CABINET

Report subject	**Community Governance Review for Throop and Holdenhurst - Draft Recommendations for Consultation**
Meeting date	9 October 2019
Status	Public Report
Executive summary	The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal councils to carry out community governance reviews and put in place or make changes to local community governance arrangements. The Council commenced a review following the receipt of a valid community governance petition and the approval of the terms of reference and timetable. Cabinet is asked to consider the draft recommendations of the Task and Finish Group and to make a recommendation to Council.
Recommendations	**It is RECOMMENDED that:** **the Task and Finish Group Community Governance Review draft recommendations, as set out in the schedule within the attached report be approved for publication and consultation with local residents and other interested parties.**
Reason for recommendations	The Task and Finish Group considered the representations received during the first stage of the review process which invited representations from local stakeholders and other interested parties. The views of these representations have helped shape the draft recommendations.

Portfolio Holder(s)	Councillor Lewis Allison (Portfolio Holder for Tourism, Leisure and Communities)
Corporate Director	Julia Osgathorpe (Corporate Director of Resources)
Report Authors	Councillor N Brooks (Chairman of the Task and Finish Group) Richard Jones (Head of Democratic Services)
Wards	Muscliffe & Strouden Park
Classification	For Recommendation

Background

1. The Cabinet, at its meeting on 12 July 2019, resolved to undertake a Community Governance Review following the receipt of a valid petition for the Throop and Holdenhurst area of BCP Council. In approving the terms of reference and timetable, a Task and Finish Group of five councillors was appointed to oversee the review, consider the representations and to make draft recommendations for further consultation.
2. The attached report details of the outcome of those deliberations, including the review of parish boundaries and the consequential changes to electoral arrangements.

Community Governance Review Criteria

3. Members are reminded that a Community Governance Review provides an opportunity to put in place strong, clearly defined boundaries and to remove any anomalous parish boundaries. It can consider one or more of the following:-

   (a) Creating, merging, altering or abolishing parishes;

   (b) The naming of parishes and the style of new parishes;

   (c) 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

   (d) Grouping parishes under a common parish council or de-grouping parishes.

4. 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. These criteria were considered by the Task and Finish Group in reaching their recommendations.

Constraints

5. The Council may not alter the boundary of BCP Council, and may not alter the boundaries of other principal councils; however, the review may make consequential electoral arrangement recommendations in relation to the electoral

wards of BCP Council where there is sufficient evidence that this would be desirable and result in more convenient electoral arrangements. This may be desirable, where a recommendation is made to establish a parish boundary which is not coterminous with an existing electoral ward. Any consequential electoral arrangements will require the consent of the Local Government Boundary Commission for England.

6. The Local Government Boundary Commission for England look favourably on such recommendations that seek to resolve anomalies or where changes can be well argued but there is a risk that the Commission may refuse to accept final recommendations and the final Reorganisation Order could fall as a result.

Options

7. The Council has three primary options available at this stage of the process, although each option would need to be the draft recommendations and subject to further consultation. The options available as draft recommendations are:-

   (a) To make no changes to the existing arrangements currently in place and retain the parish of Holdenhurst Village;

   (b) Abolish the existing parish of Holdenhurst Village;

   (c) To establish a new parish of Throop and Holdenhurst Parish by extending the existing parish of Holdenhurst Village and establish a new Parish Council with the boundary being either:-

   - That put forward in the petition and as a consequence altering the parish boundary of Hurn; or
   - A modified boundary excluding that part of the parish of Hurn which falls south of the Rover Stour.

   (d) To establish a new parish which is coterminous with the boundary of the BCP Council ward of Muscliff and Strouden Park.

Analysis

8. Although the results of the consultation at this initial stage are finely balanced, and a status quo decision (Option A) could be argued, there is a majority supporting the aims of the petition. Publishing draft recommendations for no change to the existing arrangements will simply test the principle and not help inform or shape the detail.

9. Option B has no weight of support from those responding and as a consequence should be disregarded at this stage.

10. The greatest weight of support is the establishment of a new parish in accordance with the petition, and Option C is therefore proposed to form the basis of the draft recommendations. Consideration should be given to the precise alignment of the boundary where it adjoins the neighbouring parish of Hurn,

however, draft recommendations based on a variant of this option will enable the next stage of the consultation process to test the support for the detail.

11. Finally, although Option D has been suggested by a number of respondents, the fundamental principle of a community governance review is to consider the establishment of local governance arrangements which reflects both local community identity and interests. There is little evidence at this stage which demonstrates that the communities of Holdenhurst and Throop share common interests with the wider area.

Elections

12. If the Council was minded to establish a new parish council, the timetable does not permit implementation before 1 April 2021. The decision could be made to postpone implementation until 2023 so as to align the elections with the next BCP Council elections, however, the recommended alternative is to extend the first term of office for an two extra years and then every fourth year thereafter.

Stage 3 – Publication of Draft Recommendations – Consultation and Engagement

13. The Council is required to publish its draft recommendations and to consult and seeks the views of interested parties on those draft recommendations. As with the invitation of initial submissions, the Council will seek the views of local stakeholders identified previously (e.g., existing neighbouring parish councils, Members of Parliament, business associations and groups, residents' and community associations, housing associations, CAB's and libraries, etc.).

14. The draft recommendations report will be published on the Council's web site, public notices will be displayed, press releases issued to the press for the wider population and social media channels to raise public awareness. However, where recommendations affect specific properties more targeted engagement will be made.

15. The approved terms of reference and timetable provides for a period of 12 weeks for the next stage of consultation between 15 November 2019 and 7 February 2020.

Summary of financial implications

16. It is anticipated that the cost of running the Community Governance Review will be contained within existing budgets.

Summary of legal implications

17. The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal councils to carry out community governance reviews and put in place or make changes to local community governance arrangements. The Community Governance Review will be undertaken in accordance with this Act and supplementary guidance.

18. To implement the outcome of the Review, the Council will be required to draw up a Re-organisation Order with accompanying maps, and widely publish these changes.

Summary of human resources implications

19. There are no anticipated requirements for additional manpower resources.

Summary of environmental impact

20. There are no environmental implications arising from this report.

Summary of public health implications

21. There are no public health implications arising from this report.

Summary of equality implications

22. There are no equality implications arising from this report

Summary of risk assessment

23. It is vital that the Governance Review is undertaken in accordance with the Local Government and Public Involvement in Health Act 2007 and the Guidance produced by the Ministry for Housing, Communities and Local Government and the Local Government Boundary Commission for England.

24. Failure to adhere to these could result in the Review being open to challenge and judicial review.

Background papers

Local Government and Public Involvement in Health Act 2007
Guidance on community governance reviews – Published by the Department for Communities and Local Government (now MHCLG)
Schedule of Representations Received in Response to Invitation of Initial Submissions (Partly Except) – Category 1 (Information relating to any individual). A copy of the representations have been published separately on the web site.

Appendices

Appendix 1 – BCP Council Community Governance Review – Draft Recommendations
Appendix 2 – Draft Recommendation – Proposed Parish Boundary