

COMMUNITY GOVERNANCE REVIEW

Electoral Arrangements Committee – 27th March 2012

Report of the: Deputy Chief Executive & Director of Corporate Resources

Status: For Decision

Key Decision: Yes.

Parish council boundaries and electoral arrangements are subject to change at the completion of this review.

Executive Summary: The commencement of the community governance review on 30th November 2011 invited submissions from interested persons up to the deadline of 24th February 2012. Members of the Electoral Arrangements Committee are requested to consider all the submissions and to make draft recommendations.

Portfolio Holder Cllr. Mrs Bracken

Head of Service Head of Legal – Mrs Christine Nuttall

Recommendation to Electoral Arrangements Committee:

(a) that the recommendations in appendix 1 be approved.

Reason for recommendations: The District Council is responsible for determining submissions made in consequence of a community governance review.

Introduction

- 1 At the meeting of the Electoral Arrangements Committee on 27th October 2011 it was recommended that a community governance review be undertaken in respect of the whole of the Sevenoaks District Council area; Council ratified this Committee's decision. A timetable and terms of reference were agreed. The District Council takes the view that it is for local people or local groups to suggest changes to the existing parish set-up. The District Council does not initiate changes but must, ultimately, decide upon any conflicting proposals. The District Council places great store upon proposals having the fullest backing of the local community and neighbouring parishes that may be affected.
- 2 The review commenced on 30th November 2011 with the publication of notices, a news release, an item on the District Council's website, a letter (and submission form) to parish councils and to known community groups (New Ash Green Village Association, Badgers Mount Residents Association and Well Hill Residents Association), a letter to elected representatives and a letter to Kent County Council. The timetable approved at the previous Electoral Arrangements Committee envisaged the publication of draft recommendations on 11th April

2012. This timetable had already been altered to take into account the Government's decision to postpone the inaugural elections of Police and Crime Commissioners (PCC) from May 2012 to November 2012. In addition, the Electoral Services Section (responsible for the conduct of this review) has had to deal with four by-elections, always unforeseen, over the last three months and now the Government has further decided to bring forward the start of the annual canvass for the register of electors from late August to late June so as to publish a revised register just prior to the PCC elections. It is therefore recommended that the timetable be amended to the following (recommendation (a) in appendix 1):

Publication of the District Council's draft proposals	Mid May 2012
Consultation period concludes	End July 2012
Preparation of final proposals followed by meeting of Electoral Arrangements Committee	Late August/early September 2012
Full Council confirms final proposals	September 2012
The District Council publishes its recommendations	Before end November 2012 (i.e. still within one year of commencement of review)
Effective date of any changes to parish boundaries and electoral arrangements (next full parish council elections)	Thursday, 7 th May 2015 (unchanged)

- 3 The Local Government and Public Involvement in Health Act (LGPIH) 2007 devolved the power to take decisions relating to the creation, abolition or grouping of parishes, the boundaries of parishes and the electoral arrangements of parish councils from the Secretary of State and the Electoral Commission to principal councils. With effect from February 2008, district councils have had the responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In making that decision, councils need to take account of the views of local people and are required to have regard to guidance issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England; this guidance was circulated with the notice of the review and extracts are at appendix 2. There is much advice that can be quoted in support or against a particular argument but Members will want to consider each submission on its merits in relation to the particular circumstances in the parish and not attempt to find an apparently consistent approach to all parishes.
- 4 This report can only summarise the submissions received. Members will need to refer to the relevant appendices, as noted in the report, in order to appreciate the full picture. Electorate figures quoted throughout the report are as at 1st March 2012 but these figures can change each month. Mileages quoted in the report are as a result of site visits. Changes in parish boundaries that affect the boundaries

of District Council wards and/or Kent County Council electoral divisions will be referred to the Local Government Boundary Commission for England with a recommendation that the appropriate changes be made to those boundaries at the next relevant full elections (2015 in the case of District Council elections, 2017 for Kent County Council elections).

