

**Agenda Item No:** 4  
**Report To:** Selection & Constitutional Review Committee  
**Date:** 11<sup>th</sup> February 2015  
**Report Title:** Community Governance Review  
**Portfolio Holder:** Cllr Clarkson, Leader  
**Report Author:** Sarah Hartles, Principal Solicitor



**Summary:** This report sets out the details of the proposed Community Governance Review and recommends the Terms of Reference and timetable on which it should be carried out.

**Key Decision:** YES

**Affected Wards:** All

**Recommendations:** **The Selection and Constitutional Review Committee be asked to:-**

- 1. Recommend to Council that a Community Governance Review be undertaken;**
- 2. Recommend to Council that the Terms of Reference (see Appendix) be adopted; and**
- 3. Recommend to Council that the timetable for the review set out in the Terms of Reference be adopted.**

**Policy Overview:** It is Government Guidance that the Council should review the parish arrangements of the Borough every 10-15 years.

**Financial Implications:** There will be a small financial implication of carrying out the review and the consultation process. A substantial impact on staff resources is expected (see below).

**Risk Assessment** Yes

**Community Impact Assessment** Yes

**Other Material Implications:** Staff resources will be required and the impact of this needs to be borne in mind

**Exemption Clauses:**

**Background  
Papers:**

N/A

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## **Report Title: Community Governance Review**

### **Purpose of the Report**

1. The purpose of this report is to ask the Task Group and the Selection and Constitutional Review Committee to recommend that Council approves the carrying out of a Community Governance Review of the parishes and unparished areas of the Borough, and approves the Terms of Reference and timetable for that review.

### **Issue to be Decided**

2. Whether to carry out the Community Governance Review of the parishes and unparished areas of the Borough in accordance with the Terms of Reference and timetable set out in this report.

### **Background**

3. Under the Local Government and Public Involvement in Health Act 2007 (“the Act”), the Council has a duty to carry out a Community Governance Review on receipt of a valid petition under section 80 of the Act. We have received one valid petition requesting that the Council carries out a review of the North Willisborough area with a view to creating a parish council, and we have been informed that another petition is about to be submitted to us but at the time of writing this has not yet happened.
4. In addition, current guidance suggests that it is good practice for the Council to consider conducting a review every 10-15 years. The last review was done in 2006 and was a partial review of parishes in the Borough, so it is timely to carry out a review. In addition, there is a window of opportunity to carry out this review before the Local Government Boundary Commission for England starts its review of the Borough ward boundaries in 2016.

### **Terms of reference**

5. The Act requires Council to approve and subsequently publish the Terms of Reference of the review.
6. Draft Terms of Reference are attached at Appendix 1.
7. The draft Terms of Reference propose a review of all of the parishes and unparished areas of the Borough. This will give Council the opportunity to receive and consider submissions from all residents of the Borough as to any issues relating to the parishing of their area.

### **The review process**

8. The review process is set out in the Act and subsequent Government guidance. A summary of the process is set out below.

<u>Stage</u>	<u>What happens?</u>	<u>Proposed Timescale</u>
Commencement	Terms of reference are published.	23 <sup>rd</sup> February
Stage One	Initial submissions are invited from stakeholders and residents. Officers undertake initial research, gather information and hold an open day.	13 weeks
Stage Two	Consideration of submissions and preparation of the draft recommendations.	9 weeks
Stage Three	The draft recommendations are published and consulted on.	13 weeks
Stage Four	Consideration of response to consultation and preparation of final recommendations.	6 weeks
Approval of Final Recommendations	Council approves the final recommendations.	December 2015
Resolution	Council resolves to make a reorganisation order if appropriate.	February 2016

9. The full proposed timetable for the review is set out at Appendix 1 to the Terms of Reference.
10. As the review is of the whole Borough, Members will be consulted as stakeholders and will be asked to make submissions throughout the process in the same way as other stakeholders. Other stakeholders will include: Kent County Council, the MPs for the Borough area, Parish Councils, Community Forums and other community groups.
11. The final recommendations will be for full Council to approve, having taken into consideration the responses received to the consultation on the draft recommendations.

## **Risk Assessment**

12. The Council is under a duty to carry out a review following receipt of a valid petition under the Act. Failure to carry out the review would result in a breach of statutory duty by the Council.

## **Communities Impact Assessment**

13. Government guidance states that the recommendations made in a community governance review ought to bring about “improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local service.”
14. The consultation process will seek to include all areas of the Borough and all sections of the community.

