 Licensing & Regulatory Committee 31 October 2016		Agenda Item No. 6
Title	Community Governance Review – Heathcote area	
For further information about this report please contact	Graham Leach, Democratic Services Manager & Deputy Monitoring Officer 01926 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Licensing & Regulatory Committee 21 October 2014 Minute 26 & 16 December 2014 Minute 29.	
Background Papers	Warwick District Community Governance Review 2014 LGBCE Review of WCC Divisions 2014	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	No	
Included within the Forward Plan? (If yes include reference number)	No	
Equality Impact Assessment Undertaken	No	
The review would impact on all residents equally and would be undertaken by an external party.		
Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	07.10.16	Chris Elliott
Heads of Service	07.10.16	Tracy Darke
CMT		
Section 151 Officer	07.10.16	Mike Snow
Monitoring Officer	07.10.16	Andrew Jones
Finance		
Portfolio Holder(s)	10.10.16	Councillor Andrew Mobbs
Consultation & Community Engagement		
Bishop’s Tachbrook Parish Council, Warwick Town Council and Whitnash Town Council Councillors Day, Mrs Falp, Heath, Mann, Margrave and Murphy as Warwick District Ward Councillors.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report brings forward a proposal for minor amendments to the Parish/Town boundaries of Bishop's Tachbrook Parish Council, Warwick Town Council, and Whitnash Town Council.

2. **Recommendations**

- 2.1 That the Committee confirms its original intention to amend the boundaries of Bishop's Tachbrook Parish Council, Warwick Town Council and Whitnash Town Council as set out in the Community Governance Order, Appendix 1 to this report; and subject to the consent of the Local Government Boundary Commission for England (LGBCE) this order should be made.
- 2.2 That if the Council's request for a review of its ward boundaries is not approved by the LGBCE or will not be complete by May 2019, the Council seeks a related alternation to amend the Warwick District Council ward boundaries, in line with the proposals of the Community Governance Order, to take effect from May 2019.
- 2.3 The Committee notes that once the order is confirmed all households affected by the order, along with the relevant Parish and Town Councils, and respective Warwick District ward Councillors and County Councillors, will be notified in writing of the change in Parish/Town Council representation.

3. **Reasons for the Recommendations**

- 3.1 The Licensing & Regulatory Committee is responsible for "All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews". This includes amendments to the boundaries of Parish and Town Councils as part of Community Governance Order.
- 3.2 The last Community Governance Review was completed in August 2014 and came into force for the Town and Parish Council elections held in May 2015.
- 3.3 That Review concluded that changes were required to the boundaries within the Heathcote estate but only when these could be coterminous with WDC Boundaries. However, it was not possible to amend the District Council Boundaries prior to the May 2015 election, therefore these Parish/Town Council changes were placed on hold because it would impact on a large number of electors and would cause confusion.
- 3.4 Since then the LGBCE has completed a review of the WCC Divisions with conclusions that are consistent with the Community Governance Order, at Appendix 1 to this report.
- 3.5 Before the Council can confirm the order it needs consent from the LGBCE, because these boundaries have been amended within the last five years. It is understood that this request would be looked upon favourably by the LGBCE because the WCC Divisions it has already agreed follow the same boundaries as now proposed.
- 3.6 If this decision is confirmed by the Committee it will make the boundaries coterminous with WCC Divisions. This would also then support the other

proposal on this agenda to bring the WDC ward boundaries into a coterminous arrangement with the relevant Parish/Town Councils.

- 3.7 Warwick Town Council, Whitnash Town Council and Councillor Andrew Day (the Ward Councillor for Bishop's Tachbrook) and Councillor Mrs Falp (one of the Ward Councillors for Whitnash), have all supported this proposal. No objections or comments have been received from any of the other consultees.
- 3.8 Recommendation 2.2 is only a fall-back position in case the wider review of the District boundaries is not approved or is not completed by May 2019. Approval would mitigate potential voter confusion within the specific location caused by conflicting and complicated electoral boundaries.
- 3.9 It is considered good practice to notify all relevant parties to ensure they are aware of the change in representation for them at a Parish/Town Council level
- 3.10 A further report on the wider impact of the LGBCE Review of the WCC Divisions is set out elsewhere on the agenda for this meeting.

4. **Policy Framework**

- 4.1 **Policy Framework** – The report does not impact on the Council's Policy Framework.
- 4.2 **Fit for the Future** – The proposal focuses on a commitment to coterminous boundaries to enable clarity for electors on which Councillor and Council represents them and in which area they live.
- 4.3 **Impact Assessments** – No impact assessment has been undertaken on the proposals because they do not affect any of the protected characteristics as defined within the Equalities Act.

5. **Budgetary Framework**

- 5.1 The report does not impact on the Budgetary Framework or budget of the Council.
- 5.2 The proposals would see revised levels of precepts collected by each of the Council's affected, but this is not a matter that can be considered as material under a Community Governance Review unless it makes the relevant authority financially unviable. These minor changes are not considered to significantly affect the three Council's budget.

