

Test Valley Borough Council Community Governance Review Romsey Town – Final Recommendations

Report of the Democracy and Governance Portfolio Holder

Recommended:

- 1. That the Proposed Final Recommendations set out in Annex 1 to the report be adopted by the Council as Final Recommendations for the purposes of the Community Governance Review.**
- 2. That the Final Recommendations be published and arrangements be made by the Head of Legal and Democratic Services to inform those persons who may have an interest in them.**
- 3. That the consent of the Local Government Boundary Commission for England (LGBCE) be sought where required in respect of those Final Recommendations before a reorganisation order is made.**
- 4. That, following receipt of any necessary LGBCE consents, delegated authority be given to the Chief Executive to give effect to the Final Recommendations.**
- 5. That following the decision in 4 above, details of that decision and the reasons for it be published and arrangements be made by the Head of Legal and Democratic Services to inform those persons who may have an interest in the review of the decision and the reasons for the decision.**
- 6. That delegated authority be given to the Chief Executive, in consultation with the Democracy and Governance Portfolio Holder, to take decisions in respect of the transfer of property, liabilities, funds and staff arising from the Final Recommendations.**
- 7. That the Head of Legal and Democratic Services be given delegated authority to prepare and make an order under Section 86 of the Local Government and Public Involvement in Health Act 2007 to implement the above.**

SUMMARY:

- In October 2021 Council approved the Terms of Reference for a Community Governance Review from Romsey Town Council covering Romsey and Romsey Extra parishes for the boundary of Romsey Town to be extended to include all current and planned urban areas identified as Romsey and make Final Recommendations for any appropriate changes.
- Following a First Consultation Stage, Draft Recommendations were agreed by full Council in April 2022 and published for further consultation.

- 13 respondents made representations at this Second Consultation Stage. These representations have been reviewed and Final Recommendations agreed by the Community Governance Review Members Group. Annex 1 to the report summarises the Issues which have been identified under the Review and sets out proposals for Final Recommendations arising from these.
- 2 respondents made representations to the additional consultation with 12 identified properties to the south of Old Salisbury Lane.
- The next stage is for full Council to consider the proposals and approve Final Recommendations, which must then be published. The Consent of the Local Government Boundary Commission for England will be required.
- Once Consent has been obtained, a final decision is then required on the extent to which the Final Recommendations are to be given effect. It is recommended that this final decision be delegated to the Chief Executive, after which a formal Reorganisation Order will be made.
- It is planned that any Reorganisation Order will be in force for 1 April 2023, with elections to parish councils taking place in May 2023.
- This report and its annexes follow a similar format to the Draft Recommendations documents considered by full Council on 6 April 2022.

1 Introduction and Background

- 1.1 In 2018, the Council undertook a Borough-wide Community Governance Review, to examine existing parish governance arrangements following a review of Borough Ward boundaries by the Local Government Boundary Commission for England. Under this Review, Romsey Extra Parish and Romsey Town remained essentially unchanged.
- 1.2 In May 2021, Romsey Town Council submitted a formal request to extend the existing boundaries of Romsey Town, so that the new boundary would be coterminous with the existing Borough Ward boundaries.
- 1.3 Full Council agreed on 1 September 2021 to undertake a Community Governance Review (CGR) of the boundaries of Romsey Town. Terms of reference for the CGR were approved by full Council on 10 November 2021, and a Member Panel appointed to consider the results of a first consultation stage.
- 1.4 A First Consultation Process was carried out between 12 November 2021 and 28 January 2022, with the results being considered by the Community Governance Review Members' Group. The Group proposed a series of Draft Recommendations for changes, which were considered and agreed at full Council on 6 April 2022.
- 1.5 Following that decision, the Draft recommendations were published and a Second Consultation Stage was held, ending on 3 June 2022.

