

Report subject	<b>Community Governance Review of BCP Council area</b>
Meeting date	2 October 2024
Status	Public Report
Executive summary	<p>A community governance review examines the governance arrangements of unparished areas and existing parishes within the area defined for review seeking to ensure that the arrangements are reflective of the identities and interests of the community in that area. This report proposes that in this case the area under review should include the whole of the BCP Council area.</p> <p>In undertaking the Review, BCP Council will comply with the requirements of Part 4 of the Local Government and Public Involvement in Health Act 2007 and other relevant legislation, and have regard to Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.</p>
Recommendations	<p><b>It is RECOMMENDED to Council that:</b></p> <ul style="list-style-type: none"> <li><b>(a) a Community Governance Review be conducted, in accordance with the Local Government and Public Involvement in Health Act 2007;</b></li> <li><b>(b) the timetable and Terms of Reference for the Review, as set out at Appendix 1 to this report, be approved;</b></li> <li><b>(c) the Director of Law and Governance and Head of Democratic Services be authorised to take all necessary steps in relation to the Review;</b></li> <li><b>(d) a Working Group be appointed to consider the Review and make recommendations to the Council comprising a total of 10 councillors, with a composition as set out in paragraph 18 to this report.</b></li> </ul>
Reason for recommendations	To comply with the requirements of the Local Government and Public Involvement in Health Act 2007 to formally commence a community governance review.

Portfolio Holder(s):	Councillor Millie Earl (Leader of the Council)
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services Officer)
Wards	Council-wide
Classification	For Recommendation

## Background

1. There are currently 5 parishes within Bournemouth, Christchurch and Poole, all of which have a parish council. In addition, two Charter Trustees exist for Bournemouth and Poole.
2. The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal district councils<sup>1</sup> to carry out community governance reviews and put in place or make changes to local community governance arrangements. Good practice suggests that principal councils should undertake periodic reviews of the parish arrangements every 10 to 15 years.
3. Informal enquiries have been made from individuals and groups in a number of localities, indicating a desire to register a statutory petition to commence a Community Governance Review if a full review is not undertaken. The receipt of a formal petition places an obligation on the council to undertake a review for that area.
4. Although a review was undertaken in Christchurch in 2017/18 ahead of local government reorganisation, a full review of the parish boundaries in Bournemouth and Poole, and the consequential changes to electoral arrangements, is long overdue. A full community governance review at this time also offers an opportunity to review all arrangements unconstrained by legacy areas, and to put in place strong, clearly defined boundaries, tied to firm ground features, and potentially remove any parish boundary anomalies that may exist.
5. The review will also allow for the arrangements in Poole and Bournemouth and the Charter Trustees to be reviewed. The Charter Trustees were established in 2019 to secure the continuation of the civic and ceremonial traditions of the Mayoralty.

## What is a Community Governance Review?

6. A Community Governance Review is a legal process whereby the Council will consult with those residing in the area, and other interested parties, on the most suitable ways of representing the people in the area identified in the review. This means making sure that those living in the area, and other interested groups, have a say in how their local communities are represented.

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<sup>1</sup> The Bournemouth, Dorset and Poole (Structural Changes) Order 2018 established Bournemouth, Christchurch and Poole Council as a district council

7. Section 93 of the 2007 Act allows principal councils to decide how to undertake a review, provided that it complies with certain duties in that Act including details set out relating to consultation, the need to ensure any proposals reflect the identities and interests of the community in that area and is effective and convenient. The Council has to publish its recommendations but the manner in which the Council consults with its residents is not prescribed.
8. A Review can consider one or more of the following options:
  - creating, merging, altering or abolishing parishes;
  - the naming of parishes, the style of new parishes and the creation local councils;
  - the electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding);
  - grouping parishes under a common parish council or de-grouping parishes (if they exist);
  - other types of local arrangements, including parish meetings.

### **The Review Procedure**

9. The former Department of Communities and Local Government and the Electoral Commission has produced guidance on community governance reviews. The Guidance states that over time, 'communities may expand with new housing developments' and that 'this can often lead to existing parish boundaries being anomalous'.
10. The Guidance also includes the recommendation that the principal council should consider the benefits of a review of the whole of the area and not in piecemeal fashion. Reviews must be completed within a year, starting with the Council publishing its Terms of Reference for the review. A draft Terms of Reference and an outline timescale for the Review is set out in Appendix 1.
11. 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.
12. There are active residents and community groups in most, if not all, parts of the district and it is clearly important that the review should also take these into account, especially if specific proposals are put forward by local people during the consultation stages of the review.
13. The Review may consider the creation, abolition, merging or altering of existing parish councils 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 identity. The Review should only consider the creation of new parishes in response to a specific proposal submitted during Stage 1 (initial submissions) of the Review. All parishes must fall within the existing district boundary.
14. Parishes may also wish to consider the alternative options with regard to parish naming. The 2007 Act allows for parish councils to become Town, Community, Neighbourhood or Village councils. A change to the parish name will impact on the title given to the councillors of that parish (i.e., parish councillor could change to village councillor).

