



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE ELECTORAL MATTERS COMMITTEE

TUESDAY 6TH OCTOBER 2015

AT 5.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors C. Allen-Jones, J. M. L. A. Griffiths, H. J. Jones,
L. C. R. Mallett, K.J. May, M. Thompson and L. J. Turner

AGENDA

1. Election of Chairman
2. Election of Vice Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
5. To confirm the accuracy of the minutes of the meeting of the Electoral Matters Committee held on 26th March 2015 (Pages 1 - 6)
6. Community Governance Review for Proposed Boundary Changes to Clent and Hagley Parish Council Areas (Pages 7 - 18)
7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

28th September 2015



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE ELECTORAL MATTERS COMMITTEE

26TH MARCH 2015 AT 5.00 P.M.

PRESENT: Councillors J. M. L. A. Griffiths (Chairman), P. Lammas (Vice-Chairman), R. A. Clarke, L. C. R. Mallett, R. J. Shannon and L. J. Turner (Substitute)

Officers: Mrs. C. Felton, Ms. C. Flanagan and Ms. A. Scarce

8/14 **TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors J. M. Boswell, S. R. Colella, K. A. Grant-Pearce and C. J. Tidmarsh. It was confirmed that Councillor L. Turner was present as a substitute for Councillor Colella.

9/14 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

10/14 **MINUTES**

The minutes of the meeting of the Electoral Matters Committee held on 3rd November 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

11/14 **COMMUNITY GOVERNANCE REVIEW FOR PROPOSED BOUNDARY CHANGES TO CLENT AND HAGLEY PARISH COUNCIL AREAS**

The Chairman informed Members that the purpose of the meeting was to consider a report in respect of the proposed boundary changes to Clent and Hagley parish areas.

The Head of Legal and Democratic Services provided Members with background information in respect of the review and advised that Members were being asked to consider the recommendations and determine which recommendation would now form the subject of the stage two consultation as detailed within the report.

Whilst presenting the report the Head of Legal and Democratic Services highlighted the following:

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- The Council's duty to undertake a community governance review on receipt of a valid petition, which had instigated the review in this instance.
- Members should ensure that the review reflects the identities and interests of the communities within the area.
- For the purpose of good governance it was important that reviews were carried out and it was as number of years since the last one.
- Those that would be affected by the changes had been consulted together with other interested parties.
- The Committee's objective was to ensure good governance within the communities affected.
- Whilst it was important that Members take into account the views of the residents, this was one part of their consideration and that they must always refer back to the principles of good governance and community relevance and identity.
- Planning Officers had been consulted on the proposals and confirmed that no development was proposed in the affected area B over the next five years but that the Council may be subject to a Green Belt Review at some point in the future.
- The agreed recommendation would then go on to the second stage consultation and the results of this would be the subject of a subsequent report to this Committee before a final decision would be made by this Committee.

Following presentation of the report Members raised a number of questions including:

- Whether there was an indication of how many of the responses received were from each particular parish.
- The large number of responses together with a large majority in favour of a particular option.
- Residents from each parish having an equal opportunity to respond to the consultation.
- Details of the existing parish boundaries and the impact on the residents affected by any change which took place.
- The impact of each option and any subsequent changes that would arise from the final decision.
- The next steps in the process and what form the consultation would take.

It was confirmed that following the decision reached by the Committee a further period of consultation would be carried out with a final report being brought back to the Committee in October 2015 for its further consideration.

After further discussion it was

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RESOLVED to adopt Option 1 as the Council's draft recommendation and that a further consultation be carried out in respect of Option 1, which is to transfer the areas labelled "A" and "B" from Clent to Hagley parish council area, as indicated on the consultation plan, Appendix 1 attached to these minutes.

The meeting closed at 5.40 p.m.