6. **Risks**

- 6.1 The main risks associated with the report are that;
 - (a) subsequent to approaching the LGBCE, it declines the request for the WDC Wards to be aligned with the proposed Parish/Town Boundaries. This is thought to be unlikely as it would mean three levels of non - coterminous local government boundaries in this area; and
 - (b) if approved there will be a small number of properties where the District Councillors will be representing electors in a non-coterminous fashion up to the next District Council election in May 2019. As an example, the

Myton & Heathcote District ward Councillors will also be representing some electors in the Bishop's Tachbrook Parish and Whitnash Town Council areas. This may cause some confusion for electors and potential misunderstandings however this will be for a period of a little over two years and it is believed that the ward Councillors would be able to work together to resolve such matters.

7. Alternative Option(s) considered

- 7.1 The Committee could decide not to confirm its original decision at this stage but wait to combine this with the wider proposals across the District. However, this report brings forward a previously agreed decision which was agreed following discussion with the Boundary Commission for the WCC Divisions and provides a recognisable boundary in this area. However, in the LGBCE's view the Council should seek to make this change now in case the wider review is declined or is not completed in time before May 2019. Therefore, the option of deferring implementation has been set aside.

APPENDIX 1
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN
HEALTH ACT 2007

**The Warwick District Council (Reorganisation of Community
Governance) Order 2016**

Made - - - - November 2016

Coming into force in accordance with article 1(2)

Warwick District ("the Council"), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007(a) ("the 2007 Act"), has undertaken a community governance review and made recommendations.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. This Order may be cited as the Warwick District (Reorganisation of Community Governance) Order 2016. This order shall come into force on 1 December 2016.

Interpretation

2. In this Order—

"District" means the district of Warwick;

"Existing" means existing on the date this Order is made;

"Map" means the maps marked "Map referred to in the Warwick (Reorganisation of Community Governance) Order 2016" and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered or lettered sheet is a reference to the sheet of the map which bears that number or letter;

"Ordinary Day of Election of Councillors" has the meaning given by section 37 of the Representation of the People Act 1983; and

"Registration Officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

(a) 2007 c.28.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Calculation of budget requirement

4. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008(a) the Council will not make changes for the financial year of 2017/2018 in relation to existing parish council budgets for the forthcoming financial year.

Election of Parish Councillors

5. The election of all parish councillors shall be held simultaneously on the ordinary day of election of councillors in, 2019, 2023(b). The term of office of every parish councillor elected on the Ordinary Day of Election of Councillors shall be four years.

Alteration of parish areas and the areas of parish wards

6. Each area referred to in column 1 of Schedule 1 and shown hatched green on the Map shall cease to be part of the parish and where applicable ward of that parish specified in relation to that area in columns (2) and (3) of Schedule 1 and shall become part of the parish and where applicable, parish ward of that parish specified in relation to that area in columns (4) and (5) of Schedule 1..

Electoral register

7. The Registration Officer for the District shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities (b)

8. The land, property, rights and liabilities described in Schedules 2, 3, 4 and 5 shall transfer on the date specified in column (2) of those Schedules.

Order date

9. The first of December 2016 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 (c).

THE COMMON SEAL of
WARWICK DISTRICT COUNCIL
was hereunto affixed in the
presence of:

.....
on the

day of November 2016

Authorised Officer

(a) S.I. 2008/626.
(b) Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.
(a) S.I. 2008/625.
(b) Local Government (Parishes and Parish Councils) (England) Regulations 2008 (S.I. 2008/625)

SCHEDULE 1

Article 6

ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)
Area	Parish from which omitted	Parish ward from which omitted	Parish to which added	Parish ward to which added
"P" (Map 12)	Warwick	Warwick Myton & Heathcote	Whitnash	Whitnash West
"R" (Map 12)	Warwick	Warwick Myton & Heathcote	Bishop's Tachbrook	Not Applicable
"S" (Map 12)	Whitnash	Whitnash West	Bishop's Tachbrook	Not Applicable
"T" (Map 12)	Whitnash	Whitnash West	Bishop's Tachbrook	Not Applicable
"U" (Map 12)	Whitnash	Whitnash West	Bishop's Tachbrook	Not Applicable
"V" (Map 12)	Bishop's Tachbrook	Not Applicable	Warwick	Warwick Myton & Heathcote
"W" (Map 12)	Bishop's Tachbrook	Not Applicable	Warwick	Warwick Myton & Heathcote
"Y" (Map H)	Warwick	Warwick Myton & Heathcote	Bishop's Tachbrook	Not Applicable

SCHEDULE 2

Article 8

LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any land and property to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

SCHEDULE 3

Article 8

HISTORICAL AND CEREMONIAL PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any historic and ceremonial property to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

SCHEDULE 4

Article 8

FUNDS AND BALANCES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any funds and balances to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

SCHEDULE 5

Article 8

MAINTENANCE RESPONSIBILITIES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Any maintenance responsibilities to be transferred</i>	<i>Date</i>
From Parish area specified in column 2 of Schedule 1 to the Parish area specified in column 4 of the said schedule.	1 December 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Warwick District Council for the alteration of the areas of the parish councils for, Bishop's Tachbrook, Warwick and Whitnash within the district of Warwick.

