

Council Meeting		Agenda Item: 10
Meeting Date	14 May 2014	
Report Title	Community Governance Review – Final recommendations	
Cabinet Member	The Leader	
SMT Lead	Mark Radford, Corporate Services Director	
Head of Service	Katherine Bescoby, Democratic and Electoral Services Manager	
Lead Officer	<i>Mark Radford, Corporate Services Director</i> <i>Abdool Kara, Chief Executive</i>	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number: NA	
Recommendations	<ol style="list-style-type: none"> 1. To note the results of the second-stage consultation and high turnout. 2. That having considered the consultation results, the Council agrees the following: <ol style="list-style-type: none"> (a) Bobbing Parish – that the parish boundary be changed; (b) Borden Parish – that the parish boundary be changed; (c) Halfway Unparished Area – that no further action be taken and the review is concluded; (d) Iwade Parish Council – that the number of parish councillors be increased from nine to 11 parish councillors; and (e) Tunstall Parish – that subject to the consent of the Local Government Boundary Commission, the parish boundary be changed. 3. That the Head of Legal be instructed to make Orders to give effect to the above changes. 4. That subject to (2) above, the Local Government Boundary Commission be asked to amend the ward boundaries so that the parish and ward boundaries for Borden and Bobbing are aligned. 	

1 Purpose of Report and Executive Summary

- 1.1 The Council agreed to undertake a Community Governance Review (CGR) at its meeting on 19 June 2013. A first stage consultation took place between August and October 2013, and those results were considered by the Council at its meeting on 27 November 2013. At that meeting, the Council resolved to undertake a second stage consultation in a number of areas; and to conclude the review in a number of other areas (Minute No. 442/11/13 refers).
- 1.2 The purpose of this report is to present the second stage consultation results and to ask Council to make decisions regarding the next steps of the review.

2 Background

- 2.1 Since February 2008 local authorities have had responsibility for undertaking community governance reviews. The last review took place in 2000. Swale Borough Council decided to undertake the review to comply with that requirement and 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/allreviews/south-east/kent/swale-electoral-review>); and
 - conform to general good practice, which recommends reviewing community governance arrangements every 10-15 years.
- 2.3 A second stage consultation was undertaken in the following areas, as agreed by full Council in November 2014:
- (a) the unparished area of Halfway – to identify if there is support for establishing a parish council;
 - (b) Bobbing Parish Council – proposed changes to parish boundary around Chestnut Street, Bramblefield Lane and Quinton Road;
 - (c) Borden Parish Council – proposed changes to parish boundary to bring in Maylem Gardens and part of Cryalls Lane;
 - (d) Iwade Parish Council – proposed increase in the number of parish councillors from 9 members to 11 members; and
 - (e) Tunstall Parish Council – proposed changes to parish boundary to bring in Sterling Road, Roseleigh Road, Park Drive, Cranbrook Drive, Chegworth Gardens and Cromers Road.

3 Proposal

- 3.1 Taking into consideration the consultation responses set out in Appendix I, the Council is asked to:
- (a) agree to make the proposed changes to Borden and Tunstall Parish boundaries. The consultation responses show support for these changes to the boundaries, namely 77% (Borden) and 55% (Tunstall) of those that responded were in support of the proposed changes;
 - (b) agree to increase the number of parish councillors on Iwade Parish Council from 9 to 11 councillors. This is to reflect increasing demands as a result of growth in population of Iwade;
 - (c) agree to make the proposed changes for Bobbing Parish boundaries; whilst there were only two electors affected who did not respond to the consultation, weight does need to be given to the views of the Parish Council. This is essentially a tidying up exercise as a result of the ward boundary review; and
 - (d) conclude the review of the unparished area for Halfway; the consultation responses show that 61.5% of those that responded do not support the proposal for a parish council to be established.
- 3.2 It should be noted that Bobbing and Tunstall Parish Council has 'protected electoral arrangements' as a result of the Local Government Boundary Commission (LGBC) review of ward boundaries, and so consent is required from the LGBC to make any changes.
- 3.3 In respect of the proposed changes to the parish boundary of Borden, which would mean part of Borden Parish Council being in Milton Regis ward, it is proposed that the LGBC is asked to alter the ward boundary, so that the parish and ward boundaries are coterminous. It is also suggested that the LGBC is asked to amend the ward boundary for Bobbing so that the ward and parish boundaries are coterminous.

4 Alternative Options

- 4.1 The Council needs to be mindful of the Act which requires 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.

5 Consultation Undertaken or Proposed

- 5.1 A second stage consultation was undertaken, as detailed in paragraph 2.2. Full results of the consultation are set out in Appendix I. In respect of those parishes which have 'protected electoral arrangements', namely, Bobbing and Tunstall, it will be necessary to ask the LGBC for consent to alter the parish boundary if the Council wishes to make changes to the parish boundaries.

- 5.2 It is also suggested that where parish council boundaries are changed, that a request is also made to the LGBC to ask them to make changes to the new ward boundaries; this is so that the parish and ward boundaries are coterminous.

6 Implications

Issue	Implications
Corporate Plan	Swale First, the Council's Corporate Plan for 2012-15, identifies the community governance review as a priority for action 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. The cost for a second-stage consultation in Halfway was estimated at £2,272, based on an all-postal ballot with a single question on whether there is support for a Parish Council. Other costs associated with writing to individuals affected by minor proposed boundary changes have been absorbed within existing budgets.
Legal and Statutory	<p>The 2007 Act gave local authorities responsibility for undertaking community governance reviews. Given the ward boundary review carried out by the LGBC it seemed timely to undertake such a review at this time, particularly given that local authorities have a responsibility for undertaking such reviews periodically. The last review of arrangements took place in 2000.</p> <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.</p> <p>Depending on the final outcome of the CGR, the LGBC 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 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>

Crime and Disorder	None identified at this time.
Sustainability	None identified at this time.
Health and Wellbeing	None identified at this time.
Risk Management and Health and Safety	None identified at this time.
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 was therefore mitigated by ensuring that the language used to publicise and conduct the ballot was as simple as possible, and was approved as 'plain English' by the Communications Team.</p> <p>The full CIA, which was originally attached as an appendix to the previous report considered by Council, is attached again for ease of reference.</p>

7 Appendices

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

- Appendix I: Results of second stage consultation.
- Appendix II: Community Impact Assessment

8 Background Papers

Reports and Minutes of Council meetings held on 27 November 2013 and 19 June 2013. These are available to view on www.swale.gov.uk

Second Stage Consultation Responses

Parish Council or unparished area	No. of 'Yes' votes	No. of 'No' votes	Electorate consulted	Total number of valid votes cast	Turnout	
						<i>Need to consult with LGBC regarding proposed changes as they made changes to the parish council as a result of ward boundary review</i>
Bobbing	0	0	2 (only 2 affected by proposed changes)	0	0	<i>Yes - required to and suggest coterminous with borough ward boundary.</i>
Borden	36 (77%)	11 (23%)	93	47	51%	<i>No – but for practical reasons suggest we ask LGBC to consider changing ward boundary so new parish boundary would be coterminous with borough ward boundary – otherwise this would need to be a parish ward.</i>
Halfway	497 (38.5%)	794 (61.5%)	3,401	1,291	38.1%	<i>No – not required.</i>
Tunstall	139 (55%)	115 (45%)	308	254	82%	<i>Yes – required to.</i>
Iwade	Poster campaign – no feedback received on proposal to increase number of parish councillors					<i>No – not required.</i>