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|  <b>Licensing and Regulatory Committee</b><br><b>18<sup>th</sup> September 2014</b>  |   | <b>Agenda Item No. 3</b> |
| <b>Title</b>  | Community Governance Review   |                          |
| <b>For further information about this report please contact</b>   | Chris Elliott, Chief Executive<br><a href="mailto:Chris.elliott@warwickdc.gov.uk">Chris.elliott@warwickdc.gov.uk</a> ; 01926 456001   |                          |
| <b>Wards of the District directly affected</b>  | All   |                          |
| <b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b> | No  |                          |
| <b>Date and meeting when issue was last considered and relevant minute number</b>   | Regulatory Committee on 15 <sup>th</sup> July 2013, 12 <sup>th</sup> November 2013, 28 <sup>th</sup> January 2014; 4 Informal Meetings of the Licensing and Regulatory Committee held in July 2014. |                          |
| <b>Background Papers</b>  | Previous reports as above   |                          |

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| <b>Contrary to the policy framework:</b>                                   | No |
| <b>Contrary to the budgetary framework:</b>                                | No |
| <b>Key Decision?</b>   | No |
| <b>Included within the Forward Plan? (If yes include reference number)</b> | No |
| <b>Equality Impact Assessment Undertaken</b>                               | No |
| None required.   |    |

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| <b>Officer/Councillor Approval</b>   |             |                         |
| <b>Officer Approval</b>  | <b>Date</b> | <b>Name</b>             |
| Chief Executive/Deputy Chief Executive   | 11.09.14    | Chris Elliott           |
| Heads of Service   | 11.09.14    | All                     |
| CMT  | 11.09.14    | Andrew Jones, Bill Hunt |
| Section 151 Officer  | 11.09.14    | Mike Snow               |
| Monitoring Officer   | 11.09.14    | Andrew Jones            |
| Finance  | 11.09.14    | Mike Snow               |
| Portfolio Holder(s)  |             | -                       |
| <b>Consultation &amp; Community Engagement</b>   |             |                         |
| The Community Governance Review has been through 3 rounds of consultation including inviting parish and town councils to a series of informal meetings to try to reconcile opposite views. |             |                         |
| <b>Final Decision?</b>   | Yes         |                         |
| <b>Suggested next steps (if not final decision please set out below)</b>   |             |                         |

## 1. **Summary**

- 1.1 This report seeks authority to make the formal orders that will conclude the Community Governance Review that has taken place in Warwick District over the last year.

## 2. **Recommendation**

- 2.1 That the recommendations set out in Appendix 3 and maps at Appendix 4 to this report are agreed and that formal orders to this effect are made accordingly.
- 2.2 To note the use of the Chief Executive's emergency powers in consultation with Group Leaders under CE4 of the Council's Constitution to agree to the change to the northern boundary of Barford Parish/south east boundary of Warwick Town and western and part southern boundary of Bishop's Tachbrook parish.
- 2.3 That authority be delegated to the Chief Executive in consultation with the Chairman of the Committee to assess the recently advised County Council warding arrangements; to make any non-material alterations to the CGR proposals; and/or, to call an emergency meeting of this Committee to consider any material issues arising for the CGR proposals.

## 3. **Reasons for the Recommendation**

### Recommendation 2.1

- 3.1 The Council agreed to undertake a Community Governance Review (CGR) following the conclusion of the review of the District Warding arrangements in the first half of 2013. The terms of reference for the CGR (see Appendix 1) were agreed in July 2013 and submissions were invited by October 2013. Additional and more specific consultations were undertaken in November 2013. Draft recommendations were agreed for consultation in late January 2014 with the consultation period concluding in April 2014. The results of that consultation were reported and parish and town councils affected by the proposals, especially those in contention, were invited to a series of informal meetings of this Committee in July 2014. The notes and conclusions of the informal meetings are set out at Appendix 2.
- 3.2 The proposals for changes under the CGR therefore are the outcome of a long and involved process of consultation and discussion but are based on and harmonious with the Terms of Reference originally set out in July 2013. If agreed these changes will come into effect for the elections in 2015. The recommendations are set out in Appendix 3. In some cases there was either a lack of conclusion at the informal meetings in which case a recommendation has been put for members consideration based on the principle of co-terminosity or the suggested outcome breached the principle of co-terminosity and a recommendation which abided by it has been put for consideration. The explanations for these areas are set out below the relevant recommendation.
- 3.3 However, it should be noted that some of the proposed changes to the Parish and Town Council boundaries generate changes to the proposed new District Council ward boundaries. Advice has been sought from the Local Government Boundary Commission on how this may be enacted but at the time of writing it is still awaited.

