

CABINET



Report subject	Community Governance Review Petition – Throop and Holdenhurst
Meeting date	12 July 2019
Status	Public Report
Executive summary	<p>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.</p> <p>The Council is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the council's area.</p> <p>Cabinet is asked to note the receipt of a valid petition and the duty to undertake a Community Governance Review and to approve the terms of reference and timetable to commence a review for that area defined in the petition.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> (a) a Community Governance Review be conducted, in accordance with the Local Government and Public Involvement in Health Act 2007, and the timetable and terms of reference for the Review, as set out at Appendix 1 to this report, be approved; (b) the Head of Democratic Services be authorised to take all necessary steps in relation to the Review; (c) a Task and Finish Group, to consider the Review and make recommendations to the Council, be appointed, comprising four councillors (two Conservative, one Liberal Democrat and one Independent), with other Muscliff and Strouden Park ward councillors being invited in an advisory capacity.
Reason for recommendations	To comply with the duty to undertake a community governance review following the receipt of a valid petition.

Portfolio Holder(s):	Councillor Lewis Allison (Portfolio Holder for Tourism, Leisure and Communities)
Corporate Director	Julian Osgathorpe (Corporate Director Resources)
Contributors	Richard Jones, Head of Democratic Services
Wards	Muscliff and Strouden Park
Classification	For Decision

Background

1. The Council has received a petition signed by the pre-requisite number of electors seeking a community governance review to establish a new parish of Throop and Holdenhurst, incorporating the existing parish of Holdenhurst Village.
2. The Council is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the council's area. However, the duty to conduct a review does not apply if:
 - a. the council has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition; or
 - b. the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates.
3. These exceptions do not apply and the Council is therefore under a duty to undertake a Community Governance Review.

The Review Procedure

4. The Ministry for Housing, Communities and Local Government and the Electoral Commission has produced guidance on community governance reviews which will be followed in conducting the review.
5. Reviews must be completed within a year, starting with the date the petition is received (2 May 2019) and adhere to a approve terms of reference and timetable. The draft terms of reference and an outline timetable for the review is set out in Appendix 1.
6. The Council must as part of the review consult with local people and take into account any representations made in connection with the review. The review must ensure that the proposed community governance reflects the interests and identities of the community. It must also make certain that the arrangements are effective and convenient for the electors of that community.
7. Where there are active residents and community groups, it is important that the review should also take views of such groups into account, especially if specific proposals are put forward by local people during the consultation stages of the review.
8. The Review itself may consider the creation, abolition, merging or altering of existing parishes and any subsequent electoral arrangements. New parishes may be created as a result of the geography of an area, the make-up of the local community, or sense of community identity. The Review will only consider the

creation of new parishes in response to a specific proposal submitted during Stage 1 (initial submissions) of the Review. The proposals put forward in the petition will form the basis of the initial consultation but other options will be welcomed.

9. Parishes may also wish to consider the alternative options with regard to parish style and naming. The 2007 Act allows for parish councils to become Town, Community, Neighbourhood or Village councils. The status of the council remains unchanged regardless of the style adopted.
10. A parish council must have a minimum of 5 parish councillors but there is no maximum number.
11. Warding of parishes may also be considered for the practicalities and convenience of voting. The benefits of warding parishes include reduced costs for any by-elections, ballot papers of a more reasonable size which again will reduce costs but more importantly ease of voting for the elector. When warding parishes, careful consideration must be given to the allocation of councillors for each parish ward to achieve electoral equality in representation to all parishioners.
12. Once approved, the terms of reference for the review must be published. If any modifications are subsequently made to the terms of reference or timetable, these must also be published.
13. It is proposed to establish a Task and Finish Group, with cross-party membership to consider the Review and make recommendations to the Council. It is proposed that any ward councillor who is not a member of the appointed task and finish group be invited to attend meetings of the Group in an advisory capacity.
14. It will be necessary to undertake extensive consultation during the review period which is reflected in the proposed timetable.

Implementation of the Review Outcome

15. To implement the outcome of the Review and changes (if any), the Council will be required to draw up a series of Reorganisation Orders with accompanying maps, and widely publicise the changes.
16. The review will need to determine when any electoral arrangements for a new parish should come into force. Ordinarily parish elections would take place every four years at the same time as the elections of BCP Council (e.g., May 2023), however, alternative arrangements may be put in place for the first elections particularly if these are not scheduled to take place for some time.

Timetable

17. The timetable in Appendix 1 is on the basis that the review shall commence immediately and shall conclude within the prescribed 12 month period.

Resource Implications

18. A Community Governance Review is difficult to predict in terms of required manpower resource, however, previous reviews in preceding council areas has provided some insight into the potential resource requirements depending upon the complexity and emotive nature of any proposed changes.
19. There are clear decision points and controllable activities within the timetable (such as preparatory work, drafting consultation documents and writing reports), however, the nature and volume of the initial submissions (Stage One) could have

some impact upon the available resources to support the later stages of the review and incidental costs. If additional manpower resources were necessary this will be kept to an absolute minimum and likely contained within existing in-year budget savings. Additional incidental costs such as consultation papers, postage and public notices may also be required for which budget provision does not presently exist.

