

COUNCIL

23 FEBRUARY 2023

PARISH COMMUNITY GOVERNANCE REVIEW

Portfolio Holder: Councillor Gary Hackwell, Portfolio Holder for Business Management

Report from: Neil Davies, Chief Executive

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Summary

This report sets out the results of the consultation exercise and deliberations of the cross-party working group with regard to the conduct of the Community Governance Review and seeks a decision on whether to change any of the electoral arrangements relating to parish councils.

1. Budget and policy framework

1.1. The conduct of a Community Governance Review (CGR) and the associated decisions about the formation or otherwise of new Town and Parish Councils is a matter for Council.

2. Background

2.1. The Local Government and Public Involvement in Health Act 2007 (as amended by the Legislative Reform (Community Governance Review) Order 2015), devolved decision making powers relating to certain parish matters from central to local government. These powers include the creation and grouping of parishes and everything pertaining to their electoral arrangements.

2.2. This decision making process is laid out in the Act as a Community Governance Review (CGR). It can be instigated in one of three ways: by a petition from local electors demanding a review; by the Principal Authority agreeing to a request for a review; or by a Principal Authority resolving to conduct a review.

- 2.3. Subsequent to the Local Government Boundary Commission for England (LGBCE) review of Medway, Full Council on 22 July 2021 agreed that a Community Governance Review (CGR) be instigated to identify whether any changes to the electoral arrangements to the parishes. A cross-party working member and officer group was established and Full Council also agreed the Terms of Reference for the review and noted the likely costs.
- 2.4. It had been intended to report the outcome of the Review to the meeting of Full Council in January 2023 but unfortunately the sad death of the Queen delayed the start of the consultation process which has a consequent impact on the working group consideration of the responses.

3. Consideration and criteria to be used for a CGR

- 3.1. In undertaking the Review, the Council must be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission in April 2008. Also, the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).
- 3.2. The Council is obliged to take account of the necessary criteria when conducting the review, namely:
 - The identities and interests of the community in the area
 - The effective and convenient governance of the area.

and the Council should take into account influential factors such as the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

- 3.3. The Council is also obliged to consult the local government electors for the area under review and any other person or body which appears to have an interest in the review and must take into account any representations received in connection with the review. The Guidance issued by the DCLG indicates that this might include local businesses, as well as local public and voluntary organisations.

4. Consultation

- 4.1. When undertaking a Review, the Council is required to consult the local government electors for the area under review as well as any other person or body which appear to have an interest in the Review.

- 4.2. The working group took the view that “any otherbody” included local businesses as well as local public and voluntary organisations. Although such bodies are not responsible for paying the additional precept for a Parish Council, they might want the opportunity to provide their views on whether existing electoral arrangements for the existing Parish Councils are effective in terms of the community governance arrangements in the area.
- 4.3. However, in recognition of the importance of the Parish Councils to the process, early meetings were held with all the Parish Councils to ascertain whether the existing electoral arrangements are reflective of the identities and interest of the community and are effective and convenient. As part of the consideration of whether existing arrangements are effective and convenient, one important factor that may affect views, is the ratio of Parish Councillor to elector. Each Parish was provided with a spreadsheet showing the existing ratio as well as the projected change to the ratio taking into account the increase in electorates forecast to come into effect by 2026. This was the date used by the LGBCE when they made their recommendations about Medway Council.
- 4.4. As a result of those meetings and having considered the existing and projected ratios of Parish Councillors to electors, the working group concluded that there were some changes to electoral arrangements and some anomalies regarding the allocation of properties between Parishes and between wards within Parishes affecting three Parish Councils. The working group took the view that the electoral arrangements in the remaining Parishes did not require any changes. The changes suggested were as follows:

Halling

- Change to the parish wards with Formby Terrace moving from Lower ward to North Ward to better reflect local communities.
- Adjust the number of Parish Councillors in each of the Parish wards as follows: Upper ward from 3 to 2, North ward from 2 to 4 and Lower ward from 6 to 7 making a total of 13 Parish Councillors.

High Halstow

- An amendment to the Parish boundary with Parbrook House moving from Hoo St Werburgh Parish to High Halstow Parish to better reflect local access and communities.

