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# Community Governance Review relating to Parish of Greenham

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	10 May 2022
<b>Portfolio Member:</b>	Councillor Howard Woollaston
<b>Report Authors:</b>	Shiraz Sheikh and Anita Stanbury
<b>Forward Plan Ref:</b>	C4216

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## 1 Purpose of the Report

- 1.1 Following a formal request from Greenham Parish Council, this report sets out the requirements and procedure to undertake a community governance review (CGR) of the Greenham Parish consisting of Common Ward and Sandlesford Ward, in accordance with the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) and associated government guidance.

## 2 Recommendations

- 2.1 The Council resolves to:
- a) proceed with a CGR of the parish of Greenham, in accordance with the requirements of the 2007 Act, and associated guidance, as described in this report;
  - b) approve the terms of reference in respect of the community governance review, including the proposed timetable, as set out in **Appendix B** to this report;
  - c) delegate authority to Governance & Ethic Committee to consider and approve draft proposals following initial consultation;
  - d) delegate authority to Service Lead – Legal & Democratic Services to approve minor amendments and/or typographical amendments pertaining to the final recommendations prior to submission to Local Government Boundary Commission, save for the power to make substantive amendments which is delegated to Governance & Ethics Committee.
  - e) delegate authority to Service Lead - Legal & Democratic Services to exercise powers under the 2007 Act in relation to the CGR.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	It is envisaged that the only costs to the Council will be in respect of officer time in conducting the CGR, which will be met from within existing budgets.			
<b>Human Resource:</b>	The CGR will have to be conducted within existing staff resources.			
<b>Legal:</b>	The Council has power under section 82 of the Local Government and Public Involvement in Health Act 2007 to conduct CGRs. A CGR must be conducted in accordance with the requirements set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 (as amended) and guidance is issued by the Secretary of State under Section 100 (4) of the 2007 Act. These requirements are outlined in section 4.6 of this report.			
<b>Risk Management:</b>	There are currently no risks envisaged with this.			
<b>Property:</b>	There are no property implications.			
<b>Policy:</b>	None			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		
<b>Consultation and Engagement:</b>	Councillor Tony Vickers, Councillor Howard Woollaston, Greenham Parish Council, Sarah Clarke (Monitoring Officer) and Joseph Holmes (Executive Director – Resources)			

## 4 Executive Summary

- 4.1 On 29<sup>th</sup> September 2020, Greenham Parish Council (GPC) submitted a written request (see **Appendix A** to this report) for the West Berkshire Council (Council) to conduct a community governance review (CGR). The Greenham Parish consists of Common Ward and Sandford Ward. The Sandford Ward was formed following the 2018 Local Government Boundary Commission for England (LGBCE) district boundary review which came into being in 2019 (the Local Plan process had anticipated a significant increase in housing but that has not materialised). Cllr Tony Vickers stood in 2019 local elections, unopposed in Sandford Ward and was elected by default. Since the 2018 district boundary review and the 2019 local elections, the anticipated Sandford development has come forward on the site but the decision is still pending following an appeal.

- 4.2 The proposal received from GPC is to retain Sandleford Ward, with only six (6) electors, and to retain a single parish council seat, whilst re-allocating four (4) of the five (5) parish council seats from Sandleford Ward to Common Ward (or a new Racecourse Ward). This GPC contend will achieve more equal representation for the people of Greenham Parish, until the Sandleford development is occupied by sufficient electors to merit more than one parish council seat. GPC also contend that the Sandleford development will not be achievable until 2027.
- 4.3 In addition, GPC are also requesting to split the current Common Ward into two (2) wards, by potentially creating "Racecourse Ward" to serve the current Racecourse development. The Racecourse development is fairly large, relatively new and completely separate to old Greenham.
- 4.4 An alternative option, not in GPC's request, could be that the Sandleford Ward should be reincorporated back into Common Ward, to improve overall community governance and oversight. This would increase the number of parish council seats in Common Ward from ten (10) up to fifteen (15) parish council seats in total for the four thousand (4000) plus electors. This would reduce the current Greenham Parish from two (2) down to one (1) ward. Sandleford Ward could, in the future, be reconsidered as a potential separate ward; post any Parliamentary Boundary Review amendments, and once elector numbers increase within the proposed Sandleford development, from the current six (6) electors.
- 4.5 The Boundary Commission will need to consent to the CGR as the review falls within the 5 years before the last one was conducted.
- 4.6 A CGR is undertaken by the principal council for the area (i.e. West Berkshire District Council) and is a review of 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 (i.e. whether to call it a town council or village council etc.) of new parishes;
  - The electoral arrangements for parishes (including 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.
- 4.7 The legal framework within which principal councils must undertake these reviews is set out in the Local Government and Public Involvement in Health Act 2007 (as amended).
- 4.8 The Council has power under section 82 of the 2007 Act to undertake CGRs at any time.

## 5 Supporting Information

### Introduction

- 5.2 On 29<sup>th</sup> September 2020, Greenham Parish Council (GPC) submitted a written request (see **Appendix A** to this report) for the West Berkshire Council (Council) to conduct a Community Governance Review (CGR). The Greenham Parish consists of Common

Ward and Sandlesford Ward. The Sandlesford Ward was formed following the 2018 Local Government Boundary Commission for England (LGBCE) district boundary review which came into being in 2019 (the Local Plan process had anticipated a significant increase in housing but that has not materialised). Cllr Tony Vickers stood in 2019 local elections, unopposed in Sandlesford Ward and was elected by default. Since the 2018 district boundary review and the 2019 local elections, the anticipated Sandlesford development has come forward on the site but the decision is still pending following an appeal.

- 5.3 The delay in bringing this report is due to the operational challenges faced by the pandemic, the re-scheduled Police and Crime Commissioner election, a district by-election, a Neighbourhood Planning Referendum, three contested parish elections, and 13 uncontested parish elections. This was alongside an ongoing vacancy in the team. It is only therefore possible to consider at this stage.

## **Background**

- 5.4 The 2007 Act amended the responsibility for parish area reviews from what is now the Local Government Boundary Commission for England (LGBCE) to principal councils, subject to adherence to regulations and directions issued by the former Department for Communities and Local Government (DCLG) and the Electoral Commission. Principal councils in this context include district councils in England. The process for considering a change is via a Community Governance Review (CGR).
- 5.5 A CGR is a review of one or more areas of the Council's area to look at one or more of the following:
- (a) Creating, merging, altering or abolishing parishes;
  - (b) The naming of a parish and the style of new parish (i.e. whether to call it a "village", "community" or "neighbourhood" with the council similarly named as a "village council", "community council" or "neighbourhood council");
  - (c) The electoral arrangements for parishes (including council size, the number of councillors to be elected to the council, and parish warding), and
  - (d) Grouping parishes under a common parish council or de-grouping parishes.
- 5.6 A CGR may not change parliamentary or district boundaries; although it might lead to recommendations to the LGBCE to make consequential changes to ward or division boundaries.

## **Proposals**

- 5.7 In summary, the proposal received from GPC is to retain Sandlesford Ward, with only six (6) electors, and to retain a single parish council seat, whilst re-allocating four (4) of the five (5) parish council seats from Sandlesford Ward to Common Ward (or a new Racecourse Ward), to achieve a perceived more equal representation for the people of Greenham Parish, until the Sandlesford development is occupied by sufficient electors to merit more than one parish council seat.

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- 5.8 In addition, GPC are also requesting to split the current Common Ward into two (2) wards, by potentially creating “Racecourse Ward” out of the current Racecourse development. The Racecourse development is fairly large, relatively new and completely separate to old Greenham.
- 5.9 The reasons cited by GPC for making the request to reallocate four (4) of five (5) parish council seats from Sandleford parish ward to Common parish ward (or into a newly created Racecourse parish ward), are as follows:
- a) To achieve a more equal representation for the people of Greenham parish;
  - b) Until the Sandleford development is delivered, and occupied by sufficient electors to merit more than one parish council seat.
- 5.10 As a further alternate proposal, not proposed by GPC, Sandleford Ward could be reincorporated back into Common Ward. This will improve overall community governance and oversight of the current Sandleford Ward area and activities, from the better represented Common Ward.
- 5.11 This re-merging of wards, would increase the number of parish council seats in Common Ward from ten (10) up to fifteen (15) parish council seats in total for the four thousand (4000) plus electors. These council seats would then be retained within the single ward, or be split between Common Ward, and any potential new ward i.e. Racecourse Ward.
- 5.12 Sandleford Ward could, in the future, be reconsidered as a potential separate ward; post any Parliamentary Boundary Review amendments, and once elector numbers increase within the proposed Sandleford development from the current six (6) electors. With the added services challenges, it could be several years before electoral numbers make Sandleford Ward a viable option as a separate, stand-alone ward. GPC contend that this is unlikely to be until 2027.

