

# **Management Committee**

## **7 February 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 advise Members of the Community Governance Review process required to create a Town Council for Weymouth.

##### **Officer Recommendations**

2. To recommend to Full Council that a Community Governance Review (CGR) be undertaken to consider the creation of a new Parish Council(s) covering the Weymouth & Portland Borough Council area with a view to a new Parish Council(s) being established at the same time as any new Unitary Council for Dorset.
3. To recommend to Full Council that the Steering Group for Democratic Improvement oversees the CGR process, and reports to Management Committee with regard to proposals for terms of reference for the review, proposals for consultation, any amendments to proposals after the public consultation, and the implementation of the final Review recommendations.

##### **Reason for Decision**

4. To ensure that steps are in place to undertake a Community Governance Review to consider the creation of a Parish Council(s) for the Weymouth & Portland Borough Council area should the decision of the Dorset Councils be to ask the Department for Communities and Local Government to create 2 Unitary authorities across Dorset.

## **Background and Reason Decision Needed**

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.
7. In January 2017, the 9 Councils in Dorset will be considering a report for the reorganisation of local government in Dorset. Should the recommendation of the majority of the Councils in Dorset be to request that the Department for Communities and Local Government (DCLG) makes an order to create 2 Unitary Councils in Dorset, this will result in the abolition of Weymouth & Portland Borough Council, and Members will be invited to consider undertaking a Community Governance Review which is the mechanism to create a Parish Council for Weymouth. It should be noted that throughout this report reference is made to a Parish Council as this is the legal terminology for a local council. The name of any new Parish Council created would form part of the Community Governance Review (“CGR”).
8. At the time of the Management Committee meeting, the decision of all nine Councils across Dorset with regard to Local Government Reorganisation will be known, and whether there is a need to consider commencing a Community Governance Review will become clear.

## **Community Governance Review Process**

9. 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.
10. A CGR is a review of the whole or part of the borough to consider the creation of a new Parish/es:
  - Terms of reference for CGR must specify the area under review and set out clearly the matters on which a CGR is to focus, and these terms of reference must be published.
  - Consultees are set out in the Act and Guidance, and include the County Council, Members of Parliament, local councils, local people, local businesses and voluntary organisations, and their

representations must be taken into account when finalising the detail of the review.

- The review must take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish. There is more detail on both of these factors in guidance published by The Local Boundary Commission for England.
- The review must consider electoral arrangements and, if creating a large Parish, whether or not this should be warded. Careful consideration must also be given to any Ward boundaries as these can have consequential effects on the boundaries for other tiers of local government.
- More detailed information in respect of the CGR process can be found in the Local Government Boundary Commission for England's "Guidance on community governance reviews" at [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)
- 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**

11. The guidance expects terms of reference to set out clearly the matters on which a CGR is to focus, and the local knowledge and experience of Borough Councillors will help to frame suitable terms of reference which should be appropriate to local people and reflect the specific needs of the community. It is recommended that the Steering Group for Democratic Improvement be invited to draft Terms of Reference to be considered by Management Committee and then a special meeting of Full Council at the end of March.
12. Ordinarily, principal councils should avoid starting a CGR if a review of borough arrangements is being, or is about to be undertaken. This is so that the LGBCE can take into account any parish boundary changes that are made. In the event that Unitary Councils are agreed across Dorset, it is likely that these would be based on the recently revised Dorset County Council Division boundaries. If Members decide that a CGR should be undertaken, it would be appropriate to consider any recommended Warding pattern for the new Parish Council using the assumption of any new Unitary following the recently revised Dorset County Council Division boundaries.

## **Electoral Arrangements**

13. Electoral arrangements in relation to a proposed parish need to be considered and cover:
  - Ordinary year of election
  - Council size – the number of Councillors
  - Parish Warding – whether the parish should be divided in to Wards for the purposes of electing Councillors.
14. Parish council elections should normally take place every four years at the same time as the elections for the borough ward. If Members agree to undertake a CGR, the aim would be to schedule the first elections to the new Parish Council in 2019 to coincide with the elections to any new Unitary authority and other Parish elections in the County. The principal council must consult on the proposed electoral arrangements.
15. Parish councils vary enormously in size and in the type of activities and services they provide and can represent populations ranging from less than 100 to up to 70,000. The LGBCE guidance suggests that they continue to have 2 main roles: community representation and local administration, and for both these roles it is suggested that it's desirable that a parish council "should reflect a distinctive and recognisable community of place with its own sense of identity" and that the "views of local communities and inhabitants are of central importance".
16. The number of Councillors elected to a parish is referred to as "Council Size" and the Local Government Act 1972 specifies that each parish council must have at least five Councillors – there is no maximum number.
17. The LGBCE advises that there is a wide variation of council size between parish councils, influenced by population. Research undertaken in 1992 found that typically councils representing a population of over 20,000 had between 13 and 31 Councillors, and there is no evidence to suggest that this had altered significantly since the research was conducted.

## **Parish Warding**

18. Parish warding includes the number and boundaries of any wards, the number of Councillors to be elected for any ward and the names of wards. The 2007 Act requires that consideration be given to whether:
  - The number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient, and
  - It is desirable that any area or areas of the parish should be separately represented.
19. The boundaries for Weymouth & Portland Borough Council were last reviewed in 2002, and whilst this was 15 years ago, officers are not aware of any significant migration of people or large scale developments in the Borough area since the review. Members will be invited to take a view on this and consider whether or not the current ward boundaries for the

Borough Council might be appropriate for any new parish council(s) that might be recommended.

## **Implementation**

20. If the 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**

21. As well as the Community Governance Review to consider the creation of a new parish(es), it is recommended that an officer working group works in tandem to look at the preliminary work needed to create the Town Council. This might include areas such as governance, accommodation, staffing, powers and duties of any new local council(s), transfer of assets etc.

## **Implications**

### **Financial**

22. There are no financial implications associated directly with this report. However, there is a bid for funding in the sum of £150,000 for work associated with the creation of a new parish(es) council(s).

## **Consultation and Engagement**

23. There has been no consultation in respect of this initial report but a consultation plan will be drafted to cover the community governance review.

## **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

### INDICATIVE TIMETABLE

#### Timetable for the Review

Publication of the Terms of Reference formally begins the Review, and the Review must be completed within 12 months. The timetable set out below is indicative only and is based on an assumption of agreement of Terms of Reference at a Special meeting of Full Council on 23 March 2017

Report to Full Council	<b>23 March 2017</b>	Council approves the Terms of Reference for the Community Governance Review (CGR)
Publish Terms of Reference	<b>23 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 23 May 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
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>	