

Democratic Renewal Working Party



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Community Governance Review	
Report No:	DEM/SE/16/002	
Report to and date/s:	Democratic Renewal Working Party	23 May 2016
	Council	28 June 2016
Portfolio holder:	Not applicable – Electoral matters are not an executive function	
Lead officers:	<p>Fiona Osman Service Manager (Democratic Services and Elections) Tel: 01284 757105 Email: fiona.osman@westsuffolk.gov.uk</p> <p>Alex Wilson Director Tel: 01284 757695 Email: alex.wilson@westsuffolk.gov.uk</p>	
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 2 of the Community Governance Review and advises the Council regarding decisions on the various final recommendations the Borough Council must make (as set out in appendices A-C);</p> <p>(2) Notes the latest position in relation to the matters the Council has already determined in December 2015 (appendix D)</p> <p>(3) Considers the timing of implementation of any changes arising from the review (section 1.7);</p> <p style="text-align: right;">Contd/</p>	

	<p>(4) Advises the Council on the request from Barrow cum Denham for a separate CGR to consider the size of its Parish Council (i.e. number of councillors) (section 1.5)</p> <p>(5) Considers how to deal with a councillor request to review the Eastgate and Fornham Ward (and associated parish) boundary (section 1.6)</p> <p>(6) Authorises the officers to draft formal recommendations to Council to reflect the Working Party's deliberations on the various matters above, under the terms of the relevant legislation.</p>		
Consultation:	<ul style="list-style-type: none"> • Consultation for the review is explained in section 1.3 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 able to change its recommendations based on evidence received through consultation. 		
Implications:			
Are there any new financial implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any new staffing implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any legal and/or policy implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> • Council is following the statutory process. 		
Are there any equality implications? If yes, please give details	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	Refer to Council by August 2016.	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?Cid=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?Cid=180&Mid=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 • DRWP Report December 2015 https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?Mid=3155 • Council Report December 2015 (item 116) https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?Cid=174&Mid=2874&Ver=4 • CGR terms of reference • 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: statutory final recommendations • Appendix B: final recommendations for which there is still no consensus • Appendix C: final recommendations in respect of which no new and/or significant issues have been raised during the consultation • Appendix D: updates on issues which were determined at the Council meeting in December 2015

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 2015, to inform the making of recommendations for consultation during phase 2 in 2016. Phase 2, and the final consultation stage, was the publication of those recommendations, which were based on decisions taken at Council in December 2015. Consultation ran from mid-February 2016 to 27 April 2016, and this report summarises the evidence received so that the Working Party can advise Council when it makes its final decision this summer. A CGR must be concluded within 12 months of its terms of reference being published (which was in August 2015).
- 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.

1.2 Nature of Final Recommendations

- 1.2.1 The Council recognised, in making its final recommendations, that there was not a consensus from phase 1 among stakeholders in relation to some of the issues. Any recommendation made in these cases was likely to divide opinion. Nonetheless, the legislation requires that the Council must make a final recommendation in respect of each of the applicable issues listed in the terms of reference for the CGR. The recommendation must also be definite i.e. it must be a recommendation whether or not to make one of the permitted statutory changes.
- 1.2.2 Therefore, the recommendation is intended to give those taking part in the phase 2 consultation a sense of what the Council is minded to do, based on the review to date (and the evidence, or lack of evidence, it has received). However, as well as being the final recommendation, it is also 'draft' insofar as it is still subject to testing through consultation; the final decision by Council in summer 2016 may be different to the recommendation agreed in

December 2015 if new or stronger evidence emerges during phase 2. This is the context in which the phase 2 consultation should be viewed.

