

Council Meeting	Agenda Item:
Meeting Date	27 November 2013
Report Title	Community Governance Review – consideration of establishing parish councils in unparished areas
Cabinet Member	The Leader
SMT Lead	Mark Radford, Corporate Services Director
Head of Service	David Clifford, Policy and Performance Manager Katherine Bescoby, Democratic and Elections Manager
Lead Officers	Mark Radford, Corporate Services Director Abdool Kara, Chief Executive
Key Decision	No
Classification	Open
Forward Plan No:	
Recommendations	<ol style="list-style-type: none"> 1. To note the results of the first-stage consultation and agree to publish them on the council’s website. 2. To note that a further report will be brought to Council in Spring 2014 in order that a decision may be made in respect of the final recommendations of the Review. 3. To agree that the review should now be concluded in the areas of Chalkwell, Homewood, Kemsley, the Meads, Milton Regis, Murston, Roman, Sheerness and Woodstock. 4. To agree that the areas of Bobbing, Borden, Halfway, Iwade and Tunstall should be subject to second-stage consultation as set out in the proposal at Section 3 as follows: <ol style="list-style-type: none"> (i) a second-stage consultation on whether there is support for the establishment of a parish council for Halfway based on the unparished area of the Queenborough and Halfway SBC ward boundary; this will be in the form of an all-postal residents’ ballot; (ii) a second-stage consultation on increasing the number of Iwade parish councillors. This will be a lighter-touch approach and it is suggested, following discussion with other authorities, that a full ballot will not be required and that a local poster, press and social media campaign coordinated through the

	<p>parish council will be sufficient;</p> <p>(iii) a second-stage consultation on the alterations to the eastern boundary of Bobbing Parish Council around Chestnut Street, Bramblefield Lane and Quinton Road;</p> <p>(iv) a second-stage consultation on the alterations to the boundary of Borden Parish Council to bring in Maylem Gardens and part of Cryalls Lane; and</p> <p>(v) a second-stage consultation on the alterations to boundary of Tunstall Parish Council to bring in Sterling Road, Radleigh Road, Park Drive, Cranbrook Road, Chegworth Gardens and Cromers Road.</p>
	<p>5. To agree to vary the terms of reference of the CGR to allow for the lighter-touch consultation in Iwade regarding changing the size of the parish council as set out in recommendation 4(ii).</p>
	<p>6. To agree to vary the terms of reference of the CGR with regards to consulting on minor boundary changes put forward from parish councils in recommendations 4 (iii) to 4 (v).</p>

1. Purpose of Report and Executive Summary

- 1.1 Swale First, the council's corporate plan for 2012-15, identifies initiatives to establish parishes across the unparished areas of the borough as a flagship project under the 'Embracing Localism' priority. The project was identified as it was considered that parish councils play an important role in terms of community empowerment at the local level.
- 1.2 Furthermore, the council wants to ensure that there is clarity and transparency to the areas that parish councils represent, and that the electoral arrangements of parishes, including warding arrangements and the allocations of councillors, are appropriate, equitable, and readily understood by their electorate.
- 1.3 To achieve these objectives, the council agreed terms of reference for a community governance review (CGR) on 19 June 2013. Under the relevant legislation, the council has up to a year from this date to complete the review.

2 Background

2.1 Swale Borough Council decided to undertake the review for a number of reasons, namely to:

- further the 'Embracing Localism' priority, reviewing community governance arrangements to determine whether parishes should be established across the whole of the borough;
- reflect changes in population shifts in 'natural settlements' caused by new development and any specific or local new issues that have been raised;
- reflect the further electoral review of Swale Borough Council that has been undertaken by the Local Government Boundary Commission, which will be implemented in 2015 (details can be viewed at <http://www.lgbce.org.uk/all-reviews/south-east/kent/swale-electoral-review>); and
- conform to general good practice, which recommends reviewing community governance arrangements every 10-15 years in any case.

2.2 The Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about the creation of parishes and their electoral arrangements from central government to local authorities. The Act requires the council to have regard to:

- a) the identities and interests of the community in that area; and
- b) ensuring that community governance arrangements are 'effective and convenient'.

