
REVIEW OF COMMUNITY GOVERNANCE ARRANGEMENTS - MARGATE

To: **Extraordinary Council - 18 November 2014**

By: **Glenn Back, Democratic Services and Scrutiny Manager;**

Classification: **Unrestricted**

Wards: **Cliftonville East, Cliftonville West, Dane Valley, Garlinge, Margate Central, Salmestone, Westbrook, Westgate-on-Sea**

Summary: **This report sets out the results of the community governance review of the un-parished area of Margate requested by Council in 2013.**

For decision

1.0 Introduction and Background

- 1.1 In April 2013 Council considered a report relating to options for undertaking a District-wide electoral review of Thanet (including the future number of District Councillors) and community governance review of the un-parished parts of the District.
- 1.2 Council agreed:

- i. That the Local Government Boundary Commission for England be requested to include the Council in the electoral review programme that would facilitate a whole Council electoral review commencing after the date of the Local Government elections in 2015 and with a planned implementation date of the date of the Local Government elections in 2019;
- ii. That the Local Government Boundary Commission for England be requested to conduct the electoral review with the objective of reducing the number of elected members;
- iii. That a Community Governance Review be undertaken in respect of the un-parished parts of the administrative area of the Council;
- iv. That the Boundaries & Electoral Arrangements Working Party be given delegated authority to approve and publish the terms of reference of the Community Governance Review and that the Working Party makes recommendations to full Council concerning the review within the twelve months' statutory time limit.

- 1.3 A letter was sent to the Local Government Boundary Commission for England shortly after the Council meeting, and a reply was received dated 31 July 2013 which included the following:

The Commission is currently finalising its review programme for 2014/15 and has included an electoral review of Kent in that programme. This will have an impact on any [local] review as an electoral review of the county's constituent districts, including Thanet, would only be able to start following the completion of the Kent review. This would not be before later summer of 2015 at the earliest...

The review programme for 2015/16 will be considered by the Commission next year and your council's request for a review in time for elections in 2019 will be recorded for consideration at that time. Before any decisions are taken, we would of course wish to have your Council's updated view on the desirability of a review and I will contact you at that time.

I note and welcome that your paper to Council states that it is desirable to complete a community governance review before the conduct of an electoral review. As part of the electoral review of Kent the commission will be using parish boundaries and I would therefore be grateful if you could keep both the County Council and the Commission updated with progress of the CGR."

- 1.4 It is worth reminding Council that a community governance review can take place for 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 of new parishes;
- Whether any new parish created should have a Parish Council. Note that Section 94(2) of the LGPIH Act 2007 states that where a community governance review is required to recommend whether or not a new parish should have a parish council, it is mandatory to recommend that a parish should have a parish council in an area that has 1,000 or more electors.
- The electoral arrangements for any such Council (the ordinary year of election; council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

2.0 Work undertaken by the Boundary and Electoral Arrangements Working Party

- 2.1 The Working Party met on 9 January, 3 July, 24 July and 22 October 2014. The first meeting agreed the details of a first stage public consultation exercise. By law, that stage had to be a very "open-ended" consultation on options for the future governance of the un-parished area of Margate. The meetings in July reviewed the outcome of that consultation programme and agreed the specific proposals that would become the subject of a second stage consultation programme. The final meeting on 22 October 2014 reviewed the outcome of the second stage public consultation exercise and agreed the recommendations to be put to this meeting of Council.

2.2 As a result of the first stage consultation, on 3 and 24 July 2014 the Working Party agreed that the following recommendations should form the basis of the second stage consultation:

- | |
|--|
| <ol style="list-style-type: none"> 1. A “Margate Town Council” be created for the un-parished area of Margate excluding the District Ward of Westgate on Sea; with the same number and distribution of Councillors as the current District Wards, that is to say 17 Councillors in all; and, 2. A “Westgate Parish Council” be created for the area covered by the current District Ward of Westgate-on-Sea, with 10 parish councillors. 3. The consultation documents would cite possible Band D precepts of £14.86 for Margate Town Council and £24.58 for Westgate Parish Council. |
|--|

2.3 On 22 October 2014, as a result of the second stage consultation, the Working Party agreed to recommend to Council:

the creation of a Westgate Parish Council, but that the remainder of the area retains Charter Trustees
--

2.4 The specific details of that recommendation in so far as it relates to Westgate were as set out in the second stage consultation and included at paragraph 6.2 in the report on 22 October 2014:

	Westgate-on-Sea
Governance	Town/Parish Council to replace Charter Trustees
Boundary	Same as for current District Ward of Westgate-on-Sea
Name	Westgate
Style	Parish Council
Electoral division	Same as current District Ward of Westgate-on-Sea
Number of councillors	10
Whether any grouping or de-grouping is desired	No
Whether any consequential amendments to existing District or County electoral arrangements are to be recommended to the Local Government Boundary Commission for England.	No
Date of first election	7 May 2015

2.5 The consequence of that recommendation would be a reduced area for the Charter Trustees and a reduction in the number of Charter Trustees of three to reflect the removal of Westgate-on-Sea from the Charter Trustee area.

2.6 Annexes 1 and 2 summarise the two stages of public consultation and include the analysis of responses presented to the Boundary & Electoral Arrangements Working Party.