Actions

5. No submissions have been received affecting the following parishes: Chiddingstone, Cowden, Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing, and Knockholt. It is **recommended** that no change be made to the boundaries or electoral arrangements of these parishes (recommendation (b) in appendix 1).
6. The following parish councils have responded to the review and have stated that they have no proposals for changes to their existing set-up: Chevening (not at present but may re-visit the matter later this year after the results are known of their Parish Plan Questionnaire), Chiddingstone, Dunton Green, Halstead, Hartley, Horton Kirby & South Darenth, Kemsing, Riverhead and Seal.

Submissions Proposing Changes (in alphabetical order of parish)

7. **Ash-cum-Ridley (appendix 3)**

The Parish Council proposes to include the Milestone School and New Ash Green Sports Centre within its Parish so as to bring their office, situated on the site, into the Parish. Hartley Parish Council supports the proposal. Mr Peter Mayer of Hartley has no objection to the proposal. It is **recommended** that the Ash-cum-Ridley Parish Council proposal be adopted (recommendation (c) in appendix 1). The recommendation will affect the boundary between the District wards of Ash & New Ash Green and Hartley & Hodsoll Street (though no electors are affected).

8. **Brasted (see Westerham)**

9. **Chevening (see Sevenoaks)**

10. **Crockenhill (see Shoreham)**

11. **Dunton Green (see Sevenoaks)**

12. **Eynsford (appendix 4)**

The Parish Council proposes the transfer of the Austin Lodge Golf Course from Shoreham Parish as access is via Eynsford only. Shoreham Parish Council agrees that the Club House should transfer to Eynsford but would like to retain as much of the golf course as is currently in Shoreham Parish and is supported by the Shoreham Society. It would appear more sensible for the whole of the golf course and associated buildings to be in one parish and, as access is from Eynsford Parish only, it is **recommended** that the Eynsford Parish Council proposal be adopted (recommendation (d) in appendix 1). The recommendation will affect the boundary between the district wards of Eynsford and Otford & Shoreham (though no electors are affected).

13. **Hartley (appendix 5)**

Two proposals have been received advocating the division of the parish into 4 wards, although the suggested break down is quite different, from Mr Mayer and Dr Roberts. Mrs Ivy Sharp also believes that consideration should be given to the warding of the Parish. The thrust of each submission is that serving parish councillors live, in the main, across the middle of the Parish and therefore do not represent the Parish as a whole. By having smaller areas (wards) for councillors to represent, electors would be better served. The conduct of elections is also highlighted, in particular the size of the ballot paper and the cost of by-elections for the whole parish.

14. Hartley Parish Council, in its response, opposes the warding proposals believing that electors are best served by councillors representing the whole of the parish. Electorally, Hartley is not the only parish of 13 members elected as a whole and whilst it is true that long ballot papers can be difficult to handle it is merely a part of the administrative process that has to be dealt with. The cost of running 4 separate ward elections would be greater than for one whole parish election. It is **recommended** that no change be made to the electoral arrangements of Hartley Parish (recommendation (e) in appendix 1).

15. **Hextable (appendix 6)**

The Parish Council proposes the transfer of those properties in Lower Road, Hextable currently situated in Swanley Parish. Swanley Town Council has submitted the same proposal. Both are of the view that it is sensible for all the properties in Lower Road to be in Hextable Parish and avoid issues, for example, regarding the completion of road works. It is **recommended** that the proposals of Hextable Parish Council and Swanley Town Council be adopted (recommendation (f) in appendix 1). The recommendation will affect the boundary between the district wards of Hextable and Swanley Christchurch & Swanley Village and the County electoral divisions of Swanley and Darent Valley; 4 electors will transfer.

16. There is support from Mr & Mrs Thomas of Hextable for the continuance of Hextable Parish in its present form.

17. **Leigh (appendix 7)**

Submissions have been made by Mr & Mrs Cooper and Mr & Mrs Larby for their properties to transfer into Penshurst Parish. They feel they have a greater affinity with Penshurst rather than Leigh. Penshurst Parish Council agreed to the proposal on the grounds of the geography (the properties are closer to the village of Penshurst than they are to the village of Leigh) and the families' involvement in Penshurst activities. Leigh Parish Council do not support the proposal believing the current boundary to be historic.

