

ITEM 12 Test Valley Borough Council Community Governance Review – Final Recommendations

Report of the Corporate Portfolio Holder

Recommended:

- 1. That the proposals set out in Annex 1 to the report be adopted by the Council as Final Recommendations for the purposes of the Community Governance Review.**
- 2. That, save as set out in the Final Recommendations, the existing parishes in Test Valley Borough, and the names, boundaries, council size, groupings and other parish governance arrangements in respect of those parishes, remain unchanged.**
- 3. That the Final Recommendations be published and arrangements be made by the Head of Legal and Democratic Services to inform those persons who may have an interest in them.**
- 4. That the consent of the Local Government Boundary Commission for England (LGBCE) be sought in respect of those Final Recommendations where required before a reorganisation order is made.**
- 5. That delegated authority be given to the Chief Executive to decide, in respect of those Final Recommendations where such consent is not required, the extent to which such Final Recommendations are to be given effect.**
- 6. (a) That, following receipt of the necessary LGBCE consents, delegated authority be given to the Chief Executive to give effect to those Final Recommendations to which such consents relate.**
(b) That, in the event that any necessary LGBCE consent is not given, delegated authority be given to the Chief Executive (in consultation with the Community Governance Review Members' Group) to decide the extent to which the affected Final Recommendations are to be given effect.
- 7. That following the decisions in 5 and 6 above, details of those decisions and the reasons for them be published and arrangements be made by the Head of Legal and Democratic Services to inform those persons who may have an interest in the review of the decisions and the reasons for the decisions.**
- 8. That the Head of Legal and Democratic Services be given delegated authority to prepare and make an order under Section 86 of the Local Government and Public Involvement in Health Act 2007**

SUMMARY:

- In November 2017 Council approved the Terms of Reference for a Borough-wide Community Governance Review, to examine existing parish governance arrangements and make Final Recommendations for any appropriate changes.
- Following a First Consultation Stage, Draft Recommendations were agreed by full Council on 26 April 2018 and published for further consultation.
- 39 respondents made representations at this Second Consultation Stage. These representations have been reviewed and Final Recommendations agreed by the Community Governance Review Members Group. Annex 1 to the Report summarises the Issues which have been identified under the Review and sets out proposals for Final Recommendations arising from these.
- The next stage is for full Council to consider the proposals and approve Final Recommendations, which must then be published. In certain cases, the Consent of the Local Government Boundary Commission for England will be required.
- Once Consent has been obtained, a final decision is then required on the extent to which the Final Recommendations are to be given effect. It is recommended that this final decision be delegated to the Chief Executive (in consultation with the Members' Group (where any necessary Consent is not obtained), after which a formal Reorganisation Order will be made.
- It is planned that any Reorganisation Order will be in force for 1 April 2019, with elections to parish councils taking place in May 2019.
- This report and its annexes follow a similar format to the Draft Recommendations documents considered by full Council on 26 April 2018.
- Annex 2 sets out the various stages which will be undertaken during the Community Governance Review.
- Annex 3 is a glossary of terms which are used (Capitalised) throughout this Report.

1 Introduction and Background

- 1.1 Following the review of Test Valley Borough in 2017 carried out by the Local Government Boundary Commission for England (LGBCE), the boundaries and names of the Council's Borough Wards were amended. The formal Order giving effect to the changes was made on 15 January 2018, although the changes will only come into force at the May 2019 election.

The changes made by the LGBCE and the Order lead to a number of anomalies between these new ward boundaries and the existing boundaries of parishes. At its meeting of 8 November 2017, full Council agreed to carry out a Community Governance Review (CGR) to consider what changes (if any) should be made to parish arrangements (including boundaries, parish councils, and electoral arrangements) within the Borough.

