

# Allerdale Borough Council

**Council – 21 September 2022**

## **Community Governance Review**

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<b>Portfolio holder</b>	Councillor M Fitzgerald, PH Policy, Governance and People Resources
<b>Report from</b>	Sharon Sewell, Chief Officer Place & Governance, Monitoring Officer
<b>Wards affected</b>	All Saints Ward and Allhallows and Waverton Ward
<b>Is this a key decision</b>	No

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### **1.0 The reason for the decision**

- 1.1 To consider a Community Governance Review application from Embleton and District Parish Council
- 1.2 To consider a Community Governance Review application from Allhallows Parish Council

### **2.0 Recommendations**

- 2.1 That Council agrees to carry out a Community Governance Review of Embleton and District Parish Council to consider the Electoral arrangements, specifically to reduce Councillor numbers.
- 2.2 That Council agrees to carry out a Community Governance Review of Allhallows Parish Council to consider the Electoral arrangements, specifically to reduce Councillor numbers.
- 2.3 That the Terms of Reference for the Community Governance Reviews as set out in appendices 1 and 2 of this report, are agreed.
- 2.4 That the Community Governance Review will be co-ordinated and facilitated by officers without a member working group and that final recommendations will be made to Council who will then make recommendations to the Shadow Cumberland Council.

### **3.0 Background and Introduction**

3.1 Section 100 of the Local Government and Public Involvement in Health Act 2007 (The Act) sets out the process by which Principal Authorities such as Allerdale Borough Council a Community Governance Review (CGR) of parish arrangements in its area.

3.2 CGRs can cover issues such as:

- Changing boundaries of existing parishes,
- Reviewing ward boundaries within a parish, and ward names,
- Setting up a new parish in an unparished area,
- The electoral arrangements of a current or new parish, and
- The grouping or de-grouping of parishes.

### **4.0 Request for Community Governance Review of Embleton and District Parish Council**

4.1 At the Full Council Meeting on 15 June 2022 Embleton and District Parish Council resolved to request a Community Governance Review.

4.2 The request was to reduce the number of council seats on Embleton and District Parish Council to 9 on the grounds that the number of seats on the Council is disproportionate to the number of residents in the Parish.

4.3 Section 80A the Act (as amended 2015) allows for an organisation or body designated as a neighbourhood forum under Section 61F of the Town and Country Planning act 1990 to apply for a Community Governance Review. As the Council is not currently carrying out a review of the area and has not carried out a review in the preceding two years it has a duty to carry out the review.

4.4 In December 2018 Council resolved to reorganise the parishes of Embleton, Setmurthy and Wythop into Embleton and District Parish Council and that the number of Councillors will be 12, this came into force for the May 2019 Parish Elections.

4.5 At the May 2019 Parish Elections, 9 Members were elected 'uncontested'.

4.6 The current electorate of Embleton and District Parish is 372.

4.7 The legal minimum number of parish councillors for a parish council is 5. In 1988 the National Association of Local Councils recommended that for Parishes with up to 900 electors, the number of Councillors should be 7.

4.8 In 1992 Aston Business School recommended that for less than 500 electors, the number of Councillors should be 5-8.

4.9 Legislation requires that a Community Governance Review is concluded within 12 months from the date the Council begins the review. Parish Elections are scheduled for May 2023, so any new Reorganisation order will need to be approved by Cumberland Council prior to March 2023.

