

Community Governance Review Committee AGENDA

Wednesday, 12th July 2017 at 5.00 PM

Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be audio recorded)

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Members of the Community Governance Review Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott
Councillor P Barlow
Councillor Mrs J Beavis
Councillor Mrs D Garrod
Councillor Mrs J Money

Councillor Mrs J Pell
Councillor Mrs W Schmitt (Chairman)
Councillor R van Dulken
Councillor Mrs S Wilson

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non- Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

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1. **Apologies for Absence**
2. **Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
3. **Public Question Time**

(See paragraph above)
4. **Community Governance Review Background** 4- 17
5. **Site Considerations** 18 - 30
6. **Terms of Reference** 31 - 38
7. **Urgent Business – Public Session**

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
8. **Exclusion of the Public and Press**

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972

At the time of compiling this agenda there were none.

PRIVATE SESSION

9. **Urgent Business - Private Session**

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

**Community Governance Review
Committee 12th July 2017**



Community Governance Review Background		Agenda No: 4
Portfolio		
		Overall Corporate Strategy and Direction Corporate Services and Asset Management
Corporate Outcome:		A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers
Report presented by:		Ian Hunt, Head of Governance
Report prepared by:		Steve Daynes, Democracy Manager
Background Papers:		Public Report
Local Government and Public Involvement and Health Act 2007 Statutory guidance provided by the Department for Communities and Local Government (March 2010).		Key Decision: No
Executive Summary:		
<p>DCLG guidance suggests that Principal Authorities conduct Community Governance Review (CGR) every 10 to 15 years. Whilst no formal District wide reviews have been commissioned in the past 30 years a number of smaller issue based reviews have been commissioned. These reviews enhanced the established governance of the District at a Parish level and therefore no formal process of review has been considered necessary.</p> <p>The District is going through a period of significant growth as evidenced by the new District Local Plan and with its publication and adoption it is now an appropriate time to consider the ongoing Community Governance for the Braintree District.</p> <p>This report updates Members on actions initiated by the Developing Democracy Group (DDG) and provides, at section 3.0, details of actions taken and their impact on the overall Project initiation.</p> <p>Should changes to Parish Governance or Boundaries be considered appropriate these will be implemented at the next scheduled elections in May 2019.</p>		
Recommended Decision:		
1. For Members to note the scope of Community Governance Review and to understand the actions which could arise from this.		

Purpose of Decision:

To support the continued development of the project for the forthcoming community governance review.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	There is no specific budgetary provision however given that consultation will, in the main be limited to direct mailing to smaller communities no additional budgetary allocation will be sought at this stage.
Legal:	Review to be conducting in line with Local Government and Public Involvement and Health Act 2007 and statutory guidance provided by the Department for Communities and Local Government.
Safeguarding:	None
Equalities/Diversity:	Legislation requires each Polling District has a dedicated polling place. Any review therefore must ensure that adequate Polling arrangements can be provided.
Customer Impact:	To be considered as part of the review.
Environment and Climate Change:	None
Consultation/Community Engagement:	The consultation will ensure that all stakeholders have appropriate access.
Risks:	Risks will be managed in accordance with the project plan.
Officer Contact: Steve Daynes	
Designation: Democracy Manager	
Ext. No: 2751	
E-mail: steve.daynes@braintree.gov.uk	

Background

1. Context

1.1 The structure of Community Governance (mostly parish and town councils) across the District was established in 1974, and last comprehensively reviewed in 1983 and has broadly continued to reflect the needs of the various communities.

1.2 This resilience in the overall structure of Governance has therefore provided a stable base and as a consequence despite the considerable growth within the District over the past 30 years there has been little appetite for wholesale changes to the established base model.

1.3 Member should be aware of a small number of “ad-hoc” reviews which have been undertaken and these are:

- **Great Notley** – A new Parish Council of 8 councillors was formed in 1998 and serves the formative developments of White Courts, Great Notley and Panners Farm.
- **Holy Trinity North** - In 2010 there was a need to formally review this area of Halstead to more accurately reflect the built environment. Following consultation the Polling District was divided and suitable Polling Locations secured for both newly created districts.
- **Halstead and Witham Town Councils** – Both Town Council areas were re defined as a result of consequential changes recommended by the Boundary Commission in their review of District ward boundaries in 2014.

1.4 Given the coming adoption of the Local Plan and the range of existing developments across the District and having regard to the statutory Guidance from the Department Of Communities and Local Government it is considered that time is now right to undertake a full review of Community Governance across the District.

1.5 A review at this time provides the Council with the opportunity to incorporate both newly established communities with proposed developments sites outlined in the Local Plan. In turn, this will lead to a cohesive structure which will reflect both the built environment and the anticipated representational demands of the respective communities.

1.6 What can be looked at?

1.7 Under a Community Governance Review the Council has the power to consider the most effective arrangements for community governance, this can include:

- the creation of a parish
- changing the name of a parish
- the establishment of a separate parish council for an existing parish

- the alteration of boundaries of existing parishes
- the abolition of a parish
- the dissolution of a parish council
- changes to the electoral arrangements of a parish council
- whether a parish should be grouped under a common parish council or de-grouped

1.8 When considering proposals the Council has to have regard to ensuring that the needs for the relevant community are considered, particularly in relation to ensuring a strong, inclusive community and voluntary sector:

- a sense of civic values, responsibility and pride
- a sense of place – a place with a ‘positive’ feeling for people and local distinctiveness
- reflective of the identities and interests of the community in that area are effective and convenient
- the impact of community governance arrangements on community cohesion
- the size, population and boundaries of a local community or parish
- people from different backgrounds having similar life opportunities
- people knowing their rights and responsibilities

1.9 The Council in formulating proposals must give the community (which will include the existing town and parish councils as well as the public directly) the opportunity to influence the proposals and to be considered in the decision making.

2. Legal considerations

2.1 Members are advised that a full legal summary of the scope and process for a Community Governance Review is provided at **Appendix 1**.

3. Decision making and Outline Review Timetable

3.1. There will undoubtedly be many views when considering Community Governance and whilst the ultimate decision rests with the Council it was initially suggested that the Developing Democracy Group would be best suited to oversee the review process.

3.2. At their meeting on 15 November 2016 DDG recommended to Council that a more formal consultation group be established which would oversee the Review process and make recommendations to Council for final consideration.

3.3. The Community Governance Review Committee was established by Council at the Annual General Meeting on the 24th April 2017 and has the opportunity to consider the Terms of Reference by which the CGR will be conducted.

3.4. In developing these, DDG were keen to engage with all Parishes, and in January they invited them to participate in an informal survey. The survey gave them an opportunity to inform the review process by highlighting issues for inclusion in the Initial Consultation.

3.5. The survey did not however invite comment on the Larger Development sites as DDG considered it appropriate that, as a number of sites were either located adjacent to, or, compromised existing boundaries the Council should establish an initial position for consultation.

3.6. As part of the CGR project the group will be invited to consider and formalise a consultation position in relation to a) proposals from Parishes and b) Larger Development sites

3.7. The Formal Consultation position will be presented to Council for consideration on 27 July 2017 as part of the terms of reference.

When	What	By Who	Detail
June 2017	Confirm terms of Reference	CGR Committee	
27 July 2017	Adoption of Initial Terms of Reference	Council	
July 2017	Publish initial data	Project team	<ul style="list-style-type: none"> ➤ Electorates ➤ Projected Electorates ➤ History of Engagement ➤ Current Joining arrangements
1 August 2017 To 30 September 2017	Initial Public Consultation	Project team	<ul style="list-style-type: none"> ➤ Parishes ➤ Stakeholders ➤ Electors
October 2017	Collate and consider initial responses	Project team	
November 2017	Consider initial responses	CGR Committee	
11 December 2017	Publish Draft Recommendations	Council	
1 January 2018 To 28 February 2018	Public Consultation on Draft Recommendations	Project team	
4 June 2018	Publish Final recommendations	Council	<ul style="list-style-type: none"> ➤ Highlight to interested parties
23 July 2018	Council Resolution to adopt	Council	
August 2018	Prepare and Publish prescribed Order	Solicitor to the Council	

4. Existing Boundaries

4.1. When considering boundaries it is important to be cognisant of the constraints which guide any review. The review is confined to Parish boundaries and as such any re-defining must ensure that proposals balance the built environment with the need to provide consistent voting arrangements for the electorate. We are unable to change the ultimate district boundary or any District Wards or County Divisions.

