

<b>Title of Report</b>	<b>COMMUNITY GOVERNANCE REVIEW PROCESS</b>	
<b>Presented by</b>	Councillor Richard Blunt Leader of the Council	
<b>Background Papers</b>	<a href="#">GOV.UK Guidance on Community Governance Reviews</a>	<b>Public Report:</b> Yes
<b>Financial Implications</b>	There are no direct implications at this time. However, it should be noted that there will need to be work undertaken as part of the Review to assess the impact on the Council's finances, including its Special Expense Policy and impact on Special Expenses. Any financial implications will be detailed in future reports.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The Council has responsibility for conducting community governance reviews under the Local Government and Public Involvement in Health Act 2007. A review is either commenced as a consequence of a valid petition being made or the Council choosing to conduct such a review where it considers it necessary to make recommendations in relation to parished and unparished areas. The legislation and government guidance set out how such reviews should be conducted and these will be taken into account when conducting any review in future.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	There are no direct implications at this time.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To provide Council with an overview of the process for conducting community governance reviews.	
<b>Recommendations</b>	<b>THAT COUNCIL:-</b> <ol style="list-style-type: none"> <li><b>NOTES THE PROCESS FOR CARRYING OUT A COMMUNITY GOVERNANCE REVIEW;</b></li> <li><b>NOTES THAT A REPORT WILL BE BROUGHT TO A FUTURE MEETING OF THE COUNCIL WHICH WILL SEEK TO COMMENCE A COMMUNITY GOVERNANCE REVIEW AND AGREE THE TERMS OF REFERENCE OF THAT REVIEW.</b></li> </ol>	

## 1.0 BACKGROUND

- 1.1 Under the Local Government and Public Involvement in Health Act 2007 (the Act), the Council has responsibility for undertaking community governance reviews and deciding on recommendations made in relation to those reviews. A Community Governance Review (CGR) is a legal process whereby the council will consult those living in the area and other interested parties on the most suitable way of representing people in the parishes identified by the review. This means making sure that those living in the area and other interested

groups, have a say in how their local communities are represented. The CGR process can consider changes in population or other specific and/or local issues.

- 1.2 The Act sets out the process for taking decisions and implementing recommendations made in a CGR. This includes the creation of new parishes and the establishment of new parish councils, as well as other matters such as making changes to parish boundaries and electoral arrangements.
- 1.3 It is important to note that, as part of the process, councils must carefully consider changes to boundaries as these can have consequential effects on the boundaries of other tiers of local government.

## **2.0 UNDERTAKING A COMMUNITY GOVERNANCE REVIEW**

- 2.1 The Act provides that the Council has a duty to conduct a community on the receipt of a valid petition.
- 2.2 For a petition to be valid it must be signed by the requisite number of local electors based on the most recently published electoral register. The three thresholds are as follows:-
  - For an area with fewer than 500 local electors, the petition must be signed by at least 37.5% of them;
  - For an area with between 500 and 2,500 electors, the petition must be signed by at least 187 of them;
  - For an area with more than 2,500 electors, the petition must be signed by at least 7.5% of them.

The petition must also define the area to which the review is to relate (whether on a map or otherwise) and specify one or more recommendations which the petitioners wish a community governance review to consider making.

- 2.3 The Act also provides for a council to conduct a CGR at any time, not just on the receipt of a valid petition, provided that such a review is for the purpose of making recommendations in relation to parished or unparished areas. The Council should use its knowledge and awareness of local issues when deciding whether to undertake a review, for example, following a major change in the population of a community or to re-draw boundaries which have become anomalous. However, both government guidance and advice from the Boundary Commission indicates that councils should avoid starting a community governance review if a review of district, London borough or county council electoral arrangements is being, or is about to be, undertaken. Members will be aware that the Local Government Boundary Commission for England (LGBCE) will shortly commence a review of the Electoral Arrangements in the District. Section 4 of this report sets out the implications on the timing of the CGR.
- 2.4 Where a petition has not been received and the Council wishes to conduct a CGR, it would do so by a motion or report being brought to Council in the usual way. That motion or report would then make recommendations as to how the community governance review should be conducted, having regard to the Council's duties under the 2007 Act in conducting such reviews.
- 2.5 Any review undertaken must be completed and published within 12 months of the start of the review or receipt of a valid petition (the 12-month period will run from when the terms of reference are published and ends on the publishing of the recommendations made as a consequence of the review). This includes any consequential recommendations to the Electoral Commission for related alterations to the ward/division boundaries. The Council will also be required to publish its decision following the review, along with its reasons for making that decision, as well as complying with notification requirements in relation to any reorganisation order made.