- 1.2 A First Consultation Process was carried out between November 2017 and January 2018, with the results being considered by the Community Governance Review Members’ Group. The Group proposed a series of Draft Recommendations for changes, which were considered and agreed at full Council on 26 April 2018.
- 1.3 Following that decision, the Draft recommendations were published and a Second Consultation Stage was held, ending on 6 July 2018.
- 1.4 The representations received have been reviewed and considered by the Community Governance Review Members Group, which met on 26 July. As per the last report, Annex 1 summarises all the Issues which have been identified under the Review, the representations received in respect of each Issue (at both First and Second Consultation Stages), the observations of the Community Governance Review Members Group which has considered these Issues, Electoral Arrangement Issues, and proposals for Final Recommendations arising from these.
- 1.5 The next stage is for full Council to consider the proposals and approve Final Recommendations, which must then be published, and brought to the attention of persons who may be interests in the Final Recommendations. The publication of these Final Recommendations will conclude the CGR.
- 1.6 However, it is not enough for the Council to simply adopt a set of Final Recommendations. The legislation requires the Council to take a second, separate, decision as to the extent to which the Final Recommendations are given effect. This second decision will take into account the need for Consent for some Final Recommendations (as such recommendations can only be implemented if that Consent is obtained). It is proposed that this decision to give effect to the Final Recommendations is delegated to the Chief Executive, on the basis that that authority will be exercised (so far as is possible) in line with full Council’s views.
- 1.7 The decision to give effect to the Final Recommendations is then implemented by the Council making a formal Reorganisation Order, setting out the changes to be made and the date they will take effect.
- 1.8 The table below sets out the various decisions and documents which are necessary to conclude the Review and implement its proposals:-

Decision	Decision-maker	Timescale	Notes
Agreement of Final Recommendations.	Full Council	5 September 2018	
Publication of Final Recommendations.		6 September 2018	Inform persons interested in Review.

Decision	Decision-maker	Timescale	Notes
LGBCE Consent.	LGBCE	September 2018	Only needed for changes to parish warding arrangements put in place by LGBCE 2017 Borough Review.
Determination of extent to which effect to be given to Final Recommendations (in line, so far as possible, with full Council's views).	Recommendation:- Chief Executive delegated authority (in consultation with CGR Members' Group where any necessary LGBCE Consent is not given).	End September 2018 (after LGBCE Consent decision).	
Publish decision to give effect and reasons.		End September 2018.	Inform persons interested in Review.
Make formal re-organisation order.	Recommendation:- Head of Legal and Democratic Services	End September 2018	Deposit Order and make available for inspection. Notify specified persons.
Application for any Related Alterations.	LGBCE	October 2018	Used to bring parish/borough ward/county division boundaries onto same line (where appropriate).
Publication of Electoral Register.	Chief Executive (as Electoral Registration Officer).	December 2018	
Re-organisation Order comes into		1 April 2019	Must be in place for 1

Decision	Decision-maker	Timescale	Notes
force.			April to allow parishes to prepare budget for 2019/20 financial year.
Elections to parish councils (where required).		2 May 2019	

Consent of LGBCE

- 1.9 The LGBCE 2017 Borough Review made changes to Borough ward boundaries, which will come into effect at the May 2019 elections. In some cases, these new Borough ward boundaries cut across existing parishes (or parish wards) or County electoral divisions. Where this occurs, the Order which implemented the 2017 Borough Review creates parish wards (by dividing the parish along the Borough ward boundary lines). This is because under the relevant legislation governing a review carried out by the LGBCE, no parish (or parish ward) can be divided by a borough ward or county division boundary. It should be noted that the same rules do not apply to a Community Governance Review, which could include Final Recommendations resulting in a parish having a Borough Ward boundary running through it, but *without* the need for that parish to be warded to reflect that.
- 1.10 In Test Valley’s case, the Order included changes to the existing wards of Andover Town and Romsey Town, and the division of the (previously unwarded) Romsey Extra Parish into seven parish wards. The proposed Final Recommendations set out in Annex 1 include changes to these arrangements in Andover Town (reducing the number of wards from nine to six) and Romsey Extra (removing the seven wards and restoration of a single unwarded parish council), as well as related changes in other parishes.
- 1.11 If these proposed Final Recommendations are agreed, it will be necessary to apply to the LGBCE for its agreement (referred to in this report as “Consent”) to the changes to these “Protected Electoral Arrangements”. The Review is implemented by the making by the Borough Council of a formal Reorganisation Order, and such an Order can only include provision to change these Protected Electoral Arrangements (including the proposed changes to warding arrangements in Andover and Romsey Extra) if Consent is obtained from the LGBCE.
- 1.12 Once Consent has been obtained, a further decision of the Council is required, as to the extent to which the Final Recommendations are to be given effect. It is recommended that delegated authority is given to the Chief Executive to make this formal decision, so that the Reorganisation Order can then be made.

