

<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>Friday 13 October 2017</b>
<b>Title of report:</b>	<b>Community Governance Reviews</b>
<b>Report by:</b>	<b>Chairman of the audit and governance committee</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose and summary**

To seek approval of Council to carry out community governance reviews (CGR) of nine parishes in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

Following consultation with parishes, the audit and governance committee recommended that a timetable be drawn up for undertaking a number of reviews focussed on resolving the identified issues. The report sets out that timetable and seeks approval of the terms of reference for the first phase of reviews

## **Recommendation(s)**

**That:**

- (a) the terms of reference for nine community governance reviews attached at appendix A be approved.**

## **Alternative options**

1. **Do nothing:** This is not recommended. 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. Parish arrangements have not been considered in the County since the establishment of Herefordshire Council in 1998.

2. **Undertake all of the CGRs in one phase.** This is not recommended as the parishes not included in this round of CGRs represent more complex options. There is a risk that we could not adequately resource these reviews within the one year timeframe.

## Key considerations

3. A community governance review provides an opportunity to remove unsuitable boundaries and ensure that boundaries both reflect local identities and facilitate effective and convenient local government. A CGR can consider a number of issues, including whether to:
  - create a new parish (this may be where an area is not currently parished, or as a result of bringing together two or more existing parishes)
  - alter the boundary of one or more existing parishes
  - bring a number of parishes together as a grouped parish council
  - alter the number of seats on an existing parish council
4. Herefordshire Council is responsible for conducting CGR's in the county, and the decision to take forward a CGR rests with Council. In 2012 Council delegated authority to the audit and governance committee to carry out reviews and make recommendations to Council accordingly
5. 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).
6. In September 2015 the audit and governance committee received a report setting out the reasons for considering a CGR in the county, and agreed a timetable by which the information necessary to assess the case for a CGR would be collated.
7. Between September 2015 to April 2016, information was gathered and collated on current elector numbers per parish, number of uncontested seats in the 2015 local elections and number of seats remaining vacant after the election. In addition parishes were asked to identify any issues they would wish a CGR to address, and the views of ward members were sought. Analysis of this information was presented to audit and governance committee in April 2016. Thirteen parishes, at that time, identified a desire, for a range of reasons that they wished to take part in a CGR.
8. Outside of the consultative process outlined in 5 above, two further parishes, Cradley and Wellington Heath, have independently approached the council indicating interest in being included in the CGR; their requests have yet to be considered by audit and governance committee. Table 1 (appendix b) presents all of the parishes in question.
9. Once Council approves terms of reference for a community governance review, legislation requires that it must be completed within 12 months, and specifies the process to be followed, including consultation. Once completed, any elections required as a result

of any changes would be undertaken as part of the full term parish council elections in May 2019.

10. CGR's require input from the elections team whilst they are being conducted and, once an outcome has been determined which impacts on electoral arrangements, changes must be made to the relevant electoral registers and a review of polling places for that area be undertaken. Regard should be had to the following elections scheduled and consideration be given to the impact/timing of any CGR on these:
  - 2018 – no elections scheduled
  - 2019 – Herefordshire local elections (Herefordshire Council and all parish councils)
  - 2020 - Police and Crime Commissioner Elections for the West Mercia area
  - 2021 – no elections scheduled
  - 2022 – UK parliamentary elections
11. The reasons parishes have given for wanting to undergo a CGR vary in nature and complexity. Insofar as, they fall in to one of three categories; reducing or increasing the number of seats on a parish council; seeking relatively minor to relatively complex boundary changes or seeking a merger of grouped parishes or separation of parishes from a grouped parish. Given the one year time limit on undertaking a CGR, once triggered, it is recommended that full Council agrees to limit the number of CGRs triggered in a first tranche of reviews.
12. In the report to AGC in April 2016 assessing the merits of an all-out or targeted review approach the report said - *In either event, additional research is needed to clarify projected elector number growth in the areas under review to inform the development of terms of reference.* To inform this paper, additional statistical information has been compiled in Table 1 in appendix b. This includes current population, indicative housing growth figures for each of the parishes and electoral information from May 2015 to present
13. Based on that analysis a list of priority parishes have been selected to go forward in to a first round of targeted CGRs. Eight parishes are proposed which have been selected on the basis that the changes they wish to pursue are relatively straightforward to implement. In addition, that through initial consultation process, there appears to be a general consensus around the changes being advocated, and via the statistical analyses presented, they present a clear evidence to consult upon. The eight parishes, proposed to go forward with targeted CGRs are:
  - Bishopstone Group Parish Council;
  - Bredenbury & District Group Parish Council;
  - Brockhampton Group Parish Council;
  - Kilpeck Group Parish Council;
  - Longtown Group Parish Council;
  - Moreton on Lugg Parish Council;
  - Peterchurch Parish Council; and
  - Wellington Parish Council.
14. Five parishes (noted in Table 1 in appendix b) are not proposed to be triggered in tranche 1. The reasons for not triggering these parish CGRs is that they represent a higher degree of complexity to achieve the outcomes the parishes desire within 12 months. Or in the case of Cradley and Wellington Heath, their request for inclusion has have not been reviewed by audit and governance in time to trigger this round of targeted CGRs. Further consultation and preliminary work is recommended to take place with these parishes with

a view to their being included in a second wave of targeted CGRs which would be proposed to commence in 2021, the next clear full year with no planned elections. The parishes not proposed to be put forward for targeted CGRs at the current time are:

- Belmont Rural
- Cradley Parish Council;
- Dorstone Parish Council;
- Ballingham, Bolstone and Hentland Group Parish Council; and
- Wellington Heath Parish Council

15. Two parishes, noting their reasons in Table 1 appendix b, have subsequently withdrawn their interest in undertaking a CGR at this time. Those parishes are:

- Bromyard and Winslow Town Council, and
- Border Group Parish Council

16. The audit and governance committee will be responsible for undertaking the reviews and will be invited in November to establish working groups to oversee the individual targeted reviews. These working groups will include the respective ward members, within the review areas, and will supported by Herefordshire Council officers.

