

## **Rother District Council**

Report to	-	Cabinet
Date	-	29 July 2019
Report of the	-	Executive Director
Subject	-	Community Governance Review – Bexhill-on-Sea

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### **Recommendation to COUNCIL: That:**

- 1) the draft Terms of Reference for a Community Governance Review (CGR) to consider the creation of a new Parish Council covering the Bexhill-on-Sea area of Rother District Council be approved;
  - 2) a politically balanced Community Governance Review Steering Group be established comprising 7 Members; and
  - 3) the proposed timetable for the review be agreed as set out at Appendix B.
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### **Lead Cabinet Member: Councillor Mrs Bayliss**

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#### **Introduction**

1. Principal councils (district councils, unitary councils and London boroughs) have the power under the Local Government and Public Involvement in Health Act 2007 to carry out community governance reviews (CGR) and put in place or make changes to local community governance arrangements. It is not possible to make changes to local community governance arrangements without conducting a CGR.
2. A CGR may be instigated by either a decision of the local authority or through the receipt of a valid petition containing the signatures of at least 7.5% of the population of the area in question.
3. As Rother District Council has carried out a CGR within the previous two years it cannot be compelled through a petition to carry out a further review at the moment but at its meeting on 22 May 2019 this Council passed a motion (Minute C19/21 refers) which stated:  
  
“In the light of the outcome of the Local Election results and the overwhelming support for candidates that support a Town Council for Bexhill-on-Sea this Council requests officers to report as to the required procedure with a view to the establishment of a Town Council for Bexhill by 2021.”
4. This report therefore sets out the considerations for the Council in conducting a new CGR of Bexhill-on-Sea, incorporating all nine Bexhill-on-Sea wards. For the avoidance of doubt, the ‘name’ of a parish refers to the geographical name of the area; first and foremost a “parish” council for Bexhill-on-Sea will be created which can then be styled a Council “Town”.

## **Government Guidance**

5. The Council has to take regard of guidance issued by the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG), together with the Local Government Boundary Commission for England (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)
6. Members' attention is drawn to Paragraph 134, in the guidance that concerns Charter Trustee Areas, it states:
7. "Charter trustees were established following the local government reorganisations in the early 1970s and 1990s to preserve the historic identity of former boroughs or cities, most with relatively large populations. To this end, charter trustees have the power to carry out ceremonial functions. They were not intended to act as administrative units. Proposals to create a parish or parish council covering all or part of a charter trustee area need to be judged in particular against the following considerations:
  - a) the effect on the historic cohesiveness of the area; and
  - b) what are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the charter trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?
8. These issues need to be taken into account in those areas with certain cities or boroughs which will be affected by any consequent reorganisation from the structural and boundary changes in the 2007 Act."

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

9. Full Council 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 what the Council wants to achieve, i.e. the creation of a Town Council for Bexhill-on-Sea; Draft ToR are attached at Appendix A for onward recommendation to full Council.

## **Conducting the Review**

10. It is proposed that a Steering Group comprising seven Members is appointed in accordance with political balance requirements to manage the process. This will result in an allocation of three Conservative Seats, two Association of Independents and one each for Liberal Democrat & Green and Labour. Draft ToR for the Steering Group is set out at Appendix B. All Members of the Council will have an opportunity to contribute to the review as consultees in the process as well as formally through the decision making machinery.

## **Consultation**

11. The 2007 Act requires that local people (the local government electors for Bexhill-on-Sea) 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. These requirements accord with the principles of the Council's Consultation Charter.
12. Before making any recommendations or publishing final proposals, the Council will take full account of the views of local people. The Council will comply with the statutory consultative requirements by:
  - consulting local government electors for the area under review (Bexhill-on-Sea);
  - consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review (including all parish and town councils within the district);
  - notifying and consulting East Sussex County Council; and
  - taking into account any representations received in connection with the review.
13. One of the key roles for the Steering Group will be to determine the consultation and communication programme for the CGR. Given the feedback received during the 2017 consultation process it is proposed that there is only one period of consultation of six weeks' duration.

## **Timescale**

14. The Council 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 the Council 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 included within the ToR for the Steering Group at Appendix B.

