

Report to: **Council**

Date: **21 February 2023**

Title: **COMMUNITY GOVERNANCE REVIEW –
DRAFT TERMS OF REFERENCE**

Portfolio Area: **Strategy & Governance**

Lead Member: **Cllr Jory – Leader of the Council**

Wards Affected: **Milton Ford, Okehampton South and
Okehampton North**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or
implementation of substantive decision)

**Publication of the
approved Terms
of Reference is
due to commence
on Thursday, 23
February 2023.**

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RECOMMENDATIONS:

That the Council RESOLVES to approve the Community Governance Review draft Terms of Reference (as set out at Appendix A).

1. Executive summary

1.1 Having formally received two separate petitions each calling for the Council to invoke a Community Governance Review, this report seeks the approval of the draft Terms of Reference that will underpin the Review.

2. Background

- 2.1 At its meeting held on 22 September 2022, the Mayor (on behalf of the Council) was formally presented with two separate petitions (Minute CM 38/22 refers);
- 2.2 The petitions sought to consult on two standalone proposals being to:
- (a) abolish the Sydenham Damerel Parish Council and establish the parish as a 'Parish Meetings' only parish; and
 - (b) review the existing parish boundaries of Okehampton Town Council in addition to the surrounding Okehampton Hamlets Parish Council area boundaries.
- 2.3 Upon their receipt, officers can now confirm that both petitions were valid (i.e. were compliant with the following requirements):
- *For an area with less 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 local electors, the petition must be signed by at least 250 of them; and*
 - *For an area with more than 2,500 local electors, the petition must be signed at least 10% of them.*
- 2.4 As the Principal Authority, West Devon Borough Council has responsibility for considering this Review and undertaking the statutory consultative requirements which include:
- Consulting local government electors for the area under review;
 - Consulting any other person or body (including a local authority) which appears to the Borough Council to have an interest in the Review;
 - Notifying and consulting Devon County Council; and
 - Taking into account any representations received in connection with the Review;
- 2.5 Officers have drafted a set of terms of reference (as set out at Appendix A) for which Council approval is now sought;
- 2.6 In drafting the Terms of Reference, officers have considered the timescales associated with the pre-election period and have recognised the need to enable for the new administrations of the Borough Council and the affected Town and Parish Councils some time to settle in following the local elections that are to be held on 4 May 2023;
- 2.7 Given the emphasis that a Community Governance Review is required to place on '*Community Cohesion*', Members will note that the draft Terms of Reference propose that the People & Community Hub Advisory Group is the lead Member Working Group that takes on responsibility for the

Review and makes consequent recommendations to Full Council at the appropriate stages.

3. Options Available and Consideration of Risk

- 3.1 The Council could opt to defer the Terms of Reference to a future meeting. However, officers recognise that both petitions were received on 22 September 2022 and there is a wish amongst the petition organisers (and signatories) for the Review to now commence.
- 3.2 It is recognised that the local elections on 4 May 2023 could have a significant impact on the composition of the affected town and parish councils. Officers have attempted to mitigate the impact of the elections by recommending that the period of the 'Introductory Stage' runs from 23 February to 14 June 2023.

4. Implications

Legal/Governance		<p>The Local Government and Public Involvement in Health Act 2007 requires the Council to 'consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the statutory criteria (as below):</p> <p>'That Community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient.'</p> <p>The Council is required to complete the Community Governance Review within 12 months from the day on which it publishes the Terms of Reference. A Community Governance Review is concluded on the day on which the Council publishes the recommendations made by the Community Governance Review.</p>
Financial		There are no additional financial implications directly related to this report
Risk		The risk implications are set out at Section 3 above.
Supporting Corporate Strategy		Council Theme – <i>Strengthening Communities</i>
Consultation & Engagement Strategy		The requirements to consult and engage at each stage are set out in the draft Terms of Reference and are in line with the requirements of the Local

		Government and Public Involvement in Health Act 2007.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Climate Change & Biodiversity		There are no Climate Change & Biodiversity implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

A. Community Governance Review – Draft Terms of Reference.

Background Papers:

- The petitions received at the Council Meeting on 22 September 2022; and
- Central Government Guidance on Community Governance Reviews.

West Devon Borough Council

Community Governance Review – Terms of Reference

At its meeting held on 22 September 2022, the Mayor of West Devon Borough Council was formally presented with two petitions (Minute CM 38/22 refers).

The two petitions (which have since been determined as being 'valid') call on the Borough Council to instigate a Community Governance Review on the following:

- (a) A proposal that seeks to abolish Sydenham Damerel Parish Council; and
- (b) A wish to review the existing parish boundaries of Okehampton Town Council.

