

Agenda Item 6

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Date	11 th July 2017

Ward (s) affected	Bookham North & South
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Subject	Community Governance Review - Bookham
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RECOMMENDATION

That following the outcome of the Local Advisory Poll, with 83% of votes cast against the proposition, the Council resolves that a Parish Council not be established for Bookham.

EXECUTIVE SUMMARY

A valid petition signed by local electors from the Bookham North and Bookham South wards calling on Mole Valley District Council (MVDC) to undertake a Community Governance Review to establish whether a Parish Council should be created for Bookham was received on 1st August 2016.

Following receipt of the petition, the Council was required to conduct a Community Governance Review within 12 months.

The Council approved the terms of reference of the Review at its meeting on 11th October 2016 (Appendix 1).

The actions set out in the Review have been undertaken and the response summarised in this report.

CORPORATE PRIORITIES

Undertaking a community governance review supports the Council's priorities, in particular that of community wellbeing – active communities and support for those who need it.

The Council has the authority to determine the Recommendation

1. BACKGROUND

- 1.1 The Local Government and Public Involvement in Health Act 2007, as amended by The Legislative Reform (Community Governance Reviews) Order 2015, makes provision for local electors to petition their principal council for a community governance review to be undertaken. The petition must set out at least one recommendation that the petitioners want the review to consider making.
- 1.2 In August 2016 a valid petition was received requesting that the Council undertakes a Community Governance Review to determine whether a parish council should be established for Bookham. The petition specified that the boundaries of the parish should be coterminous with those of the Bookham North and Bookham South district wards.
- 1.3 Under the regulations governing Community Governance Reviews, Mole Valley District Council was under a duty to complete the Review within a year of the receipt of a valid petition, which in this instance is 31st July 2017. At the Council meeting on 11th October 2016, Members approved the terms of reference of the Community Governance Review

for Bookham, including the question to be asked in the local advisory poll on 4th May 2017, together with the franchise and procedural rules for the poll. The agreed terms of reference are set out at Appendix 1 of this report.

- 1.4 As part of the review, the Council must ensure that community governance in the area under review reflects the identities and interests of the community in the specified area. The impact of the community governance arrangements on community cohesion and the size, population and boundaries of the local community must also be taken into account.
- 1.5 In undertaking the review, the Council was required to consult both those local government electors in the area under review and others, such as Surrey County Council who may have an interest in the outcome of the review. All representations received have been reviewed and are summarised in the report below to inform Members' decision making.
- 1.6 As noted above, the aim of the community governance review was to test whether or not the local community in Bookham supported the creation of a parish council for the village. A parish council would have two main roles: community representation and local administration. The guidance states that the parish is based on an area that reflects community identity and interest and is viable as an administrative unit of local government. The 2007 Act provides that the Council must also take into account any other arrangements that have already been made, or that could be made, for the purposes of community representation or community engagement.
- 1.7 If Mole Valley District Council decided to create a new parish council for Bookham, (which must be by 1st August 2017), this would be achieved by way of a Reorganisation Order which would take effect on 1st April 2018. Electoral arrangements for a new parish council would come into force at the first elections following the reorganisation order, i.e. May 2018.
- 1.8 The Council must take account of any representations received during consultation on the review and is not solely bound by the result of the Local Advisory Poll, which is by its nature 'advisory'.

2. The Review

- 2.1 Following the approval of the terms of reference and arrangements for the local advisory poll, a Community Governance Review section was created on Mole Valley's website. This included the terms of reference and a series of frequently asked questions which explained what a parish council might do and how it would be funded. A questionnaire was also included which could be completed and submitted, along with an email address for interested parties to send comments

Consultation

- 2.2 A wide range of Community Groups and other interested parties were written to setting out details of the Review and giving them opportunity to respond. The breakdown of responses is as follows:

	In Favour of a Parish	Against a Parish	Total
Questionnaires Received	2	5	7
General Email Comments	51	2	53

The Local Advisory Poll

2.3 As approved by the Council in October, a Local Advisory Poll was held on 4th May 2017. Prior to the Poll a poll card and advisory leaflet were sent to all electors in the Bookham North and Bookham South Wards. A further clarification information card was also distributed to all households in the two Wards.

2.6 The question asked at the poll was:

Should a parish council be established for Bookham?

2.7 There was an electorate of 9,096, of which 4,929 (54%) cast their vote as follows:

Yes 815

No 4,114

Of those who voted, 83% voted against the proposition of setting up a Parish Council for Bookham.

Petition

2.8 In addition to the consultation responses and the Local Advisory Poll result, a petition organised by the Bookham Residents Association and signed by local residents against the establishment of a Parish Council for Bookham has also been submitted to the Council.

2.9 This petition had been created in both electronic and paper format and had a combined total of 1,694 signatures against the formation of a parish council in the village.

Other activity

2.10 Outwith the Council's remit, officers and local members are aware that the proponents of the proposition undertook an extensive social media/leafletting campaign and held and attended a number of public meetings within Bookham to promote the proposition.

