

REPORT TO: Civic Affairs Committee

3 December 2019

LEAD OFFICER: Head of Sustainable Communities and Wellbeing

Community Governance Review Thriplow Parish Council

Executive Summary

1. At the meeting of 29 October 2019, Civic Affairs Committee agreed a Community Governance Review to consider a change in the number of parish councillors representing each parish ward, with the overall number of parish councillors remaining the same.
2. Since Community Governance Review was agreed, Thriplow Parish Council has requested a name change to Parish of Thriplow and Heathfield.

Recommendations

3. It is recommended that the Committee:
 - (a) agrees to amend the previously agreed Community Governance Review terms of reference to include consideration of a name change (Appendix A), and
 - (b) agrees for staff to agree a timetable in consultation with Thriplow Parish Council.

Reasons for Recommendations

4. A Community Governance Review of the Parish of Thriplow, to consider the number of parish councillors representing each parish ward, to more accurately reflect the numbers in the electorate of each parish ward was agreed on 29 October 2019.
5. Following Civic Affairs Committee's agreement to carry out the Community Governance Review, Thriplow Parish Council has requested a change of name to The Parish of Thriplow and Heathfield (Appendix B).
6. Thriplow Parish Council have been working to ensure that the electorate of both Thriplow village ward and Heathfield ward are represented by the Parish Council. A Community Governance Review which considers both the number of councillors representing each ward and a new name which includes both wards offers an

opportunity to strengthen community engagement and participation and generate a positive impact on community cohesion.

7. Officers have been liaising with the Parish Council regarding a suitable timetable. A number of factors are being considered to ensure that the timetable works for both the Council and local people.

Details

8. The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published. (*LGBCE: Guidance on Community Governance Review: 19*).
9. Government expects terms of reference to set out clearly the matters on which a community governance review is to focus. The local knowledge and experience of communities in their area which principal councils possess will help to frame suitable terms of reference. The terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities. (*LGBCE: Guidance on Community Governance Review: 21*).
10. The 'name' of a parish refers to the geographical name of the area concerned and can be changed independent of a review by a principal council at the request of a parish council or parish meeting (where there is no parish council). (*LGBCE: Guidance on Community Governance Review: 108*).
11. Whilst a principal council can change the name of the Parish of Thriplow without carrying out a Community Governance Review, the agreed review provides a valuable opportunity to engage with local people and hear their views before a decision is made.
12. Given that Civic Affairs Committee agreed the terms of reference for the Community Governance Review on 29 October 2019, it is for the Committee to decide if the proposed name change should also be included. Given the delay to commencing the review, that has arisen due to the timing of this request, Civic Affairs Committee is also now required to consider a revised timetable for the review.
13. Following the review, Civic Affairs Committee will decide as to the number of parish councillors representing each parish ward. If Civic Affairs Committee chooses to include the parish name in the review it will make a recommendation onto Council. Should Civic Affairs Committee choose not to include the name change in the review a report will be taken direct to Council on this matter.

Options

14. The Committee could resolve to commence a Community Governance Review, with or without including the proposed name change, to consider changing the number of parish councillors representing the Thriplow Village and Heathfield wards of Thriplow parish.
15. The Committee could decide that the proposed name change should not be included within the review and be taken direct to Council.

16. Should the Committee agree to commence the Community Governance Review of the parish of Thriplow, with or without including the proposed name change, they will need to:
- (a) agree, with or without amendments, the draft terms of reference (Appendix A); and
 - (b) agree for staff to agree a timetable in consultation with Thriplow Parish Council or set an alternative timetable.

Implications

Legal

17. By section 82 the 2007 Act Councils have a discretionary power to undertake a CGR.

Section 93 the 2007 Act states the following duties of a Council in undertaking a review:

“(1) The principal council must comply with the duties in this section when undertaking a community governance review.

(2) But, subject to those duties, it is for the principal council to decide how to undertake the review.

(3) The principal council must consult the following—

(a) the local government electors for the area under review;

(b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

(4) 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.

(5) In deciding what recommendations to make, the principal 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.

(6) The principal council must take into account any representations received in connection with the review.

(7) As soon as practicable after making any recommendations, the principal council must—

(a) publish the recommendations; and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.”

These duties are reflected within the Terms of Reference agreed by Committee prior to commencement and must be considered in making a decision.

Section 100(1) of the 2007 Act empowered the Secretary of State to issue guidance as to the carrying out of CGRs. By section 100(4) of the Act, the Council is obliged to have regard to any such guidance issued.

The currently relevant Guidance was published the DCLG in March 2010 (“the Guidance”).

Staffing

18. Staff time will be required to carry out the review and has been allocated within the Sustainable Communities and Wellbeing Service Plan for 2019/20. Including the proposed name change within the review will not significantly add to the amount of staff time required to carry out the review.

Risks/Opportunities

19. Making suggested amendments to the previously agreed Community Governance Review will give Thriplow and Heathfield residents the opportunity to engage with local democracy and determine how they wish to be represented in future.

Equality and Diversity

20. The Council will work with Thriplow Parish Council to identify and consult with interested parties. The Community Governance Review will involve formal consultation with the Local Member for Thriplow.

Consultation responses

21. The Chair and Clerk of Thriplow Parish Council and the local member have been made aware of this report.

Effect on Council Priority Areas

A modern and caring Council

22. Appropriate community governance arrangements will help the Council to sustain existing successful, vibrant villages and establish successful and sustainable new communities. The Local Government and Public Involvement in Health Act 2007 (Section 100(4) requires principle councils to undertake Community Governance Reviews in accordance with the guidance below.

Background Papers

The Local Boundary Commission for England: Guidance on Community Governance Review: March 2010.

Appendices

Appendix A: Draft Terms of Reference: Thriplow Community Governance Review 2019

Appendix B: Letter from Thriplow Parish Council requesting name change.

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