

ITEM 8 Test Valley Borough Council Community Governance Review – Draft Recommendations

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the proposals set out in Annex 1 to the report be adopted by the Council as Draft Recommendations for the purposes of the Community Governance Review.**
- 2. That, save as set out in the Draft Recommendations, the existing parishes in Test Valley Borough, and the names, boundaries, council size, groupings and other parish governance arrangements in respect of those parishes, remain unchanged.**
- 3. That the Draft Recommendations be published for consultation purposes from Friday 4 May to Friday 6 July 2018 inclusive.**
- 4. That the results of the consultation be reported to full Council on 5 September 2018.**
- 5. That delegated authority be given to the Chief Executive (in consultation with the Corporate Portfolio Holder) to review the existing polling districts and make such changes as he considers appropriate in the light of the Final Recommendations.**

SUMMARY:

- In November 2017 Council approved the Terms of Reference for a Borough-wide Community Governance Review, to examine existing parish governance arrangements and make Final Recommendations for any appropriate changes.
- Representations were invited to inform the Review, from 13 November 2017 – 29 January 2018. 109 representations were received during the consultation period, and these have been reviewed and proposals for Draft Recommendations have been prepared by the Community Governance Review Members Group. Annex 1 to the Report summarises the Issues which have been identified as a result, the representations received in respect of each Issue, the observations of the Community Governance Review Members Group which has considered these Issues, and proposals for Draft Recommendations arising from these.
- The next stage is for full Council to consider the proposals and approve Draft Recommendations, which will then be subject to a second consultation period, the results of which will be reported back to full Council in September 2018 for Final Recommendations to be determined. Annex 2 sets out the various stages which will be undertaken during the Community Governance Review.
- Annex 3 is a glossary of the terms used (Capitalised) throughout this Report.

1 Introduction and Background

- 1.1 Following the review of Test Valley Borough in 2017 carried out by the Local Government Boundary Commission for England (LGBCE), the boundaries and names of the Council's Borough Wards were amended. The formal Order giving effect to the changes was made on 15 January 2018, although the changes will only come into force at the May 2019 election.
- 1.2 The changes made by the LGBCE and the Order lead to a number of anomalies between these new ward boundaries and the existing boundaries of parishes. At its meeting of 8 November 2017, full Council agreed to carry out a Community Governance Review (CGR) to consider what changes (if any) should be made to parish arrangements (including boundaries, parish councils, and electoral arrangements) within the Borough.
- 1.3 This report set out the results of the first consultation exercise that has been undertaken as part of the CGR, and identifies proposals for parish arrangements (including both changes to, and retention of, existing arrangements).
- 1.4 Throughout this report, and in Annex 1 and the Maps accompanying that Annex, boundaries shown are:-
 - a) The current parish/town boundaries (which are the subject of this Review);
 - b) The Borough Wards and boundaries as set by the LGBCE 2017 Boundary Review – these come into effect at the 2019 Borough Election;
 - c) The Parish ward boundaries (also set by the LGBCE 2017 Boundary Review), which come into effect at the 2019 Borough Election;
 - d) The County Electoral Division boundaries as set by the LGBCE 2016 Boundary Review of Hampshire County Council.
- 1.5 The 2017 Electoral Review set new Borough Ward boundaries. It also changed/introduced warding in parishes where the Borough boundaries affected these, such as in Andover (together with Enham Alamein, Smannell, Abbotts Ann) and Romsey/Romsey Extra (together with the Parishes of Michelmersh and Timsbury, and Valley Park). The CGR can review the *parish* ward arrangements, but Consent from the LGBCE will be required before the Borough Council can implement any changes affecting these arrangements. One of the results of the CGR is likely to be revisions to parish boundaries, and this may result in parish, Borough Ward and County Division boundaries not being aligned together. In these cases, the LGBCE can be asked to make a "Related Alteration" Order, to amend those Borough Ward/County Division boundaries, so as to re-align these boundaries.
- 1.6 109 representations were received by the Council during the consultation period, from parish and town councils as well as Borough Councillors and members of the public. These were reviewed by officers and the Community Governance Review Members Group which was appointed to oversee the Review.

