

Report to: Cabinet



Date of Meeting 3 March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Cranbrook Town Council – Community Governance Review

Report summary:

A request has been received from Cranbrook Town Council requesting that the Council undertake a community governance review under section 80 of the Local Government and Public Involvement in Health Act 2007. The purpose of the review would be to assess whether the current boundaries of the town should be expanded in anticipation of further planning approvals for housing and related development in the neighbouring parish areas but adjacent to Cranbrook itself.

This report asks for the authorisation of Council to carry out the review

Recommendation:

- That the Council undertake a Community Governance Review of the current Cranbrook Town Council area with a view to establishing whether expansion of the current town boundaries is considered to be appropriate
- That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
- That further reports will be brought to Cabinet in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

Reason for recommendation:

a) In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

b) Alternative Options

To not take any action and continue with current boundaries

c) Risk Considerations

That objections are raised to the principle of expanding the existing town boundaries

d) Policy and Budgetary Considerations

To be dealt with within current budgets.

e) Date for Review of Decision

N/A.

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Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There will be costs other than existing staff resources, although these are not expected to be significant, estimated to be in the region of £5,000. There is no existing budget provision for this amount.

Legal implications:

Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and how it is styled (e.g. parish, town or village).

The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

[Local Government and Public Involvement in Health Act 2007 Communities and Local](#)

[Communities - Guidance on community governance reviews March 2010](#)

Link to [Council Plan](#):

- Priorities Outstanding Place and Environment
- Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services

1 Introduction to Community Governance Reviews

1.1 A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style (i.e. whether to call it a town council or village council etc.) of new parishes;

- the electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
- grouping parishes under a common parish council, or de-grouping parishes.

1.2 Under the legislation the District Council must aim to ensure that community governance in the area under review:-

- reflects the identities and interests of the community in that area
- is effective and convenient
- takes into account any other arrangements for the purpose of community representation or community engagement.

1.3 When considering this, the Council should take into account a number of factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of any new local community or parish.

A review involves the following stages:

- (1) Setting terms of reference of the review (if Cabinet recommends a review, suggested terms of reference are set out in Appendix 1);
- (2) Publicising the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- (3) Undertaking consultations with the local government electors for the area and any other person or body (including relevant Parish Councils) who appear to have an interest in the review;
- (4) Considering representations;
- (5) Preparing and publishing draft proposals;
- (6) Undertaking consultation on the draft proposals;
- (7) Considering representations;
- (8) Publishing recommendations;
- (9) Making an order to bring into effect any decisions arising from the review;
- (10) A review must be concluded within 12 months of the publication of the terms of reference.

1.4 When undertaking a CGR a principal council must have regard to guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.

1.5 A copy of the request for the review is available for inspection and a copy is attached as Appendix 2. The request is thorough and it is clear that there has been careful consideration of the request and its implications by the Town Council. In particular the correlation with the current Cranbrook Plan is referred to and clearly relevant to the request. When finally adopted the Plan will have a key role in determining the extent of development at Cranbrook and will influence which areas of land should logically be included within any revised administrative boundary for the Town Council. All being well the Cranbrook Plan will be adopted later this year and hopefully the extent of development will all remain as currently proposed but there may be changes that may impact on where the boundaries should be drawn.

1.6 An informal meeting(s) with the Town Council and representatives of the adjoining parishes has been held and as a consequence Cabinet will need to consider the plan attached at Appendix 3.

In particular a decision needs to be made on the areas denoted as 'A' through to 'E for the purposes of progressing the review to the initial consultation':

'A' – This area not to be included as Broadclyst Parish Council have indicated their objection

'B' – This area to be included albeit Clyst Honiton have indicated they do not accept the need for more housing in the area

'C' – This area to be included albeit Rockbeare Parish Council have indicated that it breaks a promise EDDC made many years ago not to expand Cranbrook south of the old A30

'D' & 'E' – These areas to be included albeit Whimple Parish Council have indicated their objection. From a planning perspective the land in question will fall within the policy remit of the Cranbrook Plan