

Community Governance Review – Valley Park and Other Issues

Report of the Democracy and Governance Portfolio Holder

Recommended:

- 1. That Council agrees to carry out a Community Governance Review to consider removing warding from Valley Park Parish;**
- 2. That (subject to confirmation being received from the relevant Parish Council in each case) that Council agrees to carry out a Community Governance Review to consider:-**
 - a. Reducing the size of Vernham Dean Parish Council by one parish councillor;**
 - b. Increasing the size of Hurstbourne Tarrant Parish Council by one parish councillor;**
 - c. Changing the size of Charlton Parish Council.**
- 3. That the Terms of Reference for the Community Governance Reviews approved above be as set out in Annex 1 to the report (subject to such amendments as the Head of Legal and Democratic Services considers appropriate to reflect the expressed views of the Parish Councils involved).**
- 4. That the Member Panel already established in respect of the Community Governance Review for Romsey of seven Members (4 Conservative, 2 Liberal Democrat and 1 Andover Independents) be asked to consider representations received as part of the Community Governance Reviews approved above.**

SUMMARY:

- The Council agreed in 2021 to undertake a Community Governance Review (CGR) of the boundaries of Romsey Town, following a request from Romsey Town Council to extend the existing boundaries, so that the new boundary is coterminous with the existing Borough Ward boundaries. This review is currently at the First Consultation stage.
- This report seeks authority to undertake further Community Governance Reviews to deal with matters that arose after the 2018 CGR. The main issue concerns Valley Park Parish, which was warded under the 2017 Borough Ward Boundary Review, and the Parish Council wishes to remove the wards and revert to a single unwarded parish council.
- In addition, after the 2018 CGR was completed, three parish councils enquired concerning the sizes of their councils. As parish council size can only be changed through a CGR, it is recommended that a CGR is undertaken for these three parishes.

- The nature of these issues is such that a one-stage consultation process can be used, and it is proposed that the consultation is undertaken at the same time as the second consultation stage for the Romsey CGR.
- Terms of Reference for these additional Reviews must be approved. Draft terms are attached at Annex 1 to the report, and set out details of the background, the process to be followed, consultation arrangements, and timetable.
- The report recommends that the Member Panel already appointed in connection with the Romsey CGR should be used to consider any representations that are received, and assist in the preparation of reports to full Council on final recommendations, as part of the CGR process.

1 Introduction

- 1.1 At its meeting on 1 September 2021, Council decided to undertake a Community Governance Review of Romsey and Romsey Extra parishes, in response to Romsey Town Council's resolution to request a review of its boundaries, so that Romsey Town's area would include the full extent of the three Romsey Borough Wards. Terms of reference were approved by full Council on 10 November 2021, and the first stage consultation for the Romsey CGR is currently being undertaken, closing on 28 January 2022.
- 1.2 Members will recall that in 2018, the Local Government Boundary Commission for England (LGBCE) carried out a review of the Borough Ward boundaries. In the case of Valley Park, the LGBCE divided Valley Park Parish between three Borough Wards. The majority of the Parish was allocated to Valley Park Borough Ward, but two small areas were allocated to North Baddesley and Chilworth, Nursling & Rownhams Borough Wards respectively (see map at Annex 2).
- 1.3 Under the legislation governing boundary reviews, the LGBCE must create parish wards where a new Borough Ward boundary (created as part of a boundary review) crosses an existing parish. Therefore, the 2018 Order implementing the LGBCE changes created three wards for Valley Park Parish Council - North (seven parish councillors), South East (one parish councillor) and South West (one parish councillor) (see Annex 2).
- 1.4 The same issue arose in some other parishes, and they were raised and dealt with in the 2018 CGR (e.g. Romsey Extra Parish, which was warded by the LGBCE into seven wards, which were then removed by the 2018 CGR). However, in the case of Valley Park this issue was not raised, so Valley Park is still split into three wards as set out above.
- 1.5 Following the 2019 Elections (when this situation became apparent), Valley Park Parish indicated that they do not consider this arrangement to be necessary, and wish to revert to a single unwarded parish council of nine parish councillors (as was the position prior to the LGBCE review).

