

Report to: Council



Date of Meeting 26 February 2025

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Cranbrook Community Governance Review

Report summary:

Cranbrook Town Council has made a request that the Council undertake a community governance review in accordance with the Local Government and Public Involvement in Health Act 2007 to revise the parish boundary of Cranbrook to properly reflect the planned expansion of the town.

Under section 82 of the Local Government and Public Involvement in Health Act 2007 the Council has the discretionary power to undertake the review.

This report seeks Council authorisation to carry out the review.

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 Cranbrook Town Council area with a view to establishing whether expansion of the current town boundaries is considered to be appropriate.
2. That the Terms of Reference be agreed, including the timetable and arrangements for public consultation.
3. That delegated authority be given to the Monitoring Officer to make amendments to the Terms of Reference as are necessary and appropriate;
4. That the Council notify Devon County Council that a review is to be undertaken, and provide them with a copy of the Terms of Reference for the Review.
5. Note that further reports will be brought to Council in order that decisions may be made in respect of draft proposals and final recommendations of the Review.

Reason for recommendation:

Reason for recommendations:

1. The Cranbrook area has undergone and continues to undergo significant development and expansion in relation to housing and related development and infrastructure which extend into the area of neighbouring parishes. It is therefore appropriate to review the current governance of the area to ensure it is fit for purpose, reflects local identities and the interests of the community, and facilitates effective and convenient local government.

Portfolio(s) (check which apply):

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

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk; It is essential that a robust process is put in place to undertake this review, in compliance with the Local Government and Public Involvement in Health Act 2007

Links to background information None.

Link to [Council Plan](#)

Priorities (check which apply)

- ☒ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☐ Resilient economy that supports local business
- ☐ Financially secure and improving quality of services

Report in full

1. Introduction to Community Governance Reviews

- 1.1 A Community Governance Review (“CGR”) is a review of the whole or part of a district. The principle legislation under which the Council has power to undertake CGR is the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”).
- 1.2 Under the 2007 Act a CGR must make recommendations in relation to:
 - (a) Whether a new parish or any new parishes should be constituted (and if so the name of the new parish; whether the new parish should have a parish council; and whether or not the new parish should have one of the alternative styles);
 - (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered (including recommendations as to whether or not the name of a parish should be changed; if there is no parish council whether

the parish should have a council; and if there is a parish council, whether or not the parish should continue to have a council); and

- (c) What the electoral arrangements for new or existing parishes, which are to have parish council, should be.

1.3 Under the 2007 Act a CGR may make recommendations:

- (a) In relation to whether or not grouping or de-grouping provision should be made (which must include recommendations as to what changes (if any) should be made to the electoral arrangements that apply to a council affected); and
- (b) To the Local Government Boundary Commission as to what related alteration (if any) should be made to the boundaries of the electoral areas of the Council.

1.4 Under the 2007 Act, the Council must:

- (a) Determine and publish Terms of Reference for the review which specify the area under review, set out the matters on which a review is to focus, and be appropriate to local people and their circumstances, and reflect the specific needs of their communities.
- (b) Consult the local government electors for the area under review; and any other person or body which appears to the Council to have an interest in the review.
- (c) Have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area; and is effective and convenient.
- (d) In deciding what recommendations to make, take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area under review.
- (e) Take into account any representations received in connection with the review.
- (f) As soon as practical after making any recommendations, publish the recommendations; and take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

1.5 In undertaking a review, the Council is required to have regard to any guidance issued by the Secretary of State or the Local Government Boundary Commission. The current joint Secretary of State and Local Government Boundary Commission guidance was published in March 2010 ("the Guidance") and can be accessed at the following address:

<https://www.gov.uk/government/publications/community-governance-reviews-guidance>

1.6 There have been amendments to the 2007 Act since the Guidance was published, which are not reflected in the Guidance.

1.7 The Guidance states (among other things) that in undertaking a review, the Council should take into account the impact of community governance arrangements on community cohesion; and the size, population and boundaries of a local community or parish.

