

Democratic Renewal Working Party



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Community Governance Review	
Report No:	DEM/SE/15/003 [to be completed by Democratic Services]	
Report to and date/s:	Democratic Renewal Working Party	2 December 2015
	Council	15 December 2015
Portfolio holder:	Not applicable – Electoral matters are not an executive function	
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Purpose of report:	As recommendation.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that the Working Party:</p> <p>(1) Considers the evidence provided during phase 1 of the Community Governance Review and advises the full Council on 15 December 2015 regarding the final recommendations the Borough Council will make for consultation in phase 2 of the review and/or to the Local Government Boundary Commission for England regarding future reviews of principal council electoral arrangements or boundaries;</p> <p>(2) Recommends to full Council that the updated provisional timetable for the remainder of the review set out at Paragraph 1.5.1 be approved; and</p> <p>(3) Advises the full Council on the approach to consultation in phase 2 of the review (including budgetary implications).</p>	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>		
Consultation:	<ul style="list-style-type: none"> Consultation for the review is explained in section 1.3 and appendices A-D of this report 		
Alternative option(s):	<ul style="list-style-type: none"> The Council has already agreed to carry out the review. Not carrying out a CGR at this time would mean that the chance to examine the impact of new growth on parish governance before the construction of new homes was missed. A CGR is also a crucial first stage for any future reviews of the Borough or County Council's governance arrangements. At this stage of the process, the Council is still able to recommend any option for change to parish electoral arrangements, including doing nothing. 		
Implications:			
<i>Are there any new financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> This is subject to recommendation 2. There was a £5000 budget provided for the review.		
<i>Are there any new staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<i>Are there any legal and/or policy implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Council is following the statutory process. 		
<i>Are there any equality implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> The Council has a legal duty to ensure that its recommendations do not undermine community cohesion, and ensure effective local government for all electors in a parish. 		
Risk/opportunity assessment:			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Matters which local communities want included in the CGR are missed	Medium	Consult on terms of reference prior to adoption	Low
Recommendations for consultation do not reflect community views	Medium	Carry out a phase 1 consultation to gather initial evidence to help shape recommendations	Low
Final decisions do not reflect community views	Medium	Consult on recommendations during phase 2 of the review	Low
Consequential impacts on borough wards and county divisions	Medium	Seek an electoral review by the LGBCE	Low

Review is not completed in 12 months	Low	Timetable review phases in terms of reference	Low
Ward(s) affected:	All Wards		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	<ul style="list-style-type: none"> • DRWP Report November 2014 https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CIId=180&MeetingId=510 • Council Report December 2014 https://democracy.westsuffolk.gov.uk/documents/s4994/Schedule%20of%20Referrals%20from%20Cabinet%20and%20Democratic%20Renewal%20Working%20Party.pdf • DRWP Report June 2015 https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CIId=180&MIId=3006&Ver=4 • Council Report July 2015 https://democracy.westsuffolk.gov.uk/documents/s8274/COU%20SE%2015%20021%20Appendix%20B%20-%20Terms%20of%20Reference%20for%20Community%20Governance%20Review.pdf • CGR terms of reference http://www.westsuffolk.gov.uk/community/upload/CGRTermsOfReference150806.pdf • LGBCE National Guidance for CGRs https://www.gov.uk/government/publications/community-governance-reviews-guidance • LGBCE National Guidance for Electoral Reviews of Principal Councils https://www.lgbce.org.uk/_data/assets/pdf_file/0006/10410/technical-guidance-2014.pdf 		
Documents attached:	<ul style="list-style-type: none"> • Appendix A - 'How to' guide for respondents to Phase 1 of the CGR • Appendix B – Summary of consultation approach • Appendix C – Non-issue specific consultation responses from stakeholders • Appendix D – Summary of evidence for CGR issues (Issue 26, then Issues 1-25). 		

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 Community governance reviews (CGRs) provide the opportunity for principal councils to review and make changes to community governance within their areas. It can be helpful to undertake community governance reviews in circumstances such as where there have been or will be changes in population, or in reaction to specific or local new issues. Changes can range from the creation of new parishes through to minor boundary adjustments or alteration of the number of parish councillors.
- 1.1.2 The last Borough-wide CGR was carried out in 2010. The Borough Council agreed in December 2014 to carry out a CGR in 2015/16 so that consideration can be given as to whether or not major strategic growth sites arising from Vision 2031 in Haverhill and Bury St Edmunds should lead to changes in the *external* boundaries of those two town councils. In conjunction with this issue, the Council also agreed to carry out a CGR formally proposed by Cllr Beckwith, namely whether or not a new parish should be created for Moreton Hall in Bury St Edmunds. Following consultation with parish and town councils in early 2015, and the May 2015 elections, several other issues for examination through the CGR were included in the final terms of reference, approved by full Council in July 2015 (see background papers).
- 1.1.3 The first phase of the review, initial evidence gathering, took place between September and November, to inform the making of recommendations for consultation during phase 2 in 2016. This report summarises that evidence so that the Working Party can advise full Council on making recommendations.
- 1.1.4 The remainder of this covering report deals with specific issues affecting the Working Party's deliberations at this stage of the process only. Background information to the earlier stages of the process and national guidance is listed in the background papers section at the start of this report.
- 1.1.5 Evidence in relation to each of the 26 issues in the first phase of the CGR is set out in the appendices to this report. Issue 26, which affects all of the other 25 issues, is presented first.