1.6 As well as the Valley Park matter, three other parish councils made inquiries about increasing or decreasing the size of their parish councils:-

- Vernham Dean – wish to pursue reduction in size from 8 to 7 parish councillors;
- Hurstbourne Tarrant – enquiry to increase size by one parish councillor;
- Charlton – enquiry about how size can be increased/reduced.

1.7 As the next parish elections will be held in May 2023, it is clearly desirable to make any changes in parish governance arrangements before then. This report therefore looks at these issues and suggests how they can be considered as part of a second (but shorter) CGR, in addition to the existing CGR under way in respect of Romsey.

2 Community Governance Arrangements – Legal Requirements

2.1 The changes considered in this report are within the powers and functions of the Borough Council. Such changes may be made by the Borough Council following the undertaking of a Community Governance Review (CGR). Legislation in the Local Government and Public Involvement in Health Act 2007 sets out the process which a CGR must follow.

2.2 Where a CGR is carried out, the legislation requires that the Council has regard to the need to secure that any community governance for the area under review:-

- reflects the identities and interests of the local community in that area; and
- that it is effective and convenient.

2.3 A CGR can be carried out at any time, either as a result of the Council deciding to do so of its own volition, or as a result of a request from a parish council or local residents.

2.4 The 2007 Act provides a route whereby a council can be *required* to carry out a CGR. This involves a petition being signed by a specified number of local government electors in the area in question (7.5% where there are more than 2,500 electors). If a valid petition is received, the council *must* carry out a CGR on the issue which is the subject of the petition. In the absence of a petition, it is a matter for full Council to decide whether or not to undertake a CGR.

3 Community Governance Process

3.1 Broadly, if the Council decide to undertake a CGR, it is for the Council to decide how the CGR will be carried out. There is no formal procedure set down in legislation although local people must be consulted during a CGR, and representations received in connection with the CGR must be taken into account. Those making representations must be informed of the outcomes from the CGR.

- 3.2 As noted above, a CGR is already in progress for Romsey, following a request from Romsey Town Council to extend the boundaries of Romsey Town. This CGR is following a two stage consultation process, whereby a First Consultation is undertaken, inviting proposals for changes to community governance. Representations received are then considered by a Member Panel and the Panel will then produce a set of Draft Recommendations that will be considered and agreed by full Council. A Second Consultation will then be undertaken (the focus now being on the Draft Recommendations issued) and the results of that Second Consultation will again be considered by the Panel, and a report to full Council made, with a set of Final Recommendations being proposed. If these Final Recommendations are agreed by full Council, they are then published. Following a period to allow for any challenges to the outcome (none being received) a Reorganisation Order is then made to give effect to the changes agreed as part of the CGR process.
- 3.3 The Romsey CGR is currently nearing the end of the First Consultation period (which expires on 28 January 2022). Representations will then be considered by the Member Panel and draft recommendations will be proposed to full Council on 6 April 2022. The approved draft recommendations will then be consulted during the Second Consultation period, which will run for eight weeks from 8 April to 3 June 2022. The Member Panel will again consider the representations received, and then report with proposed Final Recommendations to full Council on 7 September 2022. This timetable will allow any agreed changes to be brought into effect by a formal order, ready for the elections in May 2023.
- 3.4 If Council agrees to formally consider the requests to de-ward Valley Park Parish, and the changes of size for Hurstbourne Tarrant, Vernham Dean and Charlton, it will be necessary for these issues to be included in a Community Governance Review. However, given the fact that the possible outcomes of a CGR on these issues are more limited than the existing Romsey CGR, it is considered that a single stage consultation process would be sufficient.
- 3.5 Accordingly, it is recommended that if further CGRs are to be undertake to consider these matters, they should commence when the Second Consultation Stage of the Romsey CGR starts (8 April 2022), so that all the CGRs can then continue in parallel, with the outcome of that consultation process considered and reported to full Council in September 2022.

4 Terms of Reference

- 4.1 A key requirement of the CGR process is the adoption of Terms of Reference for the Review. These set out the background to the CGR, the process to be followed in undertaking it, consultation arrangements, and timescales.
- 4.2 A draft set of Terms of Reference is attached as Annex 1 to the report. These are based on the terms of reference that were approved for the Romsey CGR.

