

FAREHAM

BOROUGH COUNCIL

Report to Council

Date: 30 July 2015

Report of: Head of Democratic Services

Subject: Community Governance Review - Funtley

SUMMARY

Following the submission of a petition from residents in Funtley, this report sets out the details of the proposed Community Governance Review to be undertaken and recommends the Terms of Reference and timetable on which it should be carried out.

RECOMMENDATIONS

That the Council approves:

- (a) that a Community Governance Review be undertaken;
- (b) that the Terms of Reference appended to this report be adopted; and
- (c) the timetable for the review as appended to this report be adopted.

INTRODUCTION

1. Under the Local Government and Public Involvement Health Act 2007, the Council has a duty to carry out a Community Governance Review on receipt of a valid petition under section 90 of the Act. Members will recall that a petition was submitted by Funtley residents requesting the Council carries out a review of the Funtley area with a view to creating a parish council. The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.
2. The purpose of this report is to ask the Council to approve the carrying out of a Community Governance Review of the area shown on the plan accompanying the petition and approve the Terms of reference and timetable for the review.

THE REVIEW PROCESS

3. On receipt of a petition, the first test is to check whether the petition is valid against the conditions as set out in The Local Government and Public Involvement in Health Act 2007 (Chapter 3, Section 80 as amended). These provisions include checking that the number of local government electors who have signed the petition meets the minimum percentage or minimum number required of the electorate for the proposed area, as defined by the map accompanying the petition.
4. This petition now meets the criteria, a final map of the area covered having been agreed with the petitioners on 7 July 2015, and has therefore been found to be valid from that date, triggering a Community Governance Review. The Act requires Terms of Reference to be drawn up and agreed with the petitioners before being confirmed by a decision of Council. The draft Terms of Reference are attached as Appendix A.
5. Key elements of the review will include running formal consultations with the relevant electorate, Hampshire County Council, local businesses and any other person or body with an interest in the review. The proposed timetable is attached as Appendix B of this report which also outlines the communication strategy to be undertaken.
6. The date of the receipt of the final, valid, petition marks the formal commencement of the Community Governance Review period which must be completed within 12 months. In this case, for the petition to be valid, all required details under the Act, as amended, were required to trigger a start date for the review. While the original petition included a very general pictorial map image, this was insufficiently certain or detailed to meet the pre-conditions set by the Regulations. Officers have subsequently worked with the Petitioners to provide a more detailed map to meet the requirements of the Act and this has subsequently been agreed with Petitioners on 7 July 2015. The final approved version of the map is shown at Annexe 1.
7. The 7 July 2015 is therefore the date of deemed receipt of a valid Petition for the purpose of commencing the review period. Before the end of the 12 month review period, the Council must determine what action it will take with regards to the setting up of a Parish Council. The decision must take into account the statutory guidance and the consultation results.

8. The recommendations made in a community governance review have two main objectives:
 - To improve community engagement and better local democracy;
 - more effective and convenient delivery of local services.

The review must also ensure that community governance within the area under review reflects the identity and interests of the community in that area and is effective and convenient. It must also take into account any existing arrangements such as community or residents associations.

RISK ASSESSMENT

9. The Council has a duty to carry out a review following the receipt of a valid petition under the Act. Failure to carry out the review would result in a breach of statutory duty by the Council.

Appendix A – Draft Terms of Reference **Appendix B – Proposed timetable of review**

Background Papers:

File of correspondence from Funtley Village Society

Reference Papers:

DCLG – Guidance on community governance reviews

Local Government and Public Involvement Health Act 2007

The Legislative Reform (Community Governance Reviews) Order 2015

Enquiries:

For further information on this report please contact Elaine Wildig (ext. 4587)

FAREHAM

BOROUGH COUNCIL

Community Governance Review 2015 - Funtley Village

Terms of Reference

What is a Community Governance Review?

