

Council Report

Ward(s) affected: Normandy

Report of the Director of Resources

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## Community Governance Review: Normandy Parish

### Executive Summary

A Community Governance Review (CGR) is undertaken by the principal council for the area (i.e. this Council) and is a review of the whole or part of the Borough to consider *one or more* of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style (i.e. whether to call it a town council or village council etc.) of new parishes;
- The electoral arrangements for parishes (including the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes

The Local Government and Public Involvement in Health Act 2007 (as amended), sets down the legal framework within which principal councils must undertake these reviews.

A CGR can be undertaken at any time if desired by the principal council, but the Council *must* undertake a CGR if it receives a valid community governance petition. For the purposes of a CGR, a petition is valid if it has been signed by the requisite number of registered local government electors. This number is determined under legislation and is dependent upon the number of local government electors registered within the boundary of the area under review. For an area with between 500 and 2,500 local government electors, a valid petition must be signed by at least 187 of them.

On 14 July 2017, the Borough Council received such a petition from Normandy Parish Council concerning the electoral arrangements of the Parish. On the day of receipt of the petition there were 2,489 local electors registered in Normandy Parish (the area under review). The petition was purported to contain 214 signatures. Of those, the Council has declared 189 to be valid and therefore the Borough Council must conduct a CGR.

The petition states:

*“We the undersigned, being residents of Normandy, hereby petition Guildford Borough Council to conduct a Community Governance Review of Normandy Parish with a view to increasing the number of parish councillors from its present day level of seven Councillors to nine Councillors”.*

As we have received a valid community governance petition, the Council must conduct a CGR, which must be completed within a twelve-month period beginning with the date on which the petition was received. The review must include the “electoral arrangements” for the Parish of Normandy as set out in legislation and described in this report, along with a set period for consultation with the local electorate and any other interested parties.

This report asks the Council to approve the proposed terms of reference and timetable for the review (see **Appendix 1**).

**Recommendation:**

- (1) That a community governance review of Normandy Parish be conducted in accordance with the requirements of Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007, as described in this report.
- (2) That the terms of reference in respect of the community governance review including the proposed timetable, as set out in **Appendix 1** to this report, be approved and published.
- (3) That the Democratic Services Manager be authorised to conduct the community governance review on the Council’s behalf and to take all necessary action to comply with the Council’s statutory obligations in that regard.

Reason for Recommendation:

To address the community governance petition received in respect of this matter with a view to ensuring that community governance within the area under review is:

- reflective of the identities and interests of the community in that area; and
- is effective and convenient.

**1. Purpose of Report**

- 1.1 Following receipt of a valid community governance petition, this report sets out the requirements for the Council to undertake a Community Governance Review of Normandy Parish in accordance with the Local Government and Public Involvement in Health Act 2007 and government guidance.

**2. Strategic Priorities**

- 2.1 Although legislation requires the Council to undertake a community governance review, this work will be consistent with our desire to be open and accountable to our residents, to deliver improvements and enable change across the borough. In addition, the review supports the Council’s specific corporate priorities to seek to improve communication and engagement and to establish strong relationships with parish councils and residents’ associations.

### 3. Background

- 3.1 The Local Government and Public Involvement in Health Act 2007 amended the responsibility for parish area reviews from what is now the Local Government Boundary Commission for England (LGBCE) to principal councils, subject to adherence to regulations and directions from the Department for Communities and Local Government and the Electoral Commission. Principal councils in this context are specifically district councils in England. The process for considering a change is now termed a Community Governance Review (CGR).
- 3.2 A CGR is a review of one or more areas of the borough to look at one or more of the following:
- Creating, merging, altering or abolishing parishes;
  - The naming of a parish and the style of a new parish (i.e. whether to call it a “village”, “community” or “neighbourhood” with the council similarly named as a “village council”, “community council” or “neighbourhood council”);
  - The electoral arrangements for parishes (including council size, the number of councillors to be elected to the council, and parish warding), and
  - Grouping parishes under a common parish council or de-grouping parishes
- 3.3 A CGR may not change parliamentary, borough ward or county division boundaries, although it might lead to recommendations to the LGBCE to make changes to ward or division boundaries.

### 4. Community Governance Petition

- 4.1 On 14 July 2017, the Council received a letter from Normandy Parish Council (see Annex 3 of **Appendix 1**) together with a community governance petition purportedly signed by 214 local government electors of the area proposed for review – the parish of Normandy. On 27 July 2017, following verification of the signatories against the electoral register, the Council confirmed as valid 189 signatures of local government electors, which was sufficient to trigger a CGR.
- 4.2 The petition concerns the electoral arrangements of the Parish and states:
- “We the undersigned, being residents of Normandy, hereby petition Guildford Borough Council to conduct a Community Governance Review of Normandy Parish with a view to increasing the number of parish councillors from its present day level of seven Councillors to nine Councillors”.*
- 4.3 The Council *must* include in its agreed terms of reference for the CGR the request made by the petitioners.

