
REVIEW OF COMMUNITY GOVERNANCE ARRANGEMENTS - MARGATE

To: **Boundary and Electoral Arrangements Working Party,
9 January 2014**

By: **Glenn Back, Democratic Services and Scrutiny Manager;
Mark Avis, Electoral Services Officer**

Classification: **Unrestricted**

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

Summary: This report provides details of the review of community governance arrangements in Margate.

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 Thanet District Council will conduct 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.
- 1.5 The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.

2.0 What is a Community Governance Review?

- 2.1 It is a review that can take place for the whole or part of the 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
- 2.2 The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community (or communities) in that area; and
- Effective and convenient. Note that Government Guidance suggests that “effective and convenient” means that if a local council is to be recommended as a result of a community governance review, it will need to be “viable in terms of providing at least some local services” and be “easy to reach and accessible to local people”.

2.3 In doing so the community governance review is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

3.0 Why undertake this Community Governance Review?

3.1 This review is taking place due to some interest being expressed in the creation of a Parish Council for Margate, as reflected in the report to Council in April 2013 referred to above.

3.2 The Council believes that parish councils play an important role in terms of community empowerment at the local level and wants to ensure that parish governance within the District continues to be robust, representative and enabled to meet new challenges. Furthermore, it wants to ensure that there is clarity and transparency in terms of the areas that parish councils represent and that the electoral arrangements of parishes – the warding arrangements and the allocations of councillors – are appropriate, equitable and readily understood by their electorate.

3.3 The area to be reviewed (see following section) is currently an area having charter trustees. The statutory guidance relating to community governance reviews has particular things to say about reviews of such areas:

Charter trustees were established following local government reorganisation in the early 1970s and 1990s to preserve the historic identity of former boroughs or cities, most with relatively large populations. To this end, charter trustees have the power to carry out ceremonial functions. They were not intended as administrative units. Proposals to create a parish or parish council covering all or part of a charter trustee area need to be judged in particular against the following considerations:

- *The effect on the historic cohesiveness of the area*
- *What are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the charter trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?*

4.0 Areas to be reviewed

- Cliftonville East
- Cliftonville West
- Dane Valley
- Garlinge

- Margate Central
- Salmestone
- Westbrook
- Westgate-on-Sea

5.0 Who will undertake the Review?

5.1 The District Council is responsible for conducting a review within its electoral area. The Boundary and Electoral Arrangements Working Party will be responsible for finalising the terms of reference, and making both draft and final recommendations during the process. The Council will be required to approve the final recommendations prior to the Community Governance Order being made.

5.2 A full consultation process will form part of the Review to take full account of the views of local people.

6.0 Consultation

6.1 It is good practice to circulate details of the proposals to all known political parties, relevant councillors, parish councillors, and any other interested organisations in the area concerned (e.g. charter trustees). It is mandatory for a district council to consult the relevant County Council. Details of the proposals could also be made available on the council's website and submitted to local newspapers. Details should, wherever possible, include good illustrative maps together with textual descriptions of the proposed new boundaries. A detailed description of the proposed polling districts and places should also be included.

7.0 Timetable for the review

7.1 The following suggested timetable complies with the requirements of the 2007 Act.

Stage	Action	Timeline	Outline of action
1	Full Council	16 May 2013	Established a Boundaries and Electoral Arrangements Working Party
2	Publish Terms of Reference, timetable and consultation period	January 2014, Boundary & Electoral Arrangements Working Party	To agree upon Terms of Reference, timetable and consultation period
3		Immediately after the terms of reference have been agreed	Formally notify Kent County Council of intention to undertake a community governance review ¹ . Also notify adjoining Parish Councils.
4	Initial public consultation - invite initial submissions	3 March to 2 June 2014	Initial submissions invited of proposals for parishing of Margate area. Residents

¹ Required under Section 79 of LGPIH Act 2007

Stage	Action	Timeline	Outline of action
			within the review area will be consulted, as will Kent County Council.
5	Consider initial submissions	9 June to 7 July 2014, Boundary & Electoral Arrangements Working Party	Consider submissions received and develop draft recommendations
6	Publish draft recommendations	Around 4 August 2014	Draft proposals/recommendations published - including any parish style/name and map(s) of proposed changes
7	Second round of public consultation – on draft proposals	From 4 August to 29 September 2014	Consultation on draft proposals/ recommendations (including proposed electoral arrangements)
8	Make final recommendations	1 October to 31 October 2014	Consider further submissions and prepare final recommendations
9	Final proposals	24 November 2014	Publish final proposals
10	Final proposals approved	Council 4 December 2014 ²	Council makes final decision thus allowing development of community governance order
11	Community Governance Order	After 4 December 2014	Thanet District Council legal department develops Community Governance Order
12	Statutory notification	Immediately following Community Governance Order having been made	Notify Secretary of State, Local Government Boundary Commission for England, Office for National Statistics, Director General of Ordnance Survey, Kent County Council