4.2. At present all Parish and District ward boundaries are coterminous with both existing and proposed Parliamentary boundaries and therefore any movement of Parish boundaries could either compromise election delivery or lead to confusion where electors could be designated to different Polling stations for different types of elections.

4.3. Given that the District ward structure is defined by existing Parish boundaries The Returning Officer recommends that these remain unchanged unless there are significant (in excess of 100 properties) developments which cross boundaries.

4.4. Where new boundaries are to be established, DCLG guidance suggests that a CGR provides the opportunity to “put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries”. Traditionally therefore boundaries have been defined either by for example the boundaries of Public Parks and designated Open spaces or using the centre line of roads.

5. Initial Options summary

5.1. The range of options available to the Council is, on the face of it extensive on the one hand Council could decide to make no changes and preserve the status quo through to the complete “blank canvass” approach.

5.2. Given that the framework of Governance is embedded across the District, it is anticipated that wholesale changes would not be supported and little benefit would be gained from attempting to redefine all boundaries.

5.3. From the proposed Local Plan it is clear that there are some key sites which either adjoin or cross existing Parish/District ward boundaries and it is suggested that these form the focus for any boundary movement.

6. Communications

6.1. Clearly consultation is an essential part of the Review process, however an initial assessment of the areas under review would indicate that a targeted consultation would be more appropriate.

6.2. Residents across the whole district will of course be given opportunity to feed into the process via links through the Council's website, Social Media links as well as the more traditional Press release and published media. Those residents who will have a change of Parish or Town Council or be included in a Parish for the first time will receive direct household consultation documents.

6.3. Key stakeholders – In addition to the electorate, there are a number of stakeholders referred to in the DCLG guidance who it is suggested should be consulted and these include:

- District ward Councillors
- Essex County Council and Divisional Councillors for the Braintree area
- Political parties
- Parish Councils
- Community forums and associations
- Local Businesses and Voluntary organisations
- Schools and Health bodies

6.4. Full consultation – It is important that, throughout the review process, actions and views of the wider community are recorded and considered, to this end it is proposed that an interactive web site be utilised to collate and record ALL representations.

Appendix 1

1.0 Community Governance Reviews

1.1 The Local Government and Public Involvement in Health Act 2007, transferred full responsibility from the Boundary Commission to Principal Authorities for the establishment and periodic review of Parish Council governance arrangements, these are known as “Community Governance Reviews”.

1.2 The legislative framework which informs Community Governance Reviews is as follows:

- Local Government & Public Involvement in Health Act 2007
- *Guidance on community governance reviews*, issued jointly by DCLG & EC (April 2008)
- Local Government Act 1972
- Local Government (Parishes and Parish Councils) (England) Regulations 2008
- Local Government Finance (New Parishes) Regulations 2008

1.3 The Boundary Commission retains some control over “protected electoral arrangements” which cannot be considered during a Community Governance Review unless authorised by them. In summary the Act establishes a five-year moratorium period on the more recent reviews concluded by the Boundary commission.

1.4 While principal councils have been given considerable flexibility when conduct of Reviews, there remains a duty to have regard to guidance issued by the Secretary of State of the Department of Communities and Local Government and the Electoral Commission

1.5 A Community Governance Review can be a review of the whole or part of the principal council’s area for the purpose of making recommendations with regard to:

- creating, merging or abolishing parishes,
- the naming of parishes,
- the electoral arrangements for parishes
- grouping arrangements for parishes.

2. Powers to conduct reviews, Terms of Reference and general duties

2.1 The government’s Guidance states that principal councils should continually keep their area under review, and that it is good practice for a principal council to consider conducting a review every 10-15 years.

2.2. Principal Councils are required to draw up Terms of Reference for a review. These must specify the area under review. It is for the principal council to decide these terms of reference However, as soon as practicable after deciding terms of reference or modifying them the principal council must

publish them. A community governance review “begins” when it publishes the terms of reference of the review.

2.3 There are however some overriding principles to the review process and principal council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the communities
- is effective and convenient.
- community cohesion
- the size, population and boundaries of a local communities or parishes.

2.4 The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review. In particular, the government is concerned that recommendations in a review take account of any representations received, expressions of local opinion and representations made by local people and other interested parties.

2.5 The principal council must take into account and consider any representations received in connection with the review. As soon as practicable after making any recommendations, the principal council must 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 these recommendations. Likewise, the government guidance is that any consequential matters that are referred to must have been fully consulted on.

3. Timetables for reviews

3.1 The council must conclude the review within a period of 12 months of the publication of the Terms of Reference and concludes when the Council publishes the recommendations made in the review.

3.2 The following is an indicative timetable:

<i>Action</i>	<i>Timetable</i>
Introductory stage – submissions are invited	Two months
Draft Proposals are prepared	Two months
Draft Proposals are published	
Consultations	Three months
Final Proposals are prepared	One month
Final Proposals are published	
Council publishes the Recommendations	Two months later
Council makes a Reorganisation Order	thereafter

3.3 The review is completed when the principal council makes a Reorganisation Order in accordance with Section 86.

4. Parish Areas – new and existing parishes

4.1 A community governance review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. A “new parish” is defined in the legislation:

- establishing an unparished area as a parish;
- aggregating one or more unparished areas with one or more parished areas;
- aggregating parts of parishes;
- amalgamating two or more parishes;
- separating part of a parish.

4.2 If a new parish is constituted, the review must also make recommendations as to the name of the new parish, as to whether or not the new parish should have a parish council, the electoral arrangements of that council and whether or not the new parish should have one of the alternative styles.

4.3 The review must also make recommendations in relation to each of the existing parishes under review: recommendations that the parish should not be abolished and its area not altered, recommendations that an area should be altered, or recommendations that the parish should be abolished. The review must also make recommendations as to whether or not the name of the existing parish should be changed. Likewise, recommendations should follow about the electoral arrangements for the parish, in particular, there should be recommendations as to whether the parish should have or should continue to have a council and what electoral arrangements should apply to that council. However, the review may not make recommendations with regard to alternative styles for any existing parish.

4.4 The government foresees that many reviews will simply involve making changes to boundaries between existing parishes, maybe in response to recent developments. The government acknowledges that this may be the case particularly in rural areas. However, in addition, “reviews offer the chance for principal councils to consider the future of what may have become redundant parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council.

4.5 The parishes and their wards are used as the building blocks for the principal council wards, and so far as is reasonably practicable no unwarded parish should be split by a principal council ward boundary and no parish ward should be split by such a boundary. These provisions do not apply to parish electoral arrangements. However, the Guidance states “that, in the interests of effective and convenient local government, they are relevant considerations for principal councils to take into account when undertaking community governance reviews”.

4.6 The government has stated that it expects to see a trend in the creation of parishes, and that it would be undesirable to see existing parishes abolished with an area becoming unparished with no community governance arrangements in place.

5. Parish names and alternative styles

5.1 Where a new parish is being constituted, the Community Governance Review must make recommendations as to the name of the new parish, and it must make recommendations as to whether or not the new parish should have one of the alternative styles.

5.2 Where the review is concerned with existing parishes, the review must make recommendations as to whether or not the name of the parish should be changed. However, the review must not concern itself with any recommendations regarding an alternative style for the parish.

6.0. Electoral Arrangements

6.1 There is government guidance on whether there should be a parish council and on the role of parish meetings in those parishes that don't have councils. The government has stated that recommendations for the dissolution of parish councils "are undesirable", unless they are in cases of parishes with very low populations or in cases where boundary changes are reordering the parish structure or grouping parishes.

6.2 Where the review makes recommendations that a parish should have a council or that an existing parish council should be retained, the review must also make recommendations with regard to the electoral arrangements or changes to electoral arrangements.