Chairman

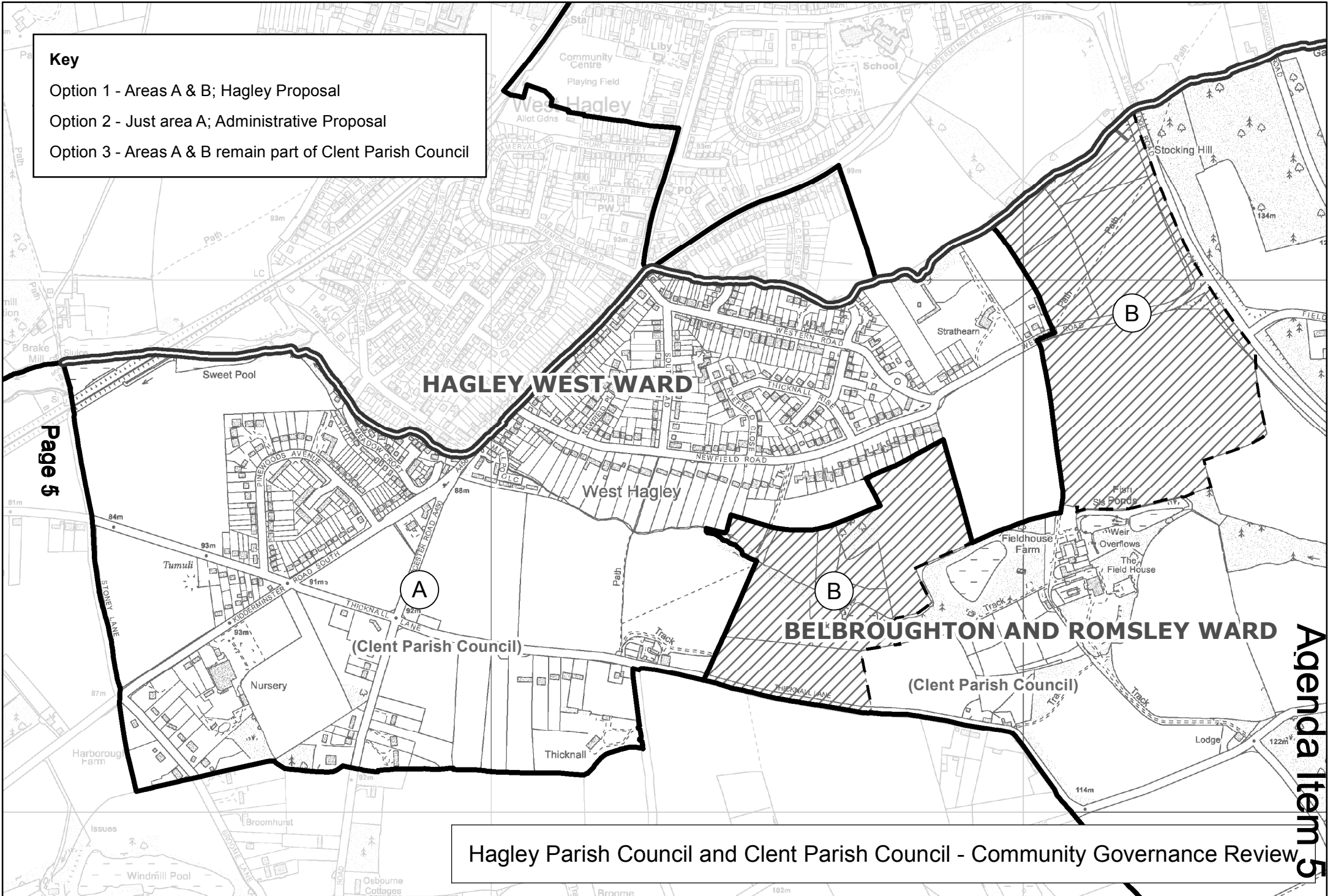
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Key

Option 1 - Areas A & B; Hagley Proposal

Option 2 - Just area A; Administrative Proposal

Option 3 - Areas A & B remain part of Clent Parish Council



HAGLEY WEST WARD

West Hagley

BELBROUGHTON AND ROMSLEY WARD

(Clent Parish Council)

(Clent Parish Council)

Hagley Parish Council and Clent Parish Council - Community Governance Review

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BROMSGROVE DISTRICT COUNCIL

Community Governance Review for the proposed boundary changes to Clent and Hagley Parish Council areas

Electoral Matters Committee

Date 6 October 2015

Final Recommendation for a Reorganisation of Community Governance Order to be made by the Council

Relevant Portfolio Holder	Cllr Geoff Denaro (for Cllr Margaret Sherrey)
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton
Wards Affected	Hagley West and Belbroughton and Romsley from 1 December 2014
Non-Key Decision	Electoral Matters Committee

1. SUMMARY OF PROPOSALS

- 1.1 As “principal authority” for the District of Bromsgrove, the Council has been conducting a Community Governance Review [CGR] since 1st October 2014. The CGR was instigated by a valid petition, proposing an alteration to the boundary between Hagley and Clent parish councils. A draft recommendation was adopted by this committee on 26 March 2015, to alter the parish boundary as proposed by the petition.
- 1.2 Members are now asked to consider the Final Recommendation, and to apply the statutory criteria in reaching a decision as to whether to recommend to the Council that a reorganisation Order should be made. Members are also asked to recommend delegation to the Head of Legal, Equalities and Democratic Services, authority to finalise the Order and the consequential matters to be agreed by the affected parishes, and to seek a related alteration to the District’s ward boundaries if the Order is made.

2. RECOMMENDATIONS

- 2.1 Members are asked to consider the Final Recommendation attached in **Appendix 1** and, in the light of the statutory criteria, to decide whether to recommend that an Order for the Reorganisation of Community Governance in Hagley and Clent under the Local Government and Public Involvement in Health Act 2007, be made by the Council; and
- 2.2 Delegate to the Head of Legal, Equalities and Democratic Services authority to finalise the Order and the consequential arrangements to be agreed between the parish councils, and to seek a related alteration to the District Ward boundaries from the Local Government Boundary Commission for England.

3. KEY ISSUES

Community Governance Review for the proposed boundary changes to Clent and Hagley Parish Council areas

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Financial Implications

- 3.1 Adjustments in Parish Council precepts, transfer of assets between the parishes and other associated changes such as changes to Council Tax management will be part of the consequential matters to be finalised by the Head of Legal, Equalities and Democratic Services, and the Director of Finance and the parishes, as required, after a Reorganisation Order is made.

Legal Implications

- 3.2 The Council has undertaken the Community Governance Review in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 (Part 4) and the associated Dept. of Communities and Local Government (DCLG) Guidance on Community Governance Reviews. The authority must have regard to the guidance issued by the Secretary of State (s100 (4) of the 2007 Act) and must give consideration to the views of local people in reaching its decision. The Local Government (Parishes and Parish Councils)(England) Regulations 2008 make provision in relation to matters affecting parish councils affected by a reorganisation order.
- 3.3 The 2007 Act sets out the duties of the council in undertaking a CGR. s93 provides that :
- “The principal 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.
- s93 (6) provides that “the principal council must take into account any representations received in connection with the review”
- 3.4 s2 of the Local Democracy, Economic Development and Construction Act 2009 states that there is a duty on principal councils to promote understanding among local people, which extends to parish councils.
- 3.5 The 2007 Act enables the principal council to make a Reorganisation Order, following a CGR.
- 3.6 s99 of the 2007 Act provides for agreements to be made by the affected parishes about incidental matters resulting from a CGR. These include:

Community Governance Review for the proposed boundary changes to Clent and Hagley Parish Council areas

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transfer of property, rights and liabilities. The Order applies subject to the terms of such agreements

- 3.7 In 2013 – 2013 the Local Government Boundary Commission for England [LGBCE] undertook a review of the electoral arrangements for the whole of the District Council Area and set out new Districts wards and changes to associated Parish Council Ward arrangements in The Bromsgrove (Electoral Changes) Order 2014. This Order came into force on 1 December 2014.

