

Report to: **Council**

Date: **18 July 2023**

Title: **OKEHAMPTON & SYDENHAM DAMEREL
COMMUNITY GOVERNANCE REVIEWS –
AMENDED TERMS OF REFERENCE**

Portfolio Area: **Strategy & Governance**

Lead Member: **Cllr Bridgewater – Communities**

Wards Affected: **Milton Ford, Okehampton South and
Okehampton North**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or
implementation of substantive decision) **Immediately
following this
meeting**

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RECOMMENDATIONS:

That the Council RESOLVES to approve the amended Community Governance Review Terms of Reference (as set out at Appendix B).

1. Executive summary

- 1.1 At the Full Council meeting held on 21 February 2023, Members formally approved the draft Terms of Reference that will underpin a Community Governance Review (Minute CM 71/22 refers);
- 1.2 In light of the four week delay (from 30 May to 27 June 2023) in confirming Committee and Member appointments for the 2023/24 Municipal Year, this report seeks the approval of some amendments to the Terms of Reference;

1.3 It is important to stress that approval of the amended Terms of Reference will still ensure compliance with the statutory requirement for the Council to complete the Community Governance Review within 12 months from the day on which it published the Terms of Reference.

2. Background

2.1 For the benefit of newly elected Members, at its meeting held on 22 September 2022, the Mayor (on behalf of the Council) was formally presented with two separate petitions (Minute CM 38/22 refers);

2.2 The petitions sought to consult on two standalone proposals being to:

- (a) abolish the Sydenham Damerel Parish Council and establish the parish as a 'Parish Meetings' only parish; and
- (b) review the existing parish boundaries of Okehampton Town Council in addition to the surrounding Okehampton Hamlets Parish Council area boundaries.

2.3 Upon their receipt, officers were able to confirm that both petitions were valid (i.e. were compliant with the following requirements):

- *For an area with less than 500 local electors, the petition must be signed by at least 37.5% of them;*
- *For an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them; and*
- *For an area with more than 2,500 local electors, the petition must be signed at least 10% of them.*

2.4 As the Principal Authority, West Devon Borough Council has responsibility for considering this Review and undertaking the statutory consultative requirements which include:

- Consulting local government electors for the area under review;
- Consulting any other person or body (including a local authority) which appears to the Borough Council to have an interest in the Review;
- Notifying and consulting Devon County Council; and
- Taking into account any representations received in connection with the Review;

2.5 Given the emphasis that a Community Governance Review is required to place on '*Community Cohesion*', Members will note that the draft Terms of Reference propose that the People & Community Hub Advisory Group is the lead Member Working Group that takes on responsibility for the Review and makes consequent recommendations to Full Council at the appropriate stages.

- 2.6 Given that the lead Hub Committee Member and the membership of the Hub Advisory Group were only appointed by the Council on 27 June 2023 (and not 30 May 2023 as was initially intended when the draft Terms of Reference were first approved), this has provided no time for Members to be in a position to properly consider the raft of submissions that have been received during the first phase of the public consultation exercise.
- 2.7 The originally approved Terms of Reference are set out in Appendix A of the published agenda report and the proposed revisions are highlighted at Appendix B. Members will note that the recommended revisions will result in each gateway of the Review being pushed back by one Council meeting, with the Review then being concluded at the Full Council meeting held on 20 February 2024.

3. Options Available and Consideration of Risk

- 3.1 Whilst a delay in the Review is unfortunate, given the short turnaround, it is not possible for the Hub Advisory Group to be able to bring forward any evidence based recommendations to this Council meeting (as had been initially intended);
- 3.2 Assuming that the recommendation is approved, meetings of the Hub Advisory Group will be held over the summer, with draft proposals then being presented to the next Council meeting on 3 October 2023;
- 3.3 As stated at paragraph 1.3 above, approval of the revised Terms of Reference will still result in the Review being completed within the required twelve month period.

4. Implications

Legal/Governance		<p>The Local Government and Public Involvement in Health Act 2007 requires the Council to ‘consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the statutory criteria (as below):</p> <p>‘That Community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient.’</p> <p>The Council is required to complete the Community Governance Review within 12 months from the day on which it publishes the Terms of Reference. A Community Governance Review is concluded on the day on which the Council publishes the</p>
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		recommendations made by the Community Governance Review.
Financial		There are no additional financial implications directly related to this report
Risk		The risk implications are set out at Section 3 above.
Supporting Corporate Strategy		Council Theme – <i>Strengthening Communities</i>
Consultation & Engagement Strategy		The requirements to consult and engage at each stage are set out in the Terms of Reference and are in line with the requirements of the Local Government and Public Involvement in Health Act 2007.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Climate Change & Biodiversity		There are no Climate Change & Biodiversity implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

- A. Community Governance Review – Adopted Terms of Reference; and
- B. Community Governance Review – Proposed amendments (as *highlighted*) to the Terms of Reference

Background Papers:

- The petitions received at the Council Meeting on 22 September 2022; and
- Central Government Guidance on Community Governance Reviews.