1.2 Making (Final) Recommendations for Phase 2 of the CGR

- 1.2.1 Phase 2, and the final consultation stage, for this CGR is the publication of recommendations, based on the outcome of phase 1. These recommendations must relate to one or more of the following matters:
- (a) the creation, merger, alteration or abolition of parishes;
 - (b) the naming of parishes and the style of new parishes; and/or
 - (c) the electoral arrangements for parishes including:
 - the number of councillors to be elected; and/or
 - the warding (if any) of the parish.
- 1.2.2 There may also be consequential impacts of the CGR on district council, county council and parliamentary electoral arrangements which will need to be considered as part of this review and/or in later separate reviews.
- 1.2.3 A CGR should create the conditions to:

- (a) improve community engagement;
- (b) provide for more cohesive communities;
- (c) provide better local democracy; and
- (d) result in more effective and convenient delivery of local services.

With that in mind, the Borough Council produced a 'how to' guide for respondents in phase 1 of the review to use when preparing their evidence. This is a summary of the national guidance produced by the Local Government Boundary Commission for England. The Working Party should also consider the evidence, and frame any recommendations, using the same guidance. The guide is attached as **Appendix A** to this report.

- 1.2.4 As this CGR relates to issues affecting existing parishes, the legislation for CGRs (the Local Government and Public Involvement in Health Act 2007) requires that the Council must make a final recommendation in respect of each of the issues listed in the terms of reference, even if this is a recommendation not to make a change. The recommendation must be definite i.e. it cannot be a recommendation to do one thing or another. It must be a recommendation to make one of the permitted statutory changes, *or not to make it*. While, in statutory terms, it is the final recommendation (being the final stage of consultation) it is also 'draft' insofar as it is still subject to genuine consultation and can be changed as a result. However, those taking part in the consultation must have a sense of what the Council is minded to do, *based on the review to date*. If new evidence is presented to change that view, then the final decision can be different to the final recommendation.
- 1.2.5 The final recommendations the Council makes in phase 2 should relate back to the issues identified in the terms of reference, since those taking part in phase 1 would have submitted evidence on that basis. Nonetheless, it is worth noting, as a minor point, that there are also two statutory recommendations that the Council must make in relation to every *existing* parish which is the subject of the CGR, namely whether its name will stay the same or not, and whether or not it will continue to have a parish council/meeting (as applicable).
- 1.2.6 It is not advisable for the Council to recommend something that it does not support (i.e. just to generate debate) and, equally, if the Council has no strong evidence that a change is justified/desired it would normally presume to maintain the status quo.
- 1.2.7 Finally, it is worth noting that, while it may still want to consult on recommendations in phase 2, the Council cannot make changes to the district or county boundary (issues 15 and 23).

1.3 **Consultation to date**

- 1.3.1 National guidance requires the Council to consult local electors on a CGR but there is no prescribed means of doing so. It should also be stressed that what is being considered in this report is only the outcome of the first of two stages of consultation and not the only opportunity local electors or parish councils will have to comment. This consultation also follows consultation with parishes in early 2015 on the terms of reference for the CGR.
- 1.3.2 The first phase of consultation which ended in November was a less formal

first stage, not technically required by the national guidance, to invite initial submissions of local evidence and to test the appetite for change. This local information is intended to help shape the recommendations the Borough Council will make, and then test by formal consultation in 2016.

