

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	2 June 2021
Subject:	Community Governance Review
Report of:	Head of Democratic Services
Corporate Lead:	Borough Solicitor
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	One

Executive Summary:

To seek approval for the commencement of a Borough-wide Community Governance Review.

Recommendation:

- 1) To agree to the commencement of a Borough-wide Community Governance Review.**
- 2) To approve the draft Terms of Reference attached at Appendix 1.**
- 3) To establish a Community Governance Review Working Group consisting of seven Members; Group Leaders to nominate Members with authority being delegated to the Borough Solicitor, in consultation with the Leader of the Council, to determine the membership of the Working Group.**

Reasons for Recommendation:

It is nearly 20 years since the last Parish Review was undertaken and changes as a result of the Tewkesbury (Electoral Changes) Order 2018, together with extensive development in the Borough, necessitate a review, to ensure that the arrangements meet the needs of the community.

Resource Implications:

There may be some minimal costs associated with the consultation and mapping of proposals.

Legal Implications:

Included within the report.

Risk Management Implications:

None anticipated.

Performance Management Follow-up:

A detailed programme is included in the Terms of Reference.

Environmental Implications:

None.

1.0 INTRODUCTION

- 1.1** Community Governance Reviews provide the opportunity for Principal Councils to review and make changes to community governance within their areas. A Community Governance Review enables strong, clearly defined boundaries to be put into place, which reflect local identities and facilitate effective and convenient local government. The guidance on Community Governance Reviews states that it is good practice for a Principal Council to consider conducting a review every 10-15 years as well as in circumstances where there has been significant new housing development.

2.0 BACKGROUND

- 2.1** The last full review of Parish arrangements took place in 2002/03 following the Borough of Tewkesbury (Electoral Changes) Order 2001 which had the effect of creating a number of anomalies between Borough and Parish Wards.
- 2.2** At the time of the last review, the relevant legislation was contained within the Local Government and Rating Act 1997 and the power to implement a review rested with the then Office of the Deputy Prime Minister.

3.0 CURRENT LEGISLATION

- 3.1** The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about matters such as the creation of Parishes and their electoral arrangements to local authorities.
- 3.2** Councils have the responsibility to undertake Community Governance Reviews and are able to decide whether to give effect to recommendations made in those reviews save that any consequential recommendations for related alterations to the electoral areas of Principal Councils require approval of and implementation by the Local Government Boundary Commission for England (LGBCE). In addition, any Parish electoral arrangements that had been included in an LGBCE review are protected and require the consent of the LGBCE before any Order implementing changes can be made.
- 3.3** In relation to any consequential changes to Borough Ward boundaries, the LGBCE would expect to see that specific consultation had been undertaken on Ward/Division boundaries as well as the Parish boundaries themselves. The LGBCE can only accept or reject the requested related alterations. Accordingly, if there are changes to Ward boundaries which are likely to have a significant impact on the electoral equality of the affected Borough Wards, the LGBCE may not support these.

4.0 THE CASE FOR A COMMUNITY GOVERNANCE REVIEW TO BE UNDERTAKEN

- 4.1** The LGBCE undertook a review of the Borough Wards in 2017/18 which took effect in 2019. Whilst the LGBCE did not carry out a review of the Parish and Town Councils there were some consequential changes to the warding arrangements of the Parish/Town Councils of Bishop's Cleeve, Brockworth, Churchdown and Tewkesbury.

- 4.2** The review has, in particular, highlighted an anomaly at Wheatpieces which has caused some concern to the public. The current phase of development at the Wheatpieces has a boundary line running through it which means that part of the development is in the Parish of Wheatpieces and the remainder is in the Parish of Ashchurch Rural. For Borough Ward purposes, Wheatpieces falls within Tewkesbury East and Ashchurch Rural falls within Isbourne. In terms of community identity, the development clearly looks to Wheatpieces and has a greater affinity to the Tewkesbury East Ward than Isbourne Ward which is made up of a number of smaller rural Parishes.
- 4.3** As previously indicated Government guidance states that it is good practice to conduct a full review every 10-15 years whereas the last review of the Borough's parishes was undertaken nearly 20 years ago. During that period there has been significant development resulting in population changes and shifts in natural settlements caused by new development. This can be highlighted by the concerns raised by residents in relation to the Longford/Innsworth parish boundary where residents in the Parish of Innsworth believed that when purchasing their houses they were in the Parish of Longford and feel they have more affinity with Longford and have to travel to get to their polling station in Innsworth when the one in Longford is on their doorstep.

5.0 THE PROCESS

- 5.1** The 2007 Act requires Councils to determine the Terms of Reference under which a Community Governance Review is to be undertaken. Draft Terms of Reference are attached at Appendix 1 and must set out clearly the matters on which a Community Governance Review is to focus.
- 5.2** There is also a requirement to consult both those local government electors in the area under review, and other bodies which appear to have an interest in the review such as the County Council and existing Parish Councils. Any representations received must be taken into account as part of the review.

The steps to be undertaken in this case would be as follows: -

- Inform interested parties of the Review, its subject matter and time limit for making representations.
- Consider all representations – it would be the intention to establish a Member Working Group to undertake the task. Group Leaders would be invited to put forward names of Members interested in being on the Group up to a maximum of seven members, with authority being delegated to the Borough Solicitor, in consultation with the Leader of the Council, to determine the membership of the Group.
- Working Group to prepare draft recommendations for approval by the Executive Committee for consultation.
- Following consultation, all representations to be considered by Council and final recommendations approved for the Order implementing the changes to be made.

6.0 TIMESCALE

- 6.1** The review would commence in June 2021 and must, in accordance with the legislation, be completed within a period of 12 months.

Contact has been made with the LGBCE to ascertain their timescale to achieve implementation by May 2023 and they have indicated as follows: -

- Parish changes requiring the Commission's consent – May/June 2022.
- Consequential changes to Borough Ward Boundaries – September 2022.

7.0 OTHER OPTIONS CONSIDERED

7.1 It is possible to undertake a partial review, but this is not recommended as it does not allow the whole picture to be taken into account.

7.2 The electorate has the ability to petition the Council to address specific anomalies should the Council choose not to undertake a Borough-wide review. This would not provide a Borough-wide examination of community governance.

8.0 CONSULTATION

8.1 Full details of the consultation to be undertaken is included in the draft Terms of Reference.

9.0 RELEVANT COUNCIL POLICIES/STRATEGIES

9.1 None.

10.0 RELEVANT GOVERNMENT POLICIES

10.1 None.

11.0 RESOURCE IMPLICATIONS (Human/Property)

11.1 None.

12.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

12.1 None.

13.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

13.1 None.

14.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

14.1 None.

Background Papers: The Local Government Boundary Commission for England – Guidance on Community Governance Reviews

The Local Government and Public Involvement in Health Act 2007

Contact Officer: Head of Democratic Services

Appendices: Draft Terms of Reference