- 1.6 The representations received have been reviewed and considered by the Community Governance Review Members Group, which met on 8 July 2022. Annex 1 summarises the representations received in respect of the Draft Recommendations, the observations of the Community Governance Review Members Group which has considered these Issues, Electoral Arrangement Issues, and proposals for Final Recommendations arising from these.
- 1.7 The Members Group also recommended that an additional 12 properties to the south of Old Salisbury Lane, Awbridge also be included in the transfer to Awbridge Parish Council, subject to those residents being consulted on that proposal.
- 1.8 Following the meeting on 8 July 2022, a further consultation letter was sent to the 12 identified properties. The consultation ended on 22 July and two responses in support were received.
- 1.9 The next stage is for full Council to consider the proposals and approve Final Recommendations, which must then be published, and brought to the attention of persons who may be interests in the Final Recommendations. The publication of these Final Recommendations will conclude the CGR.
- 1.10 If these proposed Final Recommendations are agreed, it will be necessary to apply to the LGBCE for its agreement (referred to in this report as “Consent”) to the changes to these “Protected Electoral Arrangements”. The Review is implemented by the making by the Borough Council of a formal Reorganisation Order, and such an Order can only include provision to change these Protected Electoral Arrangements (including the proposed changes to warding arrangements in Andover and Romsey Extra) if Consent is obtained from the LGBCE.
- 1.11 The decision to give effect to the Final Recommendations is then implemented by the Council making a formal Reorganisation Order, setting out the changes to be made and the date they will take effect.

Reorganisation Order

- 1.12 A Reorganisation Order, made by the Borough Council, is the legal instrument which brings into legal force the changes which are to be made. A model template will be used to draft this Order.
- 1.13 The Reorganisation Order will set out the changes, 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. Existing parish councillors for parishes which are affected by the Order remain as parish councillors until the May 2023 elections, when parish councillors will be elected to the parish councils (as amended by the changes implemented by the Order).
- 1.14 Once the Reorganisation Order has been made, it must be placed on deposit and made available for public inspection. In addition, various government departments and other parties must be notified and provided with a copy.

2 Outcome of Second Consultation Stage and Proposed Final Recommendations

- 2.1 This report set out the results of the Second Consultation Stage, and in the light of this identifies proposals for parish arrangements which are set out as proposed Final Recommendations.
- 2.2 The Second Consultation Stage ran from 8 May 2022 to 3 June 2022, 13 respondents made representations at this Second Consultation Stage. Of these, 12 supported the Draft Recommendations and 1 opposed them.
- 2.3 The format of Annex 1 broadly follows that of the 6 April report. The Agreed Draft Recommendations (which was agreed by full Council on 6 April) are set out, followed by a summary of the representations received at Second Stage (for or against the Draft Recommendation). Respondents to the Second Consultation who already commented at First Consultation Stage are indicated with "(S)" next to their reference number.
- 2.4 The observations of the Members Group (taking into account the Second Consultation representations and the CGR principles) are then set out.
- 2.5 Annex 3 includes electorate figures (current and five year projections) for both the existing and proposed arrangements. These will be relevant in considering council size, electoral arrangements (such as warding, etc.). The LG BCE will require such figures where Consent is sought. The current figures used are as at November 2021 (which comprises the data which is closest to the start of the CGR). The five year projections are 2026 figures, and where polling districts have been split, the 2026 figure has been apportioned on the same split basis as the November 2021 split figures.
- 2.6 The final section sets out the proposed Final Recommendations (as agreed by the Members Group), including a need to seek Consent.

3 Corporate Objectives and Priorities

- 3.1 The conduct of a Community Governance Review is one of the Council's Corporate Action Plan projects.
- 3.2 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.

4 Consultations/Communications

- 4.1 As noted above, the first period of consultation ran for 8 weeks from 12 November 2021 and 28 January 2022. The consultation invited respondents to comment on the proposal from Romsey Town Council to extend its boundaries to include parts of Romsey Extra Parish. All parish councils were sent details of the Review and invited to participate.