- 1.7 Consideration of the representations received has led to 76 “Issues” being identified. A further 4 Issues were identified by officers as a result of related analysis. Each Issue has been given a reference number (“FCR#”, to denote it results from the First Consultation stage of the CGR). These range from small boundary changes between parishes, and groupings of some parishes with others, through to changes to warding arrangements and amalgamations of parishes and parish councils. Each Issue has been considered and summarised in Annex 1 to the report. Where appropriate, “Draft Recommendations” are proposed to deal with the Issue identified. The proposals for Draft Recommendations set out in Annex 1 have been agreed by the Members Group. Members should note that in Annex 1, references to Borough Wards and Parish Wards are to the wards **as they will be at the 2019 May Elections** (when the Reorganisation Order implementing the results of the 2017 Borough Electoral Review takes effect) rather than as they are existing at present. The Maps which accompany the Issues set out in Annex 1 also follows this convention, so all boundaries shown on these maps are as they will exist in May 2019.
- 1.8 Where relevant, Annex 1 includes electorate figures (current and five year projections). These will be relevant in considering council size, electoral arrangements (such as warding, etc.). The LGBCE will require such figures where Consent or a Related Alteration is sought. The current figures used as January 2018 (which comprises the data which is closest to the start of the CGR which can be analysed to reflect the changes introduced by the 2017 Borough Electoral Review). The five year projections are 2022 figures, prepared in conjunction with the 2017 Review, and where polling districts have been split, the 2022 figure has been apportioned on the same split basis as the January 2018 split figures.
- 1.9 Annex 2 to the Report sets out the steps which will be undertaken as part of the CGR. At this stage, those proposals which are approved by Council will form “Draft Recommendations” which will then be subject to a second public consultation exercise. Representations received as a result of this second public consultation exercise will then be assessed and considered by the Member Group in the same way as the representations from the first consultation process, and a report on the outcome of the second consultation process will be made to full Council on 5 September 2018, when “Final Recommendations” will be agreed.
- 1.10 The “Final Recommendations” conclude the CGR. The last part of the process will be a decision to then be made as to the extent to which the Final Recommendations are given effect. That decision is then implemented by the Council making a formal Reorganisation Order, setting out the changes to be made and the date these come into force. For administrative and financial purposes, Reorganisation Orders implementing CGRs should take effect from 1 April following the date on which it is made.

- 1.11 Where Final Recommendations involve changes to “protected electoral arrangements”, the Consent of the Local Government Boundary Commission for England (LGBCE) is required before they can be implemented. “Protected electoral arrangements” means arrangements which have been determined by the LGBCE within the preceding five years in respect of the year of election of councillors, number of councillors, division (or not) into wards, and the number, boundaries, name and number of councillors to be elected to such wards. In Test Valley’s case, this will include the wards set by the LGBCE as a result of the 2017 Electoral Review and therefore any proposal to e.g. change parish ward boundaries or abolish wards which were set by the LGBCE will need its Consent.
- 1.12 As noted above, after any necessary Consents have been obtained, a further decision will be required as to the extent to which the Final Recommendations are given effect. This is done by the making of a formal Reorganisation Order. In compliance with the guidance on implementation of Reorganisation Orders, it is intended that any Reorganisation Order implementing the CGR will take effect from 1 April 2019. However, this would not affect the status of existing parish councillors (even where parishes are altered), who will continue in office until the May 2019 Election (when they would retire and could seek re-election).
- 1.13 To allow time for any changes to be reflected in the Electoral Register (due for publication on 3 December 2018) it will be suggested that delegated authority be given to the Chief Executive, in consultation with the Corporate Portfolio Holder, to determine what changes are to be included in the Reorganisation Order. This authority will be covered in the report to full Council on 5 September 2018.
- 1.14 Annex 4 provides electoral data (as at 31 October 2017 and five year projection to 2022) and other information about the existing parish councils in the Borough.

2 Corporate Objectives and Priorities

- 2.1 The conduct of a Community Governance Review is one of the Council’s Corporate Action Plan projects.
- 2.2 The CGR will seek to ensure that community governance in Test Valley reflects the identities and interests of local communities, and is effective and convenient.

3 Consultations/Communications

- 3.1 As noted above, the first period of consultation ran for 11 weeks from 13 November 2017 to 29 January 2018. The consultation invited respondents to submit proposals on changes to existing parish arrangements within Test Valley. All parish councils were sent details of the Review and invited to participate. In areas where there was neither a parish council nor a chair of a parish meeting, individual letters were sent to the residents of those areas.