2.3 In carrying out a review, the council is required to:

- a) consult local people and consider any representations;
- b) consult other bodies that might have an interest in the review, e.g. schools and other public and voluntary organisations; and
- c) consider the wider picture of community governance, e.g. whether there are already established local forums such as residents' associations.

2.4 The council undertook a twelve-week period of public consultation from 1 August to 1 October 2013. A consultation document was produced containing background and explanatory information on the review, and a series of consultation questions covering:

- views on existing community governance arrangements;
- views on establishing new parish councils; and
- likely negative or positive impact of any suggestions made.

2.5 The consultation focused on:

- the arrangements for the unparished areas of Swale;
- the arrangements for existing parish councils that adjoin the unparished areas of Swale; and
- providing existing town and parish councils with an opportunity to ask for a review of their own arrangements.

2.6 Further detail on how the consultation was conducted and the responses obtained is provided in Section 5 below.

3 Proposal

3.1 Taking into account all consultation responses made during the first stage of consultation, we have sought advice from our Legal Services Team and consulted the Local Government Boundary Commission for England where proposals may affect the new 2015 warding arrangements (relevant to Bobbing, Iwade and Tunstall). The legal advice is summarised in the table at Section 6 of this report.

3.2 In light of both the number of responses received and the opinions expressed, the legal advice suggests that the community governance review should now be concluded in the areas of Chalkwell, Homewood, Kemsley, the Meads, Milton Regis, Murston, Roman, Sheerness and Woodstock.

3.3 The advice further suggests that in the remaining areas of Bobbing, Borden, Halfway, Iwade and Tunstall, the review should progress to a second-stage consultation on specific proposals for effective and convenient governance arrangements that reflect the identities and interests of the community in each area. This will mean:

- a second-stage consultation on whether there is support for the establishment of a parish council for Halfway based on the unparished area of the Queenborough and Halfway SBC ward boundary; this will be in the form of an all-postal residents' ballot;
- a second-stage consultation on increasing the number of Iwade parish councillors. This will be a lighter-touch approach and it is suggested, following discussion with other authorities, that a full ballot will not be required and that a local poster, press and social media campaign coordinated through the parish council will be sufficient;
- a second-stage consultation on the alterations to the eastern boundary of Bobbing Parish Council around Chestnut Street, Bramblefield Lane and Quinton Road;
- a second-stage consultation on the alterations to the boundary of Borden Parish Council to bring in Maylem Gardens and part of Cryalls Lane; and

- a second-stage consultation on the alterations to boundary of Tunstall Parish Council to bring in Sterling Road, Radleigh Road, Park Drive, Cranbrook Road, Chegworth Gardens and Cromers Road.

3.4 For the second stage consultations involving minor boundary alterations suggested above it is only intended to write to those properties affected by the proposals.

3.5 It will be necessary for council to agree to amend the terms of reference originally agreed to reflect the suggested approach to the second-stage consultation, as set out in Recommendations 5 and 6.

4 Alternative Options

4.1 The alternatives are to proceed with further or fewer second-stage consultations than those listed in 3.3 above. Given the responses to the first stage of the consultation, and the legal advice received, neither of these options is recommended.

4.2 It would also be possible to set a lower or higher threshold for agreeing to form a parish council for either or both the turnout at the ballot or the percentage in favour. However, there are no obvious grounds, statutory or otherwise, for doing so.

5 Consultation Undertaken or Proposed

Stage 1 Consultation Undertaken

5.1 The purpose of the first stage of consultation was to seek the community's views on the existing community governance arrangements and whether any new parish councils should be established, and to identify any positive or negative impacts that could result from changes to governance arrangements.

5.2 The consultation took place between 1 August and 1 October 2013, and focused mainly on households in the unparished areas of Sittingbourne, Sheerness and Halfway. Appendix I provides further detail on how the consultation was conducted.