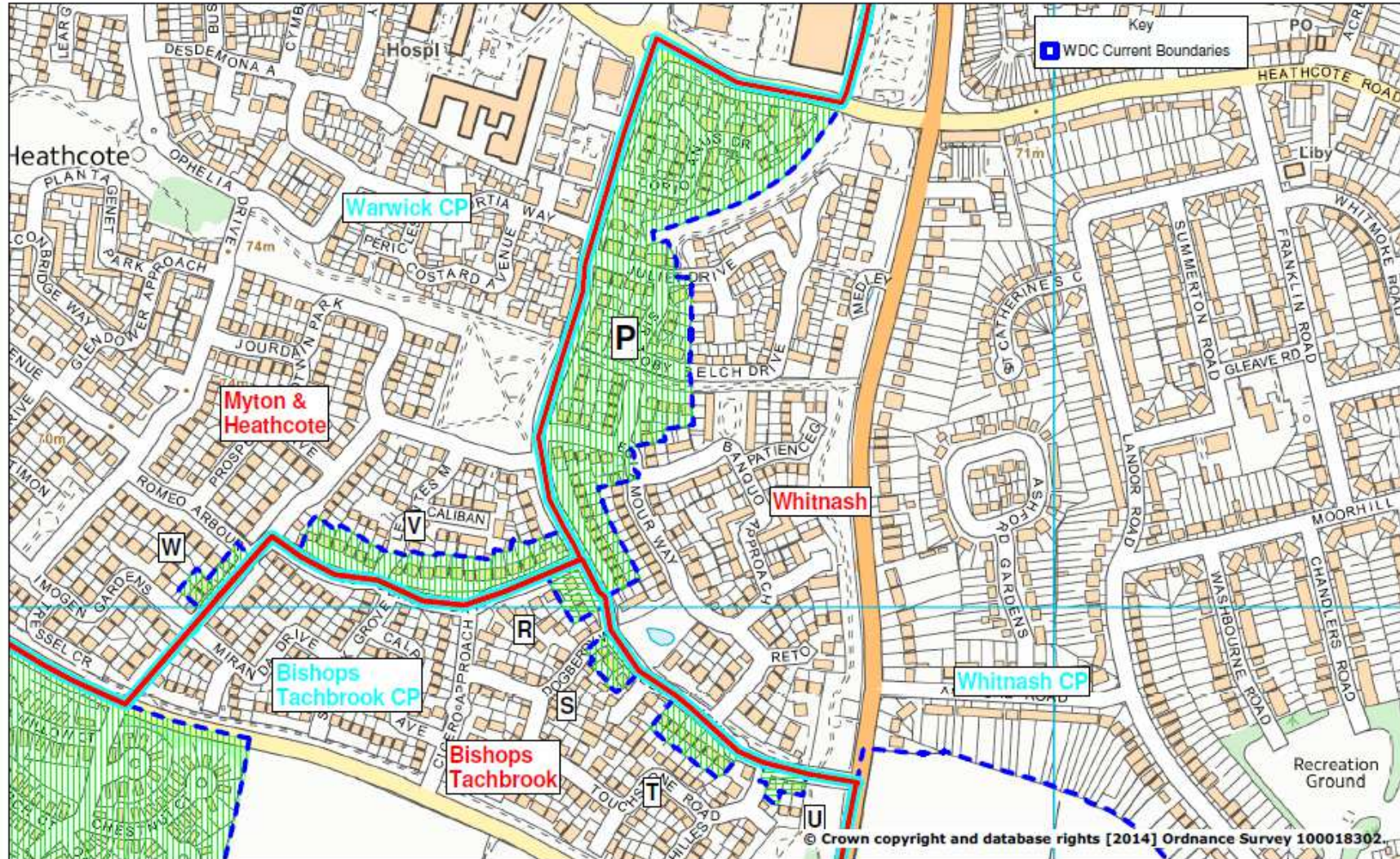
The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors on Thursday 2 May, 2019.

Article 6 provides for alterations to parish areas.

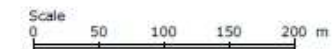
Article 7 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 8 contains details of land, property, rights and liabilities described in the Schedules that shall transfer between the Council's defined within this order on the date specified in those Schedules.

The map defined in article 2 and explained in article 6 shows the alterations to parishes. It is available for inspection during normal working hours at the offices of Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire CV32 5HZ.



WDC Proposed Ward/Parish Boundary Changes - Jan 2015 (Map 12)



09 January 2015 1:3250 @ A3



