

**Community Governance Review (Parishes) – Terms of
Reference**

Final Decision-Maker	Council
Lead Director	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 sets out the Terms of Reference for the Community Governance Review to be conducted in 22/23. The Terms of Reference provide the basis on which the review will be conducted and will be published in October 2023, following approval by Council.

Purpose of Report

Decision – referral to Council

This report makes the following recommendations to this Committee:

1. That the Terms of Reference attached at Appendix A be recommended to Council for approval and publication in October 2022; and
2. That the Democratic and Electoral Services Manager consult the Chairman and Vice-Chair before agreeing the format and content, and then commencing, the first stage consultation.

Timetable

Meeting	Date
Democracy and General Purposes Committee	21 September 2022
Council	28 September 2022

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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	There are no financial implications associated with the content of the Terms of Reference.	Democratic and Electoral Services Manager

Staffing	Additional temporary staffing will be 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.	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 2007 Act).</p> <p>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 when drawing up these Terms of Reference.</p>	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	No impacts.	Policy and Information Team
Equalities	Ensuring fair representation across the Borough's Communities is one of the aims of the Community Governance Review.	Equalities & Communities Officer
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 Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough is undergoing significant electoral change with a switch to Whole Council Elections from 2024, a Local Government Review (LGBR) underway and a Parliamentary Boundary Review due to come in to place in July 2023. A Community Governance Review (CGR) is now required to respond to changes identified in the LGBR and looks at the third tier of Local Government at the parish (and town) council level.
- 2.2 Further, the recommended period of time for a whole borough CGR is once every 10 to 15 years. Maidstone have not had one conducted in over 20 years. The timing of this review is to follow the Local Government Boundary Review, which is nearing completion and will impact on boundaries across the Borough. Inevitably the Passage of time and the ward boundary review will create a number of issues that can only be identified by, and resolved through, a CGR.
- 2.3 The CGR has to be conducted by the Council in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), and 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 when drawing up the proposed Terms of Reference.
- 2.4 The CGR will consist of two main consultation phases and then final proposals being agreed by the Council. The first consultation phase will be an open consultation out to the community to identify issues that exist with boundaries, communities and local representation. Any changes in a CGR will ultimately need to be supported by the community so it is crucial that community support is identified.
- 2.5 The first stage consultation will be a broad and straight forward consultation produced by the Democratic and Electoral Services Manager but, given the nature of the consultation topic, it is recommended that this be done in consultation with the Chairman and Vice-Chair of the Committee.
- 2.6 The second consultation stage will be on specific proposals put forward by the Council. These will be put together based on identified issues with boundaries and requests from the community. Councillors will be fully involved in the formulation of those proposals. In addition direct liaison will be carried out with parishes alongside the formal consultations. Some discussions with a few parishes have already taken place and the KALC liaison committee have been informed of the draft content of the Terms of Reference.
- 2.7 It is necessary to start the CGR now such that it can be completed within the recommended 12 months for CGR (formal guidance) and be completed by November 2023. This latter date is so that the outcomes can feed into the structure of the new electoral register in 2023 (i.e. polling districts and parish wards etc.) in time to be published in December 2023 for use in the May 2024 whole council elections.

- 2.8 It is recognised that there is some overlap, both in timings and outputs, between the LGBR (currently underway) and the CGR. Once the LGBCE put in place boundaries as a result of the LGBR it maybe be necessary to get the LGBCE to agree to some changes. Either through making a requested alteration (to an agreed ward) or seeking consent (amending parish wards put in place by the review). This technical requirement has been captured in the proposed Terms of Reference.
- 2.9 A timetable is included in the Terms of Reference. Some of the dates are currently listed only as the planned month for the actions without a specific date. These will be completed and republished as soon as those dates are known.
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3. AVAILABLE OPTIONS

- 3.1 Option 1 –agree the Terms of Reference (potentially with minor amendments) attached at Appendix A for Council to agree for publication in October 2023.
- 3.2 Option 2 – significantly amend the Terms of Reference before agreement.
- 3.3 Option 3 – not agree the Terms of Reference.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1 is recommended as the Terms of Reference is a technical document with timings determined by the necessity of the review and, ultimately, delivering the May 2024 elections. Options 2 and 3 are not recommended for the same reasons.
- 4.2 It is also recommended that the Chairman and Vice-Chair be consulted on the format of the first stage consultation so that it has Councillor input.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. These include risks of timetabling not meeting the requirements of delivering an up to date register, of not consulting appropriately and of not including the technical language required to seek changes with the LGBCE. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Committee was informed of the proposed timetable and reasons for it at their previous meeting.

- 6.2 The KALC liaison committee have seen a draft version of the Terms of Reference and no comments suggesting amendments have been received.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Appendix A will be referred to Council for approval, published in October 2023 and then the review will commence.
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8. REPORT APPENDICES

Appendix A: Draft Terms of Reference – Community Governance (Parishes) Review

9. BACKGROUND PAPERS

None