- 1.13 Where Consent is not given in a timely manner for some (or even all) of the changes to these Protected Electoral Arrangements, it is recommended that the Chief Executive's delegated authority is exercised in consultation with the Community Governance Review Members' Group, to review the outcome of the outcome for Consent, and then determine (in the light of this) the extent to which the Final Recommendations are to be given effect. This would allow the remainder of the Review proposals to be progressed and implemented, rather than being halted completely because Consent has been withheld for a particular Issue.
- 1.14 The decision as to the extent to which the Final Recommendations are brought into effect must be published and interested persons informed of the decision and the reasons leading to that decision.

Reorganisation Order

- 1.15 A Reorganisation Order, made by the Borough Council, is the legal instrument which brings into legal force the changes which are to be made. A model template will be used to draft this Order.
- 1.16 The Reorganisation Order will set out the changes, and the date these come into force. For administrative and financial purposes, Reorganisation Orders implementing CGRs should take effect from 1 April following the date on which it is made. Existing parish councillors for parishes which are affected by the Order remain as parish councillors until the May 2019 elections, when parish councillors will be elected to the parish councils (as affected by the changes implemented by the Order).
- 1.17 Once the Reorganisation Order has been made, it must be placed on deposit and made available for public inspection. In addition, various government departments and other parties must be notified and provided with a copy.

Related Alterations

- 1.18 One of the results of the CGR is likely to be revisions to parish boundaries, and this may result in parish, Borough Ward and County Division boundaries not being aligned together. In these cases, the LGBCE can be asked to make a "Related Alteration" Order, to amend those Borough Ward/County Division boundaries, so as to re-align these boundaries.
- 1.19 An application to the LGBCE for a Related Alteration can only be submitted once the Reorganisation Order has been made. Because of the potential for Related Alterations to change electoral areas (and therefore the number of electors within such areas), the LGBCE will want to have figures to allow it to ascertain the effect on Electoral Variance. Electoral Variance is the percentage difference between the actual number of electors per councillor for that Ward (or Division, in the case of a County Division boundary), and the average electors per councillor across the whole council (Borough/County as applicable).

- 1.20 In carrying out its own reviews (such as the 2017 Electoral Review) the LGBCE's objective is to produce 0% Electoral Variance in all wards/divisions.. It seeks to ensure (so far as possible) that the actual Electoral Variance on all wards does not exceed +/- 10%, and that in no case is the Electoral Variance more than 20%. Related Alteration applications that bring about Electoral Variances which exceed 10% may be possible in appropriate circumstances (which might include for example changes which aid electoral representation by bringing all electors in a village into a single ward), but Related Alterations leading to Electoral Variances of more than 20% are very unlikely to be accepted by the LGBCE.
- 1.21 A Related Alteration Application can only be accepted or rejected by the LGBCE – it cannot approve an application with modifications.
- 1.22 Hampshire County Council has been consulted on the Community Governance Review, both generally and on the specific proposed Related Alterations affecting County Division boundaries. In response, the Chief Executive of the County Council indicated that County Councillors seek to avoid any divergence between County Divisions and parish boundaries. The County Council would therefore **support** a solution that retains Coterminosity at County/parish level in Test Valley.
- 1.23 Aside from electoral representation issues, Related Alterations which align electoral area boundaries simplify electoral administration, by reducing the number of polling districts needed, and avoiding voter confusion. However, the rejection of a Related Alteration application by the LGBCE will not prevent the changes in the Reorganisation Order coming into effect.

2 Outcome of Second Consultation Stage and Proposed Final Recommendations.

- 2.1 This report set out the results of the Second Consultation Stage, and in the light of this identifies proposals for parish arrangements (including both changes to, and retention of, existing arrangements), which are set out as proposed Final Recommendations.
- 2.2 The previous report set out 80 "Issues" which were identified either out of the representations made at First Consultation Stage, or by officers as a result of related analysis. Each Issue was given a "FCR" reference. All these Issues (together with the three new Issues identified as part of the Second Consultation Stage) are considered in Annex 1, with the references now being "SCR" to indicate that they relate to the Second Consultation Stage of the process. The Issues range from small boundary changes between parishes, and groupings of some parishes with others, through to changes to warding arrangements and amalgamations of parishes and parish councils.
- 2.3 The Second Consultation Stage ran from 4 May to 6 July 2018. 39 respondents make representations at this Second Consultation Stage. Some Issues received no further representations, and others were supported by Second Consultation Stage respondents. In ten cases, representations opposing the Draft Recommendations were submitted. Three new proposals were received (SCR19 Charlton, SCR29 Ampert, and SCR 82 Lockerley).

