

**Community Governance Reviews**

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report provides information on conducting community governance reviews for the Committee's consideration. The report covers what a community governance review is and the legislative requirements.

**This report makes the following recommendations to this Committee:**

1. The briefing note is considered and next steps identified.
2. If a review is taken forward this be focussed on areas where there is clear need for review i.e. population changes.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy Committee	10 January 2018

# Community Governance Reviews

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The Democracy Committee at its meeting on 6 September 2017 identified that there may be areas in the Borough which would benefit from a community governance review.
- 1.2 The Head of Policy, Communications and Governance was asked to provide further information on conducting a community governance review to inform the committee about the process. This report provides further information.

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## 2. AVAILABLE OPTIONS

- 2.1 As a District Council we have the power to undertake community governance reviews and make changes to local community governance arrangements. Any such review has to be undertaken with regard to the joint community governance review guidance issued by Communities and Local Government and LGBCE in 2010. Referenced as a background document on this report. It should be noted that we do not have the power to review ward boundaries.

### **What is a community governance review?**

- 2.2 A community governance review can consider a number of things including:
  - Creating, merging, altering or abolishing parishes;
  - The naming of parishes and the style of new parishes;
  - The grouping of parishes under a common parish council.
  - 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)
- 2.4 In undertaking any Review, the Council will be guided by the following legislation:
  - Part 4 of the Local Government and Public Involvement in Health Act 2007;
  - Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625);
  - Local Government Finance (New Parishes) Regulations 2008 (SI2008/626)
  - Relevant parts of the Local Government Act 1972
- 2.5 Ultimately, the recommendations made in any community governance review should aim to bring about improved community engagement, better

local democracy and result in a more effective and convenient delivery of local services.

- 2.6 Reviews are normally undertaken because of one or more of the following reasons:
- Changes in population
  - Shifts in “natural settlements” caused by new development
  - In reaction to specific or local issues which have now been raised
  - In receipt of a valid petition
  - In advance of a full review of the district or parish electoral arrangements
  - At a request from the parish council or other interested party
- 2.7 The 2007 Act requires the Council to consult 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 to 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.
- 2.8 Furthermore if we were to undertake a community governance review we must notify Kent County Council that a review is to be undertaken and its terms of reference, KCC would also be consulted as part of the review.
- 2.9 Once the terms of reference for the review are published the council have 12 months to undertake the review. For ease of reference a flowchart of the process is attached at Appendix A. A draft timetable is attached at appendix B as an illustrative example. The timetable outlines the stages required for a review.
- 2.10 It is considered best practice to undertake reviews every 10 to 15 years to ensure community governance arrangements remain relevant and up to date. Community governance reviews in the last 5 years:
- 24 October 2014: Broomsfield & Kingswood and Sutton Valence, request to change parish councillor numbers from 9 to 11 refused.
  - 25 February 2015, request to increase the number of parish councillors from 9 to 11 agreed.
- 2.11 We have 35 Parish Councils in the Borough of Maidstone and elections fall in different years. This will need to be referenced when agreeing the timetable and terms of reference for any review.
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### **3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 There is no duty on the council to carry out a community governance review unless it is petitioned to do so we have not had any petitions to date. The joint guidance identifies that:

*"It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues."*

*"In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes"*

- 3.2 The first step at this stage if the committee were minded to consider a review would be to set up a working group to agree the terms of reference for a community governance review giving consideration to the current parish council arrangements, including wards, number of members, and ratios of electors to councils, as well as natural settlements within those areas. Section 81 LG&PIHA 2007 requires the principal council to draw up terms of reference specifying the area under review. There is no legal requirement to consult on the terms of reference before it is published. The joint guidance identifies that:

*"the terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities."*

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## **4 RISK**

- 4.1 The report is presented to give the committee more information on the process of conducting community governance reviews.

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## **5 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 The next steps will depend on how the committee decide to progress this area of work.
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## 6 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	Parish councils play an important role in terms of community empowerment at a local level. Ultimately the recommendations made in any community governance review should aim to bring about improved community engagement, better local democracy and result in a more effective and convenient delivery of local services.	Head of Policy, Communications and Governance
<b>Risk Management</b>	See report	Head of Policy, Communications and Governance
<b>Financial</b>	If a community governance review is undertaken there will be significant cost implications in terms of running consultation in those areas.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	Any community governance review would be supported by the Electoral Services Team and would have implications for their workload. Consideration will need to be given to the timing of any review with local elections in May 2018.	Head of Policy, Communications and Governance
<b>Legal</b>	Any review would need to be conducted within the legislative framework as identified at 2.4	Interim Team Leader (Corporate Governance)
<b>Privacy and Data Protection</b>	If a review is undertaken it will be compliant with Data Protection and GDPR	Head of Policy, Communications and Governance
<b>Equalities</b>		Policy & Information Manager
<b>Crime and Disorder</b>	N/A	Head of Policy, Communications and Governance
<b>Procurement</b>	N/A	Head of Policy, Communications and Governance

## **7 REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix A: Community Governance Review Flow Chart
  - Appendix B: Illustrative timetable
  - Appendix C: Parishes by ward and election year
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## **8 BACKGROUND PAPERS**

DCLG and the Local Government Boundary Commission guidance on community governance reviews

[https://www.lgbce.org.uk/\\_data/assets/pdf\\_file/0019/10387/community-governance-review-guidance.pdf](https://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf)