

East Herts Council Report

Council

Date of meeting: Wednesday 24 July 2024

Report by: Councillor Ben Crystall – Leader of the Council

Report title: Community Governance Reviews Working Group

Ward(s) affected: (All Wards);

Summary – The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal council such as East Herts to review and make changes to community governance within its area. The term 'community governance' in this context relates to town and parish councils. Government guidance published in 2010 states that it is good practice for a principal council to carry out a review every 10-15 years. This report asks Council to establish a Community Governance Review working group to carry out the review.

RECOMMENDATIONS FOR COUNCIL:

- (a) That a Community Governance Review working group be established to commence the review process.**

1.0 Proposal(s)

- 1.1 To establish a Community Governance Review working group to identify potential areas to take forward to a Community Governance Review. The working group will recommend to Council which parish councils may be subject to the review on 16 October 2024.

2.0 Background

- 2.1 The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') empowers a principal council such as East Herts District Council to review and make changes to community governance within its area. The term 'community governance' in this context relates to town and parish councils.
- 2.2 Changes to community governance arrangements must be made in accordance with the recommendations of a Community Governance Review (CGR) undertaken by the Council. A CGR is a review of the whole or part of the district with a view to making recommendations on one or more of the following:
- Creating, merging or abolishing parishes;
 - Boundary alterations between existing parishes;
 - The naming of parishes and the style of new parishes;
 - The establishment of parish councils;
 - The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and/or
 - Grouping parishes under a common parish council or de-grouping parishes.
- 2.3 In undertaking a CGR, a principal council must undertake certain actions set out in the 2007 Act and must follow guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE).
- 2.4 The Council may undertake a CGR at any time either in response to a specific issue such as a change in population resulting from new housing development or as part of a periodic programme of reviews (the guidance states that principal councils should consider undertaking a CGR every 10-15 years). Subject to certain qualifications a principal council must carry out a CGR if it receives a valid community governance petition or formal 'application' under the terms of the 2007 Act.

- 2.5 At the meeting on 26 July 2023, Council agreed to carry out a Community Governance Review for Ware, Wareside and Thundridge and the Rush Green area. The timetable for this review has now elapsed and the proposal is to now include these moving forward in the new review.
- 2.6 Officers wrote to all parish councils in May 2024 to inform them that the Council would be proposing a CGR and sought their initial views on whether they would like to be included.

Community governance reviews – process, timing and terms of reference

- 2.7 The Council may decide how to undertake a CGR, provided it complies with the legislation and statutory guidance. The review must include a period or periods of public consultation and must satisfy certain requirements in relation to the publication of recommendations and consideration of representations received.
- 2.8 When undertaking a review the Council must have regard to the need to secure community governance that reflects the identities and interests of the community in the area, and that is effective and convenient. The Council must consult local electors in the area under review and other persons or agencies who appear to have an interest in the review. The Council must take into account any representations it receives as part of the review. In relation to proposed electoral arrangements, a CGR must take into account projected electorate figures over a five year period.
- 2.9 A community governance review will typically take up to 12 months to complete (and in the case of a review triggered by a statutory petition or request must be completed within this timescale). Following the statutory process, if the Council accepts the recommendations arising from a review it will make a Community Governance Reorganisation Order to implement the proposals.

2.10 Any revised electoral arrangements made as a result of a community governance review will then come into effect at the next ordinary local elections (i.e. in May 2027).

Community Governance Review working group

2.11 It is recommended that a working group be set up to identify areas for a CGR.

2.10 The working group will have six Members and will be politically balanced. Group leaders will be asked for their nominations to the group. The political balance of the group will be as follows:

Party	Members
Green	2
Conservative	2
Liberal Democrat	1
Labour	1

2.11 The group will be tasked with reviewing town and parish councils across the district to identify areas to take forward for a review. They will be provided with a list of suggested areas for review made up of:

- (a) suggestions from the Local Government Boundary Commission for England (LGBCE) following their electoral review of East Herts in 2022
- (b) formal requests from town and parish councils; and
- (c) proposals identified by Officers including responses to the informal write out in May 2024.

2.12 The group will present a report to Council on 16 October 2024 to recommend the town and parish councils that will be subject to the CGR with their terms of reference and the timetable for the review.

2.13 Subject to approval, the CGR will follow this timetable with dates to be confirmed at the October Council meeting:

Stage of process
Publication of terms of reference
Initial submissions
Initial submissions invited/publicity campaign
Deadline for initial submissions
Consideration of submissions/ preparation of draft recommendations
Consultation on draft recommendations
Publication of draft recommendations
Consultation on draft recommendations/publicity campaign
Deadline for consultation responses
Consideration of responses/ preparation of final recommendations
Decisions & implementation
Publication of final recommendations
Council meeting to make any Reorganisation Order
Effective date for any revised electoral arrangements

3.0 Reason(s)

- 3.1 Best practice dictates that a principal council should consider conducting a review every 10-15 years.

- 3.2 The proposed community governance review will ensure that parish/town boundaries and wards are reviewed in the light of the changes to district ward boundaries with a view to putting in place governance arrangements at parish/town level that are effective and convenient and reflect community interest and identities.

3.3 All town and parish councils will be invited to make suggestions to the CGR working group.

4.0 Options

4.1 The option exists for the Council to decide not to proceed with establishing a community governance review working group outlined in the report.

4.2 However, this option is not recommended as a community governance review represents an opportunity to put in place parish/town governance arrangements that reflect community interests and identities and promote efficient and convenient local government and to address any anomalous boundaries. Furthermore, the LGBCE has suggested that the Council should consider taking areas in Ware and Rush Green forward.

5.0 Risks

5.1 Failure to undertake the community governance reviews proposed would carry a risk that community governance arrangements going forward do not fully reflect community interests and identities or promote efficient and convenient local government.

5.2 In addition, the 2007 Act provides for local electors to petition for a review, which the Council would have to complete within 12 months of receipt of a valid petition under the Act.

5.3 It will be necessary for adequate staff resources within the Electoral Services team or elsewhere in the authority to be allocated to ensure that the reviews can be completed within the timetable required.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

Yes – The proposed community governance reviews will include consultation with local electors and other interested parties including organisations working with and on behalf of under-represented groups. The guidance issued by the Secretary of State and LGBCE states that 'community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it'.

Environmental Sustainability

No

Financial

Yes – Undertaking the proposed community governance reviews will give rise to costs, in particular relating to staff resources to manage and report on the reviews and the preparation and production of publicity/consultation materials. These costs will be met from within the existing budgets and staffing resources of the relevant council services.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – The relevant legal provisions, powers and duties of the Council in relation to the each matter covered by this report are set out in the main body of the report.

Specific Wards

The Community Governance Review will cover all wards in the district.

7.0 Background papers, appendices and other relevant material

7.1 Government guidance on CGRs

[Guidance on community governance reviews
\(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114144/guidance-on-community-governance-reviews.pdf)

7.2 Council report 26 July 2023

[Agenda for Council on Wednesday 26th July, 2023, 7.00 pm - East Herts District Council](#)

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