6.3 Electoral arrangements are defined as:

- the year in which ordinary elections of Councillors are to be held
- the number of Councillors to be elected to the council,
- the division (or not) of the parish, into wards for the purpose of electing Councillors;
- the number and boundaries of any such wards
- the number of Councillors to be elected for any such ward; the name of any such ward.

7.0. Councillor numbers

7.1 The legal minimum number of parish Councillors for each council is five. There is no maximum number; there is no other legislative guidance. The government's view is that "each area should be considered on its own merits, taking into account population, geography and the pattern of communities. Apart from the legal minimum, the only other legal requirement is that each parish in a grouping arrangement must have at least one member on the common council.

7.2 The Aston Business School also conducted research that was published in 1992 which showed the then levels of representation. It is likely that these levels of representation have not greatly changed in the intervening years.

<u>Electors</u>	<u>Councillors</u>
< 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
> 20,000	13-31

7.3 There is no requirement in legislation that the number of Councillors should be proportional to electorate size, but, in the interests of fair representation, it seems reasonable that the number of Councillors should be broadly proportional across a principal area.

7.4 There is a final legal requirement where the principal council decides to recommend that a parish should have a council which is not divided into wards. The principal council must have regard to the following factors when considering the number of Councillors to be elected for the parish:

- the number of local government electors for the parish;
- any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

8.0. Warding

8.1 In considering whether to recommend that a parish should, or should not, be or continue to be divided into wards for the purpose of electing Councillors, the principal council should consider the following:

- whether the number, or distribution, of the local government electors for the parish would make a single election of Councillors impracticable or inconvenient;
- whether it is desirable that any area or areas of the parish should be separately represented on the council.

8.2 If the principal council decides to recommend that a parish should be divided into wards, the principal council must have regard to the following when considering the size and boundaries of the wards and the number of Councillors to be elected for each ward:

- the number of local government electors for the parish;
- any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts;

- the desirability of fixing boundaries which are, and will remain, easily identifiable;
- any local ties which will be broken by the fixing of any particular boundaries.

8.3 The government also advises that another relevant consideration in the warding of parishes is the layout of the principal council electoral areas.

9.0 Recommendations, Orders and Maps

9.1 As soon as practicable after making any recommendations in a review, the principal council must publish these 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.

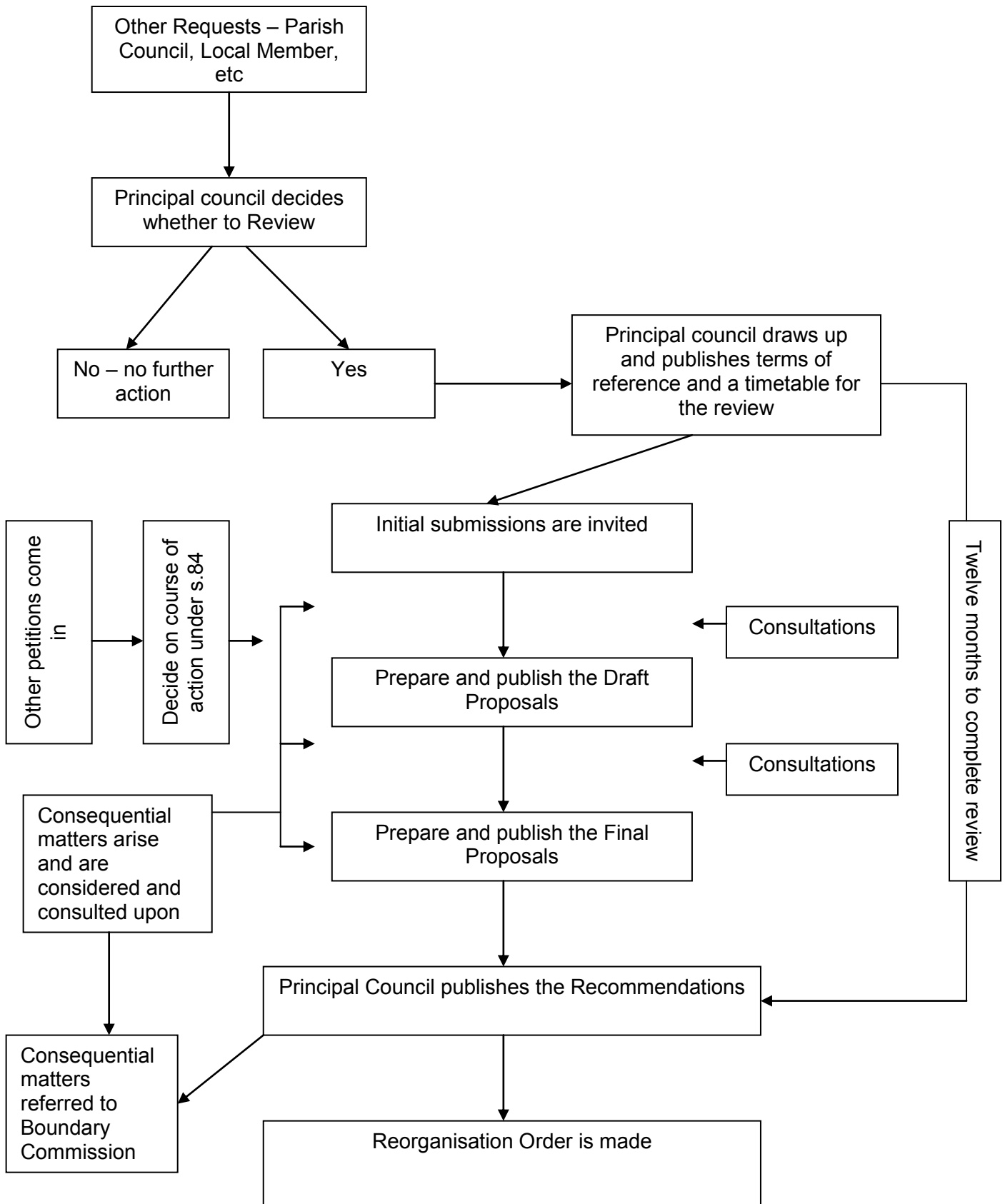
9.2 Where changes to the existing arrangements are to be made, the principal council completes its review by making a “reorganisation order”. The order may revoke provisions of previous orders made under the 2007 Act, or under Section 17 of the Local Government Act 1992, or under Sections 16-17 of the Local Government and Rating Act 1997. The order must include a map showing in general outline the area affected by the order. Guidance has been given on the timing of an order.

9.3 As soon as practicable after making the order, the principal council must inform all of the following that the order has been made:

- the Secretary of State;
- the Electoral Commission;
- the Office of National Statistics
- the Director General of the Ordnance Survey;
- any other principal council whose area the order relates to.

Government guidance is that the Audit Commission should also be informed.

COMMUNITY GOVERNANCE REVIEWS – FLOWCHART



Community Governance Review – Site Considerations		Agenda No: 5
Portfolio Corporate Services and Asset Management		
Corporate Outcome: A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers		
Report presented by: Steve Daynes, Democracy Manager Report prepared by: Steve Daynes, Democracy Manager		
Background Papers: Local Government and Public Involvement and Health Act 2007 and Department of Communities and Local Government guidance 2010		Public Report
		Key Decision: No
Executive Summary:		
<p>Members are asked to focus on specific larger development sites and establish a Council consultation position for inclusion in the full District Community Governance review.</p> <p>Parishes have not been asked to formally comment on the Larger Developments site East of London Road, however Great Notley have submitted their initial thoughts which it is proposed be held for consideration following publication of the formal consultation.</p>		
Recommended Decision:		
<p>1 That Members adopt for consultation proposals outlined at 1.4 of this report</p> <p>2 That Members recommend No Change to boundary as a result of the development at:</p> <p style="padding-left: 20px;">a) Land East of London Road Braintree /Black Notley</p> <p>3 That Members determine the Council’s consultation position with regard to representation of:</p> <p style="padding-left: 20px;">a) Forest Road, North Witham/Rivenhall b) Oak Road, Halstead c) Pods Brook Road/London Road, A120 d) South West Witham/Hatfield Peverel</p>		
Purpose of Decision:		
To establish the Council’s consultation CGR position in relation to :		

