

COUNCIL

25 AUGUST 2021

COMMUNITY GOVERNANCE REVIEW

Cabinet Member(s): Leader of the Council, Cllr Bob Deed
Responsible Officer: Jill May, Returning Officer

Reason for Report: To provide Council with an opportunity to review the proposed Community Governance Review (CGR) of parish boundaries in Mid Devon.

Recommendation: That the Council agrees the following:-

- 1) The Council undertakes a Community Governance Review;
- 2) The formation of a cross party, politically balanced, group of twelve Members to undertake this Community Governance Review and form an Electoral Review Committee. The selection of the participants of the review committee to be undertaken via the relevant Group Leaders. The committee would be assisted by a consultant who would support them to formulate terms of reference and undertake the consultation process.
- 3) The Electoral Review Committee to report to Council on the interim findings and to subsequently make final recommendations to any changes in parish boundaries felt to be necessary.

Financial Implications: £45k has been set aside in the budget to undertake this review.

Budget and Policy Framework: None arising directly from this report.

Legal Implications: Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and how it is styled (e.g. parish, town or village).

The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

Risk Assessment: Local democracy and representation is impeded.

Equality Impact Assessment: No equality issues highlighted in this report.

Relationship to Corporate Plan: This report highlights the need to undertake a Community Governance Review to support/facilitate local democracy and local representation.

Impact on Climate Change: No climate change issues highlighted in this report.

1.0 Introduction/Background

1.1 The Local Government & Public Involvement in Health Act 2007 significantly changed the way that Community Governance Reviews (CGR) are undertaken. It streamlined the process and delegated powers to principal authorities (districts and unitaries). They now have responsibility for undertaking such reviews, for deciding the outcome and for implementing the outcome. Central government no longer has a direct role in the process. Guidance suggests that it is good practice that reviews should take place every 10-15 years.

1.2 The last review of parish boundaries within Mid Devon took place in 1997. There have been major changes since this time and several parish councils have approached MDDC asking for a review to be undertaken, however they have not fulfilled the criteria to request a review formally. It had been originally envisaged to undertake this review three years ago, however the Boundary Commission for England undertook its review on warding in Mid Devon and the CGR was put on hold as the two reviews could not be conducted at the same time. Subsequent elections and Covid 19 have also reduced the opportunity to undertake this review until now.

1.3 The CGR process needs to be completed within one year of commencement of the process and the results should be implemented at the next ordinary election date which would be May 2023.

2.0 Process for a review

2.1 Trigger for a review

- A valid community petition; or
- A principal authority's own decision

2.2 Decision to hold a review

- A principal authority takes a formal decision;
- This can be to review all or part of its area;
- Must have valid grounds for a refusal if there has been a petition.

2.3 Terms of reference

- A principal authority must draw up and publish terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- This must state the matters and geographic area to be covered;
- Notifying other local authorities which have an interest.

2.4 Undertaking a review

- A principal authority must consult electors in affected area(s);

- It should consult other bodies with an interest, including any affected local councils;
- It must consider any representations received.

2.5 Making recommendations

- These must bear in mind representations, the criteria and other factors;
- There could include alternative forms of governance in the area e.g. residents associations, neighbourhood forums;
- The principal authority formally recommends an outcome from the review;
- It must then publish its recommendations and the reasons for them, informing those with an interest.

2.6 Implementing a review

- A principal authority makes a Reorganisation Order to put into effect any changes;
- It must include a detailed map of the boundaries;
- It should publish the Order and map for public inspection;
- It must inform specified bodies e.g. Ordnance Survey;
- It should include in the Order any agreed incidental issues e.g. the transfer of assets.

2.7 Next steps

- An Order is often written to come into force the following April;
- Typically a new local council is then elected in May.

3.0 Electoral Review Committee

3.1 In order to expedite a CGR the Council would need to set up a group of members; this should be politically balanced and cross-party. This group of twelve members would form the Electoral Review Committee and would need to meet to set out the terms of reference of the review. The political make-up of this group would therefore be six Conservative members, three Liberal Democrat members, two Independent members and one Green Party member.

3.2 An external contractor would be required to assist the committee to review whether the whole district should be subject to review or just those parishes who have raised concerns. The contractor would also assist with the initial consultation process and writing the interim recommendations. The interim recommendations will then need to be reviewed by Council and consulted upon again. Finally, the contractor would work with the Members through to a Reorganisation Order being written, albeit this would be done in conjunction with the Council's Legal services.

3.3 The contractor will also assist with the planning of the whole exercise and officers from the Communications team, the Elections team, the Gazeteer service and the Planning service will assist with the process.

Contact for more Information: Jill May, Returning Officer (jmay@middevon.gov.uk)

Circulation of the Report: Cllr Bob Deed, Leader of the Council, Leadership Team