

COMMUNITY GOVERNANCE REVIEW - WHITEHAVEN

EXECUTIVE MEMBER: Councillor Peter Kane

LEAD OFFICER & REPORT AUTHOR Tim Capper, Democratic Services Manager

Why has this report come to the Council?

To consider a recommendation from the Policy Development Group on Whitehaven Governance that the Council undertakes a Community Governance Review for Whitehaven

Recommendation: that Council agrees that:

- (a) a Community Governance Review be undertaken for the unparished area of the Borough, namely Whitehaven, under the powers contained in Part 4 of the Local Government and Public Involvement in Health Act 2007;
- (b) a Panel be appointed to oversee the conduct of the Review, and that powers be delegated to the Panel to consider and determine all aspects of the Review, with the exception of the making of a Community Reorganisation Order, which will be reserved to full Council;
- (c) nine Members be appointed to the Panel with a political balance of 6:3, to include one from each of the seven unparished Wards, and one from outside Whitehaven who is also a parish councillor; and
- (d) the Panel be asked to report to Council with its final recommendations by no later than September 2014 to enable, in the event of the Council making a Community Reorganisation Order, all necessary arrangements to be in place for the first elections to the new parish council to be held in May 2015.

1 Introduction

1.1 Under Part 4 of the Local Government and Public Involvement in Health Act 2007, principal authorities have powers to undertake Community Governance Reviews of parts of their areas. Community Governance Reviews can be initiated by a petition from a minimum number of electors for an area (10% of the electorate for an area of 10,000 electors or more), which requires the principal authority to undertake a Review; or can be initiated by the principal authority itself passing a resolution to undertake a review. The powers and duties under Part 4 of the 2007 Act fall to district councils only in two-tier counties.

1.2 The recent Policy Development Group on Governance for Whitehaven proposed that a Community Governance Review is undertaken to establish whether a parish tier of governance should be introduced in Whitehaven and, if so what form this should take.

1.3 This report sets out the matters which the Council needs to determine formally in order to initiate a Review, together with proposals for governance of the Review at Member level.

2 Community Governance Reviews

2.1 A Community Governance Review undertaken using the powers set out in 1.1 above is now the only mechanism through which parishing arrangements in an area can be created, modified, or abolished. A Review through its recommendations can create new parishes in previously unparished areas, or merge abolish existing parishes; and can recommend changes to boundaries and to electoral arrangements (number of Councillors, warding arrangements etc).

2.2 Recommendations made to a principal council following a Community Governance Review should have the following objectives:

- to improve community engagement and better local democracy
- to achieve more effective and convenient delivery of local services for residents

2.3 A Review must ensure that community governance in an area reflects the identities and interests of the community in that area, and is effective and convenient. It must also consider and take into account any other arrangements for the purposes of community representation or community engagement in the area, eg community associations, residents' groups etc.

3 The Review Area

3.1 It is proposed that the Review area will be the unparished area of the Borough – the town of Whitehaven and the village of Sandwith, as shown hatched on the plan at Appendix "A". This area broadly consists of the following Borough wards:

Bransty
Harbour
Hensingham
Hillcrest
Kells
Mirehouse
Sandwith

3.2 However it should be noted that due to boundary anomalies dating back to, among other things, the Copeland (Parishes) Order 2009, there are a number of instances in the

seven wards in question where ward and parish boundaries are not contiguous. These affect both Bransty and Sandwith wards and mean that during the Review, when considering warding arrangements for a new parish or parishes, it will not be possible in all cases to take complete Borough wards and re-designate them as parish wards. Members need to be at least aware of these potential complications at this point.

4 Matters to be Determined under the Review

4.1 The Review will consider the key issue of whether or not a parish tier of governance should be established for the unparished area of the Borough, and, if so whether this should be a single parish council or two or more. The Review will make recommendations to Council accordingly.

4.2 In the event of the Review recommending a new parish or parishes, the following will also need to be considered and included in the final recommendations to Council:

- (i) The total number of Councillors to be elected to the new Council;
- (ii) Whether or not the new Council should be warded, and if so, what ward boundaries should be and the number of Councillors for each Ward, having regard to Councillor:elector ratios;
- (iii) The cycle of elections for the new Council;
- (iv) The budget and precept for the new Council in its first year;
- (v) Arrangements for the first Annual Meeting of the new Council.

