

# Community Governance Review of Town and Parish Council Arrangements Within the Borough of Swindon

## Corporate Governance Review Working Group

Date: 29<sup>th</sup> September 2015

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Author:	Leader of the Council and Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### 1. Purpose and Reasons

- 1.1 This report results from a number of requests that the Borough Council carries out a Community Governance Review of Swindon's parishes and their electoral arrangements in accordance with the Local Government and Public Involvement in Health Act 2007.
- 1.2 A review of the community governance arrangements in Swindon last took place in 2012/2013. Since then, a number of parish councils have asked for their electoral arrangements to be reviewed including their parish warding arrangements and the number of parish councillors. It is also understood that there is a petition currently on-going for the creation of a new parish in an area that is currently parished.
- 1.3 The Borough will need to also consider the un-parished areas of Swindon as a review may lead to a community desire to create additional parishes. It is, therefore, possible that new parishes in un-parished areas may emerge as an outcome of the review.
- 1.4 Effective governance arrangements are central to a successful modernised and transformational council and the Community Governance Review is an essential part of those arrangements.

### 2. Recommendations

The Corporate Governance Working Group is asked to endorse a request to Cabinet that Council be recommended to:

- 2.1 Agree to conduct a Community Governance Review, in accordance with the Local Government and Public Involvement in Health Act 2007, for the whole of the Borough of Swindon including both parished and un-parished areas.
- 2.2 Agree to the proposed timescale and Terms of Reference of the Community Governance review as set out in appendix A.

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- 2.3 Authorise the Director of Law and Democratic Services to take all necessary steps in relation to the Review in consultation, as appropriate, with the Corporate Governance Review Working Group.

### **3. Detail**

- 3.1 Currently there are 15 town/parish councils within the Borough (1 town council and 14 parish councils), and 1 parish meeting. A substantial proportion of the Borough, however, is not parished with the un-parished areas being mainly across the central belt of the Borough.
- 3.2 The Department of Communities and Local Government and the Electoral Commission, have produced guidance on community governance reviews. The Guidance makes the point that over time, 'communities may expand with new housing developments' and that 'this can often lead to existing parish boundaries being anomalous'. This is particularly true of parts of Swindon such as the Northern Sector.
- 3.3 In consequence of the recent community governance review, some Parishes are also keen to review their own electoral arrangements in relation to warding arrangements and the number of parish councillors.
- 3.4 A community governance review can be carried out by the Borough Council of its own volition at any time. Under the 2007 Act, however, the Borough Council is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the council's area.
- 3.5 The duty to conduct a review does not apply if:
- 3.5.1 (a) the principal council has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition, or
  - 3.5.2 (b) the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates.
- 3.6 As the last Community Governance Review was concluded more than two years ago, the Borough Council can be required to carry out a community governance review should a valid petition be presented.
- 3.7 For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors. The petition thresholds are:

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- 3.7.1 for an area with less than 500 local electors, the petition must be signed by at least 50% of them;
- 3.7.2 for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them;
- 3.7.3 for an area with more than 2,500 local electors, the petition must be signed by at least 10% of them.
- 3.8 Should a community governance review be carried out, the Guidance also includes the recommendation that a principal council should consider the benefits of a review of the whole of its area rather than reviewing 2 or 3 areas in a piecemeal fashion. Section 93(8) of the 2007 Act stipulates that the review must be completed within a year starting with the day on which the Borough Council begins its review, i.e. when it publishes the Terms of Reference for the review. Accordingly, a draft Terms of Reference and possible timescale is set out in Appendix A.
- 3.9 The Borough Council must as part of the review consult with local people and take into account any representations made in connection with the review. The review must ensure that the proposed community governance reflects the interests and identities of the community. It must also make certain that the arrangements are effective and convenient for the electors of that community.
- 3.10 As members will know, there are active residents associations and community groups in various parts of the Borough and there are also the 7 localities into which the Borough has been divided. It is important that the review takes into account existing forms of community governance such as resident and tenant associations and community forums.
- 3.11 A Community Governance Review will consider the creation, abolishing merging or altering of parish councils and any subsequent electoral arrangements. New parishes may be created as a result of the geography of an area, the make-up of the local community, or sense of identity. All parishes must fall within the existing borough boundary.
- 3.12 A Community Governance Review must be carried out in accordance with due process otherwise the Borough Council may be judicially challenged as in fact was the case in relation to the previous Review carried out in 2012/13. As the Review had been properly carried out, the challenge failed and the Borough Council were awarded costs.
- 3.13 Parishes may also wish to consider the alternative options with regard parish naming. The 2007 Act allows for parish councils to become Town, Community,

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Neighbourhood or Village councils. One Parish Council has recently considered this issue and decided not to change its designation to a Town Council. A change to the parish name will impact on the title given to the councillors of that parish i.e. parish councillor could change to village councillor or town councillor.

- 3.14 Each parish council must have a minimum of 5 parish councillors and there is no maximum. Consideration may be given to reducing the number of parish councillors where any long standing vacancies remain unfilled or where the parish has reduced in size.
- 3.15 Warding for larger parish and town councils should be considered for the practicalities and convenience of voting and in the light of population distribution. The benefits of warding larger parishes include reduced costs for any by-elections, ballot papers of a more reasonable size, which again will reduce costs but more importantly ease of voting for the elector. When warding parishes, careful consideration must be given to the allocation of councillors for each parish ward to guarantee good representation to all parishioners.
- 3.16 To implement the outcome of the Review, the Council will be required to draw up a reorganisation order with accompanying maps, and widely publish these changes. The electoral arrangements for a new parish or changes to a parish come into force at the first parish council election following the Order.
- 3.17 Assuming that the first election of any new parish council is held in May 2017, then consideration will have to be given as to when the following ordinary parish elections for that new parish should be held. These would normally be held every four years following the first election but may need to be scheduled to fall in line with the Borough elections for the wards in which the parishes are located, so as to enable the costs of ordinary elections to be shared.

#### **4. Alternative Options**

- 4.1 It is open to the Council not to carry out a Community Governance Review as no formal request to do so has been received.
- 4.2 It is open to the Council to vary the timetable for the review.

#### **5. Implications, Diversity Impact Assessment and Risk Management**

##### Financial and Procurement Implications

- 5.1 There will be a financial cost in holding Community Governance Reviews particularly in respect of the preparation of plans and the consultation process. There is no specific budget for this and the costs will seek to be accommodated within existing budgets.

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### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications were fully taken into account in the preparation of this report and it is believed that its recommendations are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 No specific implications have been identified other than those set out in the report.

### Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has not been undertaken at this stage as this will be considered as part of the Community Governance Review itself.

### Risk Management

- 5.5 No specific risk implications were identified in the preparation of this report.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Swindon Area Committee of the Wiltshire Association of Local Councils and Parishes within the Borough are aware of this, having discussed this issue a number of times in the Borough / Parish Working Party and the Town / Parish Clerks Forum.

## **7. Background Papers**

- 7.1 None.

## **8. Appendices**

- 8.1 Appendix A – Draft Terms of Reference – Community Governance Review 2015.