² Note that the period between formally adopting the terms of reference, and Council agreeing the outcome, must not exceed 12 months – Section 93(8) LGPIH Act 2007.

Stage	Action	Timeline	Outline of action
13	Community Governance Order	1 April 2015	Effective date of Order.
14	Interim arrangements (optional)	1 April 2015 to May 2015 election	Option for interim arrangements for parish (would be determined as part of Council decision the previous December).
15	Include newly parished area(s) in election arrangements	May 2015 elections	Elect Councillors to serve on new Parish Council

7.2 In addition to the above, and once there is some certainty as to the proposed arrangements for Margate, further detailed work will be required establishing a draft budget for any new parish council (so that any necessary precepts can be included in Council Tax bills for the 2015/16 financial year)³ and determining any transfer of assets between the Margate Charter Trustees and the new Parish Council⁴. Such work is likely to take place in the second half of 2014 and very early 2015.

7.3 It will clearly be necessary for the Margate Charter trustees and the Council's finance and legal departments to be closely involved in the work outlined in the above paragraph. To that end, it is suggested that a small officer "project team" is established to co-ordinate this work.

7.4 The 2007 Act permits the District Council to establish the Community Governance Order, and it is suggested that this will be done in-house by the Council's legal team.

8.0 Terms of Reference

8.1 The Terms of Reference (TOR) for the Working Party are suggested to be as follows:

To make recommendations to the Council on the outcomes of the Community Governance Review. Council will be required to approve the final recommendations before a Community Governance Order can be made.

8.2 Key Responsibilities:

- (i) To agree the terms of reference for the Community Governance Review;
- (ii) To determine a detailed timetable and consultation programme for the Community Governance Review;
- (iii) To progress the review in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 and the Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and The Local Government Boundary Commission for England in March 2010;
- (iv) To consider all options for future community governance of the area under review, taking into account current community representation and community engagement arrangements and electorate and demographic forecasts;

³ Local Government Finance (New Parishes) Regulations 2008.

⁴ Local Government (Parishes and Parish Councils) (England) Regulations 2008.

- (v) In particular, to recommend a future form of governance for the area under review (e.g. whether or not there should be a parish or some other form of governance)
- (vi) To determine appropriate electoral arrangements for any Parish Council for the area under review, where necessary (including the name of any newly created parish; the number, name and boundaries of any parish wards; the number of councillors to be elected within each ward; and the ordinary year of elections); and
- (vii) To consider any consequential matters arising from the review which are required to give effect to any subsequent Community Governance Order, e.g. the transfer and management or custody of property, the setting of precepts for new parishes, provision for the transfer of any functions, rights, liabilities, staff, etc.

9.0 Corporate Implications

9.1 Financial and VAT

9.1.1 It is estimated that the additional costs of advertising and publicity relating to the proposed consultation will be £2000.00.

9.1.2 The above costs will be funded from the Council's contingency reserve.

9.2 Legal

9.2.1 In the event that a Parish Council is established the Council will make the order to implement the new arrangements and for the transfer of assets from the Charter Trustees to the new Parish Council. The Charter Trustees would be abolished as part of the process.

9.3 Corporate

9.3.1 Consulting and involving Thanet people in decisions that affect them.

9.4 Equity and Equalities

9.4.1 None recognised.

10.0 Recommendations

10.1 Members are invited confirm the terms of reference (including the area to be reviewed) and to approve the timetable for the review.

11.0 Decision Making Process

11.1 The District Council is responsible for conducting a review within its electoral area. The Boundary and Electoral Arrangements Working Party will be responsible for making both draft and final recommendations during the process. The Council will be required to approve the final recommendations prior to the Community Governance Order being made.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Harvey Patterson, Corporate and Regulatory Services Manager

Background Papers

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

Corporate Consultation Undertaken

Finance	Sarah Beeching, Finance Officer
Legal	Steven Boyle, Interim Legal Services Manager