## **5.0 Request for Community Governance Review of Allhallows Parish Council**

- 5.1 At the Full Council Meeting on 08 September 2022 Allhallows Parish Council resolved to request a Community Governance Review. A letter requesting such review was received on 09 September 2022.
- 5.2 The request was to reduce the number of council seats on Allhallows Parish Council to 8 on the grounds that the Council have for many years, not had its full complement of 11 Councillors.
- 5.3 Section 80A of the Act (as amended 2015) allows for an organisation or body designated as a neighbourhood forum under Section 61F of the Town and Country Planning act 1990 to apply for a community governance review. As the Council is not currently carrying out a review of the area and has not carried out a review in the preceding two years the Council has a duty to carry out the review.
- 5.4 The current electorate of Allhallows Parish is 415, with 11 seats on the Parish Council.
- 5.5 At the May 2019 Parish Elections, 8 Members were elected 'uncontested'.
- 5.6 The legal minimum number of parish councillors for a parish council is 5. In 1988 the National Association of Local Councils recommended that for Parishes with up to 900 electors, the number of Councillors should be 7.
- 5.7 In 1992 Aston Business School recommended that for less than 500 electors, the number of Councillors should be 5-8.
- 5.8 The Act requires that a Community Governance Review is concluded within 12 months from the date the Council begins the review. Parish Elections are scheduled for May 2023, so any new Reorganisation order will need to be approved by Cumberland Council prior to March 2023.

## **6.0 Conducting the Community Governance Review**

- 6.1 Section 93 (2) of the Act states that it is for the principal council to decide how to undertake the review.
- 6.2 This CGR will focus only on the numbers of Councillor seats for both Allhallows and Embleton and District Parish Council.
- 6.3 The Community Governance Reviews will focus on the planning and delivery of a strategy of public engagement, in the form of a consultation with constituents, the relevant parish councils and other key stakeholder groups, from which a draft reorganisation order be prepared and present to Full Council. It is suggested that this work be carried out by Electoral Services officers with support from Communications and Legal Services.
- 6.4 As the subject matter is purely objective focussing on the results of the consultation and the recommended member numbers of National Association of Local Councils and Aston Business School, officers do not propose that a member working group

is created. For all key milestones, officers will liaise with the Monitoring Officer and the Portfolio Holder for Policy, Governance and People Resources.

6.5 Officers will not have any delegated powers beyond agreeing the programme of consultation, the timetable for review and making final recommendations to Council.

6.6 As per Section 93 of the Act the Council must consult all local government electors for the area under review and all interested parties. Officers will conduct a full formal consultation for both CGRs.

## 7.0 Delivery arrangements

7.1 Officers will conduct background research and meet with Parish Representatives as part of informal consultations. Formal consultation will be conducted which will be available to all residents and stakeholders of each Parish. Following consultation, recommendations will be presented to Full Council.

## 8.0 Contribution to Council Strategy Priorities, Outputs and Outcomes

### 8.1 Finance/Resource implications

Any costs can be met from existing resources.

### 8.2 Legal and governance implications

The Legislation does not state that a CGR must establish a member working group. The final CGR decision will be made by the Cumberland Authority as set out in the 2022 Structural Changes Order.

### 8.3 Risk analysis

A scored and mitigated risk log

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>	<b>Mitigated score</b>
CGR not undertaken	Breach of Legislation	Review is undertaken as per legislation	Low
CGR not completed in time for 2023 Elections	Additional elections may need to be held for the Parishes effected in 2024 at an additional cost and recourse burden	Clear, efficient planning and implementation	Low

Not establishing a working group	Members will not contribute to the process and strategy	Officers can undertake all tasks that would be undertaken by the working group and all work overseen by Monitoring Officer and Portfolio Holder. The CGRs only involve numbers of councillors, rather than significant boundary/parish changes.	Low
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**8.4 Increasing satisfaction and service**

Not applicable to this report.

**8.5 Equality impacts**

Equality impacts have been considered.

**8.6 Health and Safety impacts**

There are no health and safety implications directly associated with this report.

**8.7 Health, wellbeing and community safety impacts**

There are no health, wellbeing and community safety implications directly associated with this report.

**8.8 Environmental/sustainability impacts**

There are no environmental/sustainability implications directly associated with this report.

**8.9 Other significant implications**

None

**Appendices attached to this report**

Appendix number	Title of appendix
1	The Embleton and District Parish Community Governance Review Terms of Reference
2	The Allhallows Parish Community Governance Review Terms of Reference

## Background documents available

Name of background document	Where it is available
N/A	

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