

Council – 21<sup>st</sup> July 2011

## **Proposed Parish Boundary change between Pen Selwood Parish Council and Stoke Trister with Bayford Parish Council – Community Governance Review**

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### **Purpose of the Report**

To report the receipt of a request (under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007) from Stoke Trister with Bayford Parish Council to alter the parish boundary between itself and Pen Selwood Parish Council.

### **Public Interest**

A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style (i.e. whether to call it a town council or village council etc) of new parishes;
- the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
- grouping parishes under a common parish council, or de-grouping parishes.

The Local Government and Public Involvement in Health Act, 2007, sets down the principal legal framework within which councils must undertake these reviews.

A valid request has been received from Stoke Trister with Bayford Parish Council requesting that the District Council conduct a consultation (Community Governance Review) of all the electors and local interested groups to ask if they would support the alteration of the Parish Council boundary between them and Pen Selwood Parish Council. This report asks for the authorisation of Council to carry out that consultation.

### **Recommendations**

The Council is recommended to:

1. Note the receipt of the request and its validity;
2. Agree to undertake a Community Governance Review of the Parishes of Stoke Trister with Bayford and Pen Selwood;
3. Agree the Terms of Reference of the review as detailed in Appendix A, including the timetable and arrangements for public consultation;
4. Agree that the review will be carried out by the Democratic Services Manager, in consultation with Ward Members, Area Development Manager (East) and the Area East Committee;

5. Note that further reports will be brought to Council in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

## **Background**

In December 2005, South Somerset District Council agreed to undertake a review of parish boundaries in accordance with the Local Government and Rating Act 1997. A Parish Boundary Review Committee was established to conduct the review and draw up draft recommendations. However, this review was suspended in February 2007 following the publication of the Local Government and Public Involvement in Health Act 2007 with its proposed new powers in respect of community governance reviews, including the variation of parish boundaries.

The Act allows for the public to petition for reviews in their areas. Reviews must be undertaken if petitions are received as follows:

- Area with fewer than 500 electors - at least 50% of the electors
- Area with between 500 and 2,500 electors – at least 250 of the electors
- Area with more than 2,500 electors - at least 10% of the electors.

It is, however, not necessary for a petition to be received to initiate a review. Stoke Trister with Bayford Parish Council has requested an amendment to the boundary with Pen Selwood Parish Council and it is for the District Council to now decide whether it wishes to undertake this boundary review.

## **Request from Stoke Trister with Bayford Parish Council**

In their request, the Parish Council state that when the A303 dual-carriageway/Wincanton by-pass was built, it went through the middle of Leigh Common, dividing the Common. In recompense the Department of Transport (as it was then) purchased some land to the south of the new road and Beech Lane. However, this land was not in the parish of Stoke Trister with Bayford but in Pen Selwood parish.

Now that the land registration has been resolved, the two parishes wish to change the parish boundary so that the whole of Leigh Common is within Stoke Trister Parish. There are no residential properties on this land and consequently no local electors will be affected. Stoke Trister with Bayford currently manages the Common and two of the fields are let for grasskeep from April to November to gain revenue for their upkeep.

Stoke Trister with Bayford Parish Council has put forward a reasoned request and Pen Selwood Parish Council has confirmed they are in agreement with the request.

Stoke Trister with Bayford has 257 electors and Pen Selwood has 287. In the light of the reasons put forward by the Parish Council, officers consider that a review should proceed.

Allowing for the need to report to Council as the various stages of the review progress, it is estimated that the review will take 6 - 9 months to complete. It is suggested that any changes to the boundaries of the parish councils that might be agreed take effect from 1<sup>st</sup> April 2012.

## **Community Governance Reviews – General Principles relating to Parishes and Parish Councils**

Under the legislation the District Council must aim to ensure that community governance in the area under review:-

- reflects the identities and interests of the community in that area
- is effective and convenient
- takes into account any other arrangements for the purpose of community representation or community engagement.

When considering this, the Council should take into account a number of factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of any new local community or parish.

A review involves the following stages:

1. Setting terms of reference of the review (if the Committee recommends a review in Stoke Trister with Bayford and Pen Selwood, suggested terms of reference are set out in Appendix 1);
2. Publicising the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
3. Undertaking consultations with the local government electors for the area and any other person or body (including the Parish Council) who appears to have an interest in the review;
4. Considering representations;
5. Preparing and publishing draft proposals;
6. Undertaking consultation on the draft proposals;
7. Considering representations;
8. Publishing recommendations;
9. Making an order to bring into effect any decisions arising from the review;
10. A review must be concluded within 12 months of the publication of the terms of reference.

When undertaking a CGR a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.

### **Financial Implications**

Resources involved will be mainly employee time. Based upon the last Community Governance Review of Langport and Huish Parish Councils, which cost less than £1,000 for over 1,500 electors, it is anticipated that the cost of this review will be in the region of £500.

There is no specific budget for Community Governance Reviews and therefore all costs will have to be absorbed within the existing Democratic Services budget for 2011/12.

There is no power to re-charge the cost of the review to any other Council, except by agreement. This is because the statutory power to conduct the review rests with this Council.

### **Corporate Priority Implications**

15. Increase to 65% by 2010 the people who feel engaged in and can influence decisions that affect their communities.

### **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

No implications at the current time.

### **Equality and Diversity Implications**

All local government electors within the parishes of Stoke Trister with Bayford and Pen Selwood will be consulted on the proposal and their views considered as part of the consultation process. The council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

**Background Papers:** *Local Government and Public Involvement in Health Act 2007*  
*The Electoral Commission Guidance on Community Governance Reviews, April 2008*  
*Request from Stoke Trister with Bayford PC dated 2<sup>nd</sup> May 2011*  
*Terms of Reference of the Community Governance Review of the Parish Arrangements for Stoke Trister with Bayford and Pen Selwood*