

Test Valley Borough Council Community Governance Review Valley Park – 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 in respect of those Final Recommendations where required 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 5 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 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 January 2022 Council approved the Terms of Reference for a Valley Park Community Governance Review (CGR), to deward parish ward and revert to a single unwarded parish council and make Final Recommendations for any appropriate changes.
- 5 respondents made representations at the 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 issue which has been considered under the Review and sets out proposals for Final Recommendations arising from this.
- 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.

1 Introduction and Background

- 1.1 In 2017 a review of Test Valley Borough was carried out by the Local Government Boundary Commission for England (LGBCE). Following the review which came into effect following the Parish elections in 2019, there was an issue raised concerning 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.
- 1.2 Terms of reference for a Community Governance Review to consider this issue were approved by full Council at its meeting of 26 January 2022.
- 1.3 A Consultation Process was carried out between 8 April 2022 and 3 June 2022, with the results being considered by the Community Governance Review Members' Group. The Group have proposed Final Recommendations for changes to the parish warding.
- 1.4 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 consultation, the observations of the Community Governance Review Members Group which has considered the proposal, Electoral Arrangement Issues, and proposals for Final Recommendations arising from these.
- 1.5 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 interested in the Final Recommendations. The publication of these Final Recommendations will conclude the CGR.
- 1.6 If the proposed Final Recommendation is 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 if Consent is obtained from the LGBCE.
- 1.7 The decision to give effect to the Final Recommendation 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

- 1.8 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.
- 1.9 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 affected by the changes implemented by the Order).
- 1.10 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 Consultation Stage and Proposed Final Recommendations

- 2.1 This report set out the results of the Consultation Stage, and in the light of this identifies proposals for parish arrangements, which are set out as proposed Final Recommendations.
- 2.2 Annex 1 sets out the summary of the issue and representations received, followed by the observations of the Members Group, and the proposed Final Recommendations as agreed by the Members Group.

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 period of consultation ran for 8 weeks from 8 April – 3 June 2022. The consultation invited respondents to submit proposals on changes to the existing parish warding. All Parish clerks and Chairmen were invited to respond as well as 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.
- 4.2 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 5 responses were received during the Consultation period. The representations received within the Consultation period were analysed and assessed by officers, and were also considered by the Community Governance Review Members Group. The representations were wholly in support of the proposal to deward and revert to a single unwarded parish council.

5 Resource Implications

5.1 The costs of carrying out the CGR are primarily officer time in inviting representations, considering the representations, formulating appropriate 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 Parish 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. Here late representations were received after the close of the 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 Next Steps

- 7.1 Having started the CGR, the Council must now decide Final Recommendations on the warding of Valley Park parish from the CGR.
- 7.2 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 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. As the issue is solely about the dewarding of Valley Park parish, it will not affect any assets belonging to Valley Park Parish Council.
- 9.5 Wards/Communities Affected – the CGR will not affect Borough Wards. The report concerns the residents in the Valley Park, North Baddesley, and Chilworth Nursling & Rownhams Borough Wards.

10 Conclusion

- 10.1 This Report sets out the proposal to deward Valley Park and revert to a single unwarded parish council and make Final Recommendations for any appropriate changes.

- 10.2 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.
- 10.3 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.

11 List of Annexes

- Annex 1 - Summary and Final Recommendations
- Annex 2 - Map A showing Valley Park (current parish wards)
Map B showing Valley Park (unwarded)
- Annex 3 - 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:	3	File Ref:	N/A
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Report to:	Council	Date:	7 September 2022