- i. Proposals from identified Town and Parish councils
- ii. Specific development sites across the district

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	There is no specific budgetary provision however given that consultation will, in the main be limited to direct mailing to smaller communities no additional budgetary allocation will be sought at this stage.
Legal:	Review to be conducted in line with the Local Government and Public Involvement and Health Act 2007 and statutory guidance provided by the Department of Communities and Local Government.
Safeguarding:	None
Equalities/Diversity:	Legislation requires that each Polling district has a dedicated polling place. Any review will therefore ensure that adequate Polling arrangements can be provided.
Customer Impact:	To be considered as part of this review
Environment and Climate Change:	None
Consultation/Community Engagement:	The consultation will ensure that all stakeholders have appropriate access
Risks:	Risks will be managed in accordance with the project plan.
Officer Contact:	Steve Daynes
Designation:	Democracy Manager
Ext. No:	2751
E-mail:	Steve.daynes@braintree.gov.uk

1.0 Background

- 1.1 At the request of Members all Town and Parish Councils were invited to highlight issues they wished to be considered as part of the review.
- 1.2 This Initial Survey was circulated to Parishes in February 2017 and provided them with a two month window to consider and respond. At the conclusion 31 Councils had responded with 7 requesting consideration to either changes to boundaries or amendments to overall representational arrangements.

1.3

Great Saling /Barfield Saling	Great Saling Parish Council requests: 1.To extend the Parish Boundary of Great Saling to include the unparished area of Bardfield Saling 2. Increase Council size from 5 to 6 councillors 3. Rename “The Salings Parish Council”
Coggeshall	Coggeshall Parish Council requests 1. to merge existing North and East wards and rename (7 Councillors) 2. to merge South and West Wards and rename (6 Councillors) 3. To increase representation to the new South/West ward by 1 additional Councillor
Kelvedon	Kelvedon Parish Council requests that due to the proposed development within the Parish an increase in representation by 1 Councillor be supported
Panfield	Panfield Parish Council requests an extension of the Parish Boundary to include an undeveloped rural area known as Panfield Wood – Map F
Rivenhall	Rivenhall Parish Council requests that the boundary to Eastway Industrial Estate be considered.
Witham	Witham Town Council requests to Rename: a)Witham (West ward) to Witham (Spa) b)Witham (North ward) to Witham (Rickstones) c)Witham (South ward) to Witham (Maltings)
Great Notley	Great Notley Parish Council requests an extension of their Northern boundary to include the currently unparished area of Braintree bounded by Queenborough Lane, the B1256 (bypass)/ A120 and London Road.

- 1.4 Members are advised that, in addition to their proposals included at 1.4 Great Notley Parish Council made representation for extension to their eastern boundary to include the Large Development site East of London Road.
- 1.5 In the interest of consistency and transparency it is suggested that whilst valued, these representations pre-empt the consultation process as Representations have not, at this stage been invited for this site.
- 1.6 It is suggested therefore that the views of Great Notley Parish Council be considered as part of the formal phase of consultation once the Council’s position has been published.

1.7 The survey recognised that there were a number of larger development sites which adjoin existing boundaries and these would be considered by the Council. No views from Parishes would therefore be sought at this stage, but the Council would consider and publish a position statement for consultation as part of the review

1.8 Sites identified include:

- a) Forest Road, North Witham/Rivenhall (370 properties)
- b) Oak Road, Halstead (292 properties)
- c) Pods Brook Road/London Road, A120 (215 properties)
- d) South West Witham/Hatfield Peverel (813 properties)
- e) Land East of London Road Braintree /Black Notley (1750 properties)

2 DCLG Guidance

2.1 The establishment and or changing of Parish boundaries can be an emotive and in some cases contentious issue. It is for this reason that the DCLG produced Guidance in 2010 to assist Principal authorities.

2.2 It is natural that, in many cases, new developments represent natural extensions of the existing built environment thereby effectively promoting a perception of increased community identity.

2.3 Whilst this may be an effective determinant for smaller developments which, in general will align themselves with their larger more established neighbouring Parish. Larger developments however are more likely to, once established, develop a local infrastructure and identity which may be able to sustain and support alternative governance arrangements.

2.4 Paragraph 85 of the Guidance offers the following “A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries”.

3 Intermediate Development Sites

3.1 When considering boundaries many views and perceptions can be built upon which could effectively confuse the decision making process. To assist members with their considerations the current and alternative governance arrangements for sites a to d (at 1.6 above) have been represented in tabular format

3.2 Forest Road Witham/Rivenhall – Map A

Development Site (No Change)	Representation	Adjoining Residential Area	Option (to redefine Boundary)
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Rivenhall	Parish	Witham (North ward)	Witham (XXX Ward)
Silver End and Cressing	District Ward	Witham North	Silver End and Cressing
Witham Northern	County Division	Witham Northern	Witham Northern
Witham	Parliamentary constituency	Witham	Witham
Braintree	Proposed Parliamentary	Witham and Maldon	Braintree

3.3 Oak Road Halstead – Map B

Development Site (No Change)	Representation	Adjoining Residential Area	Option (to redefine Boundary)
Greenstead Green and Halstead Rural	Parish	Halstead (Holy Trinity South)	Halstead (Holy Trinity South)
Gosfield and Greenstead Green	District Ward	Halstead Trinity	Gosfield and Greenstead Green
Halstead	County Division	Halstead	Halstead
Braintree	Parliamentary constituency	Braintree	Braintree
Braintree	Proposed Parliamentary	Braintree	Braintree

3.4 Pods Brook Road/London Road, A120 – Map C

Development Site (No Change)	Representation	Adjoining Residential Area	Option (to redefine Boundary)
Unparished	Parish	Unparished	Unparished
Great Notley and Black Notley	District Ward	Braintree West	Great Notley and Black Notley
Three Fields with Great Notley	County Division	Braintree Town	Three Fields with Great Notley
Braintree	Parliamentary constituency	Braintree	Braintree
Braintree	Proposed Parliamentary	Braintree	Braintree

3.5 South Witham, Hatfield Peverel – Map D

Development (No Change)	Development (No Change)	Representation	Adjoining Residential Area	Option (to redefine Boundary)	
Site A	Site B			Site A	Site B
Witham Central ward	Hatfield Peverel	Parish	Witham Central ward	Witham Central ward	Witham Central ward

Witham Central	Hatfield Peverel and Terling	District Ward	Witham Central	Witham Central	Hatfield Peverel and Terling
Witham Southern	Witham Southern	County Division	Witham Southern	Witham Southern	Witham Southern
Witham	Witham	Parliamentary constituency	Witham	Witham	Witham
Witham and Maldon	Witham and Maldon	Proposed Parliamentary	Witham and Maldon	Witham and Maldon	Witham and Maldon