## **Other Options Considered**

15. Officers have considered other options for the timetable of the review, but given the proposed Local Government Boundary Commission review of the Borough ward boundaries other timetabling options would be a long way into the future. The proposed timetable is also the least disruptive of the Local Government Boundary Commission’s review.

## **Consultation & Handling**

16. The Parish Review and Polling Places Review Task Group will consider the Terms of Reference before making recommendations to the Selection and Constitutional Review Committee, who will then make recommendations to Council. Due to the timings of the meetings, the recommendations of the Task Group will be reported verbally to the Committee at the meeting.
17. It is proposed that the Task Group considers each phase of the review process before the formal reports are made to the Selection and Constitutional Review Committee and Council.

## **Implications Assessment**

18. The main impact will be on staff resources and the time required to carry out the public consultations, consider the submissions and present them to Members.

## **Conclusion**

19. The Council is under a duty to carry out this review, there is an opportunity to carry out the review before the scheduled Local Government Boundary Commission review of the Borough wards.

## **Portfolio Holder’s Views**

20. This is a difficult period for the Authority, because we are aware that the Boundary Commission is due to undertake a review in 2016, which may well impact upon any governance matters that we undertake in the meantime. Notwithstanding that, we must still proceed and I am of the firm view that given the current circumstances, this report sets out the best way forward.

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# ASHFORD BOROUGH COUNCIL

## Review of Community Governance Arrangements Local Government and Public Involvement in Health Act 2007

### Terms of Reference

#### Introduction

Ashford Borough Council ("the Council") has resolved to conduct a Community Governance Review of the whole of the Ashford Borough Council Local Authority area in accordance with Part 4 Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance was considered when drawing up the Terms of Reference ("TOR").

#### Aim of the Community Governance Review

The aim of the review is to consider and bring about improved community engagement, better local democracy and efficient, more effective and convenient delivery of local services and ensure electors across the whole Borough will be treated equitably and fairly.

The review will consider:

- The electoral arrangements for the existing parishes, including the number of councillors elected to the parish, parish warding;
- The boundaries of the existing parishes in light of ongoing development;
- Whether the residents of any unparished area of the Borough would have effective and convenient representation by having a parish or community council(s);
- Any other issues that are submitted in response to the review consultation process.

#### Why undertake this Community Governance Review?

The Council is undertaking this review in accordance with section 83(2) of the Local Government and Public Involvement in Health Act 2007 in response to a valid petition received under section 80 of that Act. It is also being carried out in advance of a review of the electoral arrangements of the borough by the Local Government Boundary Commission for England, which is due to take place in 2016. In addition, Government guidance recommends that a review is carried out every 10-15 years. The last review was carried out in 2006 and was a partial review only and so it is timely to carry out a review of the whole Borough.

A review provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The Council believes that parish councils play an important role in terms of community empowerment at the local level and wants to ensure that parish governance within the Borough continues to be robust, representative and enabled to meet new challenges. Furthermore, it wants to ensure that there is clarity and transparency to the areas that parish councils represent and that the electoral arrangements of parishes – the warding arrangements and the allocations of councillors – are appropriate, equitable and readily understood by their electorate.

### **What is a Community Governance Review?**

A Community Governance Review offers the opportunity to put in place strong, clearly defined boundaries, tied to firm ground features and to remove any anomalous parish boundaries. It can take place for the whole or part of the Borough to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size, the number of councillors to be elected to the council, and parish warding); and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area; and is effective and convenient.

In doing so the community governance review is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

### **Area to be reviewed**

The Community Governance Review includes the whole of the Ashford Borough Council area.

### **Who will undertake the Review?**

The Council is responsible for conducting the review. The body responsible for overseeing this process is the Full Council. It will oversee the review and produce draft and final recommendations; the Council will approve the final recommendations before a Community Governance Order is made. In coming to its recommendation in the Review, the Council will need to take account of the views of local people. A full consultation process will form part of the Review to take full account of the views of local people.

The Council is required to approve the final recommendations prior to the Community Governance Order being made.

## **CONSULTATION**

### **How the Council proposes to conduct consultations during the review**

Before making any recommendations or publishing final proposals, the Council will take full account of the views of local people. The Council will comply with the statutory consultative requirements by:

- Consulting local government electors for the area under review;
- Consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review;
- Notifying and consulting Kent County Council;
- Taking into account any representations received in connection with the review.