4.2 The Department of Communities and Local Government (DCLG) has published statutory guidance for local authorities on the conduct of Reviews, and it will be necessary for this guidance to be taken into account at all stages of the Review.

5 Key Stages of the Review

5.1 The legislation requires a Review to be complete within a 12 month period, starting with the date of publication of the Review Terms of Reference, and ending with the publication of the final recommendations.

5.2 The legislation further requires a local authority conducting a Review to consult local government electors in the area under review, and any other persons or bodies who appear to have an interest in the Review. The method of consultation is not prescribed. It is proposed that consultation will be in two stages – first on the general principle of introducing parish governance in Whitehaven, and second on specific proposals for a parish council or councils.

5.3 The following is an indicative timescale for a Review, based on the assumption that Members will wish a Review to be completed in time for the first elections to any new parish council to be held in May 2015, the next full round of town and parish council elections:

Action	Timescale
Pass Resolution to conduct Review and appoint Panel	Council, 5 December 2013
First Panel Meeting	w/c 16 December
Publish Terms of Reference	8 January 2014
Undertake Initial Consultation on Proposal to Establish Parish Council(s)	8 January – 18 February
Analyse Consultation Responses & Prepare Detailed Proposals	18 February – 9 April
Undertake Second Consultation on Detailed Proposals	9 April – 21 May
Analyse Response to Second Consultation & Draft Final Proposals	26 May – 30 June
Council Considers Final Recommendations	July or September 2014
Community Reorganisation Order made	After Council
Any New Parish Council comes into Existence	1 April 2015
First Elections to New Council	May 2015

6 Proposed Member Panel

6.1 It is proposed that an ad hoc Member Panel is appointed to support the delivery of the Review as directed by Council, and to ensure this is achieved within the timescales set out in this report.

6.2 It is proposed that the Panel is authorised to consider and determine all stages of the Review, with the exception of the final stage of agreeing the final proposals and the making of a Community Reorganisation Order creating new parishing arrangements, which will need to be reserved to full Council, as required in Part 4 of the 2007 Act, and this is reflected in the recommendations.

6.3 It is further proposed that the membership of the Panel should comprise at least one Councillor from each of the seven unparished wards listed in 3.1 above, plus one other Councillor from outside Whitehaven who is also a parish councillor, with a total of 9 Members (political balance 6:3). Such an arrangement would satisfy the political balance requirements of Sections 15-17 of the Local Government and Housing Act 1989.

6.4 If Council is minded to agree the proposal for appointment of a Panel, the first task of the Panel at its first meeting will be to agree the Terms of Reference of the Review for publication in January. Publication will represent the formal start of the Review.

6.5 The proposed Terms of Reference of the Panel are set out at Appendix “B”.

7 Resource Implications

7.1 It is likely that the main cost arising from the Review will arise from consultation with at least one of the consultation phases involving a mail-out to all electors in the unparished area, with response forms for return. It is likely that the cost of this exercise will be in the region of £24,000 and it is proposed that this cost will be financed from the Transformation Fund.

8 Conclusions

8.1 The proposals in this report move the recommendations of the Policy Development Group forward as practical proposals for conducting a review of governance in Whitehaven.

Consultees: Chief Executive; Section 151 Officer; Lead Executive Member

Monitoring Officer comments: Included in report

S151 Officer comments: The transformation fund has a balance which currently stands in excess of £600K so there are resources available to fund this work.

EIA comments: No groups are advantageously or disadvantageously affected by the proposals in the report.

Appendices – Appendix A - Panel Terms of Reference
Appendix B - Plan

Copeland Borough Council

Community Governance Review Panel

Terms of Reference

1 To consider and determine the following stages of the Community Governance Review for Whitehaven:

(a) To agree the Review Terms of Reference for publication as the first phase of consultation;

(b) To consider responses from the first consultation and to develop detailed proposals for the second and final phase of consultation;

(c) To consider and determine any other matters in connection with the Review with the exception of 2 below.

2 To make final recommendations to Council on the content of the draft Community Reorganisation Order for Whitehaven

