

# **Full Council 30 March 2017 Community Governance Review for the creation of a Town Council**

## **For Decision**

### **Briefholder**

Cllr Kevin Brookes

### **Senior Leadership Team Contact:**

S Caundle, Assistant Chief Executive

### **Report Author:**

Jacqui Andrews, Corporate Manager, Democratic & Electoral Services

### **Statutory Authority**

Local Government and Public Involvement in Health Act 2007 ("the 2007 Act")

## **Purpose of Report**

1. To set out draft Terms of Reference for the Community Governance Review process required to create a Parish Council for Weymouth.

## **Recommendations of Management Committee**

2. To adopt Terms of Reference for a Community Governance Review (CGR) for publication considering the creation of a new Parish Council covering the Weymouth area of Weymouth & Portland Borough Council area with a view to a new Parish Council being established at the same time as any new Unitary Council for Dorset.

## **Reason for Decision**

3. To ensure that steps are in place to undertake a CGR to consider the creation of a Parish Council for Weymouth should the Secretary of State for the Department for Communities and Local Government decide to create 2 Unitary authorities across Dorset.

## **Background and Reason Decision Needed**

4. At its meeting on 23 February 2017, Full Council agreed that a CGR should be undertaken to consider the creation of a new Parish Council in the Weymouth & Portland Borough Council area.
5. From February 2008, principal councils have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In

making such a decision, Councillors are required to take account of the views of local people ensuring that governance arrangements continue to reflect local identities and facilitate effective and convenient local government.

6. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires that principal councils have regard to the guidance issued by the Secretary of State and the Local Government Boundary Commission for England.

## **Community Governance Review Process**

7. Section 93 of the 2007 Act allows principal councils to decide how to undertake a CGR, provided that they comply 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, and the publication of recommendations. The manner in which the Council consults with its local residents is not prescribed. A Consultation Plan will be brought forward for consideration at the next stage of the CGR process.
8. The first stage of a CGR is the development and publication of Terms of Reference for the Review. The Terms of reference for a CGR must specify the area under review and set out clearly the matters on which a CGR is to focus. These terms of reference must be published.
9. Any Review should be concluded within 12 months of the agreement and publication of the Terms of Reference, and the outcomes of the Review are implemented by a Reorganisation Order. This Order may also include provisions with respect to the transfer and management or custody of property and/or provision with respect to the transfer of functions, property, rights and liabilities.

## **Terms of Reference of the Review**

10. The guidance expects terms of reference to set out clearly the matters on which a CGR is to focus, and the draft Terms of Reference attached have been framed using the local knowledge and experience of Borough Councillors and are considered to be appropriate to local people and reflect the specific needs of the community.
11. Management Committee supported the view of the Steering Group for Democratic Improvement with regard to the appropriate area for Review, and concluded that this should relate solely to the Weymouth area as there was already a well-established Town Council covering the area of Portland.

## **Implementation**

12. The adoption of the Terms of Reference by Full Council will commence the Review that must be concluded within 12 months. If Full Council chooses to accept the final recommendations of the Review, concluded after public consultation, then it needs to draw up a Reorganisation Order and publish

this together with the reasons for the changes, making maps available for public inspection. There are also various bodies that must be notified of the changes including the Local Government Boundary Committee for England. The Reorganisation Order will also cover other issues including transfer of property, rights and liabilities and the budget requirement for the Parish Council for 2019/20.

## **Other considerations**

13. As well as the Community Governance Review to consider the creation of a new parish, it is recommended that a Member/officer working group works in tandem to look at the preliminary work needed to create the Town Council. This would include transfer of assets to both any new Town Council and also to Portland Town Council.

## **Implications**

### **Financial**

14. There is a bid for funding in the sum of £200,000 for work associated with the creation of a new parish(es) council(s).

## **Consultation and Engagement**

15. There has been no consultation in respect of this initial report but a Consultation Plan will be drafted to cover the community governance review once the Terms of Reference have been agreed.