4.3 The recommendations include provision for the Head of Legal and Democratic Services to make appropriate amendments to the Terms of Reference in the event that e.g. one of the parishes concerned indicates that they no longer wish to change the size of their parish council.

4.4 Members are accordingly asked to approve the Terms of Reference.

5 Member Panel

5.1 A Member Panel to consider representations on the Romsey CGR has already been set up. The Panel will report back to full Council with recommendations at the end of each of the consultation stages.

5.2 It is recommended that the Member Panel be asked to perform the same role in respect of the CGR into the issues which is the subject of this report.

6 Corporate Objectives and Priorities

6.1 The Valley Park issue is a matter that would have been addressed as part of the 2018 CGR process, had it been raised at that point. Undertaking a CGR will allow the Parish Council's wish to deward the Parish to be properly tested against the CGR statutory criteria, and assist in promoting good local governance.

7 Consultations/Communications

7.1 Valley Park Parish Council has confirmed previously that it wishes to seek the de warding set out in this report. The other issues have arisen from queries raised by the relevant parish council.

7.2 If a CGR is undertaken, a fundamental part of the process would be a public consultation exercise to obtain and consider the views of local people.

8 Options

8.1 For each issue identified in this report, the options available are to:-

- Agree to carry out a CGR (ensuring that consequential issues such as the impact on adjacent parishes are taken into account);
- Decline the request on the grounds that a full CGR process was undertaken three years ago.

9 Option Appraisal

Agree to carry Out CGR

9.1 The 2018 CGR process invited representations on parish governance arrangements. Some parishes raised issues that had only arisen as part of the LGBCE Borough Ward Boundary Review, and this allowed these issues to be considered and in many cases dealt with.

- 9.2 The warding of Valley Park Parish occurred because the LGBCE were legally required to implement warding, given their decision on the Borough wards in the area. The implications of their decision were not fully understood by the Parish Council, only becoming clear to the Parish Council after the 2018 CGR process had concluded.
- 9.3 The Parish Council considers that warding has no benefit in governance terms. If no changes are made, each election for the Parish needs to be dealt with for three wards, rather than one for an unwarded parish council.
- 9.4 The other matters relate to parish council sizes in the three parishes mentioned. The only way to change council size is through a CGR, and the CGR process will allow the parish to seek what it considers to be the optimum council size for the parish.
- 9.5 For all cases, a public consultation exercise would be carried out, and any representations received would have to be taken into account.
- 9.6 Undertaking the CGR process for these matters in tandem with the existing Romsey CGR minimises the additional resources required.

Decline to Undertake A CGR

- 9.7 In the absence of a petition, there is no duty on the Council to undertake a CGR, and it is at the Borough Council's discretion.
- 9.8 Retaining Valley Park as a warded parish council would increase the administrative burden on the Parish Council and may add little, if anything, to the standards of governance in the Parish.

10 Risk Management

- 10.1 The approach suggested in this report will minimise the risk of legal challenge, and ensure a sound approach to the CGR process.

11 Resource Implications

- 11.1 The primary resource required would be officer time in undertaking the consultation process, analysing the responses and assisting the Member Panel to formulate recommendations as a result. As the Romsey CGR is already under way, minimal additional resources will be required to undertake the CGR which is the subject of this report.

12 Legal Implications

- 12.1 Legislation sets out the framework for CGRs to be undertaken, and the process would be carried out in compliance with that framework.

13 Equality Issues

- 13.1 There are no identified equality issues arising from the subject matter of the report.

14 Other Issues

Wards/Communities Affected

- 14.1 The Borough Wards of Valley Park, North Baddesley, Chilworth Nursling & Rownhams (Valley Park Parish), Bourne Valley (Vernham Dean and Hurstbourne Tarrant Parishes) and Charlton & The Pentons (Charlton) are affected by this report.

15 Conclusion and reasons for recommendation

- 15.1 Undertaking the CGRs recommended in this report will remove an anomaly which the parish council considers is not helpful to local governance. It will also allow the other parish councils named in the report to achieve a size of council which they consider will best serve their parishes.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Correspondence from Cllr Alan Dowden and Parish Councils named in report.			
<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:	Annex 1 – Terms of Reference Annex 2 – Plan of Valley Park Parish	File Ref:	N/A
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Report to:	Council	Date:	26 January 2022