The Council will publicise the review by displaying a notice at the Civic Centre, placing articles on the Council's website and in the Council's magazine, Ashford Voice. The Council will also write to all parish councils, neighbourhood forums or any other community or resident groups of which the Council is aware, the Kent Association of Local Councils, Borough Councillors and the relevant County Councillors, the MP and Kent County Council.

The Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them. The Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

### **Timetable for the review**

A timetable for the review is attached at Appendix 1. The programme and timeline may be adjusted after representations have been received by local people and bodies in response to the initial public consultation. This will allow the Council a degree of flexibility in the interests of ensuring that it manages the review process efficiently. Any adjustments to the programme and timetable will be approved by the Council and published on its website.

### **Electorate forecasts for the District**

The Review will be conducted using electoral data taken from the February 2015 electoral register.

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. Electorate forecasts have been prepared by the Council using extant planning permissions and the Local Plan to project the five-year electorate forecast.

It is the government's guidance that these forecasts should be made available to all interested parties as early as possible in the review process, so that they are available to all who may wish to make representations.



## **THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS**

A summary of the present structure of the parishes and their electoral arrangements is attached at Appendix 2.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council takes (including where it has decided to make no change following the review) will be deposited at the Civic Centre, and on the website.

In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000.

These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Civic Centre. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

## **CONSEQUENTIAL MATTERS**

### **General principles**

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

### **Borough ward boundaries**

The Council is mindful that it may be necessary for it to recommend the Local Government Boundary Commission to make alterations to the boundaries of the borough wards or county electoral divisions to reflect the changes made at parish level. The Council notes that it will be for the Local Government Boundary Commission to decide if related alterations should be made and when they should be implemented, and that the Commission may find it appropriate to conduct an electoral review of the affected areas.

The Council notes that the Local Government Boundary Commission will require evidence that the Council has consulted on any such recommendations for alterations to the boundaries of the borough wards or county electoral divisions as part of the review. Of course, such recommendations for alterations may only become apparent during the course of the review. Even so, the Council will endeavour to include any such draft recommendations for alterations at the earliest possible opportunity for consultation that will arise after they become apparent.

### **Representations**

Ashford Borough Council welcomes all representations from any person or body who may wish to comment or make proposals on any aspect of the matters under review.

Representations should be addressed to: Community Governance Review, Legal Services, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL.

Representations may be sent by email to [ ]@ashford.gov.uk or via the Council's website at [www.ashford.gov.uk](http://www.ashford.gov.uk).

All initial representations must be made by 29<sup>th</sup> May 2015. There will be a further opportunity to respond to the second stage of the review as set out on the timetable attached at Appendix 1.

The Council will consult with the local government electors for the area under review and any other person or body who appears to have an interest in the review and take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

All representation received will be published, as will the reasons for accepting or rejecting any such representations. In accordance with the Act, representations received in connection with the Review will be taken into account, and steps will be taken to notify consultees of the outcome of the Review.

### **How will the results be disseminated?**

The Council will publish full details on the Council's website; press releases will be issued at key points and key documents will be on deposit at the council offices.

This Review is deemed to have commenced on the date of this Notice.

Dated:

**Terms of Reference  
Appendix 1**

**A timetable for the review**

<b>Dates</b>	<b>Review Stage</b>	<b>Activity</b>
19 <sup>th</sup> February 2015		Council approves Terms of Reference.
23 <sup>rd</sup> February 2015	Commencement	Terms of Reference published, Council notifies stakeholders.
23 <sup>rd</sup> February to 29 <sup>th</sup> May 2015	Stage One – Submissions	Submissions are invited. The Council invites proposals from stakeholders on future arrangements and carries out research, information gathering, holds open day.
30 <sup>th</sup> May to 31 <sup>st</sup> July 2015	Stage Two – Consideration of Submissions	Consideration of the submissions that are received and preparation of the draft recommendations.
1 <sup>st</sup> August to 30 October 2015	Stage Three – Draft Recommendations	Draft recommendations are published and consulted on.
31 <sup>st</sup> October to 16 <sup>th</sup> December 2015	Stage Four – Consideration of final submissions	Consideration of the submissions that are received and preparation of the final recommendations.
December 2015* Council meeting	Conclusion	Final recommendations are approved by Council and published.
February 2016* Council meeting	Resolution	Council resolves to make a reorganisation order and requests the Electoral Commission to approve and consequential changes.

\*Date of meeting to be confirmed

**Terms of Reference  
Appendix 2**

**Present Structure of Parishes and electoral arrangements**

The table below sets out the present structures of the parishes in the Ashford Borough area.