Service / Operational Implications

- 3.8 At its meeting on 24 September 2014, the Council noted and received a petition formally requesting a Community Governance Review of Hagley and Clent parish council boundaries. The proposal was to transfer land identified on the petition plan, from within the Clent Parish Council area to the Hagley Parish Council area. The Council approved the terms of reference for the review and agreed that the consultation process and statutory timetable should commence. The map is attached at **Appendix 2**
- 3.9 The Terms of Reference of the Review were published on 1 October 2014 and initial publicity and consultation was undertaken. At the last meeting of this Committee on 26 March 2015, members decided to adopt as their draft recommendation, Option 1 of the proposals considered, which was to adopt the changes proposed in the petition for the CGR, to transfer the areas marked “A” and “B” on the map.
- 3.10 All of the stages of the Review have been undertaken including further consultation on the draft recommendation, which took place between 1 April and 30 June 2015, leading to the preparation of the Final Recommendation for consideration by this Committee.

FINAL RECOMMENDATION

- 3.11 **Appendix 1** “Final Recommendation” sets out in detail the background to the CGR, and the process that has been undertaken by the Council in conducting it. Information on the numbers of electors in the current parishes and to be transferred are included, along with information on the options considered and the consultations undertaken.
- 3.12 Members are reminded that the results of the consultation ballots represent one element only of the matters to be considered by the

Community Governance Review for the proposed boundary changes to Clent and Hagley Parish Council areas

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Council in determining the outcome of the CGR. No greater weight should attach to the numbers of votes cast than to the need to secure that the community governance within the area continues to be effective and convenient and reflects the identities and interests of the community.

- 3.13 The Final Recommendation includes the Council's statutory duties in undertaking a CGR (as set out at 3.3 above) in particular, the need to ensure that the community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.
- 3.14 The DCLG Guidance provides that "when considering these criteria, a principal council should 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: "The general rule should be that the parish is based on an area which reflects community identity and interest".
- 3.15 The Hagley Parish Council submission is that the proposed transfer area is clearly part of the community of Hagley; that it is geographically part of Hagley; its residents use the services and facilities within Hagley and by virtue of the petition, that many residents of the proposed transfer area consider themselves part of Hagley. This latter proposition is supported by comments submitted by a number of residents in the transfer area, in the course of the consultations.

Reorganisation of Community Governance Order and Consequential matters

- 3.16 Should the Committee decide to agree the Final Recommendation on the basis that the proposal meets the statutory criteria and would reflect the identity and interests of the community, the Committee will recommend to Council that a Reorganisation Order under the 2007 Act should be made.
- 3.17 The content of the Order is prescribed by law and will define the new parish boundaries, set out the new electoral arrangements including ordinary timing of elections, parish council sizes and warding of the resulting parishes.
- 3.18 The s99 Agreement, as described at 3.6 above, enables the affected parishes to agree on consequential matters (transfer of assets, rights and liabilities) within the Order. It is to finalise these matters that a

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delegation to the Head of Legal, Equalities and Democratic Services is recommended.

- 3.19 Because the CGR related to two parish councils that are mentioned in the Bromsgrove (Electoral Changes) Order 2014, consent had to be sought from the Local Government Boundary Commission for England before an Order relating to Clent or Hagley Parish Councils could be created. This consent has been sought and was given by the LGBCE on 11 September 2015.
- 3.20 The Regulations provide that the order date for a reorganisation Order of this nature is the 1st April of the year following the making of the Order, in this case 1 April 2016. One reason for this is that a precepting authority can only issue a precept for a complete financial year.

