

TITLE OF REPORT: COMMUNITY GOVERNANCE REVIEW

REPORT OF THE CHIEF EXECUTIVE
PORTFOLIO HOLDER – CLLR MRS C. P. A. STRONG

1. PURPOSE OF REPORT

- 1.1 To assist Council to undertake a Community Governance Review of the Parish of Great Ashby and the Parish of Weston.

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been included on the Forward Plan.

3. BACKGROUND

Keeping Parishes under Review

- 3.1 At its meeting held on 25 February 2010, in recognition of statutory guidance, Council agreed to employ its knowledge and awareness of local issues, to consider whether or not reviews of parishes were necessary and that this would be achieved as a by-product of the regular activities of the Democratic Services function. The decision to undertake a review would be via recommendation to Council. This report contains such a recommendation.

4. REASONS FOR RECOMMENDATIONS

The Parishes of Great Ashby and Weston

- 4.1 Upon lodging a request for the boundaries of the new parish of Great Ashby to be assimilated by Ordnance Survey, it became apparent that six dwellings described as being part of the Parish of Great Ashby, namely 22-27 Windermere Close were technically in the Parish of Weston (see map at Appendix A).

Windermere Close

- 4.2 Windermere Close in Great Ashby was built in 1998, without regard to parish council boundaries. This is not unusual as parish boundaries are not a planning consideration. It is understood that such issues arise on administrative boundaries throughout the Country. The result is that, notwithstanding a total sense of identity with Great Ashby, six of the dwellings in Windermere Close are actually in the Parish of Weston. This parish is centred on the village of Weston a completely different and remote community. Now that this anomaly has been discovered, it is recommended that a parish boundary change be considered.

Action by NHDC

- 4.3 To mitigate against the risk of a recurrence of this in the future, a process has been agreed with the Planning Service for any future developments, which may potentially straddle a parish or other boundary to be reported to both Democratic Services to ensure that the Electoral Register is correct and to Revenues & Benefits

to ensure that the property is allocated to the correct parish for Council Tax purposes.

- 4.4 Parish boundaries may now be changed by district councils. However, a Community Governance Review, must be undertaken. The Council is required to take account of statutory guidance and establish and publish terms of reference. In doing so, the Council is able to establish terms which reflect the need for the review. The legislation warns against establishing standard terms and conditions. Therefore, to correct a technical anomaly which is not likely to affect either the governance, or the electoral equality (a numerical consideration), a relatively brief process may be employed. Attention is drawn to the draft terms of reference (Appendix A) and the timetable (Appendix B).

The Wards of Chesfield and Weston and Sandon

- 4.5 The parish boundary in question is also a ward boundary. Therefore, Windermere Close also straddles the boundary of the wards of Chesfield and Weston and Sandon. Should the Council determine that 22-27 Windermere Drive be included within the Parish of Great Ashby, it follows that those dwellings should also be removed from the Weston and Sandon Ward and placed within Chesfield. This will require a recommendation to the Local Government Boundary Commission for England.

The Parliamentary Constituencies of Hitchin and Harpenden and North East Hertfordshire

- 4.6 The parish boundary in question is also a parliamentary boundary. Therefore, Windermere Close also straddles the boundary of Hitchin and Harpenden and North East Hertfordshire. Should the Council determine that 22-27 Windermere Close be included within the Parish of Great Ashby, it follows that those dwellings should also be removed from the North East Hertfordshire Constituency and placed within the Hitchin and Harpenden Constituency. This will require a recommendation to the Boundary Commission for England.