#### **Undertaking a Community Governance Review**

- 4.4 The suggested terms of reference of the CGR in respect of Normandy Parish **are** set out in **Appendix 1**. The procedure for a CGR requires the Council:
- (a) to agree the terms of reference for the review
  - (b) to then publish and consult on the terms of reference

- (c) taking into account representations received, to agree final recommendations and, if required, to make a community governance reorganisation order to give effect to agreed changes.
- 4.5 The terms of reference relate only to the electoral arrangements for Normandy Parish Council. In addition to the number of councillors to be elected to the parish council, which is the subject of the petitioners' request, the legislation also requires the Council to make recommendations on other related "electoral arrangements" for Normandy Parish Council, as follows:
  - (a) the year in which ordinary elections of councillors are to be held;
  - (b) the division (or not) of the parish into wards for the purpose of electing councillors;
  - (c) the number and boundaries of any such wards;
  - (d) the number of councillors to be elected for any such ward;
  - (e) the name of any such ward.
- 4.6 It is suggested that the terms of reference should propose at this stage that, in relation to (a) in paragraph 4.5 above, no change be made to the year of ordinary elections, as they currently coincide with borough council elections and elections to other parish councils in the borough.
- 4.7 In relation to (b) to (e) in paragraph 4.5 above, it is suggested at this stage that, irrespective of the outcome of the CGR, Normandy Parish Council should continue to be unwarded, i.e. that no change be made. Normandy Parish Council supports this proposal.
- 4.8 Following the consultation, and taking into account the representations received, the Council must consider the following questions in relation to whether the parish council should, or should not, be divided into wards for the purpose of electing parish councillors:
  - (a) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
  - (b) whether it is desirable that any area or areas of the parish should be separately represented on the parish council.
- 4.9 If the Council decides in its final recommendations that Normandy Parish Council should continue to be unwarded, it must have regard to the following factors when considering the number of councillors to be elected for the parish:
  - (a) the number of local government electors for the parish; and
  - (b) any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.
- 4.10 Section 93 of the 2007 Act allows principal councils to decide how to undertake a CGR, provided that they comply with a number of duties prescribed in the Act, as follows:

(i) Before undertaking a CGR, the Council must notify Surrey County Council that a CGR is to be undertaken and its terms of reference.

(ii) In conducting a CGR, the Council must consult with the following:

- the local government electors in the area under review (i.e. the parish of Normandy),
- Normandy Parish Council, and
- any other person or body which appears to have an interest in the review (e.g. local businesses, local residents' associations, amenity groups, local public and voluntary organisations - such as schools or health bodies)

(iii) When undertaking a CGR, the Council must also:

- have regard to the need to secure that community governance in the area under review:
  - (a) reflects the identities and interests of the community in that area, and
  - (b) is effective and convenient.
- take into account any representations received in connection with the review.

4.11 A CGR must also take into account a number of influential factors including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

4.12 It is anticipated that the consultation on the terms of reference of this CGR will involve:

- Publication of the terms of reference on the Borough Council's website and the Parish Council's website
- Publicity for the CGR to be displayed in the parish magazine and on parish notice boards and in community venues within the parish
- Press releases
- Communication with local community groups

4.13 A suggested timetable for the conduct of the CGR is included within the draft terms of reference (see **Appendix 1**). It is proposed that the consultation period coincides with a significant Parish Council event scheduled for 28 November. The Council is required to complete a CGR within a period of 12 months beginning with the date of receipt of the petition.

## 5. Equality and Diversity Implications

5.1 The process for the review is laid down in statute and guidance issued by the Government will be followed. Every attempt will be made to engage electors and interested parties in the CGR through the consultation process that will be led by officers.

## **6. Financial Implications**

- 6.1 It is envisaged that the only cost to the Council will be in officer time in conducting the CGR, which will be met from within existing budgets.

## **7. Legal Implications**

- 7.1 The Council must conduct a CGR in accordance with the requirements set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 (as amended) and guidance issued by the Secretary of State under Section 100(4) of the 2007 Act<sup>1</sup>. Section 83(2) of the 2007 Act requires that where the Council receives a community governance petition, it must undertake a CGR that has terms of reference that allow for the petition to be considered.

## **8. Human Resource Implications**

- 8.1 Officers in Democratic Services will conduct the CGR.

## **9. Conclusion**

- 9.1 This report is the first step towards carrying out a CGR for Normandy Parish in response to the petition. Once the Council has agreed the terms of reference for the CGR, they will be published and an eight-week period of public consultation will take place, which will coincide with some key community dates for events in the parish. It is anticipated that a formal report on the outcome of the consultation will be submitted to full Council on 7 February 2018.

## **10. Background Papers**

- “Guidance on Community Governance Reviews” – DCLG and Local Government Boundary Commission for England (March 2010)

## **11. Appendices**

Appendix 1: Proposed terms of reference of the community governance review

- Annex 1: Map of the Parish of Normandy
- Annex 2: A summary of the powers and duties of parish councils
- Annex 3: Letter from Normandy Parish Council dated 12 July 2017

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<sup>1</sup> [“Guidance on Community Governance Reviews” – DCLG and Local Government Boundary Commission for England \(March 2010\)](#)