

## 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**

## **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**

---

### **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:

## 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

---

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

## **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**

---

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

## **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**

---

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.

## **BROMSGROVE DISTRICT COUNCIL**

**Community Governance Review for the proposed boundary changes to  
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#### **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

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