20. The review will be led by the Democratic Services team, however, other service areas will be required to support or contribute to the review process to varying degrees, including for example, electoral registration, GIS, planning policy, consultation and engagement, communications, legal, financial services, council tax, etc.

Funding

21. Whilst it is anticipated that the cost of running the Community Governance Review will be contained within existing budgets, the sum of £3,000 has been allocated as a contingency from a specific earmarked reserve designed to offer financial resilience to Corporate Services.

Summary of financial implications

22. As stated in paragraph 21 above, it is anticipated that the cost of running the Community Governance Review will be contained within existing budgets, however, the initial submissions in Stage One of the process may result in greater than anticipated engagement requirements.

Summary of legal implications

23. 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.
24. The Council is obliged to undertake a review which has been requisitioned following the submission of a valid petition.

Summary of human resources implications

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

Summary of environmental impact

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

Summary of public health implications

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

Summary of equality implications

28. There are no equality implications arising from this report.

Summary of risk assessment

29. As stated in the report, it is difficult to predict the resource implications of a Community Governance Review, however, the assumptions made in this report,

are based on experience of previous reviews in preceding councils. There is a risk that the allocated resource may be insufficient but this will be closely monitored and highlighted where necessary.

30. The Council is obliged to undertake the review which has been requisitioned following the submission of a valid petition.

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)

Petition submitted by residents of Throop and Holdenhurst in May 2019

Appendices

Appendix 1 – Proposed Terms of Reference and Timetable for the Community Governance Review

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

Review of Community Governance Arrangements within the District of Bournemouth, Christchurch and Poole

Terms of Reference

Introduction

Bournemouth, Christchurch and Poole Council is conducting a Community Governance Review of those parts of the Bournemouth, Christchurch Poole Local Authority area defined in the 'Areas to be Reviewed' section below 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 Housing, Communities and Local Government. This guidance was considered when drawing up the Terms of Reference (TOR).

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 District 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.

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 area affected will be treated equitably and fairly.

Why undertake this Community Governance Review

This review is taking place following the receipt of a valid petition seeking the creation of a new parish of Throop and Holdenhurst incorporating the existing parish of Holdenhurst.

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 District 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.

Areas to be reviewed

The Community Governance Review includes those parts of the Bournemouth, Christchurch and Poole district area as follows:-

- (a) the existing parish of Holdenhurst;
- (b) the unparished parts of the Muscliff and Strouden Park district ward.

Who will undertake the Review?

Bournemouth, Christchurch and Poole Council is responsible for conducting the review. The Council has established a task and finish group which will be responsible for making both draft and final recommendations during the process. 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.

Bournemouth, Christchurch and Poole Council will publicise the review by displaying a notice at the Town Hall, Bournemouth, placing articles on the Council's website, through social media and, where timing is appropriate, in the Council's magazine. The Council will also write to all affected parishes councils/meetings, the Dorset Association of Town and Parish Councils, relevant ward councillors, MPs and other known community groups.

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

Timetable for the review

A timetable for the review is attached herewith. The programme and timeline may be adjusted after representations have been received by local people and interested 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 Area

The Review will be conducted using electoral data taken from the 1 July 2019 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 will be prepared by the Council using extant planning permissions and the Local Plan to project the five-year electorate forecast.

These forecasts will be made available to all interested parties as early as possible in the review process in accordance with the government's guidance so that they are available to all who may wish to make representations.

Representations

Bournemouth, Christchurch and Poole 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 may be made in writing or by email to:

By Post: Head of Democratic Services
 Bournemouth, Christchurch and Poole Council
 Town Hall
 Bourne Avenue
 Bournemouth
 BH2 6DY

By Email: democratic.services@bcpcouncil.gov.uk

All initial representations must be made by 1 September 2019.

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 representations 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 Town Hall.

This Review is deemed to have commenced on the date of the petition was received that being 2 May 2019

This notice is dated 15 July 2019

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
Community Governance Review 2019
Programme and Timetable

Stage	Date/Timeline	Timescale	Outline of Activity
Commencement	Cabinet 12/07/2019		Approval of Terms of Reference and timetable
	15/07/2019		Publication of Notice and Terms of Reference and Stakeholder Notification of commencement of the review.
Stage One – Invite initial submissions	15/07/2019 to 01/09/2019	7 weeks	Initial submissions invited Consultation/Representations. Consultation with stakeholders
Stage Two – Consider submissions	02/09/2019 to 05/11/2019 Cabinet 09/10/2019 Council 05/11/2019	2 months	Consideration of submissions received – draft recommendations prepared
Stage Three – Publish Draft Recommendations	15/11/2019 to 07/02/2020	12 weeks	Publish draft recommendations for further consultation.
Stage Four – Final Recommendations	10/02/2020 to 31/03/2020 Cabinet 18/03/2020 Council 31/03/2020	7 weeks	Consideration of further submissions received and prepare final recommendations Final recommendations published – concluding review Council resolves to make a Reorganisation Order