellington, into the parish of Hope Under Dinmore (Marked B on the map contained in Appendix G); and that this proposal does not require other changes to the existing governance arrangements for the parishes affected;
  - IX. No changes be made to the Bredenbury district group parish council; and
  - X. No changes be made to Longtown group parish council.
- B. That the solicitor to the council be authorised to draft the orders for council

consideration, as per the above recommendations.

## Alternative options

1. **Do nothing.** This is not an option because Council has already determined to undertake the reviews and must comply with the statutory guidance which says that we must determine the outcome within 12 months of that first determination.
2. **Make no changes:** This is not recommended as district councils, unitary county councils and London borough councils ('principal councils') have responsibility for undertaking community governance reviews. It is for those principal councils to decide whether to give effect to recommendations made in those reviews. In making their recommendations principal authorities need to take account of the views of local people. In undertaking the seven CGRs all communities in scope of the reviews have been consulted and their responses taken in to account.

## 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. This guidance has been followed during the undertaking of the community governance reviews undertaken by Herefordshire Council.
5. A CGR can consider a number of issues, including: whether to create a new parish, whether to dissolve existing parishes; 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; and on the electoral arrangements which accompany these changes..
6. Between September 2015 to April 2016, information was gathered on current elector numbers per parish, number of uncontested seats (following the 2015 local elections) and the number of seats remaining vacant remaining after the election. In addition, parishes were asked to identify any issues they would wish to be considered as part of a CGR. The views of all ward members were also sought. Thirteen parishes, at that time, came forward with a range of reasons they had identified as being within scope for a CGR. Those parishes can be reviewed [here](#).
7. During the spring/summer of 2017, informal follow up consultation was undertaken with the thirteen parishes and ward members to confirm that the reasons they originally set out to undertake a formal CGR were still valid. Five of the original thirteen parishes sought to withdraw their interest, noting various reasons or changes in local circumstances for doing so. Some, for example, noted that the original reason for wishing to undertake a CGR no longer existed; some parishes noted that they wished to have more time to formulate their agreement around the precise nature of change they required before committing to a formal review.

8. In October 2017 full Council unanimously agreed, therefore, to commence eight community governance reviews in the Bishopstone district group, Bredenbury district group, Brockhampton group, Kilpeck group, Peterchurch, Moreton on Lugg and Wellington parishes. Each of those parishes confirmed their agreement with their draft terms of reference ahead of the full Council meeting. These terms of reference were limited to particular questions which arose from the consultation and so the review and the formal consultation once the review commenced was in each case carried out on that limited area, rather than the broader range of questions contained within the Act.
9. The Bredenbury district group parish Council withdrew their support for and their involvement in their CGR in November 2017. This followed significant change resulting in a number of resignations of parish council members in October 2017. As a result there has been limited consultation with the Bredenbury group parish. The local ward member was consulted on these matters and was in agreement that limited scope to continue meaningfully with the review remained.
10. The parish council originally identified a parish within the group was able to have voting powers disproportionate to its size due to the distribution of seats. It was proposed that the number of seats for other members of the group be increased.
11. While limited consultation was undertaken as part of this CGR, triangulation of evidence in connection to the original reasons Bredenbury group parish had proposed their CGR was undertaken. The Aston Business School and the National Association of Local Councils concur that for parishes with fewer than 500 electorates they should have between 5 to 8 councillors to represent them. The electoral population of the Bredenbury group parish is 274. This electoral population is relatively evenly split, insofar as, the Grendon Bishop member has 83 electorates; the Wacton member has 94 and the Bredenbury member has 97. Currently Grendon Bishop Parish represented by 3 parish councillors on the group; Wacton and Bredenbury parish both represented by 2 parish councillors each.
12. These ratios would suggest that there is an acceptable number of parish councillors on the Bredenbury group parish council. It would also suggest that the balance of representation is also within recommended tolerances. To that end, there was limited scope to make any further changes in connection with the original terms of reference.
13. Of the seven remaining reviews where potential change remained an option, two of the reviews sought to raise (Peterchurch) or lower (Brockhampton group) the number of parish seats on the parish council. Four of the reviews sought to address perceived parish and/or ward boundary anomalies (Bishopstone; Longtown; Moreton on Lugg and Wellington). The remaining review (Kilpeck group) sought to abolish the five group member parishes and amalgamate those parishes into a single parished area. The terms of reference for each community governance review can be viewed [here](#).
14. Two phases of open and targeted consultation were undertaken as part of the CGR process. The council consulted local government electors for each of the areas under review. It also ensured that the consultation was open to any other person or body (including a local authority) which appears to the council to have an interest in the review.
15. The first phase (1 February to 6 April) was designed to gather community opinion on the proposed changes – as set out within each of the agreed terms of reference - within each parish under review. The results of the first phase of consultation indicated that six of the seven reviews should proceed to a phase 2 consultation. Insofar as, the balance of

