

East Herts Council Report

Council

Date of meeting: Wednesday 16 October 2024

Report by: Councillor Ben Crystall – Leader of the Council

Report title: Community Governance Review - Terms of Reference and Timetable

Ward(s) affected: (All Wards);

Summary – Following the setting up of the Community Governance Review Working Group at the Council meeting on 24 July 2024, the group met on 2 October 2024 to discuss the informal submissions from town and parish councils about their inclusion in the Community Governance Review. This report presents the terms of reference for the review and the timetable for the review.

RECOMMENDATIONS FOR COUNCIL:

- a) That the Terms of Reference for the Community Governance Review at Appendix A be agreed, signifying the formal start of the Review and commencement of the first stage consultation.**

1.0 Proposal(s)

- 1.1 To agree the terms of reference and the timetable for the Community Governance Review.

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 The Community Governance Review Working Group was established at the Council meeting on 24 July 2024. The group met on 2 October 2024 with the Deputy Elections Manager to discuss the informal responses from town and parish councils about their desire to be part of a CGR. The responses received from town and parish councils are shown at Appendix B.

- 2.6 The group decided that all the suggestions from the town and parish councils at Appendix B should be taken forward for consultation. In addition to this, the group also proposed that warding arrangements be consulted on for Sawbridgeworth and Buntingford Town Councils. Although Sawbridgeworth Town Council stated that they felt the current structure should remain in place, the working group felt it would be amiss of the CGR not to explore if a warding arrangement would be more practical and convenient for electors. The working group felt it would also make sense to apply the same test to Buntingford Town Council.
- 2.7 The terms of reference for the CGR can be found at Appendix A and a timetable for the review is also included in the terms of reference. Members are invited to consider and agree these Terms of Reference. Once approved, the Terms of Reference shall be published, signifying the formal start of the CGR, and a public consultation shall commence.
- 2.8 The broad stages of a CGR are:
- 1) Publication of Terms of Reference, signifying the start of the review.
 - 2) Public consultation, inviting submissions of how parish electoral arrangements could be amended.
 - 3) Analysis of responses, and development of Draft Recommendations (based on the consultation responses and Officer-led considerations of local issues and the statutory criteria) by the Community Governance Review working group, and subsequent agreement by Council.
 - 4) Public consultation of the Draft Recommendations.
 - 5) Analysis of responses, and development of Final Recommendations by the Community Governance Review working group.
 - 6) Consideration of Final Recommendations by Council.
 - 7) Laying of Community Governance Order based on Council decisions.

8) Changes to parish electoral arrangements take effect at the next elections in May 2027.

2.9 When undertaking a CGR, the authority is required to consult with residents and interested parties. The initial consultation invites comments and suggestions to support the CGR, with no prior recommendations or options offered for comment. Details of the CGR and a link to the online consultation form will be sent to residents via the council's Network newsletter, parish councils, district councillors, all relevant county councillors, and the relevant Members of Parliament. The CGR will also be publicised on the council's website and social media pages.

2.10 The timetable for the review is proposed as follows:

Timetable for Community Governance Review	
Stage of process	Proposed dates
Publication of terms of reference	16 October 2024
Initial submissions	
Initial submissions invited/ publicity campaign	28 October to 6 January 2025
Deadline for initial submissions	6 January 2025
Consideration of submissions/ preparation of draft recommendations	January/February 2025 (report to Council meeting 26 February 2025)
Consultation on draft recommendations	
Publication of draft recommendations	3 March 2025
Consultation on draft recommendations/publicity campaign	3 March to 12 May 2025
Deadline for consultation responses	12 May 2025

Consideration of responses/ preparation of final recommendations	May/June 2025 (report to Council meeting July 2025)
Decisions & implementation	
Publication of final recommendations	July 2025
Council meeting to make any Reorganisation Order	July 2025
Effective date for any revised electoral arrangements	6 May 2027 (next ordinary town/parish council elections)

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 reviews will ensure that parish/town boundaries and wards are reviewed with a view to putting in place governance arrangements at parish/town level that are effective and convenient and reflect community interest and identities.

4.0 Options

4.1 The option exists for the Council to decide not to proceed with the community governance review 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 and the list of responses at Appendix B suggest there is a need to undertake reviews in certain areas of the district.

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://publishing.service.gov.uk)

7.2 Council report 26 July 2023

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

7.3 Council report 24 July 2024

[Agenda for Council on Wednesday 24th July, 2024, 7.00 pm - East Herts District Council](#)

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