

Brixham Town Council

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Title:	Community Governance Review	Minute No:	
To:	Full Council	Date:	20.04.17
Contact Officer:	Brixham Town Clerk	Tracy Hallett	
Contact Details:	info@brixhamtowncouncil.gov.uk	01803 859678	

Purpose of Report

The purpose of the report is to consider running a petition to request that Torbay Council carries out a Community Governance Review to extend the Town Council boundary and increase the number of elected Councillors.

Ideally, the review should be carried out at the same time as the Community Governance Reviews for Town and Parish Councils in Torquay and Paignton.

What is a Community Governance Review?

Principal Councils (district councils or unitary councils) have the power to carry out community governance reviews and put in place or make changes to local community (parish) governance arrangements.

A review can consider a number of issues, including:

- whether to create a new parish
- whether to alter the boundary of an existing parish
- whether to group a number of parishes together in a grouped parish council

Local people can petition a principal council to undertake a community governance review. A principal council must undertake a review if the relevant conditions in relation to the petition are met.

The principal authority is responsible for setting the terms of reference of any review and must also undertake consultation when considering what changes to make.

Who will undertake this review?

As the principal authority, Torbay Council is responsible for undertaking a Community Governance Review in its electoral area.

How long does a Community Governance Review take?

Legislation requires Community Governance Reviews to be completed within a year.

Who determines the Terms of Reference for community governance reviews?

The 2007 Act requires principal councils to determine and publish the terms of reference under which a community governance review is to be undertaken. It also requires that the terms of

reference specify the area under review. If any modifications are made to the terms of reference, these must also be published.

Why undertake a Community Governance Review?

A community governance review can be undertaken in response to demographic changes such as a rise in population, for example as a result of significant new housing development. A review may also be triggered by national considerations, e.g. the provision of new rights to communities through the Localism Act 2011. A review can also be triggered if a petition is presented to the principal council asking for a review to be undertaken, and the Local Government and Public Involvement in Health Act 2007 places a duty on principal councils to respond to such a petition. Sections 39-43 of the Act set out prescriptive criteria, which the petition must meet in order to be legally valid. The objective of undertaking a community governance review is to ensure that local governance will continue to be effective and convenient, and will reflect the identities and interests of local communities.

What are the conditions in relation to the petition?

For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds are:

1. for an area with less than 500 local electors, the petition must be signed by at least 50% of them
2. for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them
3. for an area with more than 2,500 local electors, the petition must be signed by at least 10% of them

These thresholds have been chosen to ensure that the minimum number of signatures to be obtained is neither so high that it will be impossible in most cases to collect that number nor so low as to allow a very small minority of electors to trigger a review. So, in areas with higher populations the threshold is not so high as to prevent a genuine desire for a review not being realised. Equally, in areas with smaller numbers of electors, this means that a handful of electors cannot initiate a review against the wishes of the majority of their fellow electors. The thresholds therefore help to ensure that the local democratic process is properly maintained.

The petition should define the area to which the review relates, whether on a map or otherwise, and refer to identifiable fixed boundaries. Where a proposed boundary is near an individual property, the petition must make clear on which side of the boundary the property lies. The petition must specify one or more proposed recommendations for review.

Why more Councillors?

The Town Council currently has 12 members and the Evaluation Committee wish to increase the number to 15.

The Town Council would ideally increase its numbers to allow the workload to be spread over a larger base and to ensure that councillors have the time to involve themselves in the detail of issues, rather than merely carrying out an overview role.

It is not unusual for more than two councillors to be away at one time, leaving a shortfall of members attending Committee meetings.

Having more members living amongst the communities helps the Councillors to best represent local opinions and feelings.

The Council's strategy document was successfully adopted, however now the members want to be able to have time to work on implementing it.

Given that this is all voluntary work the current workload imposes significant pressure on councillors. There are issues with keeping Councillors motivated to deal with an increasing workload and without an increase in numbers it is a struggle to keep existing members regularly attending committee and working group meetings.

Why review the Council Boundary?

Torbay Council has agreed to run a Community Governance Review with the view of creating a town council in Torbay and Paignton. However, it is recognised that there is still an area just outside of Brixham that may not be covered under a Town or Parish Council.

Churston and Galmpton are areas identified in the Neighbourhood Forum as being within the peninsula of the Brixham Town boundary.

Churston Ferrers is an historic civil parish and includes the two villages: Churston, a coastal village, and Galmpton which is a village that is located west of Brixham. Both villages are within the Constituency of Totnes.

By redrawing Brixham's boundary to include Churston and Galmpton it will promote better community cohesion and provide more effective local government thereby ensuring that Churston and Galmpton will be represented in local democracy.

Other Aspects to Consider

It is important that the Council:

- Holds consultation meetings during the petition process to allow residents to meet with representatives from the Council.
- That in the event the petition is accepted, the instructions to Torbay Council make it clear that the proposals should be included within the Community Governance Review that they plan to undertake. The Town Council is aware that Torbay Council do not intend to hold the review until after the current boundary review has been completed.

Recommendations

In order to instigate a Community Governance Review the Town Council will need signatures of the electorate in Galmpton, Churston and Brixham.

It is recommended that the Town Council carry out two online petitions to ask Torbay Council to undertake a Community Governance Review to ensure that community governance arrangements reflect local identities and facilitate effective and convenient local government by:

1. increasing the number of elected Councillors in the Brixham Town boundary from 12 to 15;
2. redrawing the Town Council's boundary to include the villages of Churston and Galmpton.