
Meeting: General Purposes Committee
Date: 4 August 2011
Subject: Community Governance Review – Stotfold Parish (area of Fairfield)
Report of: Head of Legal & Democratic Services
Summary: The report seeks to agree the Terms of Reference to carry out a governance review of the area of Fairfield within the parish of Stotfold.

Contact Officer: John Atkinson, Head of Legal and Democratic Services
Public/Exempt: Public
Wards Affected: Stotfold and Langford
Function of: General Purposes Committee

CORPORATE IMPLICATIONS

Council Priorities:

This report contributes to the Council's requirement to bring about improved community engagement.

Financial:

None specifically arising from this report but the process of carrying out a governance review is to consult the local government electors together with any other person or body who appears to have an interest in the review and therefore there will be considerable administrative costs.

Legal:

Community Governance Reviews operate under the following legislative framework:

Local Government & Public Involvement in Health Act 2007;

Guidance on community governance reviews, issued jointly by Department for Communities and Local Government and the Local Government Boundary Committee for England;

Local Government Act 1972 (as amended);

Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008 625); and

Local Government Finance (New Parishes) Regulations 2008 (SI2008 626).

The manner in which this framework applies to this review is explained in the text of the report.

Risk Management:

None resulting from this report

Staffing (including Trades Unions):

None resulting from this report

Equalities/Human Rights:

None resulting from this report.

Community Safety:

n/a

Sustainability:

n/a

RECOMMENDATIONS:

1. **that the Committee**
 - (a) **agrees that the public petition to conduct a community governance review for the area of Fairfield within the parish of Stotfold is a valid petition; and**
 - (b) **approves the Terms of Reference for a community governance review for the area of Fairfield within the parish of Stotfold as set out in Appendix B to the report.**

Background

1. Under previous arrangements for parish reviews, responsibilities were shared between the Electoral Commission's Boundary Committee and the principal councils, with the former largely responsible for parish areas, and the latter responsible for parish electoral arrangements. The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") transferred full responsibility for parish reviews – "Community Governance Reviews" – to principal councils in England.
2. While principal councils have been given considerable freedom of action in the conduct of Reviews, there is a duty to have regard to guidance issued by the Secretary of State of the Department of Communities and Local Government and the Local Government Boundary Commission in undertaking reviews, making recommendations and giving effect to recommendations.

Community Governance Petition

3. The Council is in receipt of a petition from Fairfield Community Action (Appendix A) signed by 1217 electors. The electorate of Stotfold Parish is 7295. The petition calls upon the Council to undertake a Community Governance Review in accordance with the arrangements set out in Chapter 3 of the 2007 Act and to make a recommendation to the Electoral commission to form a new parish council to be known as Fairfield Community Council. However, a petition is not a valid community governance petition unless certain conditions are met.
4. The petition must be signed by the following number of local government electors:
 - (a). if the petition area has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors;
 - (b). if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 250 of the electors;
 - (c). if the petition area has more than 2,500 local government electors, the petition must be signed by at least 10% of the electors.
5. The petition must define the area to which the review is to relate, whether by map or otherwise, and it must specify one or more recommendations which the petitioners wish a community governance review to consider making.
6. Section 80 of the 2007 Act imposes the following further conditions:
 - (a). if the specified recommendations include the constitution of a new parish, the petition must define the area of the new parish (whether on a map or otherwise);
 - (b). if the specified recommendations include the alteration of the area of an existing parish, the petition must define the area of the parish as it would be after alteration (whether on a map or otherwise);
 - (c). if the specified recommendations include the constitution of a new parish, the petition is to be treated as if the specified recommendations also include recommendations for naming, electoral arrangements and the style of the new parish;
 - (d). if the specified recommendations include the establishments of a parish council or parish meeting for an area which does not exist as a parish, the petition is to be treated as if the specified recommendations also include recommendations for such a parish to come into being (either by constitution of a new parish or alteration of the area of an existing parish).

7. If a principal council is not in the course of undertaking a community governance review and it receives a valid community governance petition which relates to the whole or part of the council's area, the council **must** conduct a community governance review with terms of reference that allow for the petition to be considered.
8. The petition that has been received proposing a review in respect of Fairfield appears to meet the conditions specified in the 2007 Act and accordingly the Council is required to establish terms of reference for a review.

Terms of Reference

9. The Terms of Reference (TOR) of a community governance review are the terms on which the review is to be undertaken. They must specify the area under review and soon as practicable after deciding the TOR, the principal council must publish the terms. The draft TOR is shown at Appendix B.

The Process

10. Assuming that the Committee approves the TOR for the review, the next step is to begin the process of consultation in accordance with the time-table shown in Appendix B.
11. As soon as practicable after the Council has decided to what extent it will give effect to the recommendations made in a review, the council must publish that decision, giving the council's reasons for making that decision; and take such steps as the council considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons.
12. Where changes to the existing arrangements are to be made, the principal council completes the review by making a "reorganisation order" and must inform various statutory bodies including the Secretary of State for Communities and Local Government and the Local Government Boundary Commission for England.

Appendices:

Appendix A Fairfield Community Council – The Submission

Appendix B Draft Terms of Reference for the Community Governance Review

Location of papers: Priory House, Chicksands.