Conclusions

2.11 Given the result of the local advisory poll (and the significant number of signatures on the petition against the establishment of a parish council) there is little evidence to suggest that there is community support for a parish council in Bookham. As such it is recommended that the Council resolves not to set up a parish council for Bookham.

3. OPTIONS

3.1 The two options for the Council to consider are:-

a) Option 1 – to resolve that a Parish Council not be established for Bookham
(Recommended)

b) Option 2 – to resolve that a Parish Council be established for Bookham

3.2 If Mole Valley is minded to approve a Parish Council, the District Council at its meeting on 20th February 2018 would be required to set a precept for the Parish for the 2018/19; a report would be brought to the February meeting which would set out the Reorganisation Order which would establish the parish council and set out the arrangement for the May 2018 elections and include any functions/assets which might be transferred to the parish. As set out in the information leaflet relating to the Local Advisory Poll a parish council would operate the statutory allotments and, subject to mutual agreement, could take over responsibility for other assets and services in Bookham that are currently run by the District Council.

3. FINANCIAL IMPLICATIONS

3.1 If the Council resolves not to establish a Parish Council for Bookham there are no further financial implications.

- 3.2 If the Council resolves to establish a Parish Council for Bookham, the financial implications would be as detailed in paragraphs 3.3 and 3.4.
- 3.3 As the parish council would be able to set a precept which would be paid by Bookham residents, the local council tax discount scheme whereby the Council meets some or all of the council tax of a number of households in Bookham would mean that any increase in the level of council tax would impact on the Council's finances. For 2018/19 the precept would be set by the District Council and thereafter by the parish council
- 3.4 A parish council could provide the Council with opportunities to reduce its expenditure by transferring assets/services to the parish council.

4. LEGAL IMPLICATIONS

- 4.1 The Local Government and Public Involvement in Health Act 2007, as amended by The Legislative Reform (Community Governance Reviews) Order 2015, sets out the powers associated with community governance reviews and provides the power for the Council to take decisions regarding matters arising from the review, as proposed in the terms of reference. The Council is required by Section 100(4) of that Act to have regard to the guidance issued by the Secretary of State relating to Community Governance Reviews.
- 3.2 The advisory poll was held in accordance with Section 116 of the Local Government Act 2003. The poll was advisory and Mole Valley District Council is not bound by the result of the poll.

5. CORPORATE IMPLICATIONS

Monitoring Officer commentary

The Monitoring Officer confirms that all relevant legal implications have been taken into account.

S151 Officer commentary

The S151 Officer confirms that all relevant financial risks and implications have been taken into account in this report.

Risk implications

The community governance review accords with the legislation and guidance given by the Government and Local Government Boundary Commission for England. The review is being carried out within the statutory timescales and the terms of reference are appropriate.

Equalities Implications

There are no equalities implications as a result of this report. In carrying out the review the Council was required to engage with the local community to address its needs and any impact on community cohesion and all electors of Bookham North and South had the opportunity to express the views in the Local Advisory Poll.

Employment Issues

There are no employment implications as a result of this report.

Sustainability Issues

There are no sustainability implications as a result of this report.

Consultation and Communications

The terms of reference of the community governance review were published; information made available on the Council website and a questionnaire provided both on the website and to interested parties.

Information was provided to all electors in Bookham North and Bookham South drawing their attention to the Local Advisory Poll being held on 4th May.

BACKGROUND PAPERS

Petition received from BEAM Bookham, 1st August 2017

Council Report – Bookham Community Governance Review (11th October 2016)

Consultation Questionnaire

Information leaflet provided to Electors about the Local Advisory Poll

Clarification Information Card

COMMUNITY GOVERNANCE REVIEW
BOOKHAM
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007
TERMS OF REFERENCE

INTRODUCTION

Why undertake a community governance review?

1. The Local Government and Public Involvement in Health Act 2007 makes provisions for local electors throughout England to petition their principal council for a community governance review (CGR) to be undertaken. The petition must set out at least one recommendation that the petitioners want the review to consider making.
2. A petition has been received in accordance with the provisions of Section 80 of the Local Government and Public Involvement in Health Act 2007, as amended, requesting that a parish council be established for Bookham.
3. In order to be determined as valid, a petition must contain the requisite number of signatures of local government electors in the wards concerned (7.5% of registered electors). The petition was checked against the most recently published electoral register for Bookham North and Bookham South wards and found to contain the required number of signatures. The petition must define the area to which the review relates and it must outline at least one recommendation sought. The petition meets all of these criteria and is therefore valid.
4. The petition contains five recommendations:
 - (i) That a parish of Bookham be created;
 - (ii) That the parish be called "Bookham Village";
 - (iii) That the parish should have a parish council called "Bookham Village Council";
 - (iv) That the parish council have more than one ward; and
 - (v) That the parish's boundaries be the same as the Bookham North and Bookham South district wards.
5. Further to the receipt of a valid petition, Mole Valley District Council is under a duty to undertake a community governance review under Section 83 of the Local Government and Public Involvement in Health Act 2007. A community governance review is a review of the whole or part of the Local Authority's area for the purpose of making recommendations with regards to establishing, aggregating, amalgamating or separating parishes, the name and style of a new parish and electoral arrangements.
6. A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. The Government has emphasised that, ultimately, recommendations made in a CGR ought to improve community engagement, result in more cohesive communities, yield better local democracy and result in more effective and convenient delivery of local services.
7. Parish councils are a democratically elected tier of local government with their own councillors, which provide a range of local services for a locally defined area. In many respects they mirror the structure and decision making of the district council but on a smaller scale. Councillors are elected by local residents.