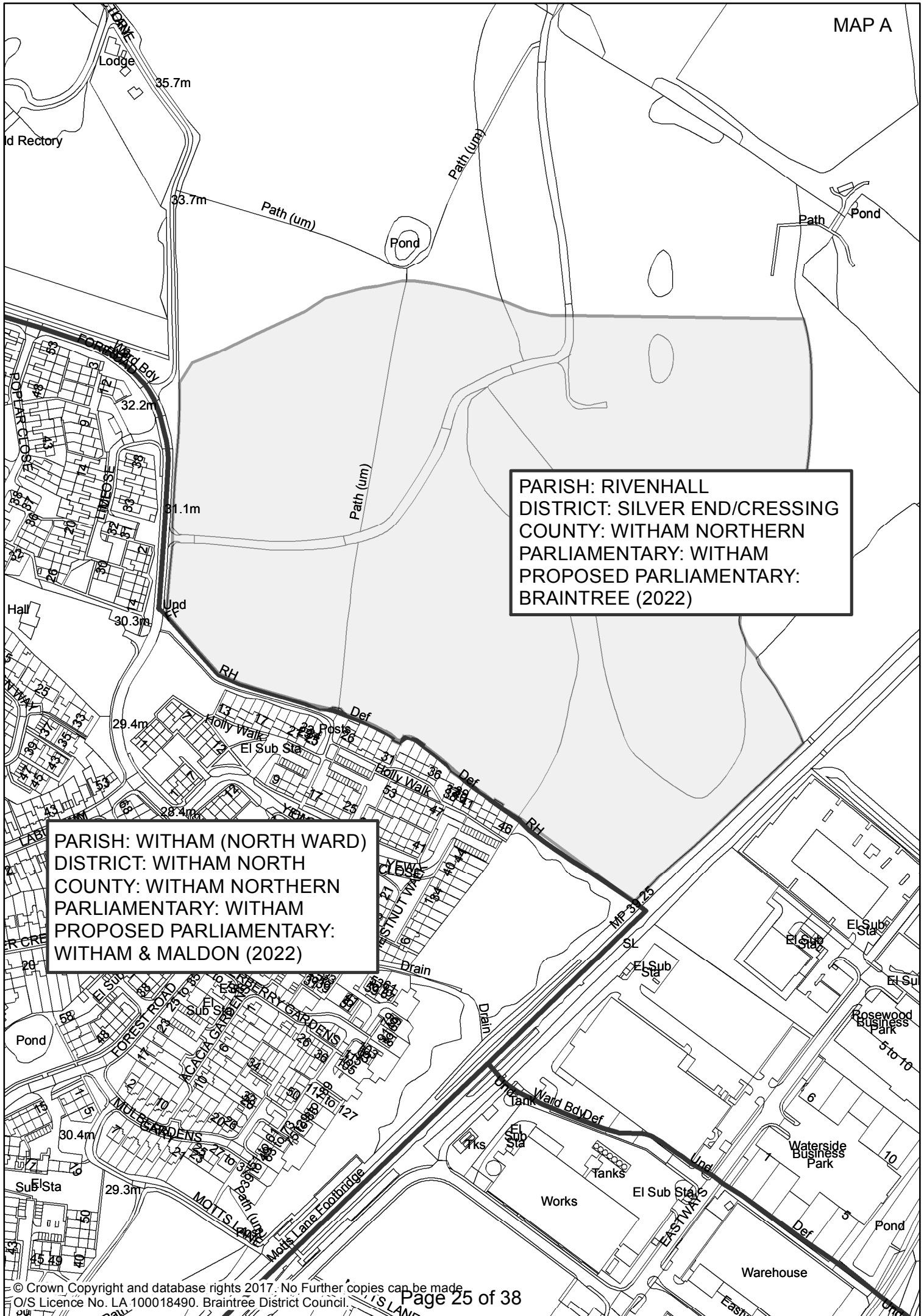
4.0 Large Development site – Land East of London Road, Braintree – Map E

4.1 The following site, Land East of London Road Braintree /Black Notley (1750 properties) is a substantial development where the range of options are both varied and complex.

4.2 To assist members the map Map E is appended to identify current representational arrangements.

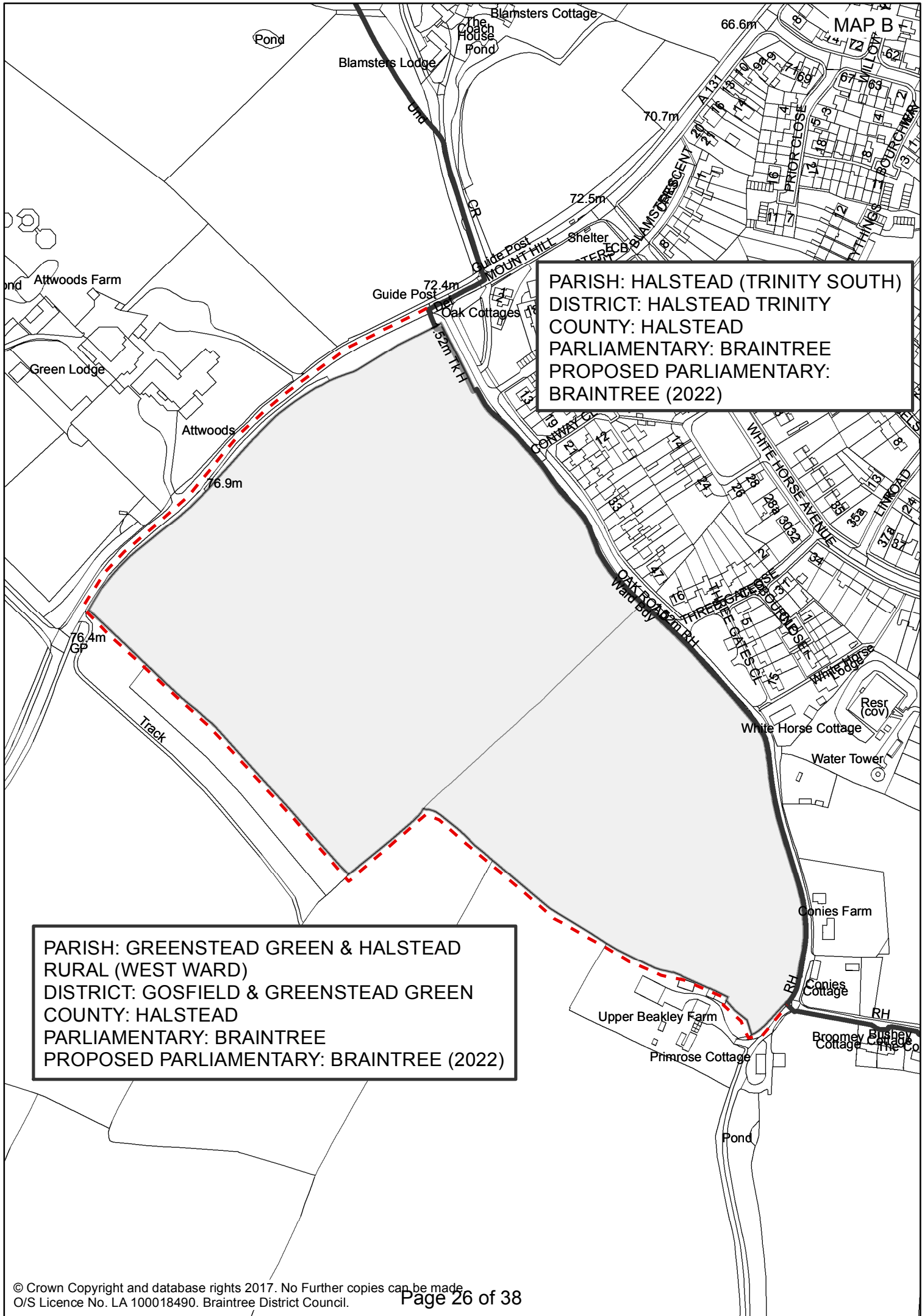
4.3 Options include:

- a) No change
- b) Redefine boundaries
- c) Creation of New Parish
- d) Postpone any formal decision until the new community is established, making no change at the present time.



