

Report to	-	Cabinet
Date	-	12 February 2018
Report of the	-	Executive Director of Resources
Subject	-	Community Governance Review – Battle

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**Recommendation to COUNCIL:** That:

- 1) Rother District Council agrees to undertake a Community Governance Review as requested by Battle Town Council with the costs being met from within existing budgets; and
  - 2) the Terms of Reference for the Community Governance Review of Battle Town Council as set out at Appendix A and the draft timetable at Appendix B be agreed.
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**Service Manager: John Collins**

**Lead Cabinet Member: Councillor Ganly**

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**Introduction**

1. Part 4 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), relevant parts of the Local Government Act 1972 and guidance issued in 2010 by the Department of Communities and Local Government and the Local Government Boundary Commission for England (LGBCE) place a responsibility on and guide principal councils on undertaking Community Governance Reviews (CGRs) of parishes (town/parish councils) within their district boundary.
2. The 2007 Act enables principal councils to carry out a review of the whole or part of the district to consider one or more of the following:
  - creating, merging altering or abolishing parishes;
  - the naming of parishes and the style of any new parishes;
  - the electoral arrangements for parishes i.e. the ordinary year of election, council size, the number of councillors to be elected to the council and parish warding; and
  - grouping of parishes under a common parish council or de-grouping parishes.
3. A CGR must reflect the identities and interests of the communities in that area, and be effective and convenient.
4. Consequently, a CGR must take into account:
  - the impact of community governance arrangements on community cohesion; and
  - the size, population and boundaries of a local community or parish.

5. A CGR provides an opportunity for principal councils to review and make changes to community governance in their areas. Such reviews can be undertaken when there have been changes in population for example, or in response to specific or local issues to ensure that the community governance in the area continues to be effective and convenient and reflects the identities and interests of the communities involved.
6. Battle Town Council (BTC) has requested that Rother District Council (RDC), as the principal council, undertakes a CGR to consider their electoral arrangements, specifically in terms of the number of Town councillors. This is considered relevant for two reasons:
  - a. BTC currently comprises only 10 Councillors out of a requirement of 17. The vacancies have been promoted via various media without success. This clearly has implications on the level of commitment required by remaining Members but also has a severe impact on BTC's potential to gain the Power of Competence (PoC). To qualify for the PoC, in addition to a qualified Clerk, there must be 2/3<sup>rd</sup> of Councillors elected; not co-opted.
  - b. Following the Boundary Review of Rother District Council (RDC) in 2016, the LGBCE made consequential changes to the warding arrangements for BTC, which come into being from May 2019. The current four wards (Telham, Netherfield, Marley and Watch Oak) will be replaced by two wards (Battle North and Battle South), each returning 10 and 7 Councillors respectively.
7. BTC are suggesting a revised arrangement of 13 Councillors, a reduction of four Members, with nine in Battle North and four in Battle South, which they believe is an achievable number under the new warding arrangements.
8. The 2007 Act provides RDC, as the principal council, with a "may undertake" power to conduct a review of any part of the principal council's area at any time. Secondly, there is a duty to conduct a review in response to a valid community governance petition by local government electors, as with the recent CGR of Bexhill-on-Sea. As the request from BTC is not the result of a valid petition, RDC can decide not to carry out a CGR at this time. However RDC would need good grounds to refuse the request, and these are not apparent.

## **Government Guidance**

9. RDC has to take regard of guidance issued by the Secretary of State for the Ministry of Housing Community and Local Government (MHCLG), together with the LGBCE in undertaking, and giving effect to recommendations made in CGRs. A copy of the guidance is available on request or can be viewed at the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8312/1527635.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf)

## **Terms of Reference for the Community Governance Review**

10. RDC is required to agree the Terms of Reference (ToR) for the CGR. The ToR must specify the area under review and be drawn-up to reflect the specific issues addressed within the request, as well as any other matters RDC wishes the review to consider; draft ToR are attached at Appendix A for onward recommendation to full Council.

## **Conducting the Review**

11. Given the nature of the request and in the interests of economy, it is proposed that the CGR is carried out by Officers in consultation with the local Ward Members. All Members of the Council will have an opportunity to contribute to the review formally through the decision making machinery.

