

Report to: Cabinet



Date of Meeting 3 November 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Cranbrook Town Council – Community Governance Review

Report summary:

To report back to Cabinet on the responses received to the phase 1 consultation and to recommend that the Community Governance Review not be further proceeded with.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That having regard to the representations received and the likely timescale for receiving the report of the Inspector into the Cranbrook Plan the Review be discontinued and that Cranbrook Town Council be invited to reapply for a Review when the Inspector's report is received and the implications of the report have been fully assessed

Reason for recommendation:

To take account of representations received and the delay in receiving the Inspectors report.

Officer: Mark Williams CEO

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

[CGR Representations](#) and [Cabinet report 3 March 2021 item 346](#)

[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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Report in full

This matter was reported to Cabinet in March 2021 and it was resolved to commence a Community Governance Review ('CGR') for the purposes of establishing revised boundaries for Cranbrook. This was based on representations received from the Town Council and an expectation of progress having been completed on the Cranbrook Plan which essentially looks to define the future expansion areas for the town.

As matters have transpired, the Inspector has requested additional evidence as part of the Inquiry process with the result that in all likelihood her report will not be received until 2022. The absence of this report is a crucial consideration as the Town Council's request was anticipatory and assumed that the future extent of the town would have been defined by now.

The representations received are set out in the background documents. The representations from Cranbrook have been supportive of the Review whereas the majority of representations, which are from outside Cranbrook, object to the Review and the proposed expansion.

The original report to Cabinet referred to the Secretary of States guidance for CGRs. In particular, paragraph 15 of the Secretary of States guidance provides as follows: 'In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes.'

This guidance assumes that houses have been built (or at least have permission) and that there is a degree of certainty and permanence in terms of development on the ground. In the absence of this it is problematic for the Council to be confident that the statutory requirements of effective and convenient community governance and reflecting local identity are met. In the circumstances I have concluded that the CGR is premature and should be discontinued. This will not prevent Cranbrook Town Council from reapplying at a later date when there will be greater certainty that the statutory requirements are or can be met.

Financial implications:

The report of 3 March 2021 estimated costs in the region of £5,000 linked to the production of the Community Governance Review and so will be avoided if the Review is discontinued.

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.