5.3 Consultation leaflets were delivered to:

- all households in the unparished areas of Halfway and Sheerness (a total of 5,658 households covering a population of 11,938 people);
- all households in the unparished areas of Chalkwell, Homewood, Kemsley, the Meads, Milton Regis, Murston, Roman and Woodstock (a total of 14,682 households covering a population of 33,899 people); and
- the currently parished area of Bobbing (a total of 790 households covering a population of 1,969 people), which could potentially be affected by any changes to governance arrangements in neighbouring areas.

- 5.4 Copies of the leaflet were also distributed to all borough and county councillors, parish clerks, the Kent Association of Local Councils (KALC), and members of the Swale Public Services Board. Community groups were targeted through the Swale Community Empowerment Network, and responses were also invited via the website, by e-mail, and through Facebook and Twitter. We also attended the three local engagement forums, the Rural Forum, and the KALC Swale Area Committee meeting.
- 5.5 In total we received 167 responses. In summary, 43% answered 'Yes' to having a parish council and 57% responded 'No', while one response was unclear in this regard. Further details are provided in Appendix II.
- 5.6 Included in the submissions were individual responses from:
- Halfway Houses Residents' Association, which stated a preference for a stand-alone parish council for the area, but which also considered joining Queenborough Town Council or any future Sheerness Town Council, expressing a preference for the former;
 - Bobbing Parish Council, which requested a change to its eastern boundary;
 - Iwade Parish Council, which requested an increase in the number of its councillors from nine to 11 and proposed alterations to the parish boundary;
 - Borden and Tunstall Parish Councils, which proposed small changes to their parish boundaries;
 - Newnham Parish Council, which supported the general principle of parishing the unparished areas throughout the borough; and
 - Luddenham Parish Council, which requested no changes to its current arrangements.
- 5.7 Following the close of the consultation, a meeting was held with the Kent Association of Local Councils to discuss the disappointing level of responses. KALC regards the community governance review as an opportunity for Swale residents in unparished areas to benefit from having effective parish councils representing their community interests, and has suggested arranging two further public meetings. However, in the light of the extensive consultation which has already been undertaken as part of the Stage 1 consultation period, which formally closed on 1 October, and the level of responses received, it is not considered appropriate or beneficial to organise any further public meetings.

Stage 2 Consultation Proposed

- 5.8 The areas where the second-stage consultation will take place, as set out in paragraph 3.3 above, have been determined by the responses received to the first-stage consultation in the unparished areas of Sittingbourne, Sheerness and Halfway, and submissions received by any existing parish or town council wishing to make changes.

- 5.9 The second-stage consultation will take the form of an all-postal ballot in the Halfway area. The detailed proposals for the second-stage consultation in other areas will be shaped by further discussions with the affected parish councils, local understanding of community identity and interests, and the desire to create new arrangements that are effective and convenient. The extent of these consultations will be in proportion to the extent of the proposal, as set out in paragraph 3.3.
- 5.10 In areas where proposals may affect the new 2015 warding arrangements (Bobbing, Iwade and Tunstall), agreement on any new governance arrangements is needed from the Local Government Boundary Commission for England, which has stated that it will not give a view until any second-stage consultation has been completed.

6 Implications

Issue	Implications
Corporate Plan	Swale First, the council's corporate plan for 2012-15, identifies initiatives to establish parishes across the whole of the borough as a flagship project under the Embracing Localism priority.
Financial, Resource and Property	Resources to undertake the CGR to date have been identified from within the council's Localism Fund, and any additional resources will be drawn down from the Fund. The cost for a second-stage consultation in Halfway is estimated at £2,272; this is based on an all-postal ballot with a single question on whether there is support for a Parish Council. There will be other costs associated with writing to individuals affected by minor proposed boundary changes and it is intended to absorb these where possible within existing budgets.
Legal and Statutory	<p>The CGR has to have regard to relevant guidance, and the report has highlighted where certain actions are required by law. The council has fulfilled its requirement to notify Kent County Council of the review. Any final decision is a Council decision. Depending on the final outcome of the CGR, the Local Government Boundary Commission may need to be consulted and their approval obtained if there are any alterations to the boundaries of borough wards or county electoral divisions to reflect changes at parish level.</p> <p>Whilst the Local Government and Public Involvement in Health Act 2007 and the Guidance of Community Governance Reviews stipulate how the CGR consultation is to be carried out, they are both silent on how to interpret consultee responses. In addition, case law surrounding CGRs is minimal and focuses on the statutory framework for undertaking the consultation rather than on the results of such exercises. The Act does, however, require</p>