2.7 Annexes 3 and 4 show the recommendation of the Boundary & Electoral Arrangements Working Party on a map.

3.0 Corporate Implications

3.1 Financial and VAT

3.1.1 There are no financial implications arising directly from the report for Thanet District Council. However, if Council accepts the recommendation of the Working Party to create a new Westgate Parish Council, consideration will need to be given to the impact on the Margate Charter Trustees.

3.1.2 There would be a need to split the Charter Trustee assets with any newly parished area, including but not limited to reserves, assets, accommodation and mayors regalia. This would need to be addressed through the legal process as part of creating the Community Governance Order that would give effect to any decision, which could then potentially impact on any precept assumptions that had previously been made.

3.1.3 There are no VAT implications arising directly from this report.

3.2 Legal

3.2.1 Thanet District Council has conducted the review of community governance arrangements in the Margate area in accordance with Part 4 Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

3.2.2 The Council has had regard to the Statutory Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.

3.2.3 In light of the responses to the stage two consultation, external legal advice was sought on whether a resolution by the Council to create a Westgate Parish Council but retain the Charter Trustees in the remainder of the currently un-parished area of Margate (should that be the Council's decision) would be lawful. A summary of the legal advice in respect of that particular issue was reported to the Boundary & Electoral Arrangements Working Party on 22 October 2014 as follows:

a) It would be lawful for the Council to create a parish council covering only part of the area currently covered by the Margate Charter Trustees.

b) If required, a further agreement about "incidental matters" could be made between the remaining Charter Trustees and the new parish council (covering transfer of assets etc).

c) A consequence of creating a Westgate Parish Council and retaining the Charter Trustees in the rest of the Margate area would be a reduction in the number of Charter Trustees (because these reflect exactly the number of District Councillors in the relevant Wards) and a reduction in the precept of the Charter Trustees (to reflect the smaller number of Trustees and the smaller area they administer).

- 3.2.4 It is also worth noting that the proposition that the result of a community governance consultation exercise can be ignored as not representing the majority view when only a small percentage of the electorate responds to the consultation was rejected by the Court of Appeal in the 2011 case of R(Offerton Park Parish Council) -v- Stockport MBC.
- 3.2.5 Section 93(6) of the Local Government & Public Involvement in Health Act 2007 states: The principal council must take into account any representations received in connection with the review.
- 3.2.6 Taking the two paragraphs above, it seems to be the case that the Council should have regard to the majority views expressed in the second stage consultation when reaching a decision, no matter that (despite the Council's best efforts), the response rate was relatively small.
- 3.2.7 Under the Local Government and Public Involvement in Health Act 2007, the Council is responsible for the preparation of the "community governance order" required to amend the area of the Charter Trustees and create a new Parish Council. This report therefore includes a recommendation to Council to delegate authority to the Interim Head of Legal Services to ensure that all necessary steps required to create a community governance order in accordance with Council's decision are taken, and to the Council's Electoral Registration Officer to include any necessary changes into the electoral register to be published on 1 December 2014 (following the 2014 canvass).

3.3 Corporate

- 3.3.1 Thanet residents have been consulted at several stages of the review.

3.4 Equity and Equalities

- 3.4.1 None identified.

4.0 Recommendations

- 4.1 Council is recommended to agree the recommendations of the Boundary & Electoral Arrangements Working Party on 22 October 2014; that is to say:

- 4.1.1 The creation of a Westgate Parish Council, but that the remainder of the currently un-parished area of Margate retains Charter Trustees

- 4.1.2 That the detailed arrangements be as follows:

	Westgate-on-Sea	Remainder of currently un-parished area of Margate
Governance	Town/Parish Council to replace Charter Trustees	"No change" - Margate Charter Trustees remain.
Boundaries	Same as for current District Ward of Westgate-on-Sea	Same as for currently un-parished area of Margate except for Ward of Westgate-on-Sea
Names	Westgate	N/A
Styles	Parish Council	N/A

	Westgate-on-Sea	Remainder of currently un-parished area of Margate
Electoral divisions	Same as current District Ward of Westgate-on-Sea	No changes to current District Ward boundaries of: Cliftonville East, Cliftonville West, Dane Valley, Garlinge, Margate Central, Salmestone, and Westbrook.
Number of councillors	10	Would be elected by virtue of District elections to relevant Wards
Whether any grouping or de-grouping is desired	No	No
Whether any consequential amendments to existing District or County electoral arrangements are to be recommended to the Local Government Boundary Commission for England.	No	No
Date of first election	7 May 2015	Would be elected by virtue of District elections to relevant Wards on 7 May 2015 and every subsequent District election to those Wards.

4.1.3 That council delegates authority to the Interim Legal Services Manager to ensure that all necessary steps required to create a community governance order in accordance with Council's decision are taken, and to the Council's Electoral Registration Officer to include any necessary changes into the electoral register to be published on 1 December 2014 (following the 2014 canvass).

5.0 Decision Making Process

5.1 Council is required to make a final decision prior to the Community Governance Order being made.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, x7187
Reporting to:	Paul Cook, Interim Director of Corporate Resources

Future decisions

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
Local Government and Public Involvement in Health Act 2007	<i>Via internet</i>

Annexes

Annex 1	First stage public consultation
Annex 2	Second stage public consultation
Annexes 3 and 4	Maps showing recommendations from Boundary & Electoral Arrangements Working Party

Corporate Consultation Undertaken

Finance	Matt Sanham, Finance Manager (Service Support)
Legal	Steven Boyle, Interim Legal Services Manager