The form of the Review

- 4.7 The table below lists the key components and functions of the Review project:

Component	Function
General Management	Leadership and Supervision to be provided by the Democratic Services Manager in liaison with the Portfolio Holder for Policy both Chesfield Ward Councillors; the Chairman of Southern Rural Area Committee and the Portfolio Holder for Community Engagement and Rural Affairs.
Community engagement	Community Engagement to be provided by the Community Development Manager, Democratic Services Manager and Head of Revenues and Benefits.
Boundaries	Support and advice to be provided by the Electoral Services Manager and the Information and Records Manager.
Legal Advice	To be provided by the Corporate Legal Manager
Project Timetable	It is proposed that the project timetable set out at Appendix B is adopted. It is proposed that the work be completed in advance of 1 April 2012 to coincide with the issue of Council Tax Notices and the version of the Electoral Register to be employed during the district elections to be held on 3 May 2012.
Consultation	This will include the Parish Councils of Great Ashby and Weston; the electors at 22-27 Windermere Close and the County Council.

5. LEGAL IMPLICATIONS

- 5.1 The Council is not obliged to carry out the review, it has a discretion whether to exercise its power to do so.
- 5.2 If a review is to be carried out then it must be conducted in accordance with the Local Government and Public Involvement in Health Act 2007.
- 5.3 This requires that the Council determines the terms of reference and has regard to the related Guidance.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 No additional resources will be required to undertake this work.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 The Council must have due regard of relevant equalities legislation in consulting with the public.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 Details are contained within the draft terms of reference at Appendix A.

9. RECOMMENDATIONS

That:

- 9.1 a Community Governance Review of the Parishes of Graveley and Weston be undertaken;
- 9.2 the Draft Terms of Reference set out at Appendix A, be approved;
- 9.3 the Chief Executive be delegated to determine the outcome of the Review;
- 9.4 the Corporate Legal Manager be delegated to draw up and publish a local implementation Order if required.

10. AUTHOR

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Review of the Graveley and Weston Parishes

Draft Terms of Reference for Publication

Determination

The Terms of Reference were determined by North Herts District Council on 11 November 2011 and made available to the Public by 18 November 2011.

Area Under Review

Areas within the Parishes of Great Ashby and Weston (see Map 1 attached).

Focus of the Review

Should the properties at 22-27 Windermere Close, considered to be part of the Great Ashby housing estate, be transferred from the Parish of Weston, to the Parish of Great Ashby by means of moving the boundary line between the two parishes?

Terms of Reference

Consultation

To have regard to the views of the resident electors at 22-27 Windermere close; the parish councils of Great Ashby and Weston; the NHDC Councillors representing the Chesfield and Weston and Sandon Wards; the County Councillor representing the North Herts Rural Division and any other representations received during the consultation process.

Considerations

To give consideration to:

- establishing a new, clearly defined, boundary and the removal of an anomalous boundary

Recommendations and decisions on the outcome of the Review

Recommendations will be formulated and published within 12 months and include:

- whether the existing parish boundaries should be amended;
- recommendations may also include making related recommendations to alter the boundaries of the electoral areas of North Hertfordshire District Council and the parliamentary Boundaries of the Hitchin and Harpenden and North East Hertfordshire parliamentary constituencies;
- recommendations will be supported by evidence which demonstrates that they meet the criteria for community governance reviews set out in the 2007 Act.

**NORTH HERTFORDSHIRE DISTRICT COUNCIL
COMMUNITY GOVERNANCE REVIEW 2011**
for
**THE PARISH of GRAVELEY
THE PARISH of WESTON**
**Local Government and Public Involvement in Health Act 2007
Local Government (Parish and Parish Councils) (England) Regulations 2008**

Timetable

Action	Start Date	Completion date	Outline of action
Agree Terms of Reference (TOR) and delegates all future decisions concerning the Review to the Chief Executive	10 November 2011	18 November 2011	District Council publishes TOR, notifies stakeholders, defining the nature and extent of the Review and seeks comments on the TOR and proposals
Draft Proposals to be considered and agreed		13 January 2012	Chief Executive agrees draft proposals for public consultation
Draft Proposals are published		16 January 2012	Draft Proposals are published and comments invited
Final Proposals are prepared		3 February 2012	Results of consultation considered and Final Recommendations prepared
Chief Executive to decide the outcome of the Review		16 February 2012	
Order made		23 February 2012	Reorganisation Order published