

# Council



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Community Governance Review</b>
<b>Report No:</b>	<b>COU/FH/17/020</b>
<b>Report to and date/s:</b>	<b>Council</b>
<b>Portfolio holder:</b>	Not applicable – electoral matters are not an executive function
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<b>Purpose of report:</b>	To allow Council to make a final decision on Issue 2 in the Community Governance Review for Forest Heath, namely the proposal to create a new parish council for West Row and Isleham Marina.
<b>Recommendation:</b>	<b>It is recommended that Council considers the evidence received during consultation on the Community Governance Review (CGR) so that it can make the final decision required in respect of the recommendation for issue 2 (as set out in this report and Appendix A).</b>
<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</b> 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"/>
<b>Consultation:</b>	Consultation has taken place on the terms of reference and final recommendations for the review and the results are summarised in this report.

<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>The Council has already agreed to carry out the review. Not carrying out a CGR at this time would mean that changes desired to parish arrangements will not be taken into account in a forthcoming electoral review of the district and may be difficult to implement before the 2019 parish elections.</li> <li>At this stage of the process, the Council is able to change its recommendations based on evidence received through consultation.</li> </ul>		
<b>Implications:</b>			
Are there any new <b>financial</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any new <b>staffing</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>ICT</b> implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>legal and/or policy</b> implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>Council is following the statutory process.</li> </ul>		
Are there any <b>equality</b> implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>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.</li> </ul>		
<b>Risk/opportunity assessment:</b>			
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Matters which local communities want included in the CGR are missed	Medium	Consult on terms of reference prior to adoption	Low
Final decisions do not reflect community views	Medium	Consult on recommendations	Low
Consequential impacts on district wards and county divisions	Medium	Feed changes into electoral reviews by the LGBCE	Low
Review is not completed in 12 months	Low	Timetable review phases in terms of reference	Low
<b>Ward(s) affected:</b>	Eriswell and the Rows, Great Heath and Market.		
<b>Background papers:</b> (all background papers are to be published on the website and a link included)	<ul style="list-style-type: none"> <li>Council paper, <a href="#">COU/FH/17/014</a>, 14 June 2017</li> <li>Council paper <a href="#">COU/FH/17/006</a>, 22 February 2017</li> <li>Council paper <a href="#">COU/FH/16/025</a>, 22 November 2016</li> <li>LGBCE National Guidance: <a href="http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf">http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf</a></li> </ul>		
<b>Documents attached:</b>	<ul style="list-style-type: none"> <li><b>Appendix A</b> – 2017 results of consultation for CGR</li> </ul>		

## **1. Key issues and reasons for recommendation(s)**

### **1.1 Background**

- 1.1.1 At Council in June 2017, members received a report on the outcome of the recent consultation on the Community Governance Review (CGR). The terms of reference for the review allowed a decision to be made at that or this meeting.
- 1.1.2 In relation to issue 2 in the review, relating to a proposal from the West Row Action Group to create a new parish council for West Row and Isleham Marina, the Council had originally recommended in February 2017 no change to the current arrangements *for the purposes of consultation*, on the basis that it would need to receive evidence of local support for such a significant step. Consultation ran from March to May 2017.
- 1.1.3 For ease of reference the initial results of consultation for issue 2 (as at June 2017) are attached as Appendix A to this report. As a summary, opinion on issue 2 was divided, albeit 92% of the 39 electors who responded to the consultation opposed the recommendation, and wished to see it changed so that a new parish council is formed. The Council therefore had to decide if it now has enough evidence, in relation to the criteria for CGRs and local opinion, to justify a change to the current parish boundary and to create a new parish council.
- 1.1.4 At the June meeting, there was initial discussion of the outcome of the consultation. It was noted that, without a specific decision to that effect, Forest Heath would not be reopening its own consultation, as the existing terms of reference for the review do not provide for this to happen, and the consultation period was over two months. However, councillors noted that the Mildenhall Parish Council (MPC) response (which was to respect the majority wishes of residents) was written before it had had sight of the consultation responses itself.
- 1.1.5 Therefore, since the terms of reference allowed for a final decision to be made by Council in either June or July, members felt it wise to defer this for a few weeks to give MPC the chance to clarify its formal response to the CGR in the light of the results of the formal consultation process. The West Row Action Group was also notified of the deferred decision, as were those who had responded to the consultation (and had asked to be kept informed).