	<p>the council to take into account any responses received, and stipulates that we must have regard to the need to secure the community governance within the area under review, reflecting the identities and interests of the community in that area, and that it is effective and convenient.</p> <p>Section 80 of the Local Government and Public Involvement in Health Act 2007 sets out the statutory requirements in relation to the number of local government electors required to sign a petition requiring a Local Authority to undertake a CGR. For those areas with between 500 and 2,500 local government electors, at least 250 signatures would be required, which equates to a minimum of 10%, while for those areas with more than 2,500 local government electors 10% are required to sign. Therefore 10% is considered to be a reasonable threshold in assessing the level of responses received in relation to the stage one consultation.</p> <p>Paragraphs 35 and 36 of the guidance recognise the role and importance of community groups such as residents' associations, so in undertaking a CGR these bodies must be taken into account. Therefore, greater weight should be given to any representations such bodies make in response to the consultation.</p>
Crime and Disorder	None identified at this stage
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	<p>An initial community impact assessment (CIA) was completed prior to conducting the stage one consultation, and this has now been worked up into a full assessment. The relevance of the public sector equality duty to the recommendations in this report is considered to be negligible, and the recommendations are not expected to have any disproportionate impact on people with protected characteristics under equalities legislation.</p> <p>While literacy is not a protected characteristic in the legislation, it is thought that at least a fifth of the adult UK population struggles with more than the most basic reading and writing. The possible adverse impact of the decision to conduct an all-postal ballot in Halfway should therefore be mitigated by ensuring that the language used to publicise and conduct the ballot is as simple as possible and has been approved as 'plain English' by the Communications Team.</p> <p>The full community impact assessment is attached at Appendix</p>

	IV.
Sustainability	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Promoting the Community Governance Review
- Appendix II: Stage 1 Consultation Responses
- Appendix III: Proposals
- Appendix IV: Community Impact Assessment

8 Background Papers

8.1 None.

Promoting the Community Governance Review

An advert went into the Sheerness Times Guardian and the Sittingbourne News Extra, and we had an increase in responses via the online form after the advert was published. We held a total of five drop-in sessions, two at Swale House and three at the Sheerness Gateway, including one on a Saturday morning. However, these produced a very low turnout. Sessions were also run at all LEFs and the Rural Forum.

Flyers advertising the drop-in sessions and LEFs were produced and distributed in the following ways:

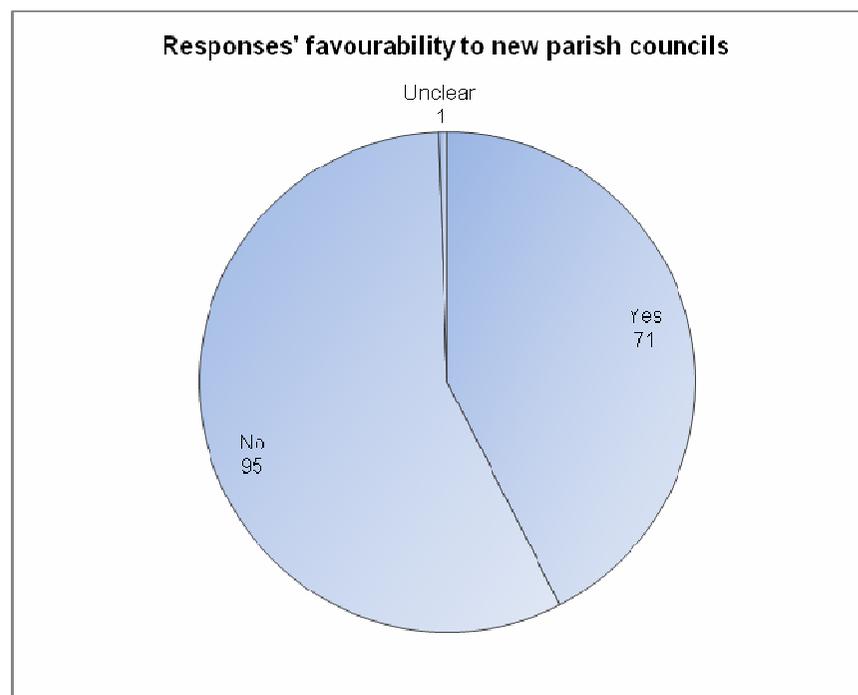
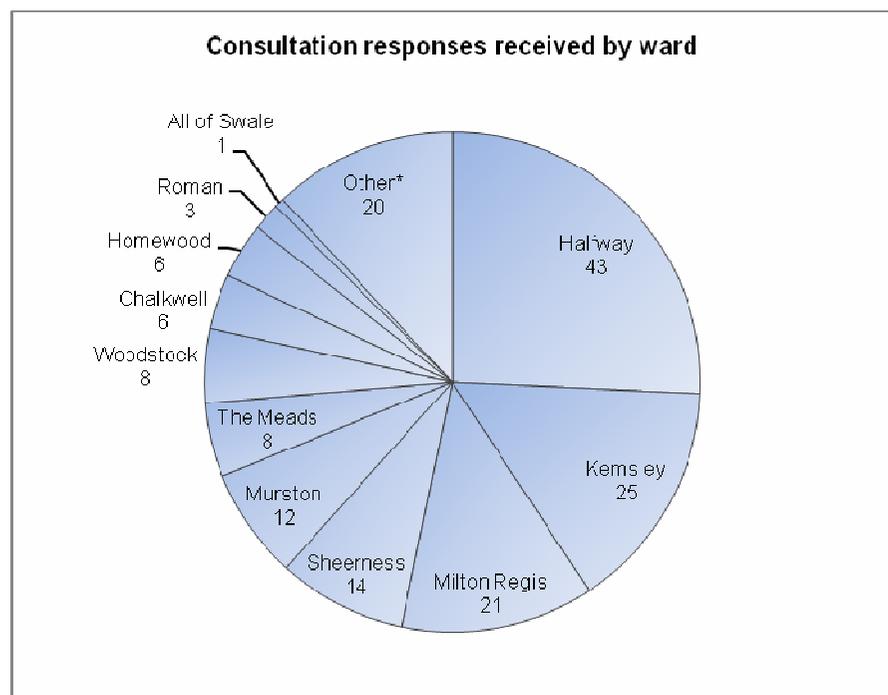
- sent out in the Members dispatch;
- sent to community groups (via Swale Community & Voluntary Services);
- on the Council's social media accounts (Facebook and Twitter);
- the noticeboard in Swale House;
- the TV screen and an information noticeboard in the Gateway;
- Sittingbourne Library;
- Age UK;
- Pulse Café;
- Phoenix Centre;
- Swallows Leisure Centre;
- John Whittington has taken copies to the Health and Wellbeing Centre in Sheppey, and took copies to a few other places in Sheppey;
- members' pigeon holes;
- Parish clerks;
- SCEN news bulletin to community groups;
- Business e bulletin (via Economic Development Team);
- online chat with Cllr Bowles (Monday 16 September 2013) – eight participants;
- Kemsley Village Hall;
- Post Office, High Street, Milton;
- One stop shop, Sonora Way; and
- Jenny Wren Public House, Bobbing.

An online web chat with Cllr Bowles was held in the early evening of 16 September, in which eight people participated. There was a balanced response from the audience as to whether they wanted changes in their local area.

An article also appeared in Inside Swale alerting residents to the fact that the first-stage consultation was nearing its end.

