

**Community Governance Review (Parishes) – Stage 2
Consultation**

Final Decision-Maker	Democracy and General Purposes Committee
Lead Head of Service	Angela Woodhouse, Director of Strategy, Insight and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report seeks agreement from the Committee to the proposals to be included in the Stage 2 consultation (specific proposals) of the Community Governance Review. The Stage 1 consultation was a general consultation and the results of that consultation, along with identified parish boundary proposals, have been assessed and a recommended list of proposals are presented to the Committee for consideration and approval.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the list of proposals set out at Appendix A be considered, amended as appropriate, and then approved;
2. That the two tier approach to consultation as set out in Appendix B, be approved; and
3. The work and provisional indication on Parish size changes set out in Appendix C, be noted.

Timetable

Meeting	Date
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Democracy and General Purposes Committee	21 June 2023
Democracy and General Purposes Committee	13 September 2023
Council	27 September 2023

Community Governance Review (Parishes) – Stage 2 Consultation

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Having appropriate boundaries in place will impact on all Strategic Objectives indirectly by ensuring fair representation of community identities and allowing convenient and effective local government.</p>	Democratic and Electoral Services Manager
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Having appropriate boundaries in place will impact on all Strategic Objectives indirectly by ensuring fair representation of community identities and allowing convenient and effective local government.</p>	Democratic and Electoral Services Manager
Risk Management	Already covered in the risk section.	Democratic and Electoral Services Manager
Financial	The proposals set out in the recommendation will be covered via internal staffing resource or are within already approved budgetary headings and need no new funding for	Democratic and Electoral Services Manager

	implementation. However, if a significant cost arises outside of agreed budgetary headings it would need to be authorised in the usual way.	
Staffing	Additional staffing was put into electoral services for 2023 in order to support in delivering significant changes to the service arising from the Elections Act 2022, conducting the CGR and the implementation of the outcomes of multiple boundary reviews (LGBR, CGR and Parliamentary Boundary Review) ahead of the May 2024 elections and switch to Whole Council Elections.	Democratic and Electoral Services Manager
Legal	<p>The review is being conducted by the Council in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Levelling Up, Housing and Communities and the Local Government Boundary Commission for England. This guidance has been considered in the Terms of Reference, the timetable, consultations, and is referred to throughout this report.</p> <p>The consultation will be carried out in accordance with the Council’s policy on consultations and will meet the Gunning or Sedley principles. According to those principles a consultation is only legitimate when:</p> <ol style="list-style-type: none"> 1. proposals are still at a formative stage; i.e., a final decision has not yet been made, or predetermined, by the decision makers 2. there is sufficient information to give ‘intelligent consideration’; i.e. the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response. 3. there is adequate time for consideration and response 4. ‘conscientious consideration’ must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account. 	Russell Fitzpatrick (MKLS)

Privacy and Data Protection	No impacts.	Policy and Information Team
Equalities	The consultation will be conducted to take the council's equalities principles and requirements into account.	Democratic and Electoral Services Manager
Public Health	No impacts	Democratic and Electoral Services Manager
Crime and Disorder	No impacts	Democratic and Electoral Services Manager
Procurement	No impacts	Democratic and Electoral Services Manager
Biodiversity and Climate Change	No impacts	Biodiversity and Climate Change Officer

2. INTRODUCTION AND BACKGROUND

Actions so Far

- 2.1 The Council commenced its Community Governance Review in October 2022 when it published its Terms of Reference as agreed by Council. Shortly afterwards Stage 1 consultation was carried out from November 2022 until January 2023. The consultation asked all communities, individuals and parishes in Maidstone to come forward with matters to be dealt with through the review in accordance with the Terms of Reference.
- 2.2 In March 2023 this committee agreed to amend the timetable set out in the Terms of Reference to allow for the May 2023 elections taking place, with the proposals for Stage 2 consultation, consulting on specific proposals, to come forward to this meeting for consideration.
- 2.3 In the intervening period Officers assessed the responses to the Stage 1 consultation, and, using the terms of reference and criteria of the Local Government and Public Involvement in Health Act 2007 (the "**2007 Act**") and Guidance issued by the Local Government Boundary Commission for England on Community Governance Reviews, identified a number of proposals in addition to the Stage 1 consultation. Some of those issues arose in both.