15. Each parish council must have a minimum of 5 parish councillors but there is no maximum. Consideration may be given to reducing the number of parish councillors where any long standing vacancies remain unfilled.
16. Warding for larger parish and town councils may be considered for the practicalities and convenience of voting. The benefits of warding larger 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 guarantee good representation to all parishioners.
17. Once approved by the Council, the terms of reference for the review must be published. If any modifications are subsequently made to the terms of reference, these must also be published.
18. It is proposed to establish a politically balanced Task and Finish Group comprising 10 members to consider the Review and make recommendations to the Council. Based on 10 members, the composition of the Group would be 4 Liberal Democrats, 2 Conservatives, 1 Labour, 1 Christchurch Independent, 1 Green and 1 Poole People.

### **Implementation of Review Outcome**

19. To implement the outcome of the Review, the Council will be required to draw up a series Re-organisation Orders with accompanying maps, and widely publish these changes.
20. The Orders will include implementation dates, electoral arrangements as well as the potential transfer of assets. Depending upon the complexity of the proposals, this may have a resource implication for services, including but not exclusively legal, estates, HR, electoral services and GIS.
21. In addition, the establishment of new parishes will impact upon other services across the council, including finance, council tax, planning, highways, electoral services, and the monitoring officer responsibilities.

### **Timetable**

22. The timetable in Appendix 1 is on the basis that the review commences in October 2024.

### **Resource Implications**

23. A Community Governance Review is difficult to predict in terms of required manpower resource. 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 a significant impact on the resource demand of the later stages. For example, if large scale boundary changes are recommended with households changing from one parish area to another, each household may require targeted consultation.
24. Experience from previous reviews undertaken by the former councils and other authorities supports the unpredictable demand on resources, with time allocation varying dramatically from 6 support weeks for small reviews, through to the employment of full-time equivalents and consultants.

25. It is anticipated that the review for the whole of the area will require additional resources to be drawn from democratic services, legal, communications, consultation and engagement and potential targeted engagement, including printing and postage.
26. The staged process for the review means that there will be peaks and troughs in work demand, making the engagement of temporary staff impracticable. There are clear advantages, in terms of maintaining continuity, consistency in processes and reduced management overheads, to having a fixed team undertaking and overseeing the whole review process.
27. It is proposed that the Head of Democratic Services will oversee the review and ensure that all tasks are completed as necessary. Additional resources will be drawn on, as necessary to ensure that the project runs to schedule. The project sponsor will be the Director of Law and Governance and Monitoring Officer.

### **Funding**

28. An analysis of the anticipated demands on services has been undertaken and allowing for unknown items via a contingency provision, it would be prudent to allocate £100,000 to fund stages one to four as set out in the terms of reference and timetable (Appendix 1) of the review process. This funding will be met by the Transformation Investment Programme.
29. A separate application and funding strategy for additional resources will need to be established to meet the post review stages of this project. At this stage it would be unreliable to estimate this value as it is very much dependent on the outcome of the first four stages.

### **Options Appraisal**

30. Undertaking a Community Governance Review is not mandatory but good practice recommends a periodic review is undertaken every 10 to 15 years. The Council therefore has a number of options.

#### **Do Nothing**

31. The Council could decide not to commence a full Community Governance Review at this time, however, it is anticipated that a number of localities will pursue the submission of a statutory petition which will require the Council to commence a review. The same process is required but this could result in multiple reviews being undertaken at staggered stages which would be extremely complex.

#### **Limit the Review to only Bournemouth and Poole**

32. Although, there is some merit in limiting the review area, this would remove the ability of the existing councils and residents of the existing parishes in the Christchurch area from suggesting changes. The review in 2017/18 was constrained by the boundaries at that time and there may be beneficial electoral arrangement changes.

#### **Full Area Review**

33. A full review of the whole of the BCP Council area allows for all interested parties to make proposals for change and is considered the most inclusive option. There is no requirement to make any changes to existing areas that are parished but this option would not exclude suggestions being submitted for consideration.

### **Summary of financial implications**

34. 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 have been informed following discussions with relevant services and drawing upon previous experiences. There is a risk that the allocated resource may be insufficient but this will be closely monitored and highlighted where necessary.

### **Summary of legal implications**

35. 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 published guidance.

### **Summary of human resources implications**

36. There are no direct human resource implications arising from this report, however, the review may include the transfer of assets and services to new or existing parish and town councils. Depending upon the scale of any such changes, these may require the transfer of BCP Council staff under the TUPE regulations. These will be considered at the latter stages of the review.

### **Summary of sustainability impact**

37. There are no direct sustainability impacts arising from this report.

### **Summary of public health implications**

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

### **Summary of equality implications**

39. The Community Governance Review will be undertaken in compliance with guidance relating to equality duties. Any consultation and engagement will include appropriate accessible channels.

### **Summary of risk assessment**

40. As stated in the report, it is difficult to predict the resource implications of a Community Governance Review. There is a risk that existing resources will be insufficient to deliver the review. The sum of £100,000 has been allocated as a contingency.

### **Background papers**

Published works

### **Appendices**

Appendix 1 – Community Governance Review Terms of Reference and Timetable