Stage 1 Consultation Responses

	Total	Chalkwell	Halfway	Homewood	Kemsley	Milton Regis	Murston	Roman	Sheerness	The Meads	Woodstock	All of Swale	Other*
Total	167	6	43	6	25	21	12	3	14	8	8	1	20
Yes	71 (43%)	0 (0%)	34 (79%)	2 (33%)	12 (48%)	2 (10%)	0 (0%)	1 (33%)	4 (29%)	4 (50%)	2 (25%)	0 (0%)	10 (50%)
No	95 (57%)	5 (83%)	9 (21%)	4 (67%)	13 (52%)	19 (90%)	12 (100%)	2 (67%)	10 (71%)	4 (50%)	6 (75%)	1 (100%)	10 (50%)
Unclear	1 (1%)	1 (17%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)



*The 20 other responses were from people outside the unparished area, including Borden, Bredgar, Faversham, Grove, Iwade, Milstead, Newington and Newnham.

Proposals

Questionnaire Responses				
Area	No of Households (from LLPG)	No of Responses	Outcome	Suggested way forward
Chalkwell	1,430	6	<ul style="list-style-type: none"> ▪ Five against establishing a parish or town council; one unclear. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Chalkwell area.
Halfway	1,828	43	<ul style="list-style-type: none"> ▪ 34 people for and nine against establishing a Halfway parish council. ▪ Letter received from Halfway Houses Residents' Association requesting to establish a separate Halfway Parish Council. 	<ul style="list-style-type: none"> ▪ Progress to stage 2 consultation in Halfway with local government electors and Halfway Houses Residents Association on the grounds there is strong support from the Halfway Houses Residents' Association.
Homewood	2,751	6	<ul style="list-style-type: none"> ▪ Two for and four against establishing a town or parish council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Homewood area.

Questionnaire Responses				
Area	No of Households (from LLPG)	No of Responses	Outcome	Suggested way forward
Kemsley	2,500	25	<ul style="list-style-type: none"> ▪ 12 for and 13 against establishing a parish council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Kemsley area.
Milton Regis	2,560	21	<ul style="list-style-type: none"> ▪ Two for and 19 against establishing a parish or town council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Milton Regis area.
Murston	2,469	12	<ul style="list-style-type: none"> ▪ All against establishing a parish or town council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Murston area.
Roman	2,926	3	<ul style="list-style-type: none"> ▪ One for and two against establishing a parish or town council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Roman area.
Sheerness	5,658	14	<ul style="list-style-type: none"> ▪ Four for and ten against establishing a parish or town council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Sheerness area.
The Meads	1,240	8	<ul style="list-style-type: none"> ▪ Evenly split, four each for and against establishing a parish or town council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in The Meads area.

Questionnaire Responses				
Area	No of Households (from LLPG)	No of Responses	Outcome	Suggested way forward
Woodstock	2,386	8	<ul style="list-style-type: none"> ▪ Two for and six against establishing a parish or town council. 	<ul style="list-style-type: none"> ▪ No further action on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Woodstock area.

Parishes Not Bordering the unparished areas			
Area	Submission received from	Proposals Received	Suggested way forward
Luddenham	Luddenham Parish Council	<ul style="list-style-type: none"> ▪ Request for no change. 	<ul style="list-style-type: none"> ▪ No further action on the grounds no request received.
Newnham	Newnham Parish Council	<ul style="list-style-type: none"> ▪ General support for the process but no specific proposals submitted. 	<ul style="list-style-type: none"> ▪ No further action on the grounds no specific proposals submitted.

Responses from Parish Councils			
Parishes Bordering the unparished areas			
Area	Submission received from	Proposals Received	Suggested way forward
Bobbing	Bobbing Parish Council	1) To align the Bobbing/ Borden Chestnut Street boundary to the A249.	<ul style="list-style-type: none"> Accept the proposal, subject to agreement from the LGBCE¹, and progress with minimal consultation to focus on those bodies that may have an interest in particular Borden parish Council.
		2) Align the Bobbing Parish boundary near Quinton Road/Old Sheppey Way junction to the A249.	<ul style="list-style-type: none"> Accept the proposal, subject to agreement from the LGBCE¹, and progress with minimal consultation to focus on areas immediately affected by changes.
		3) Reposition the boundary through the Floplast site to the centre of Bramblefield Lane.	<ul style="list-style-type: none"> Accept the proposal, subject to agreement from the LGBCE¹, and progress with minimal consultation to focus on areas immediately affected by changes.
		4) Include all the Meads development in the Bobbing Parish Boundary.	<ul style="list-style-type: none"> Decline the proposal on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Meads area and there are no submissions from bodies that may have an interest in particular the Meads.