- 2.4 The officer working group then pulled together proposals to address the issues identified, and in some cases have had to modify responses due to technical requirements (i.e. ensuring sufficient electors are in an area to allow it to be a polling district/warded).
- 2.5 Those proposals were discussed at a Democracy and General Purposes workshop on 8 June 2023. The resulting recommended proposals and questions for the Stage 2 consultation are attached at Appendix A.

Next Stages

- 2.6 The Stage 2 consultation will be conducted, using the overarching approach identified in Appendix B, from the end of June 2023 to the beginning of August 2023. At the end of August 2023 a workshop will be held with Democracy and General Purposes Committee members to work on the boundary proposals with officers. Depending on which proposals are agreed for Stage 2 consultation and the responses received, there will also be open sessions held with relevant Ward Members on proposals in their areas. A briefing for all Members is also under consideration.
- 2.7 A report containing preferred proposals and the outcome of the review will then be presented to the Committee on 13 September 2023. Following that outcome, the Council will decide whether to adopt the findings of the review on 27 September 2023.
- 2.8 If necessary, relevant orders would then be made, which will take effect for April 2024 ahead of May 2024 elections. But other options, such as delaying implementation or considering changes for future reviews, would also be available.
- 2.9 It may also be that some of those outcomes require formal requests to the Local Government Boundary Commission for England to request changes to the parish warding arrangements they have put in place.

Highlighted Changes

- 2.10 A number of changes proposed in Appendix A are minor proposals that adjust boundaries around a small number properties to reflect either growth, identity of communities or where a change to the borough ward boundary enables a small change that was technically prevented from occurring before.
- 2.11 However, there are two more significant proposals:
- i. Loose – Proposal 7a (Appendix A); and
 - ii. Boxley – Proposal 3c (Appendix A)

Furthermore, the proposals set out below provide further context resulting from the Stage 1 responses.

Significant Proposals

2.12 Boxley Parish (Boxley Downs and Grove Green and Vinters Park Ward) – Proposal 3c (Appendix A)

This proposal did not arise from the Stage 1 consultation but has been identified due to the change in Borough Ward boundaries combined with the significant growth and change in Grove Green over decades. Grove Green is considered to be distinct from the rural part of Northern Boxley Parish having become increasingly urban.

2.13 The proposal is to take forward a question to Stage 2 consultation as to whether Grove Green should be unparished or become a separate Parish. The area would be defined by drawing the boundary of Boxley Parish where the new ward boundary will be, along the M20 and ascertaining whether sufficient community support exists for a Parish Council south of that boundary in the Grove Green area. Boxley Parish Council would remain with a smaller boundary area covering the area around Boxley itself.

2.14 This proposal would determine the nature of treatment of adjoining proposals for the area around Orchard Drive (proposal 3a) and Thurnham (proposal 9a). It is therefore recommended that this is taken to Stage 2 consultation and residents, particularly in Grove Green, are encouraged to respond to the specific proposal with a targeted consultation.

2.15 Loose – North Loose Status - Proposal 7a (Appendix A)

The following response to the Stage 1 Consultation was received.

"Following the creation of the New Loose and Linton Ward, the NLRA feels that for the future continuity and benefit of existing and future residents, consideration should be given to extending the current boundary of Loose Parish northwards to the boundary of Loose and Linton Ward. This area would include the shopping parade at The Wheatsheaf junction. This would not impact on Linton Parish area."

2.16 The officer assessment of the area also identified North Loose as a potential area of change. North Loose is a recognised planning area with its own Neighbourhood Plan and the North Loose Residents Association are an active residents' association. There has been a significant amount of growth to the South of North Loose and the current boundary cuts through some roads and neighbouring properties.

2.17 Unlike some other parts of the Borough with an urban and rural split, 'Loose', as an area, is also identifiable as a region of Maidstone. When travelling southward along the A229 there is a distinctive split at 'the Wheatsheaf junction' when one would be considered to be in Loose.

2.18 Whilst it is recognised that the more rural Loose valley element, which is currently parished, is different from the northern urban Loose the two are linked and the growth around the boundary further supports this. It is therefore recommended that the question of whether to parish North Loose is taken to Stage 2 consultation and residents, particularly in North Loose,

are encouraged to respond to the specific proposal with a targeted consultation.