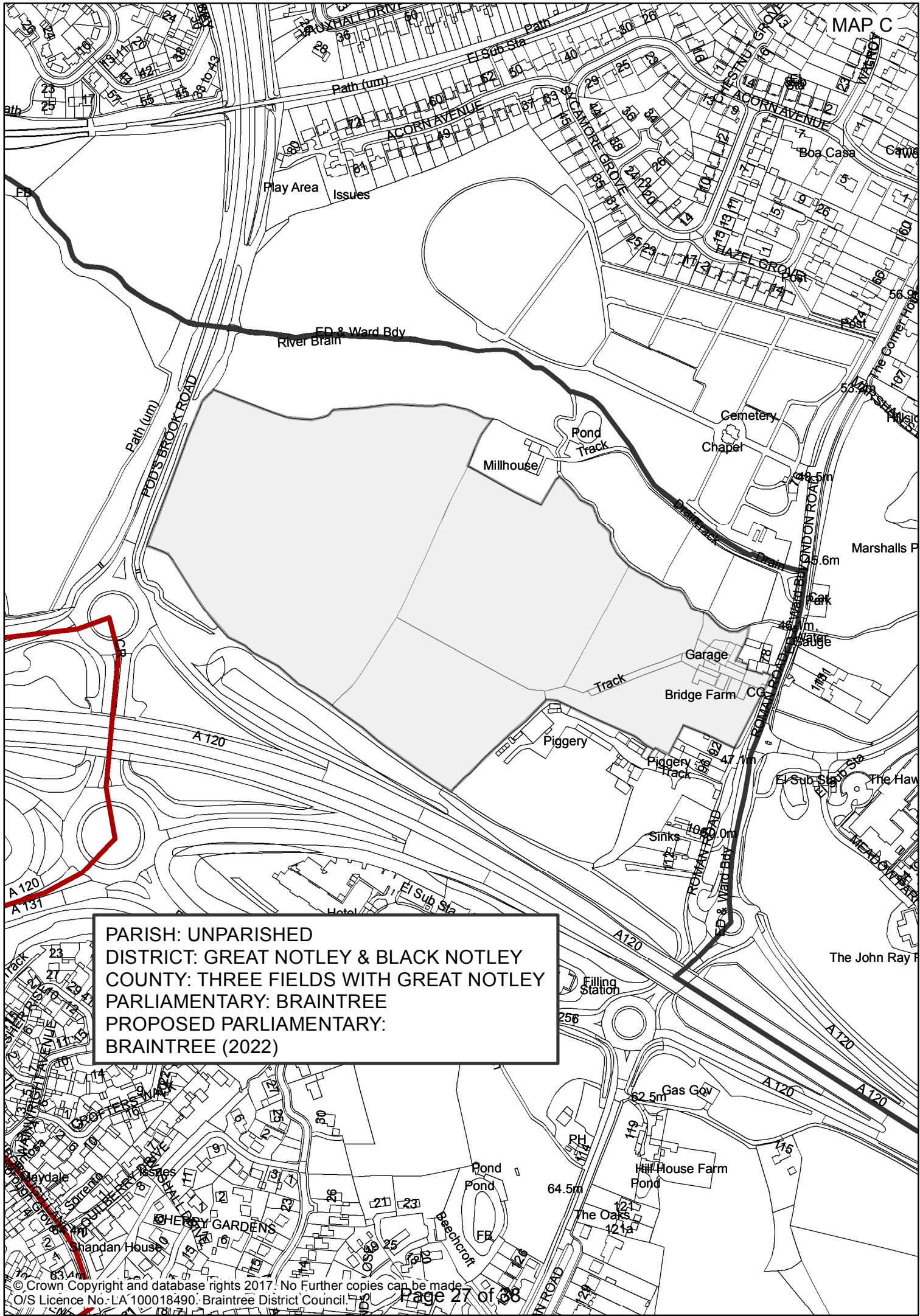
PARISH: RIVENHALL
 DISTRICT: SILVER END/CRESSING
 COUNTY: WITHAM NORTHERN
 PARLIAMENTARY: WITHAM
 PROPOSED PARLIAMENTARY:
 BRAINTREE (2022)

PARISH: WITHAM (NORTH WARD)
 DISTRICT: WITHAM NORTH
 COUNTY: WITHAM NORTHERN
 PARLIAMENTARY: WITHAM
 PROPOSED PARLIAMENTARY:
 WITHAM & MALDON (2022)



PARISH: HALSTEAD (TRINITY SOUTH)
DISTRICT: HALSTEAD TRINITY
COUNTY: HALSTEAD
PARLIAMENTARY: BRAINTREE
PROPOSED PARLIAMENTARY: BRAINTREE (2022)

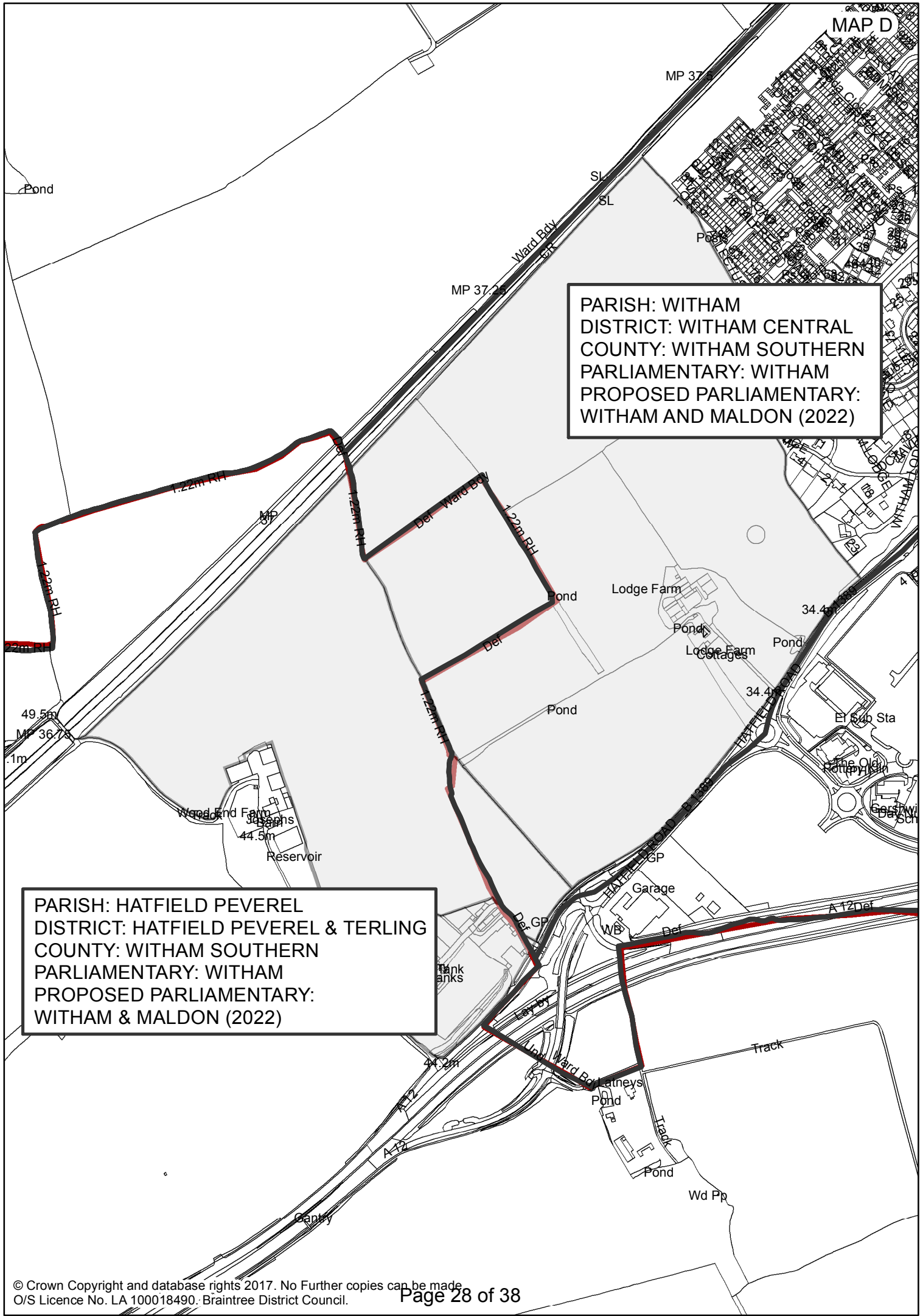
PARISH: GREENSTEAD GREEN & HALSTEAD RURAL (WEST WARD)
DISTRICT: GOSFIELD & GREENSTEAD GREEN
COUNTY: HALSTEAD
PARLIAMENTARY: BRAINTREE
PROPOSED PARLIAMENTARY: BRAINTREE (2022)



PARISH: UNPARISHED
 DISTRICT: GREAT NOTLEY & BLACK NOTLEY
 COUNTY: THREE FIELDS WITH GREAT NOTLEY
 PARLIAMENTARY: BRAINTREE
 PROPOSED PARLIAMENTARY:
 BRAINTREE (2022)

PARISH: WITHAM
 DISTRICT: WITHAM CENTRAL
 COUNTY: WITHAM SOUTHERN
 PARLIAMENTARY: WITHAM
 PROPOSED PARLIAMENTARY:
 WITHAM AND MALDON (2022)

