

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

24 September 2008

Report of the Chief Executive

Part 1- Public

Delegated

1 COMMUNITY GOVERNANCE REVIEWS – PARISH ARRANGEMENTS

To inform the Committee of the need to consider a community governance review and to seek authority for the Electoral Review Working Group to consider the matter and make recommendations to this committee for future arrangements.

1.1 Legislative framework

- 1.1.1 Community governance reviews are to be conducted under the Local Government and Public Involvement in Health Act 2007 (LGPIH), The Local Government (Parishes and Councils) (England) Regulations 2008 and in accordance with the government's *"Guidance on community governance reviews - April 2008."*
- 1.1.2 Chapter 3 of the LGPIH Act 2007 devolves the power to take decisions about parish electoral arrangements from the Secretary of State and the Electoral Commission to local government and local communities in England.
- 1.1.3 Since this devolution of powers, in February 2008, it has been the responsibility of principal councils when undertaking community governance reviews, to take into account the views of local people, and to decide whether to give effect to recommendations made within those reviews.
- 1.1.4 Under these arrangements the Secretary of State has no involvement in recommendations made in community governance reviews and the Electoral Commission's involvement is limited to giving effect to consequential recommendations for related alterations, to borough ward and county divisions, if any are affected, within the electoral areas of principal councils.
- 1.1.5 The Local Government Parishes and Councils Regulations cover the need for principal authorities to deposit review mapping with statutory bodies upon the completion of a community governance review if an order is made.

- 1.1.6 The government guidance provides a model which principal authorities should follow when undertaking a review. Importantly, it reminds authorities of the need to fully consult local people throughout such reviews and that all representations received in connection with the review must be taken into account and furthermore, that steps must be taken to ensure that the outcomes of such reviews including any decisions are fed back to local people.

1.2 Why undertake a community governance review

- 1.2.1 In broad terms community governance reviews provide an opportunity for principal councils to review and make changes to parish arrangements for the whole, or a part of, the principal council's area. Such reviews can be useful in circumstances where there have been changes in population or in reaction to specific local developments or issues.

- 1.2.2 Indeed, the guidance states;

“In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes.”

- 1.2.3 When deciding whether to undertake a community governance review, the principal council must have regard to the need to secure appropriate community governance within the area under review and that such governance:
- reflects the identities and interests of the community in that area, and
 - that such arrangements are effective and convenient.

1.3 Ditton and East Malling & Larkfield Parish

- 1.3.1 The recent residential development, on the former Frantschach Site, off of New Hythe Lane is bisected by a Parish Boundary separating Ditton and East Malling & Larkfield Parishes. This existing parish boundary is coterminous with both borough ward and county division boundaries.

- 1.3.2 I am aware that the bisection of this development;

- may be unhelpful for residents in regard to electoral matters and that current electoral arrangements are not the most convenient for residents,

- that the separation of this community from the remainder of the residential conurbation within the Parish of Ditton, by an industrial site, may be a potential barrier for appropriate local governance, and;
- that local people have questioned the relevance of the current local governance arrangements.

1.3.3 I feel that each of these above factors are strong enough indicators to warrant undertaking a community governance review in order to ensure that *“the identities and interests of the community, and local governance arrangements remain effective and convenient”* for the local electorate.

1.4 Timetable

1.4.1 A community governance review must, by statute, be concluded within a 12 month period from the day on which the review commences. A community governance review commences when the Council publishes its Terms of Reference and it concludes when the Council publishes the recommendations made in the review.

1.4.2 The following is an indicative timetable:

Action	Timetable	Outline of action
Terms of Reference (TOR) are published	Start Date 01/12/08	Borough Council publishes TOR and notifies stakeholders, clearly defining extent of the review and consequential matters.
Introductory stage – submissions are invited	01/12/08 – 01/02/09	Borough Council invites proposals from stakeholders stating how they view future arrangements under the TOR.
Prepare and publish Draft Proposals	01/02/09 – 15/04/09	Borough Council considers proposals submitted, formulates and publishes Draft Proposals.
Consultation	15/04/09 – 15/07/09	Borough Council undertakes a full consultation requesting support for / or alternative proposals.
Final Proposals are prepared	15/07/09- 15/08/09	Borough Council considers results of consultation and prepares Final Proposals.
Final Proposals are published	At next GP Committee	Borough Council publishes Final Proposals
Final Proposals are adopted by Council	No later than 30/10/09	Borough Council adopts Final Proposals
Council publishes the reorganisation order	thereafter	Borough Council publishes a reorganisation order concerning Parish matters and requests the Electoral Commission (Boundary Committee) to approve consequential matters relating to Borough Ward and County Division boundaries.

1.5 Legal Implications

1.5.1 None

1.6 Financial and Value for Money Considerations

1.6.1 Financial implications of undertaking a community governance review will include the cost of publishing public notices, writing to local residents and stakeholders informing them of the review and responding to submissions and consultation responses. It is anticipated that these costs can be met from existing budgets.

1.7 Risk Assessment

1.7.1 The arrangements may not be effective and convenient unless a community governance review is undertaken.

1.8 Recommendations

1.8.1 It is recommended that authority is delegated to the Electoral Review Working Group to consider the matter of a community governance review for the areas of the borough outlined in 1.3 above and to make recommendations to this committee for future arrangements should a community governance review be required.

Background papers:

contact: Paul Fowler

Nil

David Hughes
Chief Executive