18. Successive reviews have changed historic boundaries in order to meet present circumstances and those reviews have also considered requests from individuals to transfer properties between parishes. The proposal appears to be made on appropriate grounds so, notwithstanding the opposition of Leigh Parish Council, it is **recommended** that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish (recommendation (g) in

appendix 1). The recommendation will affect the boundary between the district wards of Leigh & Chiddingstone Causeway and Penshurst, Fordcombe & Chiddingstone; 6 electors will transfer.

19. **Otford (appendix 8 - see also Sevenoaks)**

The Parish Council proposes a re-alignment of the parish boundary with Shoreham Parish in Row Dow Lane to ensure that the curtilages of 3 properties (Stursdon Farm, Mount Farm and Mount Farm Cottage) fall within one parish rather than two. Shoreham Parish Council have submitted the same proposal which is supported by the Shoreham Society. It is **recommended** that the proposals of Otford Parish Council and Shoreham Parish Council be adopted (recommendation (h) in appendix 1).

20. Otford Parish Council has also proposed to include the whole of the hamlet of Twitton in Otford Parish, thereby transferring properties (containing 12 electors) from Shoreham Parish. Shoreham Parish Council is also proposing that Twitton be included in a single parish and that should be Shoreham Parish (transferring 19 electors from Otford Parish). The Shoreham Society supports the Shoreham Parish Council proposal. Otford Parish Council contends that Twitton is nearer to Otford village (0.8 miles by road) than it is to Shoreham village (1.6 miles by road) and that placing the whole of Twitton in one parish would facilitate planning consultations. A survey of the affected residents by Otford Parish Council seems to show more support for the option of placing Twitton wholly within Otford Parish rather than in Shoreham Parish. In a later response, Shoreham Parish Council believes the residents of Twitton should decide the issue. **Recommendation: Members' instructions are sought** (recommendation (i) in appendix 1).

21. **Penshurst (appendix 9 - see also Leigh)**

In a number of submissions it has been stated or implied that parish councillors for the Fordcombe ward have not been elected because there was no contest in the ward at the last parish council elections in May 2011. The four parish councillors concerned were elected unopposed and the inference that the decisions of these parish councillors is less valid is not admissible as an argument. There have been occasions in the past when the Fordcombe ward has been contested and the Penshurst ward has not. Similar situations regularly occur throughout the Sevenoaks District at both parish and district elections.

The many submissions made may be categorised into three proposals:

- a) the creation of separate parishes for Fordcombe (currently a ward of Penshurst Parish) and Penshurst (currently also a ward of the Parish), submitted by around 20 persons, including some present parish councillors, and opposed by around the same number of persons. A letter has also been received from the Clerk to Penshurst Parish Council in response to the content of some submissions;
- b) retain the present wards but limit parish councillors' decision making on matters relating to the ward they represent unless the matter is material to the Parish as a whole, submitted by Martin Barraud and Robert Rees (and supported separately by Mr Rees), supplemented by a proposal from Deborah Rees for a system of weighted voting in specified circumstances;

c) unward the Parish, submitted by Peter Lake, County Councillor for Sevenoaks South Electoral Division.

22. Proposal 18a clearly is a reaction to the continuing debate on the issue of affordable housing in the village of Penshurst. It does not appear to emanate from a long standing difficulty of representation caused by separate warding of the two main communities of Fordcombe and Penshurst. Opposition to the proposal has equal weight and there is no evidence at present of any desire for a separate Fordcombe parish from Fordcombe residents. It must be a concern that, however contentious the issue of affordable housing, the proposal seeks to break a seemingly strong relationship over a single issue.

23. The essence of proposal 18b is that issues solely affecting either the Fordcombe or Penshurst wards of the Parish should be determined only by the parish councillors representing those wards. This proposal also emanates from the affordable housing debate but is to be applied to any future issue specific to one or other village: it is surely a recipe for disharmony. Weighted voting would be difficult to administer and is also likely to create friction. The Kent Association of Local Councils has advised, at our request, the following:

“The Parish Councillors Guide by Paul Clayden helpfully states ‘where a parish is divided into wards, the Parish Councillors for each ward are elected in the same manner as Councillors are elected for a parish. The rules relating to the election of Councillors apply to each ward as if it were a parish. The parish councillors for all the wards will form only one parish council, and there will still be a parish meeting for the whole parish for the purpose other than the election of councillors.’