- 3.2 Borough and County Councillors, community and residents' associations, and associations representing businesses and parish councils were also contacted, as was Hampshire County Council. A dedicated page on the Council's website was set up to allow individuals to find out information about the CGR and to participate themselves, and news releases and social media were also used to publicise the CGR.
- 3.3 109 responses were received during the consultation period. In addition, five responses were received after the consultation period had ended, three of which made the same proposals as other respondents, with two making new proposals. Officers will be writing to the latter respondents once the Draft Recommendations have been published, inviting them to review the Draft Recommendations and resubmit their representations in the light of these.
- 3.4 The representations received within the consultation period have been analysed and assessed by officers, and have also been considered by the Community Governance Review Members Group. The consultation was "open" insofar as it sought views on parish governance arrangements across the Borough generally, rather than views on specific proposals. The representations were wide-ranging, and included proposals to abolish specific parish/town councils, adjust boundaries between parishes (moving areas and properties from one parish to another), amalgamating parishes and parish councils, and "grouping" parishes.
- 3.5 The outcome of the consultation has led to a series of "Issues" being identified. Annex 1 to this Report sets out each of these issues, referencing the relevant parishes/councils affected. It summarises the representations received, reviews the Issue against the matters which the Council is legally obliged to have regard to (see "Legal Implications" below), and makes proposals for Draft Recommendations where appropriate.

4 Resource Implications

- 4.1 The costs of carrying out the CGR are primarily officer time in inviting representations, considering the representations, formulating appropriate Draft and Final Recommendations, and making a Reorganisation Order to implement the Final Recommendations.
- 4.2 One additional cost that has been identified relates to an enhancement to the Council's Council Tax software. This is required to ensure that any properties that are moved from one parish to another as a result of the CGR are transferred at the appropriate time, so as to ensure correct Council Tax billing for the 2019/20 Financial Year (such bills being issued in March 2019).
- 4.3 The cost of the enhancement is £4,500 plus support and maintenance costs of £1,150. The cost was met from within the existing Revenues budget in 2017/18. The software will be tested in summer/autumn 2018, so that the changes can be implemented once the Reorganisation Order has been made.

5 Polling Districts and other Electoral Registration Issues

- 5.1 The Borough is divided into polling districts, which are then used to administer electoral registration and elections. Each parish must be in a separate polling district, unless special circumstances apply (e.g. if a parish only has a small number of electors and it would not be practicable for the parish to have its own polling district). Proper division into polling districts is required to ensure that electors are able to vote in the correct parish/ward/division at elections.
- 5.2 The Borough Council is required to carry out a review of Polling Districts every five years. A full review is programmed for late 2019. However, in order to properly administer the 2019 Borough Elections, an interim review will be needed before May 2019, in order to reflect any changes which arise out of the CGR.
- 5.3 As noted above, legislation prescribes that save in special circumstances, each parish must have its own polling district. Further sub-division and creation of additional polling districts will be required as a consequence of changes from the 2017 Borough Electoral Review, and any changes arising from the CGR. The division into polling districts is essentially an administrative exercise following directly on from Final Recommendations approved by Members as part of the CGR, and therefore it is recommended that the Chief Executive is given delegated authority (in consultation with the Corporate Portfolio Holder) to carry out this exercise once the Final Recommendations have been adopted.
- 5.4 Some of the proposed Draft Recommendations set out in this Report will also address some instances where properties lie on an electoral boundary. In any event, where properties do lie across parish/electoral boundaries, there are rules prescribing for Council Tax and parish precept purposes which area these properties are deemed to lie within (essentially this is determined by reference to the area where the greater part of the dwelling house on the property lies).
- 5.5 As part of the CGR, a data matching exercise was carried out across the Council's Council Tax, Electoral Registration, and Property databases. In the vast majority of cases, the records were entirely consistent, but a very small number of cases were identified where corrections were required in accordance with the rules referred to at paragraph 5.4 above. Many of these will be addressed by the Draft Recommendations in any event, and the few remaining electors/council tax payers will be written to once the Second Consultation Stage is under way, confirming what changes have been made, and referring them to the CGR process, so they can participate in that consultation if they wish.