Scope of the review

8. The District Council will undertake a CGR to consider whether governance arrangements within Bookham are:

- a) Reflective of the identities of the community in that area; and
- b) Effective and convenient to the community in that area.

In doing so, the review is required to take into account:

- a) The impact of community governance arrangements on community cohesion; and
- b) The size, population and boundaries of the parish.

9. The area that is the subject of the review and would be created as a parish for local government purposes comprises the district wards of Bookham North and Bookham South. A map of the area is attached to the terms of reference.

Who will undertake the community governance review?

10. As the principal authority, Mole Valley District Council is responsible for undertaking any CGR within its electoral area.
11. The Council will consider the results of the Local Advisory Poll together with other consultation responses and make its decision in July 2017.

CONSULTATION

12. Before making any recommendations or publishing final proposals, in line with legislative requirements, the District Council will take full account of the views of local people. The District Council will comply with legislative requirements by:
- Consulting all local government electors for the area under review. Each elector will be asked formally whether or not they support the creation of a parish council for Bookham. This will be achieved through a local advisory poll under Section 116 of the Local Government Act 2003. In addition electors are welcome to submit written responses to the proposals if they wish;
 - Consulting any other person or body (including Surrey County Council) which appears to the principal council to have an interest in the review;
 - Taking into account any representations received in connection with the review.
13. When taking account of representations, the District Council is bound to have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community of Bookham and is effective and convenient. The Council will decide whether to establish a parish council for Bookham taking account of the consultation responses, including the result of the advisory poll. The Council is not however bound by the result of the poll, which is by nature 'advisory'.
14. In order to ensure that this review is conducted transparently, as soon as practicable, the District Council will publish its recommendations and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.

Timetable for the review

15. A CGR must, by statute, be concluded within a 12 months period from the date of receipt of the petition. The petition was received on 1st August 2016 and therefore the review must be concluded by 31st July 2017.

Action	Dates
Report to Council to approve the Terms of Reference for the review	11 th October 2016
Commencement of review and publication of terms of reference	1 st December 2016
Undertake formal consultation with other interested bodies in accordance with Section 93 of the Local Government and Public Involvement in Health Act 2007	From commencement date (1 st December) – 14 th March 2017
Undertake formal consultation with local electors by	4 th May 2017

means of local advisory poll	
Council considers result of poll and other responses to consultation and makes any necessary decisions in respect of the review, which may include the creation of a new parish council for Bookham or that no further action is taken	July 2017 – Date tbc

PRINCIPLES GUIDING THE REVIEW

Relevant legislation

16. The District Council will undertake the review in accordance with the following legislation and guidance:
- The Local Government and Public Involvement in Health Act 2007
 - The Local Government Act 1972
 - Guidance on Community Governance Reviews (DCLG/EC)
 - Local Government (Parishes and Parish Councils) (England) Regulations 2008
 - The Legislative Reform (Community Governance Reviews) Order 2015

Electorate

17. In considering the electoral arrangements of the area proposed to be created as a parish within these Terms of Reference, the District Council is required to consider any change in the number or distribution of the electors.
18. Bookham North and Bookham South wards have a combined electorate of 9,280. The District Council has used the Register of Electors published on 1st August 2016 to provide existing local government electorate figures.

Consultation – how to take part and how to contact us

19. Every local government elector in Bookham North and Bookham South wards will be able to take part in the local advisory poll which will be held on 4th May 2017. They will be able to vote in the same way as they have registered to do for the local government elections on that day, i.e. they will be able to vote in person at a polling station unless they have registered for a postal or proxy vote for the local government elections.
20. If you have additional written comments that you would like to submit about the recommendations in the petition (paragraph 4 above) or how you view potential future arrangements under these Terms of Reference, please send them to arrive no later than 14th March 2017 by email to:

BookhamParishReview@molevalley.gov.uk

or by post to

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Democratic Services
Mole Valley District Council
Pippbrook
Dorking
RH4 1SJ

Publication of Terms of Reference

21. These Terms of Reference will be published on the District Council's website: www.molevalley.gov.uk and will be available for public inspection at the Pippbrook Offices, Reigate Road, Dorking RH4 1SJ.