### **1.2 View of Mildenhall Parish Council**

- 1.2.1 The Mildenhall Parish Council reconsidered the matter at a recent meeting and concluded that it did not wish to change its original response to the consultation, namely:

## Community Governance Review- Formal Consultation

Mildenhall Parish Council debated the subject at their full council meeting on 30<sup>th</sup> March 2017. Below is the collective response:

*Mildenhall Parish Council has considered the proposal by some West Row Parishioners that there should be a separate Parish Council serving West Row.*

*The Council was of the mind that this is a decision for the residents of West Row and would not want to oppose or prevent such a move if it were demonstrably the will of a majority. In the discussions, concern was expressed that some of the material promoting separation had given misleading information - for example about street lighting and cemetery provision - and the MPC would hope that every effort would be made to correct any misapprehensions.*

### 1.3 Supplementary local evidence

- 1.3.1 On 23 June 2017, the Council received anonymously by hand delivery at its offices the following original documentation:
- 181 signatures from West Row and Isleham Marina residents on various petitions calling for a new parish council for West Row, Isleham Marina and Thistley Green (or for a CGR to create one). These are not dated but are understood to have been collected in **2015** by members of the Action Group.
  - 53 response slips or letters relating to a public consultation in 2015, from residents of West Row and Isleham Marina, agreeing with the setting up of a new parish council. The Council does not have sight of the supporting information for the consultation. A couple of the responses are in agreement "in principle" or "with reservations", and two raise a number of practical considerations around precept and level of services. However, nearly all most are simply "agree" responses without supporting comments.
  - One response to the same 2015 consultation disagreeing with the need for a parish council.
- 1.3.2 The Action Group has subsequently explained to officers that the context of these petitions/consultations in 2015 was to gather enough local support to trigger a CGR under the relevant legislation (hence the number of signatures collected).
- 1.3.3 While the subject of these consultations is the same as this Council's own on the CGR (and some weight could be given on that basis), they took place before spring 2017, in a different context and with different background information available to respondents. Therefore there is no certainty that all of the respondents who are still local residents still hold the same view as in 2015 (albeit that some have also taken part in the Council's own consultation recently).
- 1.3.4 Nonetheless, taken at face value, this is very useful background information to support the responses which objected to the Council's 2017 recommendation (i.e. 36 local residents, the Action Group and Baptist Church, as set out in Appendix A). The new information shows that, as recently as

2015, there has been a significant body of opinion in the West Row parish ward of MPC in favour of a new parish council being set up; 234 respondents represents around 20% of the current electorate for West Row parish ward.

#### 1.4. **Decision on Issue 2**

1.4.1 Members are now asked to consider the original and supporting evidence received in relation to Issue 2, and reach a final decision.

1.4.2 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.

1.4.3 The Council must also take into account local opinion received through consultation. However, the aim of the consultation was not to conduct a formal referendum, but simply to give people the chance to comment on the recommendations and help shape the 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 good 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 Unless it wishes to revise the existing terms of reference for this CGR, the Council must therefore now make one of the following two decisions (set out in no order of importance here):

#### **A: Adopt Recommendation (status quo)**

That the final recommendation for Issue 2 (Mildenhall and West Row) be adopted as the outcome of this CGR, namely that there be no change to the current arrangements i.e. Mildenhall Parish stays as it is and a new parish for West Row is not created.

**Or**

#### **B: Amend the Recommendation (create new parish council)**

That, on the basis that [*insert reason for changing recommendation*], a new parish of West Row be created in 2019 from the existing West Row parish ward of Mildenhall Parish, with the same boundary, and the Parish be served by a Parish Council with nine councillors and no wards<sup>1</sup>.

The other procedural requirements required to implement this CGR were approved by Council in June 2017 and do not need to be updated at this meeting as they apply to the whole CGR, including issue 2. However, if the Council decides to create a new parish council, future reports to Cabinet

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<sup>1</sup> These were the electoral arrangements, etc suggested in the Council's consultation and no comments were received disagreeing with them.

and/or Council will be needed to explain the transitional process to be followed, and the formal steps that will need to be taken by Forest Heath to support the change in 2018/19.