Hoo St Werburgh (with the support of the Parish Council)

- Reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden to provide more effective governance.
- Parbrook House is moved from Hoo St Werburgh Parish to High Halstow Parish to better reflect local roads and communities.
- Include the properties between 200 and 252 Main Road, Hoo St Werburgh, including Broad Street Cottages, in the proposed Hoo Parish Ward to better reflect local roads and communities.
- Increase the number of parish councillors from 14 to 17 (14 councillors for Hoo ward and 3 councillors for Chattenden ward) to provide more effective governance.
- The Parish name is changed to Hoo St Werburgh and Chattenden Parish Council to better reflect the community identity.

4.5. The working group agreed that the most effective and efficient way of capturing the views of the local government electors and “other bodies” was to undertake a consultation over a 12 week period, comprising a survey which could be completed on-line or by completing and returning a paper form. Two different surveys were devised – one for electors and organisations in Parish Council areas where changes were being proposed, and another survey for those in Parish Council areas where no changes were proposed.

4.6. Covering letters accompanied the surveys which explained the background to the CGR and some of the powers that Parish Councils have. The working group were mindful that the information provided needed to be neutral whilst also seeking to answer the most obvious questions that consultees would ask and encouraging a response.

4.7. The survey for the Parish Councils where changes were proposed was sent to 13,210 electors and “interested parties” including the Parish Councils affected. A total of 509 responses were received representing a 4% response rate. The survey for the Parish Councils where no changes were proposed was sent to 16,833 electors and “interested parties” including the Parish Councils affected. A total of 844 responses were received, representing a 5% response rate. Lake Market Research was engaged to analyse and report on the consultation responses in accordance with the Council’s procurement rules.

5. Working Group deliberations

5.1. The report of the Working Group, including its recommendations, the report of Market Lake Research and copies of the questionnaires is attached as Appendix 1.

6. Options for consideration

- 6.1. Under section 93 of the Local Government and Public Involvement in Health Act, a Principal Council must comply with various duties when undertaking a Review, including:
1. Having regard to the need to secure that community governance within the area under review:
 - a. Reflects the identities and interests of the community in that area
 - b. Is effective and convenient
 2. Taking into account any other arrangements, apart from those relating to parishes and their institutions that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review
 3. Taking into account any representations received in connection with the review.
- 6.2. In addition, the Council is required to take account of any statutory guidance published by the Secretary of State. In March 2010 the Department for Communities and Local Government and the Local Government Boundary Commission for England published such Guidance on Reviews.
- 6.3. The guidance is supportive of parish councils and recognises that making changes to the boundaries of existing parishes, rather than creating a new parish will be sufficient to ensure that community governance arrangements continue to reflect local identities and facilitate effective and convenient local government. Since the parish boundaries are often the building blocks for district boundaries it is important that parish boundary anomalies are addressed when they arise.
- 6.4. The working group's report is comprehensive and sets out in some detail the evidence gathered, the responses from the consultation exercise and their conclusions. However, it is important Council take into consideration all the matters required by the legislation and make their decision on the outcome of the Review based on the evidence presented so some of the main issues, evidence and conclusions are set out in the following paragraphs.

Identities and interests of local area

- 6.5. One of the first factors the working group considered was whether the existing community governance arrangements reflect the identities and interests of the community and the extent to which current arrangements in the area enable and empower the local community to fulfil its own potential and overcome difficulties and encourage community cohesion. It also looked at the extent to which local people participate in the democratic processes already in place. Neighbourhood renewal is also an important factor of building and maintaining successful communities and the working group looked at the extent to which the local community has ways of influencing the quality of planning and design of public spaces and the built environment, improving the management and maintenance of such facilities.

- 6.6. From the consultation responses in the Parishes where changes are being suggested, 42% of respondents agreed or strongly agreed that the recommended changes for the Parish reflect the identities and interests of the community. 14% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where changes are proposed but generally 38% of those answering the questions related to this issue, gave positive answers in their own words.
- 6.7. From the consultation responses in the Parishes where no changes are being suggested, the responses were similar to those where changes are being proposed. 44% of respondents agreed or strongly agreed that the current governance arrangements for the Parish reflect the identities and interest of the community. 15% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where no changes are proposed but generally 42% of those answering the questions related to this issue, gave positive answers in their own words.
- 6.8. The Working Group were also able to find ample evidence of the Parish Councils, in those areas where changes are being proposed as well as those where no changes are being proposed, fulfilling the potential of their residents and overcoming difficulties including community conflict, extremism, deprivation and disadvantage by addressing issues such as the maintenance and improvement of local parks and other community facilities and grants to vulnerable people in the community for example.
- 6.9. One of the changes proposed relating to Hoo St Werburgh Parish Council was to reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden and to change the name of the Parish to Hoo St Werburgh and Chattenden. 35% of respondents agreed with the proposed change and the proposed names for the two Parish wards.