## **Community impact**

17. The community impact is likely to be felt most in the parishes and surrounding areas adjacent to where any CGR does take place. The council should consider that the underpinning purpose to taking forward a CGR will be to help deliver a key element of our Corporate Plan. This highlights our ambition to create a strong sense of community where people feel they belong and have confidence to get involved.

18. The recommendations also help 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**

19. 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.

20. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

## Resource implications

21. There is no power to re-charge the cost of conducting any CGR to the parish councils concerned, except by agreement. This is because the responsibility to conduct the review rests with Herefordshire Council. There will be a financial cost in conducting any CGR, both in terms of officer support and in respect of the consultation process. Once instigated, the CGR must be conducted within a 12 month period.
22. It is anticipated that the staffing support costs would be absorbed within existing capacity in the democratic services team. It is not expected that a member of staff would have to work full time on the review and there will be peaks and troughs in the workflow involved.
23. As far as possible consultation documents would be made available online, however some printing and posting will be required and the costs associated with this will depend on the scope of the consultation and area for review. On the basis of similar reviews undertaken in other counties, these costs are estimated to range from £500 for a single parish review; dependent on scale printing would either be carried out in-house or procured in compliance with contract procedure rules.
24. The additional financial costs associated with determining public support and wider engagement for any specific proposals submitted for consultation are more difficult to quantify at this stage, as it is not possible to predict the level of community interest in developing specific proposals for their local areas. If the parish council proactively undertakes further consultation and investigation, it will do so at its own expense – this would include any public briefing sessions or engagement meetings.
25. The cost of parish elections is incurred by Herefordshire Council, but is recharged on a proportionate basis to the parishes where an election is held. As it is envisaged that any changes to electoral arrangements would be implemented at the elections in 2019, there would be no additional costs arising from a by election. Any changes to the boundaries may affect the parish precept that residents affected by a boundary change will pay; any changes to precepts and council tax bills would be applied from the date the adopted recommendations from the review become effective.
26. Were group parish councils to become a single parish, there would be some reduction in the electoral costs. There are also potential wider economies of scale to be derived from the formation of fewer larger parish councils, and this is one of the considerations to be taken into account during a review.
27. Taking these variables into account, while it is not possible to provide precise costs, an indicative budget per parish should be set at £0.5k - for a series of 9 targeted CGRs this equates to a total of around £5k.

## Legal implications

28. 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.
29. 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

30.

Risk / opportunity	Mitigation
<p><b>Risk 1:</b> That in triggering a series of targeted CGRs, we may encounter difficulties that mean we over-run our available time limits to complete the review</p> <p><b>Opportunity:</b> that in undertaking this series of nine CGRs we will be enhancing and strengthening local democracy in the parish tier.</p> <p><b>Risk 2:</b> That by leaving out some of the parishes in this round of CGRs, we may lose the good will and engagement of those parishes</p>	<p><b>Mitigation 1:</b> by proposing the nine parishes selected, we are selecting those who represent the lowest risk in not being able to complete the CGR in the allotted timescales. Clear project plans and consultative processes will be issued for each CGR which will enable close monitoring and reporting, via the ECC performance and risk reporting mechanisms, on likelihood of CGRs not reaching a planned/expected conclusion</p> <p><b>Mitigation 2:</b> Parishes not included in tranche 1 of this series of targeted CGRs will be invited to take part in a second round of CGRs which can be considered after the local authority elections in May 2019</p>

31. These risks will be monitored at a service level and recorded via the Economy, Communities and Corporate Directorate performance and risk reporting mechanisms

## Consultees

32. All parish councils were consulted during 2016 and their views informed the recommendations of the audit and governance committee. The parish council's noted in 11 and 12 above have been advised of the proposed timetable. Not all of those parishes have responded, of those who did respond, their details have been updated in tables 1 and 2 (appendix a)

33. Herefordshire Association of Local Councils (HALC) has been engaged throughout the process of developing the evidence basis and has assisted (during the consultation in 2015/16) in collecting the views of parish councils. HALCs response was presented to audit and governance in April 2016. Subsequent to this, HALC have been contacted via the current role as parish clerk to Bredenbury and District, to notify them that the Council is considering the CGR at this Council meeting.

34. All ward members were consulted and the views during the original consultation in 2015/16 of the 13 who responded are included in the background papers. It is envisaged that, if full Council were to agree to trigger the CGRs, ward members would be invited to continue to contribute their views as part of further consultation work. In addition, ward members that have parishes taking part in a CGR will be invited to join their local parish council's steering group to oversee the CGR proposals.

## **Appendices**

- 35. Appendix A: Draft terms of reference for taking forward a series of targeted CGRs
- 36. Appendix B: Parish Councils in scope of targeted CGRs with statistical analysis of electorate and elections

## **Background papers**

- 37. None identified