## **Background Papers**

Local Government and Public Involvement in Health Act 2007  
The Local Government Boundary Commission for England – Guidance on community governance reviews.

## **Footnote**

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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# **COMMUNITY GOVERNANCE REVIEW FOR THE CREATION OF A PARISH COUNCIL FOR WEYMOUTH**

## **TERMS OF REFERENCE**

### **Introduction**

With the possible introduction of new governance arrangements within Dorset affecting its Borough Council area, Weymouth & Portland Borough Council has resolved to undertake a Community Governance Review under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”).

In undertaking the Review, the Council will comply with the requirements of:

- The Local Government and Public Involvement in Health Act 2007
- The Local Government Act 1972
- Guidance on Community Governance Reviews 2010 issued by the Department for Communities and Local Government and The Local Government Boundary Commission for England
- Any other relevant regulations as appropriate

### **Area to be covered by the Review**

The Review shall be of the community governance needs of the whole of the area of Weymouth and Portland Borough Council with the exclusion of the area of Portland (Borough Wards of Underhill, Tophill East and Tophill West), and shall have particular regard for the need to secure that community governance within the area under review:

- reflects the identities and interests of the communities in that area; and
- is effective and convenient.

The Borough Council recognises the important role that parish councils play in community empowerment at a local level, and the Council is keen to ensure that governance continues to be robust, representative and is able to meet the challenges ahead. Furthermore, it wants to ensure that there is clarity and transparency for the areas that the parish council(s) represents, and that the electoral arrangements – including warding pattern and the number of Councillors – are appropriate, equitable and readily understood by the electorate.

When carrying out the Community Governance Review, the Borough Council must also take into account other existing or potential community governance arrangements (other than those relating to parishes) in determining what parish arrangements to recommend, and the impact of Local Government Reorganisation within the County.

## **How the Council intends to conduct the Review**

The Steering Group for Democratic Improvement will prepare proposals for consideration by the Management Committee and then recommendation to Full Council on:

- initial proposals for consultation including whether or not to establish a new parish(es), the warding pattern, council size (number of councillors) and the name of any proposed new parish(es);
- the electoral arrangements of any new parish council(s) – including the ordinary year of election,
- having taken into account the consultation responses, final recommendations regarding the creation of a new parish(es), the warding pattern, council size (number of councillors), electoral arrangements and the name of any proposed new parish(es).

The Review shall invite and take account of submissions from all interested parties, and will be publicised by displaying a notice at the Council offices, placing articles on the Dorset For You website and by issuing news releases. The Council will also write to Portland Town Council, the Dorset Association of Town and Parish Councils, Borough Councillors and the relevant County Councillors, MPs and Dorset County Council and other interested parties deemed appropriate.

The Council will publish all decisions taken in the Review, together with the reasons for those decisions.

## **Current Warding patterns for the Borough Council area**

Weymouth and Portland Borough Council is currently divided into 15 Wards; 12 Wards covering the Weymouth area and 3 Wards covering the Portland area. There is already an established Town Council for Portland and it is not intended to include this area as part of the Review.

The 12 Wards covering the Weymouth area are served by 29 Councillors and include Littlemoor, Melcombe Regis, Preston, Radipole, Upwey and Broadway, Westham East, Westham West, Westham North, Wey Valley, Weymouth East, Weymouth West and Wyke Regis. There are currently no Parish Councils serving the Weymouth area.

When undertaking the Review, the Borough Council will take into account any demographic trends and influences, such as new development, that may alter the population significantly in the 5 years following the commencement of the Review.

## Electoral Arrangements

The Local Government Act 1972 states that ordinary elections of parish councillors should take place in 1979 and every fourth year thereafter (ie 2007, 2011, 2015, 2019 etc), and recognised the importance of ensuring that this coincides with the cycle for other principal council elections so that costs can be shared.