Related Alteration

- 3.21 If the Council implements the recommendations made in its review, it would mean that the area to be transferred to the Hagley parish council area would still be within the Belbroughton and Romsley District Council Ward. Accordingly, the Council would need to apply to the LGBCE for a related alteration to the District Council's ward boundaries between Hagley West District Ward and Belbroughton and Romsley District Ward.
- 3.22 The LGBCE may make a related alteration to ensure coterminosity between the new parish boundary and the related ward boundary. It will determine whether it will do so based on national criteria relating to elector numbers, the ratio of representation to electors and the impact on electoral variances. An application will be made to LGBCE after the Reorganisation Order has been made, under the delegation to the Head of Legal Equalities and Democratic Services, which is sought.

Customer / Equalities and Diversity Implications

- 3.23 In conducting the review the Council ensured that the affected communities are properly consulted and that electoral equality was taken into consideration.
- 3.24 The Council is required to deposit at its main office a copy of the Order and a map illustrating the changes, to be available for inspection during normal working hours. It will also be published on the Council's website and notification made to a number of prescribed organisations.

Community Governance Review for the proposed boundary changes to Clent and Hagley Parish Council areas

Electoral Matters Committee

Date 6 October 2015

4. RISK MANAGEMENT

4.1 None identified at this time.

5. APPENDICES

Appendix 1 – Final Recommendation

Appendix 2 – Map

6. BACKGROUND PAPERS

The following documents were published as appendices to the Report for the last meeting of this committee on 26 March 2015. They can be found on the Council's website:

The Terms of Reference (for the Review)

Hagley Parish Council Feasibility Study

Clent Parish Council Representation

Consultation Map (also appended to this report)

Results of Electoral reform Society ballot

Results of BDC consultation

AUTHOR OF REPORT

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Agenda Item 6

Review of Community Governance in the Parishes of Hagley and Clent by Bromsgrove District Council

Final Recommendations

On 1 October 2014 the Bromsgrove District Council ["BDC"] approved and published terms of reference to conduct a Community Governance Review covering the parished areas of Hagley and Clent. The terms of reference were to consult and consider whether the proposal submitted from Hagley Parish Council, was convenient and reflective of the identities and interests of the community in that area.

Background

Hagley Parish Council submitted a qualifying petition from the requisite number of local electors, in the following terms:

"We, the undersigned, support the proposal for Hagley Parish's boundary to be altered to include the proposed Transfer Area, shown on the plan on the reverse of this sheet. We formally request that Bromsgrove District Council undertake a Community Governance Review and consider our request".

Plan 1 appended to this document is the plan referred to BDC members to consider options for consultation, including the petition proposal. It illustrates the difference between options 1 and 2 as set out below. This plan also illustrates the two different types of area included in the petition; the residential part (marked "A") and the other area/s, currently unoccupied (both marked "B"). It is anticipated that future housing development will take place in areas "B".

The village of Hagley has grown over the years. The proposed transfer area ("A") includes a number of residential roads which would appear to be part of the village but which are, in fact, located within the parish of Clent, including a road where houses on opposite sides are in different parishes. The stated objective of Hagley Parish Council is to achieve community cohesion for the village, as it currently exists "de facto" and as it continues to develop in the future.

The number of electors in the parishes currently are:

Parish	Parish Ward	Number of Electors
Clent	Clent West	1,061
	Clent East	934
Hagley	Hagley East	2,078
	Hagley West	1,550
	Hagley South	121

The figure highlighted in "Clent West" is the number of electors in the area proposed to be transferred to Hagley.

The second plan attached illustrates Clent Parish, with the village of Clent and its surrounding rural areas as it is currently, with the proposed transfer area adjacent to Hagley village, hatched.

Initial Consultation

Consultation took place with households and stakeholders in the area between 1 November, 2014 and 30 January, 2015. Consultees were asked to select between the four following options:

Option 1 – to adopt the proposed change as set out in the petition

Option 2 – to adopt the change as proposed by Bromsgrove District Council.