## **Implementation**

15. The Review will be completed once the District Council approves the Reorganisation of Community Governance Order. Copies of the Order, and associated maps, will be deposited at the Council offices and published on the website.
16. The Reorganisation Order may cover other consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:
  - The transfer and management of property.
  - The setting of precepts for new Parishes.
  - Provisions with respect to the transfer of any functions, property, rights and liabilities.
17. The Order will take effect, for financial and administrative purposes, on 1 April in the designated year.

## **Costs of conducting the Review**

18. 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.
19. The likely costs will not be known until the style and level of public engagement activities has been agreed by the Steering Group.

## **Conclusion**

20. The work involved and the potential cost of conducting a CGR is significant and should not be underestimated. The review will involve a number of teams within the authority, including programme office and policy (in terms of public consultation and project management), communications (consultation strategy), legal and finance and welfare (projected costs etc.).
21. 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

## **Risk Assessment Statement**

Failure to conduct a full and thorough Community Governance Review could result in reputational damage and governance arrangements in Bexhill-on-Sea 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 will consider the establishment of a Parish Council for Bexhill-on-Sea encompassing all nine District Electoral Wards within the local authority area of Rother District Council.

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.

When carrying out the Community Governance Review, the District Council must also take into account other existing or potential community governance arrangements.

Following the review the Community Governance Review Steering Group shall make recommendations as to:

- whether or not to establish a new parish of Bexhill-on-Sea, the name of any new parish and the styling (i.e. parish, town, community, neighbourhood or village) of any new parish;
- whether or not any new parish should have a parish / town council (subject to the particular restrictions on recommendations in this area set out in Section 94 of the 2007 Act) and the electoral arrangements of any new parish council – including the ordinary year of election, warding and number of councillors;

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

**Terms of Reference for the Community Governance Review Steering Group**

<p><b>Aims and Origins</b></p>	<p>To manage the Community Governance Review (CGR) process, under the terms of reference set by full Council.</p> <p>A CGR is required following the motion passed by Full Council on 22 May 2019.</p>
<p><b>Scope</b></p>	<p>To determine a detailed timetable and consultation programme for the CGR;</p> <p>To progress the review in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 and the Guidance on CGRs issued by the Department of Communities and Local Government and The Local Government Boundary Commission for England in March 2010;</p> <p>To recommend appropriate electoral arrangements for a parish / town council created within Bexhill-on-Sea, where necessary (including the name of any newly created parish; the number, name and boundaries of any parish wards; the number of councillors to be elected within each ward; and the ordinary year of elections); and</p> <p>To consider and make recommendations on any consequential matters arising from the review which are required to give effect to any subsequent Community Governance Order (CGO), e.g. the transfer and management or custody of property, the setting of precepts for new parishes, provision for the transfer of any functions, rights, liabilities, staff, etc.</p>
<p><b>Outcomes</b></p>	<p>To recommend to Cabinet, via the OSC to create a Town Council for Bexhill-on-Sea and if so what types of functions it would seek to undertake.</p>

<b>Proposed Timetable</b>	<b>Outline of Action</b>
29 July 2019	Cabinet makes recommendations to Council on the CGR process.
16 September 2019	Full Council approves recommendations from Cabinet, sets ToR for CGR, appoints Steering Group and agrees ToR for Steering Group. East Sussex County Council to be notified of intention to undertake review.
October/November 2019	Meetings of CGR Steering Group to consider the proposed timetable for review, consultation methods etc.
25 November 2019	Report to OSC
2 December 2019	Report to Cabinet
16 December 2019	Report to full Council
6 January – 14 February 2020 (6 weeks)	Formal publication of ToR and launch of public consultation (12 months' timescale starts from now), timetable for review, consultation methods etc.
February/March 2020	CGR Steering Group considers submissions and develops recommendations for submission to the OSC (27 April 2020) for approval by Cabinet (11 May 2020)*
18 May 2020	Publish final proposals.
18 May 2020	Full Council makes final decision and approves the creation of Community Governance Orders (CGO), if any, in relation to any proposed parish / town councils.
<b>Membership</b>	7 Members
<b>Quorum</b>	4
<b>Officer Leads</b>	Malcolm Johnston, Executive Director Lisa Cooper, Democratic Services Manager

\*Including ordinary year of election; council size; parish wards.