- 2.4 Throughout this report, and in Annex 1 and the Maps accompanying that Annex, boundaries shown are:-
- a) The current parish/town boundaries (which are the subject of this Review);
 - b) The Borough Wards and boundaries as set by the LGBCE 2017 Boundary Review – **these come into effect at the 2019 Borough Election**;
 - c) Those Parish ward boundaries (also set by the LGBCE 2017 Boundary Review), **which come into effect at the 2019 Borough Election**;
 - d) The County Electoral Division boundaries as set by the LGBCE 2016 Boundary Review of Hampshire County Council (which came into effect on the County elections in May 2017).
- 2.5 The format of Annex 1 broadly follows that of the 26 April report. Where LGBCE Consent or an application for the Related Alteration is required/appropriate, this is indicated at the start of each Issue. The Respondent Refs and details for each Issue are shown, firstly for the First Consultation Stage, and secondly in respect of those who responded to the Second Consultation Stage. Second Consultation respondents are identified as being either in support or against the Draft Recommendations (from the First Stage). Respondents to the Second Consultation who already commented at First Consultation Stage are indicated with “(S)” next to their reference number.
- 2.6 The Agreed Draft Recommendation for the Issue in question (which was agreed by full Council on 26 April) is set out, followed by a Summary of Representations (First Stage), which were considered in April. The next section sets out summary of the representations received at Second Stage (again for or against the Draft Recommendation).
- 2.7 The observations of the Members Group on the Issue (taking into account both First and Second Stage representations and the CGR principles) are then set out.
- 2.8 Where relevant, Annex 1 includes electorate figures (current and five year projections) and Electoral Variances. These will be relevant in considering council size, electoral arrangements (such as warding, etc.). The LGBCE will require such figures where Consent or a Related Alteration is sought. The current figures used are as at January 2018 (which comprises the data which is closest to the start of the CGR which can be analysed to reflect the changes introduced by the 2017 Borough Electoral Review). The five year projections are 2022 figures, prepared in conjunction with the 2017 Review, and where polling districts have been split, the 2022 figure has been apportioned on the same split basis as the January 2018 split figures.
- 2.9 The final section sets out the proposed Final Recommendation for the Issue (as agreed by the Members Group), including a need to seek Consent and/or recommendations for Related Alterations.
- 2.10 Annex 4 provides electoral data (as at 31 October 2017 and five year projection to 2022) and other information about the existing parish councils in the Borough.

3 Corporate Objectives and Priorities

- 3.1 The conduct of a Community Governance Review is one of the Council's Corporate Action Plan projects.
- 3.2 The CGR will seek to ensure that community governance in Test Valley reflects the identities and interests of local communities, and is effective and convenient.

4 Consultations/Communications

- 4.1 As noted above, the first period of consultation ran for 11 weeks from 13 November 2017 to 29 January 2018. The consultation invited respondents to submit proposals on changes to existing parish arrangements within Test Valley. All parish councils were sent details of the Review and invited to participate. In areas where there was neither a parish council nor a chair of a parish meeting, individual letters were sent to the residents of those areas.
- 4.2 Borough and County Councillors, community and residents' associations, and associations representing businesses and parish councils were also contacted, as was Hampshire County Council. A dedicated page on the Council's website was set up to allow individuals to find out information about the CGR and to participate themselves, and news releases and social media were also used to publicise the CGR.
- 4.3 109 responses were received during the First Consultation period. In addition, five responses were received after the consultation period had ended, three of which made the same proposals as other respondents, with two making new proposals. Officers wrote to the latter respondents following publication of the Draft Recommendations, inviting them to review the Draft Recommendations and resubmit their representations in the light of these.
- 4.4 The representations received within the First Consultation period were analysed and assessed by officers, and were also considered by the Community Governance Review Members Group. The First Consultation was "open" insofar as it sought views on parish governance arrangements across the Borough generally, rather than views on specific proposals. The representations were wide-ranging, and included proposals to abolish specific parish/town councils, adjust boundaries between parishes (moving areas and properties from one parish to another), amalgamating parishes and parish councils, and "grouping" parishes.
- 4.5 The outcome of the consultation led to a series of "Issues" being identified. These were then considered in a report to full Council on 26 April 2018, which results in a set of Draft Recommendations being agreed.
- 4.6 The Draft Recommendations were then published and a Second Consultation Period ran from 4 May to 6 July 2018. The same consultation process was followed. Where practicable, residents in areas which were affected by a Draft Recommendation were sent a letter referring to the Community Governance Review. Those who had made representations were also contacted to advise them that Draft Recommendations had been published.