PARISH: HATFIELD PEVEREL
 DISTRICT: HATFIELD PEVEREL & TERLING
 COUNTY: WITHAM SOUTHERN
 PARLIAMENTARY: WITHAM
 PROPOSED PARLIAMENTARY:
 WITHAM & MALDON (2022)



PARISH: UNPARISHED
 DISTRICT: GREAT NOTLEY & BLACK NOTLEY
 COUNTY: THREE FIELDS WITH GREAT NOTLEY
 PARLIAMENTARY: BRAINTREE
 PROPOSED PARLIAMENTARY: BRAINTREE (2022)

B

B

C

PARISH: UNPARISHED
 DISTRICT: GREAT NOTLEY & BLACK NOTLEY
 COUNTY: WITHAM NORTHERN
 PARLIAMENTARY: WITHAM
 PROPOSED PARLIAMENTARY: BRAINTREE (2022)

C

A

D

PARISH: BLACK NOTLEY
 DISTRICT: GREAT NOTLEY & BLACK NOTLEY
 COUNTY: WITHAM NORTHERN
 PARLIAMENTARY: WITHAM
 PROPOSED PARLIAMENTARY: BRAINTREE (2022)

D

PARISH: GREAT NOTLEY
 DISTRICT: GREAT NOTLEY & BLACK NOTLEY
 COUNTY: THREE FIELDS WITH GREAT NOTLEY
 PARLIAMENTARY: BRAINTREE
 PROPOSED PARLIAMENTARY: BRAINTREE (2022)

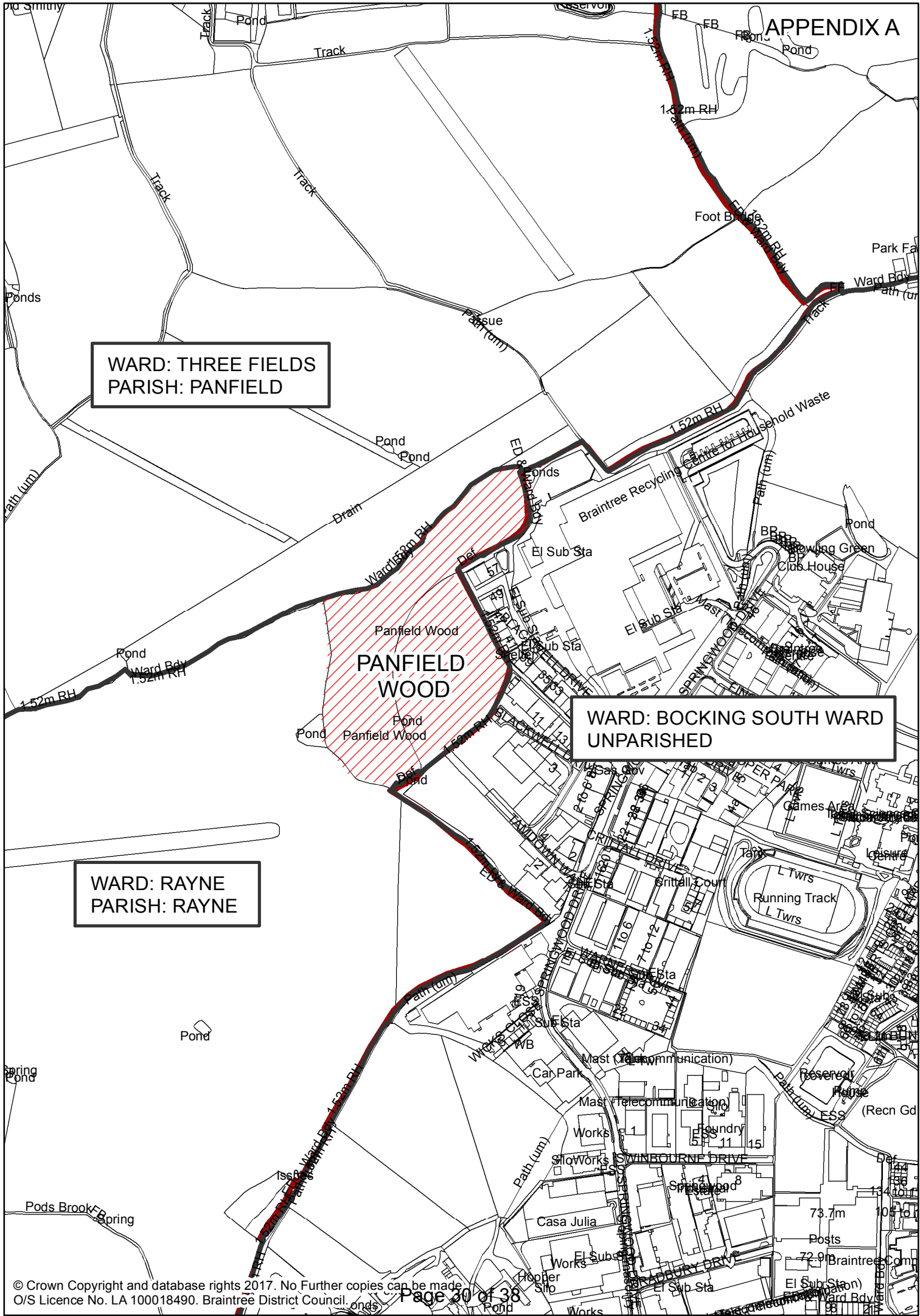
A

WARD: THREE FIELDS
PARISH: PANFIELD

PANFIELD WOOD

WARD: BOCKING SOUTH WARD
UNPARISHED

WARD: RAYNE
PARISH: RAYNE



**Community Governance Review
Committee 12th July 2017**



Community Governance Review – Terms of Reference		Agenda No: 6
Portfolio	Corporate Services and Asset Management	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Steve Daynes, Democracy Manager	
Report prepared by:	Steve Daynes, Democracy Manager	
Background Papers: Local Government and Public Involvement and Health Act 2007 and Department of Communities and Local Government guidance 2010	Public Report	
	Key Decision: No	
Executive Summary:		
Members are presented with Terms of Reference for consideration which will establish the Council's consultation position and timetable for full District Community Governance review.		
Recommended Decision:		
To recommend the proposed terms of reference (subject to modification incorporating earlier decisions of the meeting) to Full Council for adoption.		
Purpose of Decision:		
To agree the Terms of reference for the Community Governance Review		

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	There is no specific budgetary provision however given that consultation will, in the main be limited to direct mailing to smaller communities no additional budgetary allocation will be sought at this stage.
Legal:	Review to be conducted in line with the Local Government and Public Involvement and Health Act 2007 and statutory guidance provided by the Department of Communities and Local Government.
Safeguarding:	None
Equalities/Diversity:	Legislation requires that each Polling district has a dedicated polling place. Any review will therefore ensure that adequate Polling arrangements can be provided.
Customer Impact:	To be considered as part of this review
Environment and Climate Change:	None
Consultation/Community Engagement:	The consultation will ensure that all stakeholders have appropriate access
Risks:	Risks will be managed in accordance with the project plan.
Officer Contact: Steve Daynes	
Designation: Democracy Manager	
Ext. No: 2751	
E-mail: Steve.daynes@braintree.gov.uk	

**Community Governance Review
for the
Braintree District Council
administrative area**

Terms of Reference

Introduction

Braintree District Council is carrying out a Whole District Community Governance Review in accordance with Part 4, Chapter 3 of The Local Government and Public Involvement Act 2007.

The Council is required to have regard for the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance has been considered in drawing up these terms of reference.

Reason for Review

The structure of governance across the District was established in 1974 and comprehensively reviewed in 1983. Since then there have been some isolated reviews to address specific issues and new community developments. There has not been any community driven demand for a review and as such the Council has maintained an overview of District governance.

The Local plan when adopted will however signal a significant period of development across the District and a full review is now considered appropriate to facilitate a system of Governance which can provide a sustainable base for the future.

Scope

A review of Community Governance is a process used to consider whether the existing Town and Parish structure can be sustained or whether these should be amended.

Following consultation, there are a number of options open to the Council and these include:

- i. No change to the existing arrangements
- ii. That the number of Parish Councillors be increased or decreased for a specific Parish
- iii. That the existing Town/Parish Council be abolished
- iv. That the Town/Parish boundaries be changed
- v. That warding arrangements be reviewed, abolished or introduced
- vi. To change the names of Parishes or Parish wards.