It follows that even in warded areas they are therefore elected to the body corporate: i.e. the Council as a whole. It is also a sensible observation that the members are bound in as individuals but as part of the body corporate by the Code of Conduct and this is also designed to ensure that there are no obvious conflicts of interest because of the issue of warding. In short: they are elected to the Council to serve the entire electorate. Members may well have greater connect (particularly in areas with more distinct or larger electorates); but this is also balanced out in the Code of Conduct. They are ultimately Councillors and not just ward members.”

24. In the difficult circumstances pertaining, proposal 18c to unward the Parish appears to have merit. There are, of course, instances of parishes in the Sevenoaks District that favour non-warding almost regardless of their size so as to avoid the very situation confronting Penshurst Parish. It is **recommended** that the proposal for Penshurst Parish to be unwarded be adopted and to seek views specifically on a change of name from Penshurst Parish to Penshurst and Fordcombe Parish (recommendation (j) in appendix 1).

25. **Riverhead (see Sevenoaks)**

26. **Seal (see Sevenoaks)**

27. **Sevenoaks (appendix 10)**

The Town Council proposes, in effect, a grouping of parishes so that certain amenities already provided by Sevenoaks Town Council to neighbouring parishes could be extended. The proposal, from the map provided, includes in the grouping the following parishes: Chevening, Dunton Green, part of Otford (south of the M26), Riverhead, Seal, Sevenoaks Weald and Sundridge with Ide Hill. (Whilst mention is made of Brasted, Kemsing and Shoreham Parishes in the submission, they do not appear to be part of the proposal.)

28. Representations have been received from the parishes of Chevening, Dunton Green (twice, views endorsed by District Councillors Bayley and Brown), Edenbridge, Kemsing, Otford, Riverhead, Seal (twice) Sevenoaks Weald and Sundridge with Ide Hill (a further response is expected) and all are opposed for a variety of reasons as are the following persons for similar and additional reasons: G W Taylor (Seal), Mrs M Miles (Riverhead), Mr J Brown (Riverhead), Mr T & Mrs D Harrison (Riverhead) and Mr C Ward (Otford). The proposal would clearly have a far reaching effect upon the governance of a large proportion of the Sevenoaks District and it must be expected to have fulsome support from the affected local communities and their representatives; the proposal does not have this support. It is **recommended** that the proposal of Sevenoaks Town Council is not adopted (and therefore the boundaries and electoral arrangements of the Parishes of Chevening, Dunton Green, Riverhead, Seal, Sevenoaks Weald and Sundridge with Ide Hill be unchanged) (recommendation (k) in appendix 1).

29. Sevenoaks Weald (see Sevenoaks)

30. Shoreham (appendix 11)

The Parish Council has submitted a number of proposals whilst a number have been submitted by other Parishes and Residents Associations affecting Shoreham Parish. Proposals put forward by Eynsford and Otford Parish Councils have been considered in paragraphs 12,19 and 20.

31. Shoreham Parish Council, supported by the Shoreham Society, has proposed a change to the parish boundary in the vicinity of Well Hill with Crockenhill Parish who, whilst not averse to the change in principle, did request a more detailed consideration of the issue which has not been taken up. In view of the lack of any formal discussion between the two Parish Councils, it is **recommended** that this proposal of Shoreham Parish Council is not adopted (recommendation (l) in appendix 1).

32. Shoreham Parish Council, again supported by the Shoreham Society, further proposes that the properties in East Hill Road (a cul-de-sac), currently situated in West Kingsdown Parish (272 electors), be transferred into Shoreham Parish to join the properties already situated in Shoreham. Shoreham Parish Council believes that better local services can be provided to all residents if the road is wholly situated in one parish.

33. West Kingsdown Parish Council has proposed the reverse of the Shoreham Parish Council proposal, suggesting the transfer of the East Hill Road properties currently in Shoreham Parish (48 electors) into West Kingsdown Parish. Whilst no reason is given by West Kingsdown Parish Council for the proposal, they do not consider the Shoreham Parish Council proposal to be a practical option as residents are nearer

to the village of West Kingsdown than they are to the village of Shoreham (though measuring by the most direct road route from East Hill Road's junction with Bower Lane and Goodbury Road, it is 3.3 miles to Shoreham High Street and 3.6 miles to the shops in Hever Road, West Kingsdown).