## **Consultation**

12. The 2007 Act requires that local people (the local government electors for Battle) are consulted during a CGR, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcomes of the review, including any decisions.
13. Before making any recommendations or publishing final proposals, RDC will take full account of the views of local people. At the conclusion of the review, it remains open for RDC to make a recommendation which is different to the outcome that BTC wish the review to make. RDC will comply with the statutory consultative requirements by:
  - consulting local government electors for the area under review (Battle);
  - consulting any other person or body (including a local authority) which appears to RDC to have an interest in the review;
  - notifying and consulting East Sussex County Council; and
  - taking into account any representations received in connection with the review.

## **Timescale**

14. RDC will be required to complete the review within 12 months of the start of the CGR, including any consequential recommendations to the LGBCE; the review begins when RDC formally publishes the ToR of the review, after being approved by full Council. A draft timetable complying with the requirements of the 2007 Act is set out at Appendix B.

## **Implementation**

15. If the CGR results in changes to the number of Councillors, it is recommended that these will take with effect from May 2019, to coincide with the four yearly election cycle of the district and Parish and Town Councils. This will require the making of a CGO.

## **Costs of conducting the Review**

16. The majority of the costs (excluding officer time and Members' expenses) for the review will be attributable to the communication and consultation activities.

Costs will include publicity materials, leaflets, posters, postage, public meetings, letters etc.

17. Due to staff resource issues it is likely that an external consultant will have to be used to carry out the review. Officers are currently assessing options for the use of external consultants and any costs will be contained within existing budgets or taken from the Medium Term Financial Strategy Earmarked Reserve.
18. Any costs will be borne by RDC and there is no provision to reclaim the costs from BTC.

## **Conclusion**

19. BTC has requested that RDC undertakes a CGR of BTC with a view to reducing the number of elected Town Councillors. Whilst there is not a duty to undertake a CGR, unless RDC is in receipt of a valid petition from registered electors, there does not appear to be a valid reason for not doing so, albeit at RDCs' cost.
20. Cabinet is asked to recommend to Council the ToR and agree the way forward for the management of the CGR as set out in the report.

Malcolm Johnston  
Executive Director of Resources

## **Risk Assessment Statement**

Failure to conduct a full and thorough Community Governance Review could result in reputational damage and governance arrangements in Battle that do not provide for effective and convenient local government.

**Rother District Council**

**Community Governance Review – Terms of Reference**

A community governance review will be carried out by Rother District Council under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). The review shall comply with the legislative requirements, have regard for the associated statutory guidance and will be conducted in accordance with these terms of reference.

The review shall consider the proposal from Battle Town Council to reduce the number of Councillors from 17 to 13.

It shall have particular regard for the need to secure that community governance within the area under review:

- reflects the identities and interests of the communities in that area; and
- is effective and convenient.

Following the review the recommendations will be made as to whether the number of Councillors on Battle Town Council should be reduced.

The review shall invite and take account of submissions from all interested parties.

**Proposed Timetable**

<b>Date</b>	<b>Outline of Action</b>
12 February 2018	Cabinet makes recommendations to Council on the Community Governance Review (CGR) process.
26 February 2018	Full Council approves recommendations from Cabinet and sets Terms of Reference (ToR) for the CGR. East Sussex County Council to be notified of intention to undertake review.
March 2018	Meetings with Ward Members to consider the proposed timetable for review, consultation methods etc.
March/April 2018 (4 weeks)	Formal publication of ToR and launch of initial public consultation (12 months' timescale starts from now), timetable for review, consultation methods etc. Invite initial submissions on Battle Town Council's proposal for the number of Town Councillors.
14 May 2018	Draft recommendations for further public consultation considered by Cabinet.
May/June 2018 (4 weeks)	Publish draft recommendations for further public consultation.
3 September 2018	Results of second stage public consultation to be considered by Cabinet and final recommendations made to Full Council.
17 September 2018	Full Council makes final decision and approves the creation of Community Governance Orders (CGO), if any.