An important part of the Review will be determining the Electoral Arrangements for any new Parish Council. This term covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council (Council size);
- The division (or not) of the parish into wards for the purposes of electing councillors;
- The number and boundaries of any such Wards;
- The number of councillors to be elected for any such Wards;
- The name of any such Wards.

## Council size

The number of any parish councillors shall not be less than five and there is no maximum number. In undertaking the review, the Council will consider the appropriate Council size in relation to the warding pattern that is proposed for any new Parish Council that might be created. In proposing a Council Size, the Council will have regard to the important democratic principle that each person's vote should be of equal weight so far as possible.

## Indicative Timetable for the Review

Publication of the Terms of Reference formally begins the Review, and the Review must be completed within 12 months.

An indicative timetable for the Review is set out below:

Report to Full Council	<b>30 March 2017</b>	Council approves the Terms of Reference for the Community Governance Review (CGR)
Publish Terms of Reference	<b>30 March 2017</b> The CGR must be completed within 12 months of the date of publication.	Publish terms of reference and notify stakeholders of the commencement of the review.
Steering Group for Democratic Improvement to prepare draft proposals for consultation to be adopted by Full Council (9 weeks)	<b>Steering Group report to Management Committee 18 April 2017 with a report to Full Council 1 June 2017</b>	Council approves the initial proposals regarding the creation of a new parish(es) and the Consultation Plan

Commence consultation on draft proposals and invite initial submissions	<b>5 June 2017 (Closes 31 July – 8 weeks)</b>	Initial submissions invited: Consult with: Portland Town Council Town and Borough Councillors Dorset County Council Member of Parliament Local groups and interested parties such as local businesses, local residents' associations, local public and voluntary organisations such as schools or health bodies. Publish proposals on Dorsetforyou.
Consider submissions and draft revised recommendations if appropriate (9 weeks)	<b>Steering Group to report to Management Committee 19 September 2017 with a report to Full Council 12 October 2017</b>	Consider any submissions/representations and prepare report of draft recommendations for Full Council.
Publish draft recommendations	<b>16 October 2017 (Closes 11 December 2017 – 8 weeks)</b>	Publish draft recommendations for further consultation with: All local government electors Portland Town Council Town and Borough Councillors Dorset County Council Member of Parliament Local groups and interested parties Publish draft recommendations on Dorsetforyou
Make final recommendations (7 weeks)	<b>Steering Group to report to Management Committee 6 February followed by Full Council 22 February 2018</b>	Consider any further submissions/representations and prepare final recommendations for report to Full Council.
Publish final recommendations	<b>March 2018</b>	Publish final recommendations and make Reorganisation Order.
Draft Reorganisation Order	<b>Steering Group to report to Management Committee followed by Full Council Spring 2018</b>	
Make Reorganisation Order		Reorganisation Order to be sealed once approval received from Full Council and notification given to: <ul style="list-style-type: none"> <li>• The Secretary of State</li> <li>• The Electoral Commission</li> <li>• The Office of National</li> </ul>

		Statistics <ul style="list-style-type: none"> <li>• The Director General of the Ordnance Survey</li> <li>• Any other principal council whose area the order relates to.</li> </ul>
Any new Parish Councils created in temporary format with existing Borough Councillors	<b>1 April 2019</b>	Borough Councillors appointed to set precept for 2019-20
Elections to new Weymouth Parish Council	<b>2<sup>nd</sup> May 2019</b>	

## Reorganisation of Community Governance Order

The Review will be completed once the Borough Council adopts the Reorganisation of Community Governance Order. Copies of the Order, and associated maps, will be deposited at the Council offices and published on the website.

The Reorganisation Order may cover other consequential matters that appear to the Borough Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management of property
- The setting of precepts for new Parishes
- Provisions with respect to the transfer of any functions, property, rights and liabilities

The Order will take effect, for financial and administrative purposes, on 1 April in the designated year. The electoral arrangements for a new Parish Council will come into force at the next ordinary elections which is May 2019.