- 3.4 In addition, a couple of the proposed changes would mean that parish boundary changes would cross over the Parliamentary divisions. There is no prospect that they these will be changed for the 2015 General Election, however, the parish boundary changes must still be made as the Council has been advised that they must be in place by May 2015 in order to be taken into account in the next planned Parliamentary boundary review in 2018 ready for the 2020 General Election. If they are not then there would be no opportunity to align the respective boundaries until the 2025 General Election.

#### Recommendation 2.2

- 3.5 In August, it became apparent that if the proposed changes to the boundary between Barford, Warwick and Bishop's Tachbrook in the vicinity of the Castel Park and the M40, were not enacted then Barford Parish Council in pursuance of its proposed Neighbourhood Plan would lose its government funding as it would not be able to formally designate its Neighbourhood Plan area as this would be at odds with the proposals in the CGR. As this proposal had caused no controversy and all Parish/Town councils were in agreement it was proposed to use the Chief Executive's emergency powers to both agree the parish plan changes and designate the Neighbourhood Plan area on the revised parish boundary basis. Group Leaders were consulted as were all ward Councillors affected as were all 3 Parish/Town Councils. A parallel report to note the use of these powers in respect of the Neighbourhood plan designation is being made to the Executive at its meeting on 1<sup>st</sup> October 2014.

#### Recommendation 2.3

- 3.6 As this report was being drafted, officers were notified of the publication of the draft recommendations for the review of County Council warding arrangements. As a consequence officers are not currently in a position to advise members on the implications of those recommendations if any, especially in relation to the principle of co-terminosity. However, it is suggested that in order to ensure that any implications are dealt with immediately and not defer the making of the orders unnecessarily that authority be delegated to the Chief Executive in consultation with the Chairman to assess the proposals of the County warding arrangements; make any non-material alterations; and, in the event of any material issue arising that an emergency meeting of this Committee be organised.

### 4. **Policy Framework**

- 4.1 **Policy Framework** – The CGR proposals do not affect any part of the Council's policy framework. However, the revised parish and town council boundaries are relevant to issues relating to the Development Plan as in some cases the local council to be consulted on planning applications will change.
- 4.2 **Fit for the Future** (FFF) – The CGR proposals will help the Council in its vision to make Warwick District a great place to live, work and visit as set out in the Sustainable Community Strategy because it will establish a better and clearer governance relationship between the growth and change in the District and communities.
- 4.3 The CGR proposals will help the Council in respect of the Service theme of FFF by clarifying the geographical extent of communities; it will help in respect of the People theme by providing clarity to staff of what community is governed by what council; it will help on the money theme as it will lead to appropriate

distribution of the parish precept to the appropriate community – though to be clear this is not the purpose of the CGR.

## **5. Budgetary Framework**

- 5.1 The proposals will have no impact on the Council's budgetary framework though it will affect that of some Parish and Town Councils.

## **6. Risks**

- 6.1 The main risk is that of a legal challenge to the proposals emanating from not having followed due process. To mitigate this risk, additional time has been taken including undertaking extra consultation to forestall such a risk being realised.
- 6.2 There is a secondary risk relating to the impact of delays in making the orders and so preventing the new arrangements from coming into operation for the elections in May next year. The mitigation to this risk is to ask the Committee to make a decision(s) and support officers to proceed forthwith. The delegation around the consequences of the County Council warding arrangements should add further mitigation to prevent delay.

## **7. Alternative Option(s) considered**

- 7.1 Having decided to undertake a CGR there are no options in terms of the overall process as it is now at its conclusion. However, there are options on specific elements of the CGR recommendations set out in Appendix 3 and members can debate and decide differently from the recommendations.