1.3 **Consultation on Final Recommendations (Phase 2)**

- 1.3.1 Although it must make the final decision, national guidance requires the Council to consult local electors on a CGR. There is no prescribed means of doing so.
- 1.3.2 As agreed by Council in December 2015, the approach taken to consultation in phase 2 of the CGR has been:
1. Send emails/letters to directly affected parish and town councils/meetings in January 2016 to advise them of the outcome of phase 1 and inform them of the phase 2 process.
 2. Publish final recommendations on the CGR pages of the Council's website in February 2016, together with other supporting information on the review including details of how to take part. The main CGR page was created in January 2015 and has been updated at each stage.
 3. Send emails and/or letters to affected stakeholders such as parish or town councils, residents' associations, borough and county councillors, neighbouring authorities and partner organisations in mid-February 2016 to allow them two months to respond, and with a request for them to promote the review via their own communication networks where applicable.
 4. Put online response forms on the Council's website in February 2016 in relation to the Vision 2031 sites and any issue where all of the electors in a parish were equally affected. It should be stressed that the questionnaire was not intended to provide a referendum, merely to provide a convenient means for people to take part in the phase 2 consultation if they wished (via a structured survey form). Take-up of this means of response did rely, to a degree, upon the publicity the review was given in each affected locality. Furthermore, it was still possible to respond to the review by other means than the questionnaire – by post, telephone, email, petition, etc.
 5. Send an email alert to all those people who completed online response forms in phase 1 and asked to be kept in touch.
 6. Send letters, with pre-paid response forms, to any *existing* electors or businesses whose properties were *directly* affected by boundary issues (including those existing properties already within Vision 2031 growth sites).
 7. Issue a press release in February, and provide press briefings as requested (this resulted in media coverage).
 8. Publicise the review on social media.
 9. Provide information for parish and town councils on the review at the parish conference in April 2016.

10. Meet and/or correspond with several parish and town councils, at their request, to discuss the review.

1.3.3 As it does not relate to any specific issue, it is recorded here that the Police and Crime Commissioner and the Chief Constable responded during phase 2 to indicate that they had no comments on the recommendations. Other partners had indicated at earlier stages of the review that they had no comments.

1.4 **Assessing the Phase 2 Consultation Evidence**

1.4.1 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.

1.4.2 The decisions the Council makes in relation to the CGR should relate back to the issues identified in the terms of reference and final recommendations, since those taking part would have submitted evidence on that basis.

1.4.3 The Council must also take into account local opinion received through the consultation. However, the aim of the phase 2 consultation was not to conduct a formal referendum, but simply to give people the chance to comment on the recommendations and help shape the Borough Council's final decision. Ultimately, where opinion is divided, the Council will need to make a balanced judgement, with each case taken on its own individual merits.

1.4.4 Having said that, if the Council has no strong evidence that a change is justified (either in terms of the CGR guidance and/or the level of local support) it would normally presume to maintain the status quo.

1.4.5 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. Although their original numbering is retained the issues are organised into the following categories to assist in the management of the meeting:

- **Appendix A:** statutory final recommendations
- **Appendix B:** final recommendations for which there is still no consensus
- **Appendix C:** final recommendations in respect of which no new and/or significant issues have been raised during the consultation
- **Appendix D:** updates on issues which were determined at the Council meeting in December 2015 (for noting only).

1.4.5 For consistency, the responses to the phase 2 consultation are also recorded in appendices B and C using the following convention, although this does not represent any particular weighting:

- The Parish council/meeting which current represents the electors
- Views of neighbouring parish(es) if applicable
- Any community organisations representing the area affected

- Local electors, businesses and landowners (with comments reflecting the viewpoint of the majority of respondents listed first)
- Local elected representatives (the views of local councillors are represented only when they identified themselves in this capacity – some have responded as local residents and are recorded as such).

1.4.6 As this was an assurance made in the consultation, responses from local electors and businesses are also presented as anonymously as possible.

1.5 **Barrow cum Denham Parish Council**

1.5.1 During the phase 2 consultation, the Council received the following correspondence from Barrow cum Denham Parish Council:

"At our latest Parish Council meeting all Councillors on Barrow cum Denham Parish Council asked that I advise St Eds that they would like to be considered for having extra Councillors on their team. I understand that we have missed the deadline for the current Community Governance Review, which would have been the time to raise the issue. However, I was told on the phone that if Councillors felt they would like to increase their numbers, that you could make a note of their request and it could then be considered at the next Review. Is this correct, and if so, could you please consider their request? Within the next few years, the Parish Council hopes to work on a Neighbourhood Plan, and experience from other local councils shows that this will be a time consuming process, which is why they would like to apply for extra numbers, to spread the workload."