1.8 Once approved, a review normally involves the following stages:

- (1) Setting terms of reference of the review;
- (2) Publicising the terms of reference;
- (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; and
- (8) Determining and publishing any recommendations.

1.9 Where a review makes recommendations as to change, the Council has the power to make a reorganisation order. This can be made at any time following a review, however for financial and administrative purposes, the order should take effect on 1 April following the date on which it is made.

1.10 Where a petition or application for review (as defined in the 2007 Act) is received by the Council, the review must be concluded within 12 months starting with the day on which the Council receives the petition or application. Where no petition or application is received, the Council is able to commence a review where it considers it appropriate to do so, which may be in consequence of a request to undertake such a review.

2. Background and New Request for Review

2.1 In 2021 the Council received a request from Cranbrook Town Council to undertake a community governance review. Cranbrook was an area experiencing significant development and the Town Council wanted to have the current boundaries assessed in anticipation of the planned expansion areas coming forward for housing and related development which extend into neighbouring parishes.

2.2 Terms of reference were prepared along with a proposed timeline, and authority to proceed with the review was sought on 3 March 2021. A copy of the report can be found here:

<https://democracy.eastdevon.gov.uk/documents/g1506/Public%20reports%20pack%2003rd-Mar-2021%2018.00%20Cabinet.pdf?T=10>

2.3 After commencing the review, it then became clear that carrying out the community governance review at that time was premature pending the adoption of the Cranbrook Plan. Subsequently a decision was made to discontinue the review on 3rd November 2021. A copy of the report can be found here:

[\(Public Pack\)Agenda Document for Cabinet, 03/11/2021 18:00 \(eastdevon.gov.uk\)](#)

2.4 At its meeting on 16 December 2024 the Cranbrook Town Council, having reviewed the content of its previous request, resolved to make a new request for review to the Council in the same terms. A copy of the request is attached at Appendix 1 of this report.

- 2.5 The Council has discretion as to whether to commence a review as requested. A copy of the proposed Terms of Reference which might be adopted should the Council determine to undertake a review, is attached at Appendix 2 of this report for consideration by members of Council.

Financial implications:

Council have approved budget provision for this work.

Legal implications:

The legal implications are set out in the body of the report.

Email received from Cranbrook Town Council – 06/01/2025

Further to the email exchange below dated October 2022, Cranbrook Town Council resolved at a full Council meeting on 16 December 2024 to reaffirm its 2022 request for a community governance review and to write to the Chief Executive of East Devon District Council again to request that a community governance review be conducted to revise the parish boundary of Cranbrook to properly reflect the planned expansion of the town.

I look forward to hearing from you, hopefully with a positive response.

Thank you,

Best regards,

East Devon District Council

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

COMMUNITY GOVERNANCE REVIEW – CRANBROOK PARISH

TERMS OF REFERENCE

A review under the Local Government and Public Involvement in Health Act 2007

INTRODUCTION

Setting the Context

The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) authorises a principal council to conduct a Community Governance Review (CGR) of the whole or part of its area. Reviews can be triggered by local people presenting a petition or by application from a parish council which is designated as a neighbourhood forum. The principal council can also determine to undertake a review of its own accord at any time.

East Devon District Council (“the Council”) has resolved to undertake a CGR of the Cranbrook Parish following a request from the Cranbrook Town Council.

In undertaking the review the Council will comply with the legislative and procedural requirements of the 2007 Act and will have regard to Guidance on Community Governance Reviews issued under section 100 of the Local Government and Public Involvement in Health Act 2007 by the Secretary of State and the Local Government Boundary Commission.

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.

These Terms of Reference will be published by placing a copy on public deposit at the offices of East Devon District Council, Blackdown House, Honiton and on the Council’s website at www.eastdevon.gov.uk

What is a Community Governance Review (CGR)?

A CGR is an opportunity to review and make any necessary recommendations as to changes to community governance within a specific area. This might be appropriate where there have been changes in the population, or in consequence of specific or local new issues. The aim of a CGR is to ensure that appropriate community engagement, local democracy, and effective and convenient delivery of local services, are in place.