5 Resource Implications

- 5.1 The costs of carrying out the CGR are primarily officer time in inviting representations, considering the representations, formulating appropriate Draft and Final Recommendations, and making a Reorganisation Order to implement the Final Recommendations.
- 5.2 As noted in the previous report, one additional cost that has been identified relates to an enhancement to the Council's Council Tax software. This is required to ensure that any properties that are moved from one parish to another as a result of the CGR are transferred at the appropriate time, so as to ensure correct Council Tax billing for the 2019/20 Financial Year (such bills being issued in March 2019).
- 5.3 The cost of the enhancement is £4,500 plus support and maintenance costs of £1,150. The cost was met from within the existing Revenues budget in 2017/18. The software will be tested in summer/autumn 2018, so that the changes can be implemented once the Reorganisation Order has been made.

6 Polling Districts and other Electoral Registration Issues

- 6.1 The Borough is divided into polling districts, which are then used to administer electoral registration and elections. Each parish must be in a separate polling district, unless special circumstances apply (e.g. if a parish only has a small number of electors and it would not be practicable for the parish to have its own polling district). Proper division into polling districts is required to ensure that electors are able to vote in the correct parish/ward/division at elections.
- 6.2 The Borough Council is required to carry out a review of Polling Districts every five years. A full review is programmed for late 2019. However, in order to properly administer the 2019 Borough Elections, an interim review will be needed before May 2019, in order to reflect any changes which arise out of the CGR.
- 6.3 As noted above, legislation prescribes that save in special circumstances, each parish must have its own polling district. Further sub-division and creation of additional polling districts will be required as a consequence of changes from the 2017 Borough Electoral Review, and any changes arising from the CGR (particularly if proposals for Related Alterations are not accepted). The division into polling districts is essentially an administrative exercise following directly on from Final Recommendations approved by Members as part of the CGR, and therefore full Council agreed on 26 April 2018 that the Chief Executive be given delegated authority (in consultation with the Corporate Portfolio Holder) to carry out this exercise once the Final Recommendations have been adopted.
- 6.4 Some of the Draft Recommendations set out in the previous Report will (if carried into Final Recommendations and given effect by a Reorganisation Order) also address some instances where properties lie on an electoral boundary. In any event, where properties do lie across parish/electoral boundaries, there are rules prescribing for Council Tax and parish precept purposes which area these properties are deemed to lie within (essentially this is determined by reference to the area where the greater part of the dwelling house on the property lies).

- 6.5 As part of the CGR, a data matching exercise was carried out across the Council's Council Tax, Electoral Registration, and Property databases. In the vast majority of cases, the records were entirely consistent, but a very small number of cases were identified where corrections were required in accordance with the rules referred to at paragraph 6.4 above. Electors and Council Tax payers affected by these cases were written to once the Second Consultation Stage was under way, confirming what changes have been made, and referring them to the CGR process, so they could participate in that consultation if they wish.

7 Legal Implications

- 7.1 Guidance on undertaking CGRs was issued in 2010 jointly by the Department for Communities and Local Government and the LGBCE. This report takes account of that Guidance, which is available at the following link:-

<https://www.gov.uk/government/publications/community-governance-reviews-guidance>

- 7.2 In undertaking a CGR, the Borough Council has a number of statutory duties, set out in the Local Government and Public Involvement in Health Act 2007 (the Act). Under Section 93(3) of the Act, the Council must consult local government electors for the area under review (i.e. all local government electors in the Borough in this case) and any other person or body (including a local authority) which appears to the Borough Council to have an interest in the Review. This was complied with as set out in Section 3 above.