The Council currently has 11 councillors (9 in Barrow and 2 in Denham)

1.5.2 It will not be possible to include this request in the current CGR as the Council consulted on the terms of reference, has published its final recommendations and the consultation is closed. However, if it agrees with the request, the Council could consider agreeing to a separate CGR for this specific matter. In view of the nature of the request, a very streamlined process could be adopted, allowing it to be concluded well before the next scheduled elections in 2019 (which is the earliest it could be implemented in any event). The review would need to be carried out before or after the Electoral Review of the Borough planned for 2017/18.

1.5.3 If the Working Party agrees to this request, it could recommend to Council in June that the officers be authorised to prepare and publish terms of reference, and a final recommendation for consultation, in respect of the specific request to increase the number of parish councillors for Barrow cum Denham. This would reflect further discussion with the Parish Council. When a very short and focused local consultation was concluded, the matter could be referred back to this Working Party and then onto Council for a decision.

1.6 Boundary between Eastgate and Fornham Ward (and associated parish boundary)

1.6.1 During the phase 2 consultation, Cllr David Nettleton has responded:

"I wish to propose a minor amendment to the Eastgate ward boundary with Fornham, which doesn't affect any elector. Bearing in mind a possible county review following on from the borough review I think it beneficial if the ward boundaries of the current two Bury St Edmunds single member wards – Eastgate and Northgate - touch at some point. It just involves straightening the Eastgate boundary line with Fornham from the top right hand corner of the Eastgate map so that it runs behind the houses in Russell Baron Road and meets the junction of Northgate, Fornham and Risbygate wards at Tollgate Bridge near the Tollgate PH. We might not need this flexibility at either borough or county level but I think we should have it just in case. Could this be considered please?"

A map will be displayed at the meeting.

1.6.2 As explained in section 1.5 above, this request could not now be examined under this particular CGR, as the consultation process on final recommendations has concluded. The Council could agree to carry out a standalone CGR before any Electoral Review of the Borough in 2017/18 (this Electoral Review will look at the ward boundaries for the Borough and Town Council). Alternatively, it could wait for the Electoral Review to take place to see whether any change is needed, and deal with it then (or after), in dialogue with the Boundary Commission. The Working Party is invited to discuss this request.

1.7 Next steps

1.7.1 The proposals of the Working Party will be referred to Council and, if adopted, work will take place to publish the decision on the final recommendations by 7 August 2016.

1.7.2 After publication of a decision on final recommendations, 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. The order can be made at any time following a review.

1.7.3 The national guidance indicates that significant changes to parish electoral arrangements, affecting all or many electors in a parish, are normally made at the next ordinary elections (although an exception can be made in the case of setting up an entirely new parish council). This avoids the need for parishes to hold (at their cost) special elections. This means that such changes would be brought formally into effect on 1 April 2019, but in such a way that preparations for the May 2019 elections (notices, electoral registers, etc) can take place from Autumn 2018 onwards. Parish precepts would also be adjusted on 1 April 2019 (keeping taxation and representation in step at parish level).

1.7.4 However, in relation to boundary changes affecting only a small number of electors, changes may be possible in April 2017. Where the boundary is contained entirely within an existing district ward and county division, it should be possible to make the change next year (with an order made this autumn).

- 1.7.5 However, where the parish boundary is concurrent with a district ward and/or county division boundary, it would only be sensible to make that change in 2017 if the Boundary Commission also agreed to make consequential changes to those district/county boundaries too (i.e. ahead of Electoral Reviews of the whole Borough). Otherwise, the tiers of local government representation would get out of step, and there could be complications for electors and the Returning Officer/Electoral Registration Officer associated with the May 2017 County Council elections and any by-elections. In these cases, the Borough Council may therefore wish, through its final decisions, to signal its intent to implement the changes in 2017 if the Commission also agrees to consequential changes, but otherwise to implement them also in 2019.
- 1.7.6 More advice may be needed on this matter after the Working Party's meeting to reflect the actual proposals it is making to Council on the specific issues.
- 1.7.7 The impact of the CGR on the Borough and County Council's electoral arrangements (and vice-versa) is discussed under issue 26 in Appendix D.