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council; and parish warding); and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council has a duty to consult local government electors for the area under review and any other person or body which appears to have an interest in the review, and to take account of any representations received in connection with the review. The Council must also have regard to the need to secure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Effective and convenient.

Cranbrook Terms of Reference

In deciding what recommendations to make, the council must take into account any other arrangements (apart from those relating to parishes) that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area under review. In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

Who undertakes the review?

As the principal authority the Council is responsible for undertaking any CGR within its electoral area. The Council will approve the final recommendations.

Once the final recommendations are approved, the Council will consider whether a Reorganisation Order should be made.

Where a Reorganisation Order is made, it will normally come into effect on 1 April following the date on which the Order is made.

CONSULTATION

In coming to its recommendations the Council will take account of the views of local people. The 2007 Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

The Council intends to consult with all households and interested parties in the area inviting initial submissions, and then seeking views on the resulting draft proposals.

The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at both stages of consultation.

The Council will also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.

As required by Section 79(3) of the 2007 Act, the Council will notify Devon County Council that a review is to be undertaken, provide them with a copy of the Terms of Reference for the review, and will consult them on the matters under review.

The Council will publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government's aim that "Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions."

The Council will take appropriate steps to publish the outcome of the review, including on its website at www.eastdevon.gov.uk

A timetable for the review

The following is the indicative review timetable:

Action	Timetable
Compiling Terms of Reference	February 2025
Terms of Reference report to Council	February 2025
Council approves Terms of Reference	February 2025
Publication of approved Terms of Reference	February 2025
Stage one – Invite consultation submissions	March 2025 – June 2025
Stage two – Consideration of submissions received and draft proposals prepared	July 2025
Stage three – Draft proposals are published and consultation on proposals undertaken	August 2025 – October 2025
Stage four – Consideration of submissions received and final proposals prepared	November 2025 – January 2026
Preparation of Recommendations and approval by Full Council	February 2026
Publication of Recommendations	February 2026

Consideration will then be given to a Reorganisation Order to implement any recommendations for change. Should a Reorganisation Order be made, this will normally take effect on 1 April following the making of the Order, and will be publicised in accordance with the 2007 Act.

PARISH AREAS

Introduction

The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area;
- Is effective and convenient; and
- Takes into account any other arrangements that have already been made or could be made for the purposes of community representation or community engagement in the area.

Parishes

The Council is keen to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership, and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

The request made by Cranbrook Town Council, which sets out the changes to community governance that the Town Council consider appropriate, is appended to these Terms of Reference.

District Warding and County Division Boundaries

The Local Government Boundary Commission is responsible for deciding whether any alterations to the boundaries of District Wards or County Divisions are required. Should the recommendations arising from

the review require any such alterations, the Local Government Boundary Commission will require evidence that the Council has consulted on any such recommendations. If the need for changes becomes apparent during the course of this review the Council will endeavour to incorporate them within the consultation at the earliest opportunity.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The process will be completed when the Council publishes its recommendations. The Council may then determine to make a Reorganisation Order.

Where an Order is made, it will contain a map showing in general outline the area affected by the Order.

Copies of any Order, and the document(s) which set out the reasons for the decisions the Council has taken, together with maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000, will be deposited at the Councils offices and posted on its website.

Two copies of the Order will be sent to both the Secretary of State, and the Local Government Boundary Commission.

CONSEQUENTIAL MATTERS

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters the Council will be guided by the 2007 Act and the Regulations that have been issued under it.

In particular the Council notes that Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the Proper Officer of the Council as an appropriate proportion. Furthermore, the Council notes that the Regulations regarding the establishment of a precept for a new parish require the Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

HOW TO CONTACT US

Should you wish to submit a written representation regarding this review please address this to:

TBC

East Devon District Council

Blackdown House

Border Road

Heathpark Industrial Estate

Honiton

EX14 1EJ

Alternatively your representation can be e-mailed to: TBC

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

Date of Publication: [DATE]