

**REPORT TO THE COUNCIL MEETING OF 16<sup>th</sup> JANUARY 2012**

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**Status:** For Decision  
**Title:** Community Governance Review – Terms of Reference  
**Originator:** Richard Ellis, Corporate Services Manager  
**Where from:** Executive Portfolio Plan – Corporate and Customer Services  
**Where to next:** Consultation

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1 Purpose Report

1.1 To agree the terms of reference for the district wide community governance review due to be undertaken in 2012.

2 Recommendations:

2.1 **That the terms of reference for the Community Governance Review set out in Appendix A be approved as the basis for consultation on local governance arrangements.**

3 Summary of Reasons for the Recommendations

3.1 Carrying out a district wide community governance review is included as one of the actions in the Portfolio Plan for Corporate and Customer Services for 2011/12.

3.2 The first stage in undertaking the review is to agree the terms of reference. The formal review process will start once the terms of reference are published and this report is seeking agreement to the terms of reference in advance of that process. The terms of reference are drafted to cover all the potential outcomes of a community governance review, in line with the relevant legislation.

4 Impact on Communities

4.1 Community Governance Reviews provide the opportunity for principal councils to review and make changes to community governance arrangements in their areas to reflect local circumstances, for example, in relation to changes in population or in reaction to specific or local issues. The provisions of the Local Government and Public Involvement in Health Act 2007, which devolved powers to carry out and implement reviews to principal councils, are intended to improve the development and coordination of support for citizens and

community groups so that they can make the best use of empowerment opportunities.

## 5 Key Facts

- 5.1 Community Governance Reviews are conducted under the provisions of the Local Government and Public Involvement in Health Act 2007. With effect from 2008, the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission to the principal council (Harborough District Council in this instance).
- 5.2 The principal council must determine and publicise the terms of reference of the review and must specify the area concerned.
- 5.3 The principal council is now not obliged to undertake a review unless it has received a community governance petition. However, the principal council can set the terms for a review for part or all of the council's area to be undertaken without having received such a petition. The 2007 Act provides for a principal council to undertake a Community Governance Review at any time. It is considered good practice for principal authorities to consider conducting a review every 10-15 years.
- 5.4 The Council has received several requests by individual parishes to undertake reviews of their electoral arrangements and a decision was taken that it would be more appropriate to undertake a district wide review, rather than carrying out isolated reviews. This approach will ensure consistency in approach across the District.
- 5.5 The procedure for carrying out a Community Governance Review is a matter for the principal council to decide, subject to the following statutory duties:
  - To consult the local government electors for the area under review and any other person or body (including a local authority) which appears to have an interest in the review;
  - To have regard to the need to ensure that community governance in the review area reflects the identities and interests of the communities in the area and is effective and convenient;
  - To take account of any other arrangements (other than those relating to parishes) which have been or could be made for the purpose of community representation or community engagement in the review area;
  - To take account of any representations received in connection with the review;
  - As soon as practicable after making any recommendations to publish them and to take such steps as it considers sufficient to ensure that those persons who are likely to be interested in the review are informed of them;

- To complete the review within 12 months starting on the day on which the council begins the review (publication of the terms of reference).

## 6 Legal Issues

- 6.1 The power to undertake Community Governance Reviews is provided to the District Council as a principal authority under the provisions of the Local Government and Public Involvement in Health Act 2007 (sections 79-102).

## 7 Resource Issues

- 7.1 The review will be undertaken within existing resources.

## 8 Equality Implications

- 8.1 An Equality Impact Assessment will be undertaken as part of the review process and presented to Council alongside any recommendations.

## 9 Impact on the Organisation

- 9.1 The review will enable the Council to take a holistic view of community governance arrangements within the District and ensure that such arrangements best meet the needs of local communities in line with the Council's vision and priorities.

## 10 Community Safety Implications

- 10.1 No implications identified.

## 11. Carbon Management Implications

- 11.1 No implications identified.

## 12. Risk Management Implications

- 12.1 No implications identified.

## 13 Consultation

- 13.1 The review will be widely advertised and responses to the consultation process will be sought from:

Existing Parish and Town Councils and Parish Meetings

Local Residents

Businesses

Community Groups and Organisations

County Council

Any other persons or bodies having an interest in the electoral arrangements of the locality

The National and Local Associations of Parish and Local Councils will be consulted.

- 13.2 The review process will formally commence with publication of the Terms of Reference and end on publication of the recommendations of the review and the review has to be completed with 12 months.
- 13.3 In order to allow interested parties sufficient time to consider a submission it is proposed that the Terms of Reference be formally published during March, to coincide with the publication of 'Talkback', and that a period of two calendar months be allowed for representations. This will ensure that the review is brought to the attention of every household in the district and that there is sufficient time for individuals and groups to formulate their responses. The review will also be published by press notices/press releases, the Council's website and social media and by individual letter to certain organisations (including all Parish/Town Councils and Meetings).

#### 14 Options Considered

- 14.1 Not to undertake a district wide review. The Council has already received requests from individual parishes to review arrangements within their area. There is also evidence from previous parish council elections that there are issues in some parishes regarding their ability to form a democratically elected council. It is considered that a district wide review is the most appropriate option to ensure consistency in approach and to meet the expectation that the Council will keep community governance arrangements under periodic review.

#### 15 Background Papers

- Local Government and Public Involvement in Health Act 2007
- Guidance on Community Governance Reviews (Communities and Local Government and the Boundary Commission for England (March 2010)

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**Previous report(s): None**

**Information Issued Under Sensitive Issue Procedure: No**

**Ward Members Notified: No**

**Appendices:**

**A. Community Governance Review 2012 – Terms of Reference**