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

- Creating, merging, altering or abolishing parishes;
- The naming of a parish and the style of a new parish (i.e. whether to call it a “village”, “community” or “neighbourhood” with the council similarly named as a “village council”, “community council” or “neighbourhood council”);
- The electoral arrangements for parishes (including 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 Borough Council is required to ensure that community governance within the area under review will be:

- reflective of the identities and interests of the community in that area; and
- is effective and convenient.

In doing so the Community Governance Review 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.

The government has emphasised that recommendations made in Community Governance Review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Why are we carrying out this Community Governance Review?

Following receipt of a valid petition signed by 322 electors within the ward of Fareham North, Fareham Borough Council is required by law to undertake a Community Governance Review to consider the petitioners’ request, which is as follows:

“We the undersigned electors live in Funtley (including Iron Mill Lane) and believe that we should have our own Parish or village Council. We request that Fareham Borough Council make the necessary provisions for establishing a Parish or village Council by conducting a Community Governance Review and that this should happen as soon as possible. We hope

that the outcome will be an independent Parish Council for Funtley Village which will work closely with its residents and Fareham Borough Council.”

The petitioners’ proposals are illustrated on the map attached as Appendix 1 to this document.

In drawing up these terms of reference, we have consulted the Funtley Village Society and Hampshire County Council and taken into consideration their comments.

What are we consulting on at this stage?

Option 1

To create a new Parish Council

Option 2

To make no changes to the current arrangements

How will Fareham Borough Council undertake this Community Governance Review?

As the principal authority, Fareham Borough Council is responsible for undertaking any Community Governance Review within its electoral area. The procedure for a Community Governance Review requires the Council:

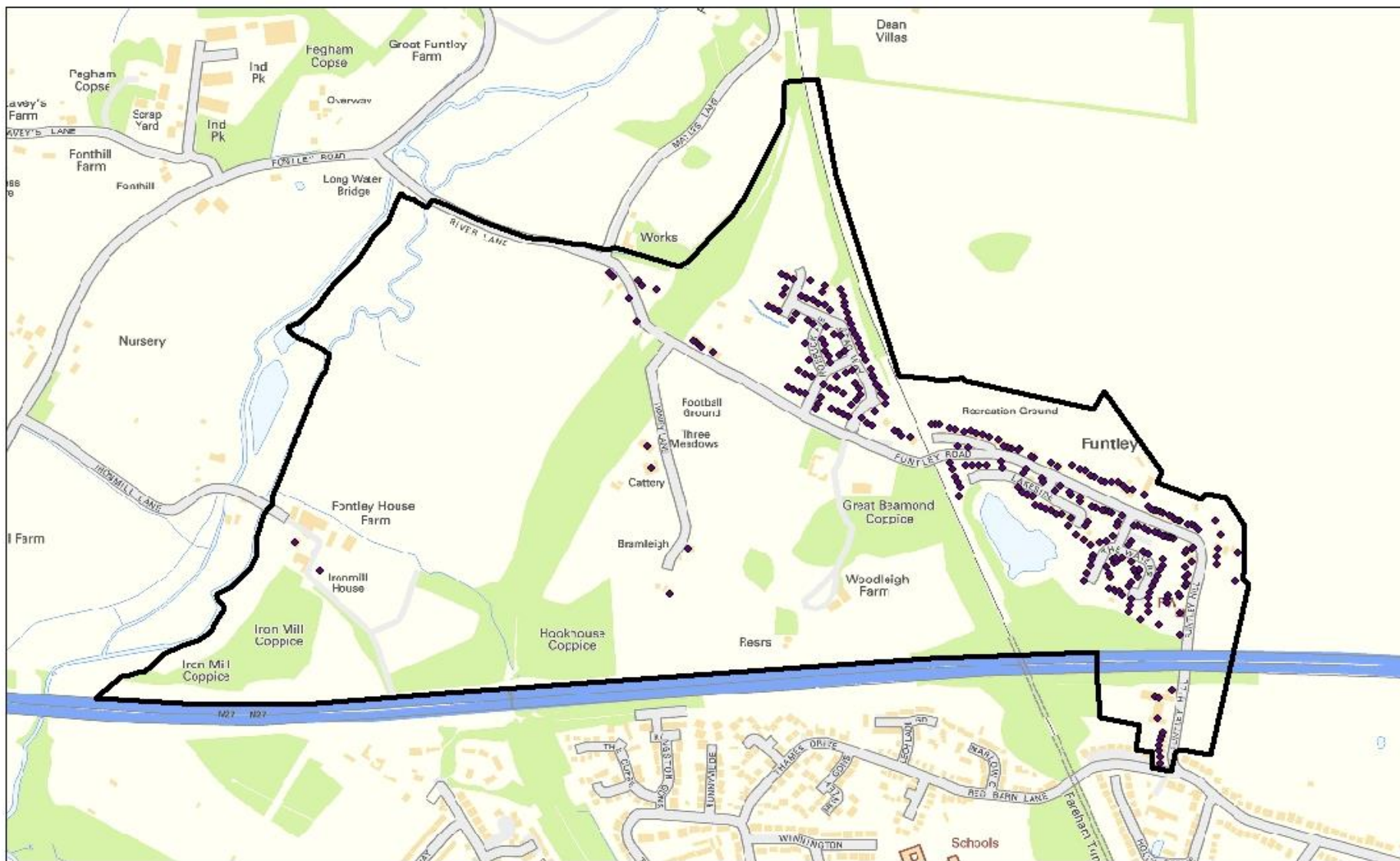
- (a) to consult initially on these terms of reference for the review
- (b) taking into account representations received, to then publish draft recommendations and consult on those
- (c) taking into account representations received, to then publish the final recommendations and, if required, to make a community governance reorganisation order to give effect to agreed changes.