- 1.3.3 The aim of the consultation was not to conduct a referendum on proposals, but simply to give people the chance to comment on the various options (including no change) and help shape the Borough Council's final recommendations.
- 1.3.4 The complexity of any consultation for this CGR is compounded by the range of different issues the under consideration, each requiring different approaches:
- (a) The Vision 2031 growth sites relate to future development.
 - (b) Some issues, relating to minor boundary anomalies, only involve a small number of existing properties and two or three parish councils.
 - (c) Other issues, proposed by parish councils or stakeholders, affect the electoral arrangements of a whole parish and all electors in it (i.e. wards, number of councillors, new parishes or grouping of parishes).
 - (d) Some issues relate to external boundaries of the Borough.
- 1.3.5 When the CGR was first considered in late 2014, options for consultation were presented by officers and discussed by councillors. This Working Party and the full Council decided that it would not be necessary to write to every elector or household potentially affected by this CGR, during the first phase of consultation at least. Given the issues under consideration, consulting whole parishes on major changes to their boundaries or electoral arrangements would have involved writing to over 50,000 electors or over 25,000 households, and a budget of between £35,000 and £60,000 would have been required for both consultation stages, depending on whether free return postage was offered.
- 1.3.6 Instead, the Council decided that the best approach would be to enlist the assistance of parish and town councils, residents' associations and other stakeholders in promoting the review through their own communication channels (newsletters, online bulletins, noticeboards, social media, meetings, word of mouth, etc). Those taking part could then respond to the Borough Council online, in writing, by phone or email. This approach was felt to be equitable and proportionate and also, hopefully, would engage parishes and community groups more in promoting the review and debating their own governance arrangements locally, ahead of final consultation in 2016. Particularly in those cases where it was a parish council or a community group itself which had suggested the CGR issue.
- 1.3.7 We know from responses received during phase 1 that parish councils have adopted a variety of approaches to promoting the review, and the Borough Council is grateful for their assistance. Some have held meetings and organised surveys of their own, others have written directly to electors and others have publicised it in newsletters and websites.
- 1.3.8 A summary of the approach the Council has taken to consultation up to and including phase 1 of the review is set out in **Appendix B** to this report.
- 1.3.9 Phase 1 consultation responses are summarised in **Appendix D** to this report, sorted by issue. **Appendix C** sets out the comments made by stakeholders

who did not wish to comment on specific issues.

1.4 **General queries raised during the phase 1 consultation**

1.4.1 This following section of the report addresses some of the general queries which were raised during the consultation, and these points are not repeated in Appendix D.

Terminology and Electorate Data

1.4.2 The previous report to this Working Party and the terms of reference for the review both explained that growth sites are described in the CGR consultation documentation using the adopted Vision 2031 title to avoid ambiguity and to allow an audit trail back to the planning policy documents which led to the review. However, it should be stressed that this naming convention does not pre-suppose any view on the outcome of the CGR by the Borough Council.

1.4.2 For simplicity and consistency, a common shading and terminology was also adopted for the phase 1 consultation maps which related to growth sites. In relation to Vision 2031 housing sites, the main intention of the maps was to show the most likely location of new residential properties (and electors) within the overall growth site. The shaded areas referred to as 'green buffer' were intended to show the non-residential areas of the growth site. Normally, these 'buffers' will primarily be landscaped areas or recreational spaces, but may also include infrastructure and community facilities (such as schools or health facilities) on some of the sites.

1.4.3 Consultation maps in phase 1 also provided some basic electorate information. At the next formal stages of the review the guidance requires us to use five year forecasts of electorates (which cannot be provided at this meeting since the new electoral register to be used as the baseline is not published until early December). However, for phase 1, consultees were provided with the current electorates of parishes and, in relation, to growth sites an estimate of the likely electorate in relation to the *total allocation of homes in Vision 2031*. This was done deliberately to help parishes understand the full long-term implications for community identity and effective local governance of the growth sites, so they could reflect this in their submissions. However, it is fully accepted that it will take many years for the electorates to reach the numbers suggested on the consultation maps. Electorate forecasts were based on the average number of electors per property in current electoral registers for the Borough (usually fewer than two).

Relationship of the CGR with Vision 2031 and Planning Processes

1.4.4 This CGR was, in part, triggered by the adoption of Vision 2031 as a local plan in 2014, which identified a total of nine residential and employment growth sites around Haverhill and Bury St Edmunds. The national guidance for CGRs indicates that major development on this scale is a reason to carry out a CGR, and the Council agreed at the time of its last CGR in 2010 to look at various parish boundaries when the local plan was adopted.

1.4.5 However, the CGR is not an opportunity to revisit Vision 2031, and nor is it part of any planning process for the growth sites themselves. Specifically, the CGR does not determine the Settlement Boundary for any town or village, which is a separate planning matter determined under the local plan.