Note

This option was proposed by BDC. It would transfer the area already containing residential properties (area “A”) but not the undeveloped sites (areas “B”). This option would have maintained the District Wards, as settled in the Local Government Boundary Commission for England (“LGBCE”) review of 2014 and avoid the need to apply to LGBCE for a consequential alteration following a review.

Option 3 – that no change be undertaken; or

Option 4 – to make an alternative proposal.

Electoral Reform Services [“ERS”], on behalf of the Council, sent notification of the options to all households within the electoral areas of Clent and Hagley parish councils, along with an opportunity to vote on the proposals. If more than one person within a household wished to respond to the consultation, they could do so by responding individually to the Council’s consultation.

Consultation letters were sent to local public representatives and the affected parishes. The Council had also advertised the review and consultation in the local media and via social media and the consultation document and response form was made available on the Council’s website.

Responses on Initial Consultation

In response to the ERS ballot, a total of 1,316 responses were received from households in the parishes of Hagley and Clent, a turnout of 46%. Of this number, the results were:

Option 1 – 75.4%

Option 2 – 4.6%

Option 3 – 19.8%

Option 4 – 0.2%

The alternative suggestion under Option 4 was to amalgamate the two parish councils.

There were 2 responses from statutory consultees: Hagley Parish Council submitted a “Feasibility Study” in support of Option 1. A letter from the chairman of Clent Parish Council indicated that Clent was a reluctant participant in the review, as Clent PC had not asked for it to take place and did not support a change to the boundary.

There were 358 responses to the BDC open consultation, as follows:

Option 1 – 345

Option 2 – 4

Option 3 – 9

Option 4 – 0

Analysis of the responses on the initial consultation

The responses from the consultation indicated a clear majority support for there to be a change to the current governance arrangements in the area by a transfer of the area identified in the petition from Clent to Hagley parish council area.

The Law, Duties and Guidance

Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:-

- i. It 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;
 - b. is effective and convenient.

- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - a. that have already been made, or
 - b. that could be made

for the purposes of community representation or community engagement in respect of the area under review.

- iii. The Council must take into account any representations received in connection with the review.

Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.

The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.

The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.

In this case, the majority of the residents who responded to the consultation have stated that they wished to see the changes to the current governance arrangements as set out in the petition.

Draft Recommendations

Following a meeting of BDC Electoral Matters Committee on 26 March 2015, Option 1 became the draft recommendation to be further consulted on for a period of three months from 1 April 2015 to 30 June 2015. In addition to the posting of the consultation on the council's website, letters were sent to Hagley and Clent parish councils, requesting that they publicise the consultation within their localities, and the web page was updated.

BDC received 115 responses to the further consultation. The results were:

111 supported the draft recommendation;

3 supported "no change"; and

1 consultee suggested that the two parish councils should be amalgamated.

Of the 111 responses in support of the draft recommendation, between 36 – 39 (2-3 are unclear) were from residents who currently live within Clent parish council area but who identify with the village of Hagley and who support the proposed transfer from Clent to Hagley.

Final Recommendation

Taking into account the guidance, the statutory obligations and the results of the consultation exercise and the responses received following the publication of the draft recommendations, the final recommendation for the Electoral Matters Committee is that the community governance arrangements in the parished areas of Hagley Parish and Clent should be changed to reflect the proposal contained in the originating petition, which became Option 1 of the original consultation, and subsequently became the Council's draft Recommendation.