<b>Parish</b>	<b>No. of Cllrs</b>	<b>Electorate (as at Jan 2015)</b>	<b>Parish Wards (Cllrs)</b>	<b>Electorate</b>
Aldington & Bonnington	9	1081	Aldington (7)	987
			Bonnington (2)	94
Appledore	7	601		
Bethersden	9	1244		
Biddenden	11	2050		
Bilsington	5	255		
Boughton Aluph & Eastwell	8	1909		
Boughton Aluph & Eastwell	8	1909	Boughton Aluph	634
			Eastwell	103
			Goat Lees	1172
Brabourne	7	1100		
Brook	6	256		
Challock	7	739		
Charing	12	2366		
Charing	12	2366	Charing (10)	2039
			Charing Heath (2)	327
Chilham	9	1364		
Crundale*	-	149		
Egerton	9	871		
Godmersham	5	302		
Great Chart with Singleton	11	5036		
Great Chart with Singleton	11	5036	Great Chart with Singleton North (5)	2671
			Singleton South (6)	2365
Hastingleigh	5	200		
High Halden	7	1464		
Hothfield	9	648		
Kenardington	5	221		
Kingsnorth	10	8234	Brisley Farm (1)	992
			Kingsnorth Village (1)	1257
			Park Farm North (2)	1576
			Park Farm South (2)	2078
			Stubbs Cross (1)	237
			Washford Farm (2)	1163
			Westhawk (1)	931
Little Chart	5	203		
Mersham & Sevington	10	1153	Mersham (7)	874
			Sevington North (2)	240
			Sevington South (1)	39
Molash	5	205		

Newenden	5	171		
Orlestone	9	1105		
Pluckley	9	881		
Rolvenden	9	1216	Rolvenden Layne (3)	342
			Rolvenden Streyte (6)	874
Ruckinge	7	596		
Shadoxhurst	7	974		
Smarden	9	1089		
Smeeth	7	691		
Stanhope	12	2486	Stanhope Central (10)	1986
			Stanhope Speldhurst (1)	343
			The Limes (1)	157
Stone-Cum-Ebony	7	389		
Tenterden	16	6352	St Michaels (5)	1859
			Tenterden North (4)	1851
			Tenterden South (5)	1984
			Tenterden West (2)	658
Warehorne	5	298		
Westwell	9	604		
Wittersham	7	956		
Woodchurch	9	1690		
Wye with Hinxhill	11	1829		

### Parishes

The Council wishes to ensure that electors should be able to identify clearly with the parish in which they are resident. It considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride. The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this review.

The Council is anxious to balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area. The Council notes the government's Guidance that community cohesion should be taken into account in this review.

### What does 'Electoral Arrangements' mean?

An important part of the review will comprise giving consideration to 'Electoral

Arrangements’.

The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward;
- The name of any such ward.

### **Ordinary year of election**

The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter (i.e.2011, 2015, 2019 etc.).

If the Review finds that it is appropriate to create new posts for parish councillors then these will come in to effect at the next ordinary day of election (May 2019).

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish:

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of parish governance;
- Where the number of electors is 150 or fewer – a parish council is not created.

It is also important to consider whether other, non-parish forms of community governance are in place in an area, for example neighbourhood forums.

### **What considerations cover the number of parish councillors?**

The Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the number of parish councillors. However, the Council will use the following guidelines, which are based on recommendations from the National Association of Local Councils, for the purposes of the review:

<u>Electors</u>	<u>Suggested number of Parish Councillors</u>	<u>Electors</u>	<u>Suggested number of Parish Councillors</u>
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24

7,700  
9,000

15  
16

45,000

25

The government's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities" and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing parish council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

By law, the Council must have regard to the number of local government electors for the parish and any change in that number that is likely to occur in the period of five years beginning with the day when the review starts, when considering the number of councillors to be elected for the parish.

### **Parish warding**

The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the Council should consider whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish should be separately represented on the council.

The government's guidance is that "the warding of parishes in largely rural areas that are based predominately on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish."

The Council will be mindful of all this guidance, noting further that "each case should be considered on its merits and on the basis of the information and evidence provided during the course of the review."

The Council notes that warding arrangements should be clearly and readily understood by and should have relevance for the electorate of the parish; they should reflect clear physical and social differences within a parish; one parish but comprising different parts.

The Council recognises that ward arrangements should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. They should not be wasteful of a parish's resources.