

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> COUNCIL	<b>REPORT NUMBER:</b> <b>MC/18/27</b>
<b>FROM:</b> Arthur Charvonia, Electoral Registration Officer	<b>DATE OF MEETING:</b> 25 October 2018

### COMMUNITY GOVERNANCE REVIEW – BATTISFORD

#### 1. PURPOSE OF REPORT

- 1.1 The Council is asked to consider whether to allow a Community Governance Review (CGR) to take place to review the parish boundary of Battisford, in accordance with a request from Battisford Parish Council.
- 1.2 If a review is to be carried out, a Community Governance Review Working Group (CGRWG) will need to be set up, with powers to conduct a review and report its recommendations to the Council.

#### 2. OPTIONS CONSIDERED

- 2.1 The District Council has a statutory responsibility to undertake CGRs. If the CGR is triggered by a petition or a community governance application the Council is obligated to undertake the review. Where there is a simple request for a CGR, as in this case, the Council has the option to refuse the request provided that it can provide justifiable grounds for refusal. However, it is recommended that the Council proceeds with the review in this instance for the reasons outlined in part 4 of this report.

#### 3. RECOMMENDATIONS

- 3.1 That a Community Governance Review be undertaken in respect of the boundary of Battisford and the terms of reference at appendix B be agreed.
- 3.2 That a politically balanced Community Governance Review Working Group be created to conduct the review, consisting of 5 members nominated by group leaders.
- 3.3 That the Community Governance Review Working Group be required to report its findings and recommendations to the full Council for decision.

#### 4. KEY INFORMATION

- 4.1 The Local Government and Public Involvement in Health Act 2007 gives principal councils the responsibility and powers to conduct CGRs. A CGR can result in the Council deciding to:
  - create or abolish a parish;
  - create, abolish or group a Parish Council;
  - amend a parish boundary;

- create wards within a parish;
- change the electoral arrangements (number of councillors or electoral cycle) of a Parish Council.

The District Council cannot alter the boundaries of district wards or county divisions as part of this process.

4.2 At all stages of the review the Council must demonstrate that its recommendations comply with the following legal tests:

- To reflect the identities and interests of the community in that area;
- To provide effective and convenient local government;
- To take into account other arrangements for community representation / engagement.

4.3 A request to conduct a CGR has been received from Battsford Parish Council, a copy of which is included at appendix A. The reasons that the Parish Council has given for requesting a review fall within the intended purpose of the legislation and therefore it is recommended that the District Council agrees to conduct the review. At this stage the Council does not need to decide whether it supports the proposed boundary change, just whether or not to undertake a review.

4.4 The Council also needs to agree the terms of reference for the review setting out the context, explaining why the Council is undertaking the review and how the consultation will take place, defining the review timetable, providing electorate forecasts and giving guidance on the implications of moving the boundary. These terms of reference must be published alongside the notice of review.

4.5 In order to comply with best practice a CGR should be completed within 12 months, which means that final recommendations would need to be brought back to Council by October 2019. However, regard should be given to the scheduled parish elections in May 2019. If the review results in any proposed change to the electoral arrangements of the Parish Council, then the review timetable should be condensed to allow the elections in May to be undertaken on the new arrangements. Otherwise, an additional election may be required in a non-election year. If the review only intends to amend boundaries, the full 12-month period could be utilised with the changes coming into effect on 1 April of the following year (i.e. 2020).

4.6 The CGR process requires a focussed programme of work with Councillor involvement at key stages. It is therefore proposed that working group is established to undertake this piece of work. It is suggested that the working group consists of five councillors and should be politically balanced – three from the Conservative and Independent group, one from the Green group and one from the Liberal Democrat Group. The working group would set its own programme of meetings within the parameters of the terms of reference.

## 5. LINKS TO JOINT STRATEGIC PLAN

5.1 This activity supports the *Community Capacity Building & Engagement* priority contained in the Joint Strategic Plan.

## 6. FINANCIAL IMPLICATIONS

- 6.1 The costs of conducting a CGR must be borne by the District Council however there are limited financial implications associated with this particular review. The only actual costs of the review are the expenses incurred by undertaking public consultation, i.e. printing and postage. However, officer time will be needed to support the review, estimated at ten full days over the 12-month period. Although the number of hours may increase depending on the outcome of the first consultation. This will be allocated from existing team resources.

## 7. LEGAL IMPLICATIONS

- 7.1 Failure to conduct this review correctly could result in the Council breaching its statutory duties under the Local Government and Public Involvement in Health Act. If, at the conclusion of the review, the Council decides to alter the parish boundary a Community Governance Order will need to be made to effect the change. This order will be drafted by the Council's legal team.

## 8. RISK MANAGEMENT

- 8.1 This report is not linked with any of the Council's Corporate/Significant Business Risks.

Risk Description	Likelihood	Impact	Mitigation Measures
If the Council does not undertake the review it could be in breach of its statutory responsibilities.	1 – Highly Unlikely	2 – Noticeable	Report to Council recommends that the review is agreed.
If the review uses inaccurate or incorrect assumptions or electorate projections the recommendations may not be future-proofed or fit for purpose.	2 – Unlikely	2 – Noticeable	The first stage of the review is a desktop exercise to gather and test relevant data.
If the review does not take into account the views of local communities they may become disengaged and disappointed with the Council.	2 – Unlikely	2 – Noticeable	The terms of reference sets out the proposals for consultation. The Council must demonstrate how it has taken into account the views of consultees.

## 9. CONSULTATIONS

- 9.1 A briefing will be provided to both Parish Councils. The District Council is also required to undertake two rounds of consultation during the course of the review as outlined in the terms of reference.

## **10. EQUALITY ANALYSIS**

The CGRWG will consider any equality impacts when formulating its recommendations. A full Equality Impact Assessment will be undertaken, and presented to Council, if any of the protected grounds may be affected as a result of the CGRWG's final recommendations.

## **11. ENVIRONMENTAL IMPLICATIONS**

11.1 There are no Environmental Implications.

## **12. APPENDICES**

Title	Location
(a) Request from Battisford Parish Council	Attached
(b) Terms of Reference	Attached

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