

Rother District Council

Report to	-	Community Governance Review Steering Group
Date	-	30 October 2019
Report of the	-	Executive Director
Subject	-	Community Governance Review Process

Introduction

1. Full Council agreed the process by which this Council will undertake the Community Governance Review (CGR) of Bexhill-on-Sea at its meeting on 16 September and appointed this Steering Group to lead on the process (Minute C19/41 refers). The CGR will be undertaken in accordance with the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).
2. As Members will be aware, the Council undertook a thorough CGR during 2017, which included extensive public consultation and community engagement events with associated costs and staff resources. With yet further reduced budgets and fewer staff resources than in 2017, it is welcome that this review will be less labour intensive and streamlined, whilst meeting the requirements of the relevant legislation.
3. Attached at Appendix A is the Terms of Reference (ToR) for the review itself and attached at Appendix B is the ToR for this Steering Group.
4. By way of background, a copy of the report made on the outcome of Stage 1 and Stage 2 Consultation and Final Recommendations in 2017 have been circulated separately to Members of the Steering Group.
5. The Council has to take regard of guidance issued by the Secretary of State for the former Department for Communities and Local Government (DCLG) now known as 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 will be available at the meeting and can also be viewed at the following link:

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:

"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?*

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 of the Community Governance Review

- 7. The agreed ToR for the review are set out at Appendix A and these have been written in accordance with the 2007 Act in that they specify the area under review and set out the matters on which the CGR will focus.
- 8. In areas for which there is both a district council and a county council, such as Rother, the Council is required under section 79 of the 2007 Act to notify East Sussex County Council (ESCC) of the Council's intention to undertake a CGR.
- 9. An Equalities Impact Assessment has been carried out, in consultation with the Council's Equalities Officer, to ensure that this review process (not outcome) does not discriminate against any disadvantaged or vulnerable persons covered by equalities legislation and is available to Members on request.

Terms of Reference of the Steering Group / Public Meetings

- 10. The agreed ToR for this Steering Group, including the timetable, are set out at Appendix B; it is noted that the CGR should be completed within 12 months from the formal launch of the CGR (January 2020).
- 11. With regard to the Timetable there are a couple of amendments to note. Firstly, there is no requirement to report to the Overview and Scrutiny Committee, Cabinet and Council in November and December this year; these meetings can therefore be removed from the Timetable. These meetings were required last time a CGR was conducted as the Council undertook a two stage consultation to identify possible forms of governance for Bexhill-on-Sea; this review is focusing solely on the creation of a Town Council for Bexhill-on-Sea which has already been set by the ToR.
- 12. Secondly, the Council will publish its final recommendations on 7 May 2020, as part of and alongside the Annual Council Agenda and not on 18 May as stated previously, which is the actual date of the Council meeting. It is also noted that the date of the May Cabinet has changed from 11 May to the 4 May as a result of the 2020 May bank holiday being moved to mark the 75th anniversary of VE Day.
- 13. Members may also want to give consideration to whether or not any of the Steering Group's meetings will be held in public, given the public interest in this matter. Some Members may recall that a number of meetings of the

Community Governance Review Steering Group held in 2016/17 were held in the public domain.

Timetable for Review

14. For ease, a flowchart of the process is attached at Appendix C. The following paragraphs explain the steps within the timetable in more detail:

October – November 2019

15. This meeting is the first meeting of the Steering Group to review its ToR and get an understanding of the process for conducting the CGR. Elsewhere on the Agenda is the proposed draft communications plan. Material to be published on the Council's website when the CGR is launched in January will need to be agreed by the Steering Group at its next meeting in readiness for the launch of the CGR.

Consultation - (six weeks – 6 January to 14 February 2020)

16. Formal publication of the ToR for the review and launch of the six week consultation. The Council will invite submissions on the proposal to establish a Town Council for Bexhill-on-Sea.

Consideration of submissions – March 2020

17. The Steering Group will meet and consider all submissions made during the consultation period and develop draft final recommendations for presentation to the OSC (27 April) and Cabinet (4 May) for approval.

7 May 2020

18. The Council will formally publish the final proposals and recommendations to Council; there will be no further consultation on the final recommendations.

18 May 2020

19. Full Council will consider the final recommendations and, subject to the outcome of the consultation, may consider the creation of a Community Governance Order (CGO) in relation to the establishment of a Town Council for Bexhill-on-Sea.

Community Governance Order

20. Should the Council agree to the establishment of a Town Council for Bexhill-on-Sea, the Steering Group will need to consider who makes recommendations on the CGO, e.g. the transfer and management or custody of property, the setting of the precepts, provision for the transfer of any functions, rights, liabilities, staff, etc.
21. Whilst this work is currently within the ToR for this Steering Group, Members may wish to consider whether the setting up of a Shadow Bexhill Town Council Committee made up of the existing 18 Bexhill-on-Sea Councillors would be a more appropriate vehicle for this work.
22. This work will be progressed during 2020 with a further detailed Order that will be put before full Council in February 2021.

Conclusion

23. Members are invited to consider the report and note the timetable and processes for undertaking the CGR. Consideration also needs to be given to whether or not any subsequent meetings are held in the public domain and the vehicle for considering and recommending the CGO, should it be agreed that a Town Council for Bexhill-on-Sea be established.

Malcolm Johnston
Executive Director

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

Aims and Origins	To manage the Community Governance Review (CGR) process, under the terms of reference set by full Council. A CGR is required following the motion passed by Full Council on 22 May 2019.
Scope	To determine a detailed timetable and consultation programme for the CGR; 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; 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 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.
Outcomes	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.

Proposed Timetable	Outline of Action
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 (4 May 2020)*
7 May 2020	Publish final proposals (within Council Agenda).
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.
Membership	Councillors J. Barnes, Mrs C.A. Bayliss, T.J.C. Byrne, J.J. Carroll, P.J. Gray, L.M. Langlands, P.N. Osborne, R. Thomas and H.L. Timpe.
Quorum	4
Officer Leads	Malcolm Johnston, Executive Director Lisa Cooper, Democratic Services Manager

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

COMMUNITY GOVERNANCE REVIEW - FLOWCHART