evidence indicated that there was community support for the proposals following the phase 1 consultation. See appendix A to G.

16. A second phase of consultation was not pursued in relation to Longtown Group Parish Council. During the phase 1 consultation, differing views on the type of boundary change emerged. Instead of migrating the parish of Walterstone from the Longtown group to the Ewyas Harold group parish, a proposal to split and effectively abolish the parish of Walterstone was proposed by respondents. This proposed change fell outside of the scope of their agreed terms of reference. As such, a recommendation of no change at the current time has been proposed. The Longtown group remains interested in exploring a possible parish boundary change but will undertake further informal consultation before considering whether to formally request a further review. Should a requirement for a further community governance review be identified new terms of reference will be brought forward for committee consideration.
17. The six remaining reviews conducted their second phase of open and targeted consultation between 11 May to 26 June. Those consultations sought community views on whether their respective proposals – outlined in their agreed terms of reference - should come in to force.
18. In total, 73 responses to the phase 1 and phase 2 consultation were received. The consultation reports and resulting recommendations for each of the parishes taking part in the CGRs can be found in Appendix A to G.
19. If the recommendations are approved, reorganisation of community governance orders creating new parishes, abolishing parishes or altering their area will be made at any time following a review. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. The effective date for those changes coming in to force will be 3 May, 2019, following the local elections.
20. If – in going forward - the council implements the recommendations made in its review, there are other steps it is required to undertake as reflected in recommendations II and VII
21. These include depositing copies of the reorganisation order at its main office, it should also deposit a map showing the effects of the order in detail which should be available for inspection by the public at all reasonable times (i.e. during normal working hours). The 2007 Act also requires the council to make available a document setting out the reasons for the decisions it has taken (including where it has decided to make no change following a community governance review) and to publicise these reasons.
22. Community governance reviews requesting related alterations to ward boundaries of this Council will need to involve the Local Government Boundary Commission for England (LGBCE) once the changes have been made to the parishes. Supporting information required when making a request for related alterations:
  - A copy of the Reorganisation of Community Governance Order
  - The Order maps
  - Details of exactly what areas have moved and how many electors are currently in each area, as well as a five year forecast and details of the electoral cycle. A copy of the report to Council detailing the outcome of consultations, the recommendations made and evidence of consultation (for example, photocopies of adverts or notices placed)
  - A copy of signed agreement to the related alterations from Herefordshire Council

23. Unless requests for related alterations have been made to the LGBCE by **1 October**, there can be no guarantee that any Order will be made in time for implementation in elections in May.
24. Community governance reviews can only be held in years expected to be free of any scheduled elections. Current election planning indicates that the next window of opportunity to undertake a further round of CGRs will be 2021. A number of parishes have already expressed their interest in taking part in a CGR in this timeframe. Lessons learned as a result of undertaking this series of reviews will be applied to any future CGRs undertaken by Herefordshire Council.

## **Community impact**

25. Herefordshire Council's Corporate Plan commits Herefordshire Council to helping to create a strong sense of community where people feel they belong and have the confidence to get involved. Each of the CGRs will help facilitate this outcome.
26. The recommendations support the council to meet its code of corporate governance by ensuring openness and comprehensive stakeholder engagement and that clear trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders. In addition, 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**

27. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
28. The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.
29. In undertaking the CGRs outlined above, the council must have regard to reflecting the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient. Each of the reviews undertaken has sought to strengthen locally determined administrative, geographic and/or community connections.