The Borough Council will be guided by the relevant legislation and guidance, in particular the Local Government and Public Involvement in Health Act 2007 and Guidance on Community Governance Reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England).

What is a Community Governance Review?

A Community Governance Review provides the opportunity for 'principal councils' (borough councils and unitary councils) to review and make changes to community governance within their areas. Such a Review can be helpful in circumstances such as where there have been changes in population, or in reaction to specific or local new issues.

In so doing, a Community Governance Review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features and remove the many anomalous parish boundaries that exist in England.

Why is the Borough Council undertaking the Review?

In light of the formal validation of the two petitions, the main purpose of this Review will be to consult on two standalone proposals. Namely to:

- (a) abolish the Sydenham Damerel Parish Council and establish the parish as a 'Parish Meetings' only parish; and
- (b) review the existing parish boundaries of Okehampton Town Council in addition to the surrounding Okehampton Hamlets Parish Council area boundaries.

The government has emphasised that recommendations made in a Review ought to bring about *'improved community engagement, more cohesive communities, better local democracy and result in a more effective and convenient delivery of local services.'*

As the principal authority, West Devon Borough Council is responsible for undertaking any such Review within its electoral area. The body responsible for overseeing this process is the Full Council, who will be responsible for producing draft and final recommendations. The Council will approve the final recommendations before a Community Governance Order is then made.

How will the Borough Council conduct consultations during this Review?

Before making any recommendations or publishing final proposals, the Borough Council will take full account of the views of local residents. The Borough Council will comply with the statutory consultative requirements by:-

- Consulting local government electors for the area under review;
- Consulting any other person or body (including a local authority) which appears to the Borough Council to have an interest in the review;
- Notifying and consulting Devon County Council; and
- Taking into account any representations received in connection with the review.

Information relating to the review will be available on the Council website (www.westdevon.gov.uk) and key documents will be available on request via democratic.services@swdevon.gov.uk and/or from the Borough Council offices at: Kilworthy Park, Drake Road, Tavistock PL19 OBZ.

The Borough Council will publish its recommendations as soon as practicable and will take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them. The Borough Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

What will be the timetable for this Review?

It is a statutory requirement whereby a review must be concluded within a twelve month period from the day on which it commences. A review starts when the Borough Council publishes its Terms of Reference and concludes when the Borough Council publishes its final recommendations.

Outlined below is the proposed timetable for the review:-

Stage 1	Publication of the Terms of Reference for the Review	Thursday, 23 February 2023
Stage 2	Introductory Stage: Submissions and views sought and invited on existing arrangements. The Borough Council invites proposals from stakeholders on future arrangements in accordance with the Terms of Reference.	Thursday, 23 February – Wednesday, 14 June 2023
Stage 3	Consideration of Initial Submissions: Draft proposals to be considered by the Council's People & Community Hub Advisory Group before recommendations are made to the Council meeting to be held on 18 July 2023 (**).	Wednesday, 14 June – Tuesday, 18 July 2023 (**)
Stage 4	Consultation on Published Draft Proposals: In publishing the draft proposals, the Borough Council will notify stakeholders and invite further comments and/or recommendations.	Thursday, 20 July – Friday, 29 September 2023
Stage 5	Final Recommendations Consideration of consultation responses and production of final recommendations to be presented to the Council's People & Community Hub Advisory Group before final recommendations are made to the Council meeting on 28 November 2023 (**).	Monday, 2 October – Tuesday, 28 November 2023 (**)
Stage 6	Implementation Final recommendations are then published and the Council resolves (if appropriate) to make a Reorganisation of Community Governance Order. For administrative and financial purposes, the Order should take effect on 1 April 2025. Electoral arrangements for an existing town and/or parish council will come into force at the first elections to the town and/or parish council following (any) Reorganisation Order, which will be May 2027.	Tuesday, 28 November 2023 (**) 1 April 2025 May 2027

*(**) subject to Council approving these meeting dates as part of the Calendar of Meetings for 2023/24).*

The review will be formally completed when the Council adopts and publishes the Reorganisation of Community Governance Order and requests that the Electoral Commission approve any consequential changes.

How to contact us

Should you wish to submit a written representation regarding this review, please address this to:

Community Governance Review
Democratic Services
West Devon Borough Council
Kilworthy Park
Tavistock
PL19 0BZ

Alternatively, your submission may be emailed to:
democratic.services@swdevon.gov.uk

Date of publication

Thursday, 23 February 2023.