1 September 2015

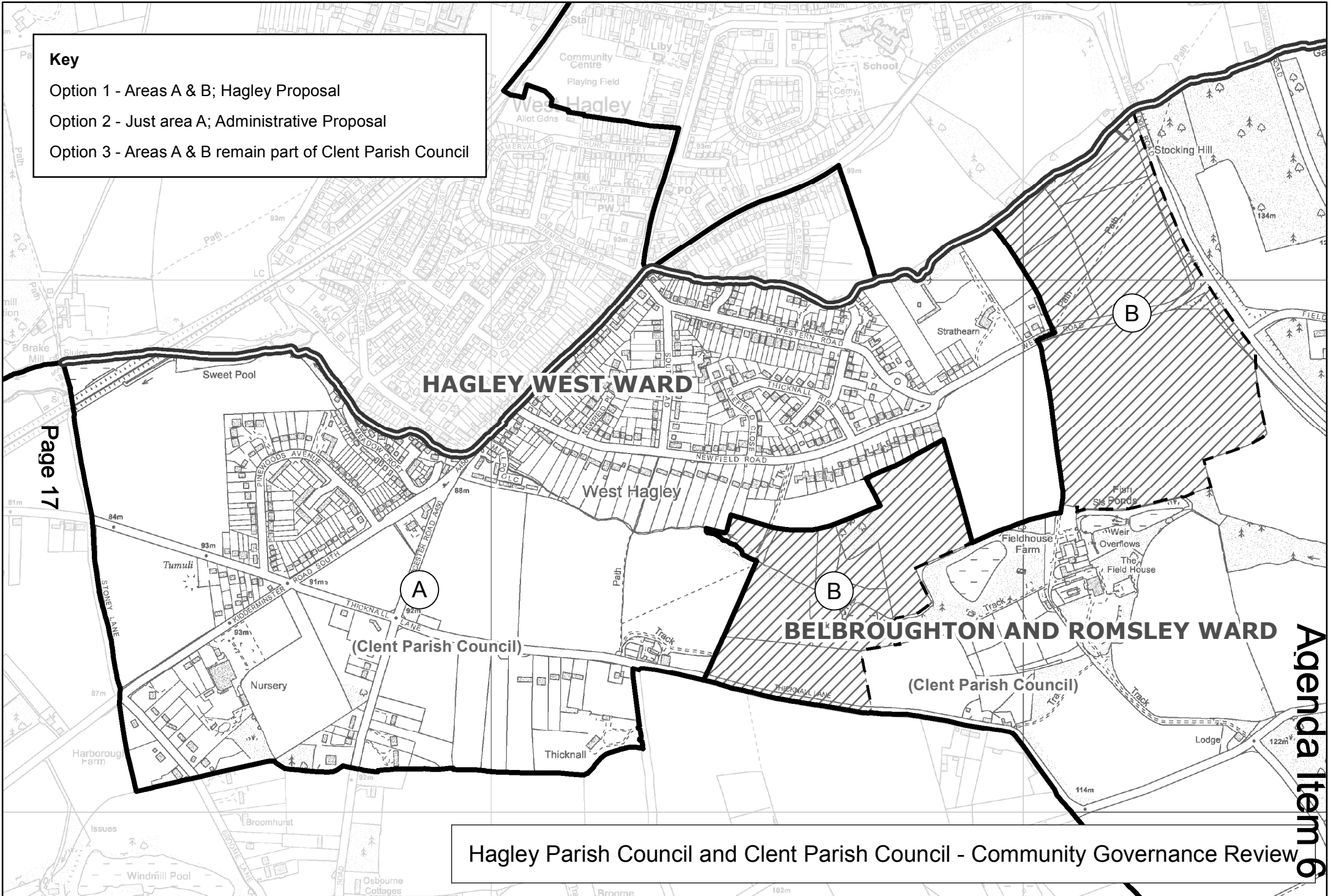
Claire Felton
Head of Legal Equalities and Democratic Services
Bromsgrove District Council.

Key

Option 1 - Areas A & B; Hagley Proposal

Option 2 - Just area A; Administrative Proposal

Option 3 - Areas A & B remain part of Clent Parish Council



Hagley Parish Council and Clent Parish Council - Community Governance Review

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