Selected Other Proposals

2.19 Boughton Monchelsea – Consider Changes to North Eastern Boundary - Proposal 2a (Appendix A)

2.20 The Northern boundary of Boughton Monchelsea Parish runs over the boundary of the new Park Wood and Mangravet Borough Ward. In addition the current Park Wood ward is an area with the largest electoral growth and discrepancy identified as part of the Borough boundary review.

2.21 For context the area in question is also covered by the Boughton Monchelsea Neighbourhood Plan. The result of officer's considerations on the area is that due to the new development being built along Sutton Road the area would benefit from having the Eastern parish boundary near to Langley Park brought in line with the estate. This would then mean that the Parish Boundary would not overlap through the future development.

2.22 Other changes have also been considered in relation to the Park Wood Industrial Estate to the West of Langley Park and whether to align it to the new Ward Boundary. This is driven by the fact that the main access to that Industrial Park derives from the north and Sutton Road. Officers looked at this following feedback from the workshop but when the boundaries are drawn they create an odd boundary area. Given that the area is an industrial park with minimal community elements, changing this boundary would leave an odd shape and connection through to Langley Park whilst impacting on the Neighbourhood Plan area. Without strong enough arguments, changing this boundary has therefore not been included in Appendix A.

2.23 Boughton Monchelsea – Extend Boughton Monchelsea to the West/North West - Proposal 2b (Appendix A)

Boughton Monchelsea provided a submission to the Stage 1 consultation that covered the area to the West of the Parish with Loose Parish. Evidence was provided of community support for the proposal, with a further extension North Eastwards through 'Campfield'. The justification for this change is the proposed future development of the site and ensuring it is captured by a single parish boundary.

2.24 Loose Parish Council originally objected to this proposal, but later removed the objection. The proposal is therefore recommended to go to Stage 2 consultation to get specific feedback on the proposal.

2.25 Barming Parish Council Stage 1 Response and Proposal 1a (Appendix A)

Barming Parish's response to the Stage 1 consultation has been taken forward. This has, however, been adjusted to reflect the technical requirement of having enough electors in all potential polling districts by following the new Barming Heath and Teston Ward boundary.

2.26 Thurnham Parish Council Stage 1 Response and Proposal 9a (Appendix A) –

Thurnham Parish Council, as part of their Stage 1 response, raise concerns with the warding of the parish and that the parish is now split across two wards. They request that the Borough Council use its powers under a Community Governance Review (through the 2007 Act) to:

'...exercise their discretion and to re-align the electoral arrangements as before with Thurnham solely within Boxley Downs Ward.'

Unfortunately, this is a misunderstanding of the discretion available to the Council in carrying out a Community Governance Review. In fact, the Council cannot change Borough Ward boundaries, and cannot undo what the Local Government Boundary Commission for England has put in place. However, the proposal from officers (Proposal 9a) whilst it is not what was requested by Thurnham Parish Council does recognise the same issue Thurnham Parish Council have raised and addresses it by unparishing that area through realigning the Parish boundary.

2.27 The consultation response from Thurnham Parish Council also states:

'There is a blurring of the urban/rural to the detriment of the rural community.'

It is that impact on community cohesion that the proposal would seek to address and by including it in the Stage 2 consultation views and comments on the specific proposal, including those of the parish, will be available for consideration.

2.28 Tovil Parish Council Response and Proposal 10a (Appendix A)

Petition to abolish the Parish Council. A petition with 87 signatures was received in response to the Stage 1 consultation. This is not recommended to be taken forward as a proposal (only a minor boundary change is recommended to Tovil parish along Courtenay Road).

2.29 The Local Government Boundary Commission for England Guidance on Community Governance Reviews is clear that abolishing a parish council is not something to be done lightly:

1. Paragraph 75. - *As part of a community governance review a principal council should consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.*
2. Paragraph 120. - *Exceptionally, there may be circumstances where abolition may be the most appropriate way forward. Under the 2007 Act provisions, the principal council would need to consider local opinion, including that of parish councillors and local electors. It would need to find evidence that the abolition of a parish council was justified, and that there was clear and sustained local support for such action. A factor taken into account by the Government in deciding abolition cases, was that local support for abolition needed*

to have been demonstrated over at least a period equivalent to two terms of office of the parish councillors (i.e. eight years), and that such support was sufficiently informed. This means a properly constituted parish council should have had an opportunity to exercise its functions so that local people can judge its ability to contribute to local quality of life.