## **Resource implications**

30. There are no significant resource implications resulting from these recommendations. At the October 2017 full Council meeting an estimated figure of £5k was suggested to cover the cost of conducting the CGRs. In reality only a small proportion of that budget has been utilised on promoting the CGRs via social media platforms, in the region of £150 in total.
31. If these changes are agreed, the electoral register will need to be updated to ensure that the boundary changes are correctly realigned, this will require a small amount of electoral services team time. In addition, a review of polling stations is being planned, this will take place after the May local elections. It is not expected that the CGRs will generate any material or new impact on that process.
32. There may be a small elevation in the costs of local elections in the parish of Peterchurch as a result of increasing the number of parish seats from 8 to 9. Correspondingly, there is likely to be a reduction in election costs for the Brockhampton group parish as a result of decreasing its parish council seats from 15 to 10. Parish elections take place every four years, the costs of which are re-charged back to Herefordshire Council by the parishes.

## Legal implications

33. The Local Government and Public Involvement in Health Act 2007 determines the process and timescales to be followed when conducting a CGR. A principal council must make recommendations as to:
  - a) whether a new parish or any new parishes should be constituted
  - b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
  - c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be

It may also make recommendations about:

- a) the grouping or de-grouping of parishes
  - b) adding parishes to an existing group of parishes or
  - c) making related alterations to the boundaries of a principal councils' electoral areas
34. In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.
  35. As noted in 6 to above and in the LGIHA – 2007 efforts were undertaken through the informal consultation which took place ahead of the review to ensure that each of the review reflected, as faithfully as possible, the identities and interests of the community within each review area. In addition, that the changes proposed by each of the CGRs were effective and convenient.
  36. The Local Government Boundary Commission for England (LGBCE) has responsibility for making any changes to ward boundaries following a community governance review. These '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

37.

Risk / opportunity	Mitigation
<p><b>Risk 1:</b> Ward boundary changes may not be completed in time for the May local elections. The LGBCE has stated that unless requests for related alterations have been made to the LGBCE by 1 October, there can be no guarantee that any Order will be made in time for implementation in elections in May.</p>	<p><b>Mitigation 1:</b> Contact has been made with the LGBCE and advance notice given that Herefordshire Council is seeking two minor ward boundary changes. Agreement, or not, as the case may be, to make those changes will be determined by full Council on October 12.</p>
<p><b>Risk 2:</b> The consultation responses for some of the CGRs is deemed to be so low that the evidence cannot be relied upon to make these recommendations.</p>	<p><b>Mitigation 2:</b> All reasonable efforts to communicate the opportunity to influence the CGRs in each parish were made. Very few responses in opposition to the changes proposed by each CGR were received. In addition, the changes being proposed in each CGR are relatively uncontroversial, insofar as, they represent pragmatic steps to ensure the community continue to feel connected to and relevance with their local parished area.</p>
<p><b>Opportunity:</b> As a result of undertaking this series of CGRs other parishes considering a review may feel greater confidence in coming forward for a future round of CGRs, to be conducted in 2021, the next year predicted to be free of elections.</p>	<p>A communications plan highlighting the changes made from this series of CGRs will be developed and promoted to other parishes interested in undertaking a CGRs</p>

38. Risk 1 is already being monitored and reported upon via the law and governance performance and risk register.

## Consultees

39. Both phases of consultation undertaken as part of this series of reviews were open to anyone to respond to on-line via Herefordshire Council website. Hard copies were made available on request. The consultation was also targeted and promoted using social media, local newsletters and the parish council web-site. Additional step were taken to post or hand deliver letters outlining the proposed changes to households identified as being in scope of possible boundary changes.
40. The metrics from the social media campaigns indicated that 47,945 people received details of the community governance review consultations and fact sheets via their social media channels. This generated 872 'clicked links' through to the consultation pages.
41. Fact sheets and maps were made available alongside the consultation so that those responding to the consultation could review further information on the changes being proposed. This included the existing boundary lines between the adjacent lying parishes/wards and the new boundary lines that would result if the community supported



such a change. The fact sheets supplied local information on local population figures, projected growth, information on the local neighbourhood plan and consequential changes to local council tax for any homes directly affected by a possible ward boundary change. The fact sheets can be viewed [here](#).

42. Local ward members were also consulted in each of the wards where CGRs were being conducted or affected. The recommendations linked to each of the CGRs have been reviewed and are supported by the ward members in question.

## **Appendices**

Appendix A to G: Consultation reports and consequential recommendations

## **Background papers**

None identified