### 3.0 PROCESS TO BE FOLLOWED

- 3.1 In accordance with government guidance, when conducting a CGR the Council would need to build into its planning process a reasonable period of consultation with local electors and other stakeholders. The evidence gleaned from such consultation can then inform whether the recommendations should be adopted. The Council is also required under legislation to inform the County Council that the review is to be undertaken and provide it with the terms of reference for the review.
- 3.2 It is a key requirement of the legislation that for any corporate governance review, the terms of reference of that review are agreed at the outset, capture the information required under the Act, are published and are complied with during the course of the review.
- 3.3 The following process takes account of the legislation and government guidance:-

Trigger for a review	A valid petition; or A formal decision by Council to undertake a review (can be all or part of the area)
Terms of Reference	To include:- <ul style="list-style-type: none"><li>- The area that is the subject of the review</li><li>- Why the Council is undertaking the review</li><li>- Who will undertake the review (the Electoral Review Working Party and potentially members from the affected area)</li><li>- Scope of the review</li><li>- Who will be consulted and how</li><li>- Timetable for the review</li><li>- Factual information including electorate, present structure of parishes and their electoral arrangements</li><li>- To assess the financial implications of the CGR for the Council</li></ul>
Notification to the County Council	Notify the County Council and provide it with the terms of reference for the review
Undertake the review	Consult with electors in affected area Consult with other interested bodies Consider any representations
Make recommendations	Recommendations will be made to reflect the identities and interests of the community in the area and shall include: <ul style="list-style-type: none"><li>• Whether a new parish or parishes should be constituted and if so, whether they are to be made from unparished areas only or an amalgamation of other existing parishes and/or parts of existing parishes</li><li>• If a new parish is to be constituted, what the name of that new parish should be and whether it should have a parish council</li><li>• What the electoral arrangements should be for that area</li></ul> <p>Any recommendations will need to be agreed by Full Council prior to being adopted and published</p>

Implement the review	<p>Make a Reorganisation Order to give effect to the recommendations made in the review. There will be requirements that need to be met in making such an order, including (but not limited to) the provision of a map to outline the area affected by the order and provisions in relation to the transfer of any assets and/or liabilities.</p> <p>Publish the order and map for public inspection</p> <p>Inform specified bodies e.g. Ordnance Survey</p> <p>Implement any incidental issues e.g. the transfer of any assets and/or liabilities</p>
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- 3.4 The effective date for the formation of a new parish council will be 1 April in the relevant year. Elections for a new parish will normally coincide with the next scheduled district Council and parish council elections. However, if the next scheduled elections are some time away it is possible to hold the first election to a new parish council in an earlier year with the councillors serving either a shortened or lengthened first term to allow the parish council's electoral cycle to return to that of the other parishes.

#### **4.0. TIMING OF A COMMUNITY GOVERNANCE REVIEW**

- 4.1 It had been proposed that a report be brought before Council to instigate a community governance review but as members will be aware, the Local Government Boundary Commission for England (LGBCE) is commencing a full review of the Electoral arrangements for North West Leicestershire following the all member briefing on Tuesday, 27 June 2023.

- 4.2 Both the LGBCE and the Government on conducting a CGR (link provided in the background papers to this report) guidance strongly discourage running the two reviews at the same time for the following reasons:

- running two separate reviews that both examine local administrative boundaries at the same time can be confusing for residents.
- through the electoral review there is also a possibility that the Commission may override any proposals put forward by a community governance review, which would obviously not be in the interest of the new town/parish areas/councils.

The indicative timeline for the LGBCE review provides for their review process to run from June 2023 to February 2025, concluding with the making of a parliamentary order in Spring 2025. Guidance will be sought from the LGBCE on the timing of the commencement of a CGR.

- 4.3 The work on both the LGBCE Review and any CGR, along with any subsequent polling places reviews, would need to be overseen by the Democratic Services team, and will require significant input from the Electoral Review Working Party. The Electoral Review Working Party may wish to invite the affected ward members of any proposals to join the working party to carry out the work on the community governance review at the appropriate time.
- 4.4 A detailed project plan will be developed to ensure that all the requirements of the legislation and government guidance are followed in conducting the community governance review.
- 4.5 A full work programme for the working party will also be drawn up to allow input from members at the appropriate time. This would include early discussions with members of the working party on the draft terms of reference for a community governance review. For example, the creation of a Coalville town parish (with or without a parish council) and whether all the unparished areas form part of that parish or whether the area is broken

down into smaller parishes. Consideration would also be given as to whether Thringstone is made a parish in its own right.

- 4.6 Given the above considerations, it is recommended that a report be brought a future meeting of Council to agree the terms of reference for commencing a CGR following the outcome of the Local Government Boundary Commission Electoral Arrangements Review.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Our communities are safe, healthy and connected
Policy Considerations:	As detailed in the report
Safeguarding:	None at this time
Equalities/Diversity:	None at this time
Customer Impact:	None at this time
Economic and Social Impact:	None at this time
Environment and Climate Change:	None
Consultation/Community Engagement:	All group Leaders
Risks:	Any Community Governance Review should be carried out in line with legislation and relevant guidance.
Officer Contact	Elizabeth Warhurst Head of Legal and Support Services <a href="mailto:elizabeth.warhurst@nwleicestershire.gov.uk">elizabeth.warhurst@nwleicestershire.gov.uk</a>