Effectiveness and convenience

- 6.10. An important factor for the Council to take into account is the extent to which the community governance arrangements in place and those being proposed are effective and convenient. The guidance clarifies that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity and that whatever boundaries are selected they need to be, and likely to remain, easily identifiable.
- 6.11. The current Parish boundaries have been in place since at least 2003 and the only Parish boundary changes being proposed in Halling, High Halstow and Hoo St Werburgh are to resolve relatively minor errors that have been in place for some time. Therefore, as far as local people need to know the boundaries, they are well and long established.

- 6.12. From the consultation responses in the Parishes where changes are being suggested, 38% of respondents agreed or strongly agreed that the recommended changes for the Parish provide effective and convenient local government. 14% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where changes are proposed but generally 36% of those answering the questions related to this issue, gave positive answers in their own words.
- 6.13. From the consultation responses in the Parishes where no changes are being suggested, the responses were similar to those where changes are being proposed. 41% of respondents agreed or strongly agreed that the current governance arrangements for the Parish reflect the identities and interest of the community. 15% of respondents disagreed or strongly disagreed. The responses varied between each of the Parishes where no changes are proposed but generally 45% of those answering the questions related to this issue, gave positive answers in their own words.

Other forms of community representation

- 6.14. The Council is obliged to consider other forms of community governance or representation that could be put in place when undertaking this Review and the working group have outlined various alternative forms of engagement forums that could be established instead of a parish council.
- 6.15. The working group point out that the overall result of the exercise was that the majority of respondents either thought the proposed changes would meet the stated objectives or the existing arrangements should be maintained because they were effective. Therefore it is only proposed to note the features of these alternative arrangements.

Conclusions

- 6.16. The evidence the working group gathered, and the results of the consultation indicates that there is broad support for the relatively minor changes being proposed to the Parish electoral arrangements in Halling, High Halstow and Hoo St Werburgh and that the electoral arrangements in the remaining Parishes do not require any changes. The Parishes provide and maintain a range of facilities for the benefit of the local people and the local electorate have a healthy and comprehensive range of organisations and groups catering to their needs and helping them to overcome difficulties and fulfil their potential.

6.17. The working group considered the possible alternative and additional forms of community governance such as those described above. However, given all the evidence gathered showing (a) an existing comprehensive range of organisations, (b) that there was broad agreement amongst respondents that they thought the proposed changes would reflect the identities and interest of the local community and that the changes provided effective and convenient local government and (c) that there is broad agreement respondents were happy with the existing electoral arrangements in the Parish areas where no changes were proposed the working group are of the view that the introduction of any of the alternative forms of community governance would not improve the extent to which community governance better reflected the identities and interests of the community or was more effective or convenient.

6.18. On balance therefore and having taken into account all of the information considered as part of the Review, the recommendations of the informal working group are that :

- (1) proposed changes in Halling, High Halstow and Hoo St Werburgh as set out below should be implemented:

Halling

- Change to the parish wards with Formby Terrace moving from Lower ward to North Ward to better reflect local communities.
- Adjust the number of Parish Councillors in each of the Parish wards as follows: Upper ward from 3 to 2, North ward from 2 to 4 and Lower ward from 6 to 7 making a total of 13 Parish Councillors.

High Halstow

- An amendment to the Parish boundary with Parbrook House moving from Hoo St Werburgh Parish to High Halstow Parish to better reflect local access and communities.