- 1.4.6 While the CGR for all nine Vision 2031 growth sites around the two towns is being carried out at the same time (see explanation in para 1.4.9 below), plans for their actual development are at varying stages. Some are further advanced than others, with master-plans under preparation or planning applications received/determined. In these cases, there has been an inevitable overlap between the CGR consultation and planning processes and, understandably, this is reflected in some of the comments received during the consultation. Unfortunately, however, the CGR is not a mechanism capable of resolving some of the planning issues raised (although the comments received will be shared with the planning team). This is because planning and community governance, while obviously connected, are governed by separate and different decision-making frameworks.
- 1.4.7 It is assumed for the purposes of the CGR that, at some point, development is likely to take place at sites identified for growth in Vision 2031, in the general form outlined in that planning policy document, or in subsequently adopted supplementary planning guidance or determined planning applications. Otherwise, the CGR would not be required. However, the CGR has absolutely no bearing on planning matters such as the timing, scale, location and design of the new development, all of which are subject to the normal development control process. Furthermore, the CGR is not a pre-requisite of, or enabler for, that development taking place – the growth sites are already adopted and parish boundaries are not normally a material planning consideration. This is why no change to the current boundaries is one of the options available in the CGR (provided other criteria are met).
- 1.4.8 Instead, this CGR is merely intended to examine whether or not (if and when that development takes place) existing community governance arrangements will need to be adapted to reflect community identity and provide effective parish level local government. For that reason, it is not possible for the Borough Council to use the CGR to examine adopted planning policy, albeit the strong feelings of many local residents on these matters are fully acknowledged, and will be shared with the local planning authority.

Why carry out the CGR now?

- 1.4.9 Carrying out the review now ensures that it can be completed and implemented in time for the next parish elections in 2019. A review takes up to a year to complete.
- 1.4.10 Although interim reviews are possible (such as the Borough Council's last review in 2010), a CGR triggered by future development in a local plan often results in changes that last (substantially at least) for 12-16 years; the last such review for the Borough was at the turn of the century.
- 1.4.11 The Borough Council's view in late 2014, when it decided to carry out this CGR, was that it would be good, wherever possible, to resolve questions of parish governance before the majority of any new homes on growth sites were occupied so that the electors and their parish and town councils had certainty going forward.
- 1.4.12 It is, however, understood that some of the growth sites will not be fully developed before the next or subsequent parish elections in 2019 and 2023 respectively. The Working Party will therefore need to take into account in any recommendations whether or not it is actually too early to make changes.

1.4.13 Also, the CGR is a pre-cursor to consequential reviews of borough and county electoral arrangements by the Boundary Commission, which will be needed in the coming years (and hopefully implemented in 2019 and 2021 respectively). Borough wards and county divisions are likely to stay in place for 12-16 years. So, this CGR is also the chance to ensure that parish arrangements are the building blocks of all electoral arrangements. This matter is explained in some detail in the summary of evidence for issue 26 in Appendix D.

1.5 **Next steps**

1.5.1 The recommendations of the Working Party will be referred to full Council on 15 December and, if adopted, work will take place to develop the materials for a phase 2 consultation in the early new year. The proposed updated provisional timetable for the remaining stages of the review is as follows:

Publish and consult upon final recommendations	January to April 2016 <i>(NB consultation not likely to start before February)</i>
Democratic Renewal Working Party considers consultation responses for final recommendations and advises full Council on whether and how to implement them	May/June 2016
Full Council decides on the extent it will give effect to the recommendations, reflecting the outcome of consultation, and resolves to make any Order required to implement them	June/July 2016
Publish decision on final recommendations	By 7 th August 2016
Order produced	As soon as practicable after publication of decision on final recommendations

1.5.2 More time may be required to prepare final recommendations and/or consider the results of the phase 2 consultation, so the above timings may be slightly altered. There also remains the option to refer matters to this Working Party or full Council on more occasions. Final recommendations must be published within 12 months of the date of publication of the terms of reference. Therefore, while the timetable above may change as the review progresses, the end date will need to stay the same.

1.5.3 Implementation of any agreed changes will be explained in a formal Order made thereafter. This will set out when and how any new arrangements will come into effect, which will be considered by the Working Party at a later stage of the process.

1.5.4 If the Working Party wishes to retain the approach to consultation it agreed for phase 1, it will not need to seek any additional funding for the review. However, if it wishes to change the consultation approach for phase 2, it will need to ask the officers to prepare costings for reporting to full Council on 15 December.

1.5.5 It remains the officers' advice that any approach to consultation proposed by the Working Party (whatever it is) must be consistently applied. Specifically,

in relation to the review of the existing parish arrangements within Bury St Edmunds (i.e. issue 7), the Council could be open to challenge if it targeted a consultation only at electors on Moreton Hall, since there would be a direct impact of such a parishing on all electors in Bury St Edmunds. All electors of Bury St Edmunds (and of neighbouring parishes if applicable) must have an equal opportunity to take part. However, consultation on a final recommendation can be carried out in such a way that the location of respondents can be understood (without compromising anonymity).