6 Legal Implications

- 6.1 Guidance on undertaking CGRs was issued in 2010 jointly by the Department for Communities and Local Government and the LGBCE. This report takes account of that Guidance, which is available at the following link:-

<https://www.gov.uk/government/publications/community-governance-reviews-guidance>

- 6.2 In undertaking a CGR, the Borough Council has a number of statutory duties, set out in the Local Government and Public Involvement in Health Act 2007 (the Act). Under Section 93(3) of the Act, the Council must consult local government electors for the area under review (i.e. all local government electors in the Borough in this case) and any other person or body (including a local authority) which appears to the Borough Council to have an interest in the Review. This was complied with as set out in Section 3 above.
- 6.3 Under Section 93(4) of the Act, the Borough Council must have regard to the need to secure that community governance within the area under review:-
- a) reflects the identities and interests of the community in that area, and
 - b) is effective and convenient.

These are therefore the key tests that must be applied when considering representations and proposals as part of the CGR.

- 6.4 Under Section 93(5) of the Act, the Council must take account of other arrangements (other than e.g. parish councils) that have already been made, or could be made, for the purposes of community representation or community engagement in the area under review. The DCLG/LGBCE Guidance refers to various examples of “alternative” arrangements, such as area committees, area forums and residents’ associations, although it recognises that parish councils are distinct from such bodies in that they are a democratically-elected tier of local government. Possible alternative arrangements are particularly relevant where there is no existing parish council, or where there are concerns about the effectiveness of an existing parish council (as in such situations other arrangements may be able to provide better overall governance in accordance with the Section 93(4) tests set out in paragraph 6.3 above).
- 6.5 Government guidance confirms that the Government is seeking to help create cohesive, attractive and economically vibrant local communities, building on the Government’s ‘Sustainable Communities’ strategy. Central to this concept is community cohesion. The impact of community governance on community cohesion is an issue to be taken into account when taking decisions about community governance arrangements.

- 6.6 Finally, Section 93(6) requires the Council to take into account any representations received in connection with the CGR. It is reasonable to set a time period for representations to be made, in order to allow them to be properly considered. As noted in paragraph 3.3 above, five representations were received after the published deadline, and officers will be writing to these respondents once the Draft Recommendations have been published, inviting them to review the Draft Recommendations and resubmit their representations in the light of these.

7 Next Steps

- 7.1 Having started the CGR, the Council must now complete it within one year. Completion of the CGR takes place when Final Recommendations are published.
- 7.2 The Council must therefore work towards determining Final Recommendations. The Terms of Reference for the CGR have set out the process which the Council will undertake to reach that stage, namely the preparation and publication of Draft Recommendations, a period of consultation on those Draft Recommendations, and the preparation and publication of Final Recommendations (taking into account the results of that consultation process).
- 7.3 Subject to having regard to the statutory tests set out in paragraph 6.3 above, the Act allows wide scope in what is proposed as Recommendations. For example, Recommendations can propose retention of an existing parish unaltered, the alteration of the parish, or the abolition of the parish.
- 7.4 Draft Recommendations are set out in Annex 1, which have been prepared by the CGR Members Group taking into account the representations that were received in the First Consultation Period. It is considered that these are appropriate proposals to deal with the Issues which are raised.

8 Equality Issues

- 8.1 There are no specific equality issues which arise from this report.

9 Other Issues

- 9.1 Community Safety – none.
- 9.2 Environmental Health Issues – none.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – this report will not affect any TVBC property. Assets belonging to parish councils may be affected by the CGR, although this will normally only be the case where significant changes to parishes are proposed, e.g. where parish councils are merged together. It is not believed that there are any asset issues which would arise under the proposed Draft Recommendations.

9.5 Wards/Communities Affected – the CGR will not affect Borough Wards (although as noted above the Draft Recommendations can include recommendations to the LGBCE to make Related Alterations to bring Borough Ward boundaries into line with revised parish boundaries). A central test for the CGR is community identity and interest.

10 Conclusion

10.1 This Report sets out the Issues which have been raised as a result of the first consultation process of the Community Governance Review. The Draft Recommendations set out in Annex 1 are appropriate responses to these representations, which have regard to the statutory matters, and will allow the CGR to proceed to the next stage in the process, namely the second consultation period on Draft Recommendations.

10.2 Adoption of Draft Recommendations will therefore allow the Council to proceed with the CGR, towards a final conclusion on the governance arrangements for parishes across the Borough.

11 List of Annexes

- Annex 1 - Summary of Issues
- Maps showing Proposed Changes (provided separately)
- Annex 2 - Timetable
- Annex 3 - Glossary of Terms
- Annex 4 - Electoral Data

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Representations from respondents to First Consultation period			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	4	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
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Report to:	Council	Date:	26 April 2018