## Undertaking a Community Governance Review

- 5.13 The procedure required to conduct a CGR is:-
- a) to agree to the terms of reference (ToR) for the review, including specifying the area under review;
  - b) to then publish and consult on the terms of reference (ToR) with the local electorate and those with an interest;
  - c) taking into account representations received, to agree final recommendations, and if required, to make a community governance reorganisation order to give effect to agreed changes.
- 5.14 Suggested terms of reference for a CGR are (in this case) set out in **Appendix B** for the Council’s consideration. In addition to the reallocation of councillors within Greenham Parish Council, specifically from Sandleford ward to Common ward and for a creation of a new Racecourse ward covering the same area as the electors residing in polling district (GB2), the legislation also requires this Council to make recommendations on other related “electoral arrangements” for Greenham Parish Council, as follows:

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- a) The year in which ordinary elections of councillors are to be held;
- b) The division (or not) of the parish into wards for the purposes of electing councillors;
- c) The numbers of boundaries of any such wards;
- d) The number of councillors to be elected for any such ward;
- e) The name of any such ward.

5.15 It is suggested that the terms of reference (ToR) should propose, at this stage, that other than the reallocation of councillors from Sandleford to Common ward and creation of a Racecourse ward, no further changes be made to the electoral arrangements in respect of that parish council described in paragraph 5.14 above. Currently Greenham parish is divided into two wards i.e. Sandleford ward and Common ward.

5.16 Following the consultation, and taking into account the representations received, the Council must consider the following questions in relation to whether Greenham Parish Council should, or should not, reallocate councillors from Sandleford ward into Common ward, for the purpose of electing parish councillors accordingly; and whether the existing Common ward should be divided into a separate “Racecourse ward”, into which these extraneous Sandleford ward seats would operate.

- a) Re the Sandleford Ward - whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
- b) Re the Common Ward - whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient
- c) Re the proposed Racecourse Ward - whether it is desirable that the area of the parish should be separately represented on the parish council.

5.17 Section 93 of the 2007 Act allows principal councils to decide how to undertake a CGR, provided that they comply with a number of duties prescribed in the Act, as follows:

- a) In conducting a CGR, the Council must consult with the following:
  - The local government electors in the area under review (i.e. the parish of Greenham)
  - Greenham Parish Council
  - Any other person or body which appears to have an interest in the review (e.g. local business, local residents’ associations, amenity groups, local public and voluntary organisations – such as schools or health bodies)
- b) When undertaking a CGR, the Council must also;
  - Have regard to the need to secure that community governance in the area under review:
    - i. Reflects the identities and interests of the community in that area, and
    - ii. Is effective and convenient
  - Take into account any representations received in connection with the review.

5.18 A CGR must also take into account a number of influential factors, including:

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

5.19 It is anticipated that the consultation on the terms of reference (ToR) of this CGR will involve:

- a) Publication of the terms of reference (ToR) on both the District Council's website and Greenham Parish Council's website.
- b) Publicity for the CGR to be displayed, if applicable, in any parish magazine, and on parish notice boards and in community venues within the parish
- c) Press releases
- d) Communication with local community groups.

5.20 A suggested timetable for the conduct of the CGR is included within the draft terms of reference (ToR) see [**Appendix B**].

5.21 The Council is required to complete a CGR within a period of 12 months from the date it publishes the terms of reference.

## 6 Other options considered

6.1 There are two situations when the Council must conduct a CGR. The first is when a valid community governance petition has been submitted, and the second is when the requestor is a Neighbourhood Forum. Otherwise, the Council may conduct a CGR at its discretion. In this case, Greenham Parish Council is asking the Council to use its section 82 power.

6.2 Decline the request on the grounds that a full CGR process was undertaken less than five years ago.

6.3 In the absence of a petition, there is no duty on the Council to undertake a CGR in response to the request. Officer time would not be required, and would be available for other projects.

## 7 Conclusion

7.1 This report is the first step towards carrying out a CGR. Should the Council agree to carry out a CGR, the terms of reference in **Appendix B** will be published, and a six-week period of public consultation will take place. It is anticipated that a formal report on the outcome of the consultation will be submitted to full Council in October 2022.

7.2 If, following the CGR, and following approval of the same by the Local Government Boundary Commission for England (LGBCE), the Council decides to make a Community Governance Reorganisation Order in respect of the proposals; and reallocation of parish councillors between wards, and any subsequent increase or decrease in the number of parish councillors in the affected wards, as approved by the CGR, would take effect from the next scheduled parish elections in May 2023.

## 8 Appendices

- 8.1 **Appendix A** - Greenham Parish Council's written submission dated 29<sup>th</sup> September 2020, requesting a community governance review.
- 8.2 **Appendix B** - Proposed terms of reference (ToR) of the community governance review of the Greenham Parish Council (including Sandford ward and Common ward)
- 8.3 **Appendix C** - A summary of the powers and duties of parish councils
- 8.4 **Appendix D** - A Map of the Parish of Greenham (the area under review)

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### Background Papers:

Boundary Commission Report re West Berkshire ([WBDC 2018 Boundary Review](#))

### Subject to Call-In:

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** Common Ward and Sandford Ward

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