- 7.3 Under Section 93(4) of the Act, **the Borough Council must have regard to the need to secure that community governance within the area under review:-**
- a) **reflects the identities and interests of the community in that area, and**
 - b) **is effective and convenient.**

These are therefore the key tests that must be applied when considering representations and proposals as part of the CGR.

- 7.4 Under Section 93(5) of the Act, the Council must take account of other arrangements (other than e.g. parish councils) that have already been made, or could be made, for the purposes of community representation or community engagement in the area under review. The DCLG/LGBCE Guidance refers to various examples of "alternative" arrangements, such as area committees, area forums and residents' associations, although it recognises that parish councils are distinct from such bodies in that they are a democratically-elected tier of local government. Possible alternative arrangements are particularly relevant where there is no existing parish council, or where there are concerns about the effectiveness of an existing parish council (as in such situations other arrangements may be able to provide better overall governance in accordance with the Section 93(4) tests set out in paragraph 7.3 above).

- 7.5 Government guidance confirms that the Government is seeking to help create cohesive, attractive and economically vibrant local communities, building on the Government's 'Sustainable Communities' strategy. Central to this concept is community cohesion. The impact of community governance on community cohesion is an issue to be taken into account when taking decisions about community governance arrangements.
- 7.6 Finally, Section 93(6) requires the Council to take into account any representations received in connection with the CGR. It is reasonable to set a time period for representations to be made, in order to allow them to be properly considered. Where late representations were received after the close of the First Consultation period, officers wrote to these respondents after publication of the Draft Recommendations, inviting them to review the Draft Recommendations and resubmit their representations in the light of these.
- 7.7 In respect of the Second Consultation Stage, one letter (signed by several residents) was received after the close of the Second Consultation period, in respect of Issue 28. This is noted in Annex 1 under that Issue.

8 Next Steps

- 8.1 Having started the CGR, the Council must now decide Final Recommendations on each of the Issues identified from the CGR.
- 8.2 Proposed Final Recommendations are set out in Annex 1, which have been prepared by the CGR Members Group taking into account the representations that were received in the First and Second Consultation Periods. It is considered that these are appropriate proposals to deal with the Issues which are raised.

9 Equality Issues

- 9.1 There are no specific equality issues which arise from this report.

10 Other Issues

- 10.1 Community Safety – none.
- 10.2 Environmental Health Issues – none.
- 10.3 Sustainability and Addressing a Changing Climate – none.
- 10.4 Property Issues – this report will not affect any TVBC property. Assets belonging to parish councils may be affected by the CGR, although this will normally only be the case where significant changes to parishes are proposed, e.g. where parish councils are merged together. It is not believed that there are any asset issues which would arise under the proposed Final Recommendations.
- 10.5 Wards/Communities Affected – the CGR will not affect Borough Wards (although as noted above the Final Recommendations can include recommendations to the LGBCE to make Related Alterations to bring Borough Ward boundaries into line with revised parish boundaries). A central test for the CGR is community identity and interest.

11 Conclusion

- 11.1 This Report sets out the Issues which have been raised as a result of the First and Second consultation processes of the Community Governance Review. The proposed Final Recommendations set out in Annex 1 are appropriate responses to these representations, which have regard to the statutory matters, and will allow the CGR to be concluded.
- 11.2 Agreement of the Final Recommendations will therefore allow the Council to formally conclude the CGR, and then (having sought LGBCE Consent where required) determine the extent to which these Final Recommendations are given effect, and for a formal Reorganisation Order to be made. That Order will then determine the governance arrangements for parishes across the Borough.

12 List of Annexes

- Annex 1 - Summary of Issues
- Maps showing Proposed Changes (separate pack)
- Annex 2 - Timetable
- Annex 3 - Glossary of Terms
- Annex 4 - Electoral Data

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Representations from respondents to First and Second Consultation period			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	4	File Ref:	N/A
(Portfolio: Corporate) Councillor Flood			
Author:	Howard Bone	Ext:	8467
Report to:	Council	Date:	5 September 2018