¹ On the grounds that protected electoral arrangements have already been introduced for Bobbing, Faversham, Minster-on-Sea and Tunstall that take effect from May 2015 and if Swale Borough Council wishes to recommend a change to a 2015 ward then the agreement of the Local Government Boundary Commission for England is required.

Responses from Parish Councils			
Parishes Bordering the unparished areas			
Area	Submission received from	Proposals Received	Suggested way forward
		5) Develop a separate Meads Parish to coincide with the new Ward boundary.	<ul style="list-style-type: none"> ▪ Decline the proposal on the grounds that the number of responses received cannot be seen as a representation of the identities and interests of the community in the Meads area and there are no submissions from bodies that may have an interest in particular the Meads.
Borden	Borden Parish Council	1) Request to change eastern boundary to take in approximately 20 houses in Maylam Gardens estate.	<ul style="list-style-type: none"> ▪ Accept the proposal and progress with minimal consultation to focus on areas immediately affected by changes those bodies that may have an interest in Borden.
		2) Request to change eastern boundary to take in small cluster of houses at top of Cryalls Lane.	<ul style="list-style-type: none"> ▪ Accept the proposal and progress with minimal consultation to focus on areas immediately affected by changes those bodies that may have an interest in Borden.
Iwade	Iwade Parish Council	1) Requested to increase the number of Councillors from 9 to 11 Councillors.	<ul style="list-style-type: none"> ▪ Accept the proposal and progress with a consultation of all Iwade electors and those bodies that may have an interest in Iwade.
		2) Requested to amend to eastern part of parish boundary their boundary.	<ul style="list-style-type: none"> ▪ Decline the proposal on the grounds that it does not meet the criteria as there is already a natural boundary in place and there appears to be no benefit to the local government electorate. In addition the LGBCE has recently carried out a review and they saw no need to incorporate the additional area as part of the Iwade ward.

Responses from Parish Councils			
Parishes Bordering the unparished areas			
Area	Submission received from	Proposals Received	Suggested way forward
Tunstall	Tunstall Parish Council	Changes requested to eastern side of boundary.	<ul style="list-style-type: none"> ▪ Accept the proposal, subject to agreement from the LGBCE¹, and progress with minimal consultation to focus on the area immediately affected and those bodies that may have an interest in particular Tunstall Parish Council.

Community Impact Assessment: Community Governance Review

Updated at end of first-stage consultation (November 2013)

Lead officer:	Mark Radford
Decision maker:	Council
People involved:	Dominique Lescott, Sarah Porter and David Clifford
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract? • Review, change, new, stop? 	Project to review and potentially amend community governance arrangements.
Date of decision: The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	Decision to proceed to second-stage consultation: 27 November 2013. Final decision on new governance arrangements: February 2014.
Summary of the decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The aim is to review community governance arrangements in the Borough. This includes:</p> <ul style="list-style-type: none"> ▪ arrangements in currently unparished areas of Swale; ▪ arrangements for existing parish councils adjoining areas that are currently unparished; and ▪ consideration of any requests from other existing parish councils within the Borough for their own arrangements to be reviewed. <p>The Council's Corporate Plan for 2012-15 identifies initiatives to establish parishes across the whole of the Borough as a flagship project under its Embracing Localism priority. This reflects the increasingly important role that parish councils are playing in the devolution of powers and services away from Whitehall and town halls towards the grassroots of local communities. There is a clear danger that areas without democratic representatives at the parish level could find themselves disadvantaged in their ability to derive maximum benefit from the localist ambitions both of central government and of the principal councils.</p> <p>By law, a Community Governance Review (CGR) is a necessary prerequisite to developing parish councils in unparished areas. A CGR may be undertaken to create, merge, abolish, group or re-name a parish council(s), or to amend a parish council's electoral arrangements. It is considered good practice to carry out a review every 10-15 years to reflect demographic and spatial changes in an area. This is a particularly apposite time for Swale given the outcome of the Boundary Commission's review of the Borough, which will take effect in 2015. The Council is keen that boundaries between parish council areas are clear, equitable and readily understandable by the electorate.</p>