- 4.2 As well as parish councils, all Borough Councillors, County Councillors, Chief Executive of Hampshire County Council, Caroline Nokes MP, Kit Malthouse MP, the Chairmen of the Test Valley Association of Town and Parish Councils and the Hampshire Association of Town and Parish Councils were also consulted. 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.
- 4.3 At the start of the Second Consultation period, individual letters were sent to those residents living in the part of Romsey Extra Parish outside the built-up areas of Romsey (i.e. that part outside the Romsey Borough Wards area). Under the Draft Recommendations, part of this area was proposed to be transferred to Awbridge Parish, with the remainder moving to Romsey Town, and two versions of the letter were sent to reflect this.
- 4.4 13 responses were received during the Second Consultation period. These responses were analysed and assessed by officers, and were also considered by the Community Governance Review Members Group. The representations were broadly in support of the proposal to transfer the whole of Romsey Extra Parish Council (except for the area identified as being transferred to Awbridge Parish Council) to Romsey Town Council.
- 4.5 A further consultation was undertaken with 12 identified properties to the south of Old Salisbury Lane from 11 July to 22 July and 2 responses in favour of transferring the additional properties identified were received.

5 Resource Implications

- 5.1 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.

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 7.3 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. Where late representations were received after the close of the First Consultation period, officers wrote to these respondents after publication of the Draft Recommendations, inviting them to review the Draft Recommendations and resubmit their representations in the light of these.

7 Property and Staffing Issues

- 7.1 As a consequence of a CGR process, there may be property (land, cash), rights and liabilities, and staff matters to be dealt with. The Local Government (Parishes and Parish Councils) (England) Regulations 2008 provide a “baseline” position, but that is subject to agreements between the parties involved, or specific provision made in the Reorganisation Order which gives effect to the outcome of the CGR.

- 7.2 Officers are therefore liaising with the clerks and chairs of the parish councils involved, with a view to seeking agreement on these matters, with the Regulations and provision in the Reorganisation Order providing a reserve position if agreement cannot be reached.
- 7.3 It is proposed that delegated authority be given to the Chief Executive, in consultation with the Portfolio Holder, to take any necessary decisions to deal with these matters.

8 Next Steps

- 8.1 Having started the CGR, the Council must now decide Final Recommendations.
- 8.2 Proposed Final 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 and Second Consultation Periods. It is considered that these are appropriate proposals to deal with the Issues which are raised.

9 Equality Issues

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

10 Other Issues

- 10.1 Community Safety – none.
- 10.2 Environmental Health Issues – none.
- 10.3 Sustainability and Addressing a Changing Climate – none.
- 10.4 Property Issues – this report will not affect any TVBC property. Assets belonging to parish councils will be affected by the CGR, and details of the process to be followed are set out in Section 7 above.
- 10.5 Wards/Communities Affected – the CGR will not affect Borough Wards. A central test for the CGR is community identity and interest.

11 Conclusion

- 11.1 This Report sets out the Issues which have been raised as a result of the First and Second consultation processes of the Community Governance Review. The proposed Final 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 be concluded.
- 11.2 Agreement of the Final Recommendations will therefore allow the Council to formally conclude the CGR, and then (having sought LGBCE Consent where required) determine the extent to which these Final Recommendations are given effect, and for a formal Reorganisation Order to be made. That Order will then determine the governance arrangements for parishes across the Borough.

12 List of Annexes

Annex 1 Summary of Issues

Annex 2 - Map A showing Romsey Extra, Romsey Town Council and Awbridge Parish Council current area
Map B showing area proposed to transfer to Awbridge (per Draft Recommendations)
Map C showing proposed Romsey Town and Awbridge Parish Council area
Map D showing proposed to transfer to Awbridge (including properties to the south of Old Salisbury Lane to transfer to Awbridge)

Annex 3 Electoral Information

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| <u>Background Papers (Local Government Act 1972 Section 100D)</u> Representations from respondents to First Consultation period Representations from respondents to the Second Consultation Period and additional identified properties | | | |
| <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: | 3 | File Ref: | N/A |
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| Report to: | Council | Date: | 7 September 2022 |