2.30 Accordingly, a petition of 87 signatures is not considered to be sufficient to take the proposal to abolish the Parish Council forward.

Parish Size Considerations

2.31 Appendix C sets out an analysis on Council size. It was clear from the consultation responses at Stage 1 that Parish Councils did not feel that sizes were an issue. The analysis was carried out using the National Association of Local Councils circular on parish size.

2.32 Having completed the analysis there are minor variations from the circular but nothing significant.

2.33 It is also the case that two smaller parishes have below the recommended 7 parish councillors (at the minimum size set in law of 5). Given the difficulties in parish councils finding councillors, and the feedback from the consultation it is not recommended to vary parish council sizes.

2.34 However, individual parishes impacted by a boundary change would have their sizes reviewed and amended as part of that change.

3. AVAILABLE OPTIONS

3.1 Option 1 – That the Committee considers the Appendices and approves them. When considering Appendix A the Committee could add, remove or amend proposals as it decides is appropriate and approves it for Stage 2 consultation.

- Additions would need to be based on either a response to the Stage 1 consultation (see Background Papers), or the identification of a community governance issue.
- Removals should be on the basis of determining that the proposal does not address a community governance issue, or that it is unsuitable based on the available evidence.
- Amendments would need to be clear on the extent of the change requested, i.e. identifying the specific boundary change required for the proposal to be acceptable for Stage 2 consultation.

3.2 Option 2 – That the Committee considers Appendix A and does not approve a final list, determining that no options arising from the Stage 1 consultation or assessment should go forward to Stage 2 consultation.

This is not recommended as a number of changes have arisen, or been identified through Stage 1, that the Council should be addressing in carrying out its review in accordance with the Guidance and the 2007 Act.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 is the preferred option. The outcomes from work on the Stage 1 responses and officer analysis of current boundaries is presented at Appendix A. This list and the proposals on it have also been the subject of a workshop for Democracy and General Purposes Committee members to ensure member involvement in the proposals being presented to the Committee.
 - 4.2 However, the Guidance on Community Governance Reviews is clear that there is a significant element of judgement in determining against 2007 Act criteria and it is for the Committee to make the determination on what should be included in the Stage 2 consultation.
 - 4.3 The consultation approach set out at Appendix B is two tiered to both catch as many comments as possible, as well as targeting specific areas to understand levels of community support for proposals.
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5. RISK

- 5.1 The Community Governance Review is being conducted in accordance with the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Local Government Boundary Commission for England. It is also being conducted in accordance with the Council's agreed Terms of Reference.
- 5.2 The risk to the Council is that the findings of the review and, if agreed, their implementation, are challenged for a fault in the process. It is therefore important the Committee are satisfied that the process outlined is sufficient to mitigate that risk given that the Act and Guidance are not prescriptive in what needs to be conducted.
- 5.3 This report sets out the process being followed and proposed consultation to ensure that the decisions being taken are sound.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Council set the terms of reference in September 2022 and published them in October 2022.
- 6.2 Stage 1 Consultation asking for review areas to be identified ran from November 2022 to January 2023.
- 6.3 Ongoing dialogue has been held between officers and a number of parishes, individuals and community groups in response to their Stage 1 submissions.

6.4 A workshop was held with the Democracy and General Purposes Committee members on 8 June 2023.

6.5 This report is setting out which proposals to consult on for Stage 2.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If agreed, the proposals outlined in Appendix A will form the Stage 2 consultation timetabled to start on 23 June 2023 and run for 6 weeks.

7.2 The results of that consultation will be considered in full by officers, Members and the Democracy and general Purposes Committee with proposals being retained, amended, or dropped as appropriate.

7.3 Full Council will then consider the outcome of the review and decide whether to implement its findings.

8. REPORT APPENDICES

- Appendix A: Stage 2 Consultation Proposals
 - Appendix B: Consultation Approach
 - Appendix C: Parish Council Size Analysis
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9. BACKGROUND PAPERS

- Stage 1 Consultation Response Summary