	<p>Under the relevant regulations, any CGR must be completed within one year of the date on which the Terms of Reference are agreed by the Council, which in this case was 19 June 2013.</p>
<p>Information and research:</p> <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics. 	<p>Desk based research was carried out, looking at how Community Governance Reviews carried out by other local authorities including Westminster, Bath and North East Somerset and Sheppey District Council. We looked at the style and tone used in their promotional material and the number of responses each consultation received. There was no evidence that the review or its outcomes would have a disproportionate impact, either positive or negative, on people with protected characteristics.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>In line with legal requirements for conducting a CGR, a major first-stage consultation exercise was carried out in the relevant areas.</p> <p>The purpose of this stage of consultation was to seek the community's views on the existing community governance arrangements in place, on establishing new parish or town councils, and to establish any positive or negative impacts that could result from creating, merging or abolishing parish councils.</p> <p>The consultation took place between 1 August and 1 October 2013, and focused mainly on households in the unparished areas of Sittingbourne, Sheerness and Halfway. Consultation leaflets were delivered to:</p> <ul style="list-style-type: none"> • all households in the unparished areas of Sheerness and Halfway (a total of 5,658 households covering a population of 11,938 people); • all households in the unparished areas of Chalkwell, Kemsley, the Meads, Milton Regis, Murston, Roman, Homewood, and Woodstock (a total of 14,682 households covering a population of 33,899 people); and • the currently parished area of Bobbing (a total of 790 households covering a population of 1,969 people) which could be significantly affected by any potential changes introduced. <p>Copies of the leaflet were also distributed to all borough and county councillors, parish clerks, the Kent Association of Local Councils (KALC), and members of the Public Services Board. Community groups were also targeted via the Swale Community Empowerment Network. Comments were also invited via the website, by e-mail, and through Facebook and Twitter, and sessions were held with the three local engagement forums, the rural forum, and the KALC Swale Area Committee meeting. Further detail on how the consultation was conducted can be found in the report to Council of 27 November 2013.</p> <p>In total we received 167 responses. In summary, 43% answered 'Yes' to having a parish council, and 57% responded 'No'. One response was unclear. Further detail on the responses received</p>

	<p>can be found in the report to Council of 27 November 2013.</p> <p>Based on the responses, this report proposes that:</p> <ul style="list-style-type: none"> • a full second-stage consultation on the establishment of a parish council be undertaken in Halfway, involving an all-postal ballot of 3,016 households; • a light-touch consultation on minor amendments to existing arrangements be undertaken in Bobbing, Borden, Iwade and Tunstall; and • the review be concluded, with no new parish councils being created, in other areas.
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Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's [PSED Technical Guidance](#).

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	No
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	None	
Disability	None	
Gender reassignment	None	
Marriage and civil partnership	None	
Pregnancy and maternity	None	
Race	None	
Religion or belief	None	
Sex	None	
Sexual orientation	None	
Other socially excluded groups ²	Medium	Negative (see conclusion)

² Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes, or people who are geographically isolated from services

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see PSED Technical Guidance). <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p>Summarise this conclusion in the body of your report</p> <p>The relevance of the public sector equality duty to the proposals summarised in this updated CIA is considered to be negligible, and the proposals are not expected to have any disproportionate impact on people with protected characteristics under equalities legislation.</p> <p>While literacy is not a protected characteristic in the legislation, it is thought that at least a fifth of the adult UK population struggles with more than the most basic reading and writing. Possible negative impacts of the proposal to conduct an all-postal ballot in Halfway should therefore be mitigated by ensuring that the language used to publicise and conduct the ballot is as simple as possible and has been approved as 'plain English' by the Communications Team.</p>
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Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the CIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed CIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed CIA.

Full technical guidance on the public sector equality duty can be found at:

http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf

This Community Impact Assessment should be attached to any committee or SMT report relating to the decision.