Hoo St Werburgh

- Reduce the current three wards, West, Central and East, to two wards and to be named Hoo and Chattenden to provide more effective governance.
- Parbrook House is moved from Hoo St Werburgh Parish to High Halstow Parish to better reflect local roads and communities.
- Include the properties between 200 and 252 Main Road, Hoo St Werburgh, including Broad Street Cottages, in the proposed Hoo Parish Ward to better reflect local roads and communities.
- Increase the number of parish councillors from 14 to 17 (14 councillors for Hoo ward and 3 councillors for Chattenden ward) to provide more effective governance.
- The Parish name is changed to Hoo St Werburgh and Chattenden Parish Council to better reflect the community identity.

- (2) the electoral arrangements in the Parishes of Allhallows, Cliffe & Cliffe Woods, Cooling, Cuxton, Frindsbury Extra, St James Isle of Grain, St Mary Hoo and Stoke should remain unchanged.

7. Communicating the outcome of the Review

- 7.1. As soon as practicable after making any recommendations, the Council is required to publish its recommendations and ensure that those who may have an interest are informed of them. Similarly, as soon as practicable after making a decision on the extent to which it will give effect to the recommendations made in a Review, the Council must also publish its decision and its reasons for taking that decision and take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reason for it. Neither the legislation nor Guidance specifies who should be informed or how this is to be achieved.
- 7.2. Officers intend to advise each Parish Council of the recommendations and the Council decision and ask them to publish them on their websites and Parish noticeboards so that interested parties can read the working groups' report, this report and the Council's decision. A summary of the situation will also be posted on the Council's web pages. This is considered to be the most effective way of publicising the recommendations, decision and reasons.

8. Advice and analysis

- 8.1. A Diversity Impact Assessment (DIA) has been completed on the Review and the outcome was that there is unlikely to be an adverse impact on any of the characteristic groups. A copy of the full DIA is attached as Appendix 3 to the working group's report.

9. Risk management

9.1.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Damage to reputation of the Council amongst local population	Failure to approve the changes to the selected Parish Council electoral arrangements	Decision based on comprehensive evidence gathered by working group and outcome of consultation exercise	D2
Damage to reputation of the Council amongst local population and Government	Failure to undertake CGR in accordance with legislation and DCLG guidance	Establishment of informal working group to co-ordinate implementation of CGR comprising	D2

Risk	Description	Action to avoid or mitigate risk	Risk rating
		key officers and Members	

For risk rating, please refer to the following table (please **retain** table in final report):

Likelihood	Impact:
A Very high	1 Catastrophic (Showstopper)
B High	2 Critical
C Significant	3 Marginal
D Low	4 Negligible
E Very low	
F Almost impossible	

10. Financial implications

- 10.1. There is no budget provision for the conduct of the CGR or the consultation process required. It is anticipated that the costs can be met from within the existing service budgets but any shortfall will be drawn down from the provision for local elections. No other funding streams are available.
- 10.2. Provision of up to £40,000 was set aside The total costs spent on the consultation process and other costs associated with the CGR amount to £32,000.

11. Legal implications

- 11.1. The legal implications for this matter are set out in the body of the report.

12. Recommendations

- 12.1. Council is recommended to approve the following:

- (1) implementation of the proposed changes in Halling, High Halstow and Hoo St Werburgh as set out below:

Halling

- Change to the parish ward boundaries with Formby Terrace moving from Lower ward to North Ward to better reflect local communities.
- Adjust the number of Parish Councillors in each of the Parish wards as follows: Upper ward from 3 to 2, North ward from 2 to 4 and Lower ward from 6 to 7 making a total of 13 Parish Councillors.

High Halstow

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 - Increase the number of parish councillors from 14 to 17 (14 councillors for Hoo ward and 3 councillors for Chattenden ward) to provide more effective governance.
 - The Parish name is changed to Hoo St Werburgh and Chattenden Parish Council to better reflect the community identity.
- (2) the electoral arrangements in the Parishes of Allhallows, Cliffe & Cliffe Woods, Cooling, Cuxton, Frindsbury Extra, St James Isle of Grain, St Mary Hoo and Stoke should remain unchanged.

12.2. Council is recommended to agree to delegate authority to the Assistant Director, Legal and Governance to seek the approval of the Local Government Boundary Commission for England (LGBCE) and authorise the making of the necessary local Orders as set out in recommendation 12.1.

Lead officer contact

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Appendices - included in Supplementary Agenda No.1

Appendix 1 – report of the working group including the report of the consultation outcome, copies of the questionnaires and the Diversity Impact Assessment.

Background papers

None