In undertaking this Community Governance Review, the Borough Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007,
- the relevant parts of the Local Government Act 1972
- The Legislative Reform (Community Governance Reviews) Order 2015, and
- the document “Guidance on Community Governance Reviews” (March 2010) issued in accordance with section 100(4) of the 2007 Act by the Department for Communities and Local Government and The Local Government Boundary Commission for England.

As required by Section 79(3) of the 2007 Act, the Borough Council has notified Hampshire County Council that a review is to be undertaken, provided them with a copy of these terms of reference for the review and has consulted them on the matters under review.

Map of Proposed Boundary of Funtley Parish



Community Governance Review 2015 -2016 – Draft Timetable

Stage	Action	Timeline	Outline of Action
1	Report to full Council	30 July	Council determines Terms of Reference of community governance review
2	Publish terms of reference	3 August	Council publishes Terms of Reference and notifies Interested parties of the review timetable.
<p>Communication Strategy: To prepare a letter and delivery to every household, local businesses, community groups and interested parties to encourage qualitative responses. Devise communications campaign to include posters and leaflets, book hall for exhibition, set up page on website and arrange for submission of comments by internet and FAQs.</p>			
3	Consultation period on the options set out in the terms of reference to avoid peak time holiday period	21 September – 14 Dec	<p>Consultation letters as above and including:</p> <ul style="list-style-type: none"> • Hampshire County Council • Winchester City Council • Wickham Parish Council • Borough councillors representing Funtley • Portsmouth Angling Club <p>Notices in Funtley notice board, Miner's Arms, Social Club, McColls/Funtley Post Office, St. Francis Church</p>
4	Consider responses to consultation	January 2016 to 30 March	Consider submissions and prepare draft recommendations report
	Purdah (Pre-election period)	30 March – 6 May	No action during pre-election period
5	Publish draft recommendations	May 2016 to June 2016	Submit report to Council; publish draft recommendations for further consultation with interested parties.
<p>Communications Strategy: To include distribution of letters to interested parties, update website, consider other methods of communication depending on points raised by residents in draft consultation report.</p>			
6	Report to full Council	June 2016	Council to receive details of outcome of consultation and consider recommendations
7	Publish final recommendations	By 30 June 2016	Council publishes recommendations.