

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Colyford – Community Governance Review

Report summary:

A request has been received from Colyford Village Residents Association 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 or not Colyford should have its own parish council rather than being part of Colyton Parish Council.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. That the Council undertake a Community Governance Review of the current Colyton Parish Council area with a view to establishing whether Colyford should have its own parish council and approve a budget of £5,000 for carrying out the review.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. 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:

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.

Officer: Henry Gordon Lennox, Strategic Lead Governance & Licensing

Portfolio(s) (check which apply):

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

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 [Statement of Intent](#)

Priorities (check which apply)

- Better Homes and Communities for all
 - Greener East Devon
 - A resilient Economy
 - Services that matter
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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 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 Community Governance Review 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 together with the petition that residents were asked to sign (Appendix 3). The request is thorough and it is clear that there has been careful consideration of the request and its implications by Colyford Village Residents Association, being the petition organiser.

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 if so, its style [parish / town / community / village / neighbourhood]. 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.