Responsibility

The Council are keen to create an environment of openness and transparency and to this end has established a cross party review group. The group will report to Council with all decisions taken being clearly documented, published and communicated so that stakeholders remain informed.

Ultimately, Braintree District Council is responsible for conducting the review. Any final decisions as a result of this review will therefore be taken by the Full Council.

Area of Review

The review area will be defined by the Braintree District administrative boundary as defined by the Local Government Boundary Commission for England, Principal Area Review July 2014. As its base, the review will use the data outlined at **Appendix 1**.

Consultation

The Review Group will consult with and take the views of the community. We are required by the Act to consult with Local Government electors for the area under review and any other person, group, organisation or body who have an interest and to take their representation into account.

To support the consultation process, we will actively contact, where appropriate, the following inviting them to offer their views at each stage of the consultation:

- District Ward Councillors
- Essex County Councillors
- Members of Parliament
- Local Political Parties
- Essex County Council
- Parish Councils
- Braintree Association of Local Councils
- Essex Association of Local Councils
- Emergency organisations

The Review Group also welcomes the views and comments or representations from any other group or individual.

Basis

Given that there has not been any significant demand for widespread changes, the Review group will, as its starting point, take the established Governance arrangements for the District. It will consider and reflect any issues which are raised as a result of the initial Local Plan proposals and develop sustainable governance proposals for inclusion in the Initial Consultation document.

To launch the Community Governance Review the Review Group will publish an initial Consultation paper setting out the vision for Governance across the District and invite views and representations which will receive consideration.

The following table details specific issues which have been brought to the Council's attention by Parish Councils they wish to be considered as part of this CGR.

In addition there are a number of significant development sites within the Braintree District Local Plan and the Council invites comments in this regard.

Reference	Location	Parish Impact	Range of specific Consultation
	Great Saling /Barfield Saling	Great Saling Parish Council requests: 1.To extend the Parish Boundary of Great Saling to include the unparished area of Bardfield Saling 2. Increase Council size from 5 to 6 3. Rename "The Salings P.C"	Bardfield Saling – Direct postal to households
	Coggeshall	Coggeshall Parish Council requests 1. to merge existing North and East wards and rename (7 Councillors) 2. to merge South and West Wards and rename (6 Councillors) 3. To increase representation to the new South/West ward by 1 additional Councillor	Formal consultation to Coggeshall Parish Council
	Kelvedon	Kelvedon Parish Council requests that due to the impending development an increase in	Formal consultation to Kelvedon Parish

		representation by 1 Councillor be supported	Council
	Panfield	Panfield Parish Council requests an extension of the Parish Boundary to include an undeveloped rural area known as Panfield Wood	Consultation with both Rayne and Panfield Parish Councils as no electoral representational issues identified
	Rivenhall	Eastway Industrial Estate	
	Witham	Witham Town Council requests to Rename: a)Witham (West ward) to Witham (Spa) b)Witham (North ward) to Witham (Rickstones) c)Witham (South ward) to Witham (Maltings)	Formal Consultation with Town Council as no electoral representational issues identified
	Great Notley	Great Notley Parish Council requests an extension of their Northern boundary to include the currently unparished area of Braintree bounded by Queenborough Lane, the B1256 (by-pass)/ A120 and London Road.	UnParished Braintree area (BM)– Direct postal to households
<p>No other issues have been identified from initial Parish surveys however the review is open to comments on any boundary or governance representation which Parishes, Groups or Individuals may wish to identify. Therefore there are no other proposed changes.</p>			
	Development site - Forest Road Witham /Rivenhall	Awaiting Member guidance	
	Development site – Oak Road Halstead	Awaiting Member guidance	
	Development site – Pods Brook Road/London Road, A120	Awaiting Member guidance	
	Development site – South Witham, Hatfield Peverel	Awaiting Member guidance	
	Development site East of London Road, Braintree	Awaiting Member guidance	

The following elements of the review would require the Consent of the Local Government Boundary Commission of England prior to adoption as they relate to protected arrangements following the implementation of the Braintree (Electoral Changes) Order 2014/3335:

- The renaming of wards within Witham
- Development site - Forest Road Witham /Rivenhall
- Development site – Oak Road Halstead
- Development site – South Witham, Hatfield Peverel

At the conclusion of the Initial consultation the Council will publish Draft proposals for consultation before publication of the Final proposals for approval by the Council.

Timetable

Action	Decision by	
Approval of Terms of Reference	July 2017	Council 24/7/2017
Publish Terms of Reference	July 2017	
Initial Public consultation	1 August 2017 to 30 September 2017	
Draft Proposals	1 December 2017	Council 11/12/2017
Draft Proposal consultation	1 January 2018 to 28 February 2018	
Prepare final proposals		Council 4/6/2018
Council Approval	23 July 2018	Council 23/7/2018
Prepare and submit Community Governance Order		

Appendix 1

Parish	Electorate at 1 January 2017	Councillors	Elector/ Councillor Ratio
Alphamstone	170	3	57
Ashen	276	5	55
Bardfield Saling	149	Parish Meeting	
Belchamp Otten	146	4	37
Belchamp St Paul	304	7	43
Belchamp Walter	182	7	26
Birdbrook	336	7	48
Black Notley	1,750	9	194
Borley	82	Parish Meeting	
Bradwell	418	7	60
Bulmer	546	7	78
Bures Hamlet	622	7	89
Castle Hedingham	966	9	107
Coggeshall (East Ward)	833	3	278
Coggeshall (North Ward)	1,066	4	267
Coggeshall (South Ward)	610	2	305
Coggeshall (West Ward)	1,135	4	284
Colne Engaine	816	7	117
Cressing	1,405	9	156
Earls Colne	2,868	11	261
Fairstead	171	3	57
Faulkbourne	80	2	40
Feering (North Ward)	362	1	362
Feering (South Ward)	1,264	8	158
Finchingfield (Cornish Hall End Ward)	236	3	79
Finchingfield (Finchingfield Ward)	963	6	161
Foxearth	229	5	46
Gestingthorpe	333	7	48
Gosfield	1,200	9	133
Great Bardfield	1,029	7	147
Great Henny	117	3	39
Great Maplestead	284	7	41
Great Notley	4,648	8	581
Great Saling	266	5	53
Great Yeldham	1,374	9	153
Greenstead Green & Halstead Rural (West Ward)	230	3	77

Greenstead Green & Halstead Rural (Greenstead Green Ward)	310	4	78
Halstead - Holy Trinity (North)	2,617	3	872
Halstead - Holy Trinity (South)	2,121	3	707
Halstead - St Andrews (North)	2,442	3	814
Halstead - St Andrews (South)	1,973	3	658
Hatfield Peverel	3,442	13	265
Helions Bumpstead	363	7	52
Kelvedon	2,702	11	246
Lamarsh	147	3	49
Liston	43	1	43
Little Henny	32	1	32
Little Maplestead	206	5	41
Little Yeldham	290	6	48
Middleton	106	3	35
Ovington	45	2	23
Panfield	712	7	102
Pebmarsh	448	5	90
Pentlow	190	5	38
Rayne	1,824	11	166
Ridgewell	433	7	62
Rivenhall	598	7	85
Shalford	650	7	93
Sible Hedingham	3,374	13	260
Silver End	2,760	13	212
Stambourne	330	7	47
Steeple Bumpstead	1,267	9	141
Stisted	520	7	74
Sturmer	407	6	68
Terling	605	8	76
Tilbury Juxta Clare	119	3	40
Toppesfield	431	7	62
Twinstead	141	3	47
Wethersfield (Blackmore End)	376	3	125
Wethersfield (Village)	648	6	108
White Colne	391	7	56
White Notley	423	7	60
Wickham St Paul	253	6	42
Witham (Central Ward)	2,235	2	1118
Witham (Hatfield)	2,146	2	1073
Witham (North Ward)	4,989	4	1247
Witham (South)	4,664	4	1166
Witham (West Ward)	5,048	4	1262