34. The majority of East Hill Road itself is situated in West Kingsdown Parish and forms the East Hill ward of West Kingsdown Parish Council. Shoreham Parish Council does not say whether the same area or the whole of East Hill Road would form a separate ward of the Shoreham Parish so there is the prospect of those residents who currently have separate representation on a Parish Council ceasing to have this status. East Hill is isolated geographically, a similar position held by its neighbour Knatts Valley (also a ward of West Kingsdown Parish), so is a considerable distance from the centre of any village. At the previous review of parish boundaries in the late 1990s, West Kingsdown Parish Council submitted a similar proposal and then the District Council were of the opinion that the properties at the southern end of East Hill Road (in Shoreham Parish) did not form part of the same community as the northern end of the road (in West Kingsdown Parish) and therefore proposed no change to the parish boundary. In a later response, Shoreham Parish Council believes the residents of East Hill Road should decide the issue. **Recommendation: Members' instructions are sought** (recommendation (m) in appendix 1).
35. The Badgers Mount Residents Association has submitted a proposal for a separate parish of Badgers Mount (526 electors), supported by the Shoreham Society. There has been previous debate regarding the formation of a separate parish for Badgers Mount and the Residents Association has now formulated this specific proposal from amongst three possible options. The geographic position of Badgers Mount means that its residents will be unlikely to look south for amenity provision. The Residents Association gives its reasons why it does not favour merging with its nearest neighbour Halstead. The submission by the Shoreham Society gives a similar picture.
36. At its meeting on 1st February 2012, Shoreham Parish Council debated the motion that the Parish should be split into three separate parishes: Badgers Mount, Shoreham and Well Hill. The motion was defeated. **Recommendation: Members' instructions are sought** (recommendation (n) in appendix 1).
37. The Well Hill Residents Association has submitted a proposal for a separate parish of Well Hill (215 electors), supported by the Shoreham Society. This is the second time the Well Hill Residents Association has made this request and has re-submitted its 2006 document along with the report of the Shoreham Parish Council working group that was convened to discuss community governance. Well Hill is a small community some distance from the village of Shoreham or any other village in the Sevenoaks District. Its residents look more towards the north and communities in London (this review cannot recommend any changes to principal authority boundaries, i.e. Sevenoaks District and the London Borough of Bromley) than to the south and Shoreham. The submission by the Shoreham Society gives a similar picture.
38. There have been three submissions from Well Hill residents: Diane Wisdom, Jill Eldridge, Jessica Reid who support, oppose and are unsure respectively: they do highlight the pros and cons of a separate Well Hill parish. The following is an

extract from the minutes of the June 2006 meeting of the Electoral Arrangements Committee:

“The Chairman invited Well Hill Residents’ Association to address Member’s concerns and return at a later date if the following issues could be addressed:

1. The degree of support amongst Well Hill electors
2. The numbers of electors subscribing to the WHRA
3. A financial strategy/business plan drawn up to demonstrate viability of a new Parish Council”

The new submission still relies on the 2006 document and doesn’t appear to have addressed the issues raised by the District Council in 2006.

39. At it’s meeting on 1st February 2012, Shoreham Parish Council debated the motion that the Parish should be split into three separate parishes: Badgers Mount, Shoreham and Well Hill. The motion was defeated. **Recommendation: Members’ instructions are sought** (recommendation (o) in appendix 1).
40. The submission from the Shoreham Society proposes the creation of a new parish of Shoreham (887 electors) without the Badgers Mount and Well Hill wards (and including the areas proposed in Shoreham Parish Council’s submission considered in paragraphs 30-34). The Society contends that the three communities of Shoreham, Badgers Mount and Well Hill have a clear sense of their own independent identities and little affinity with one another.
41. At it’s meeting on 1st February 2012, Shoreham Parish Council debated the motion that the Parish should be split into three separate parishes: Badgers Mount, Shoreham and Well Hill. The motion was defeated. **Recommendation: Members’ instructions are sought** (recommendation (p) in appendix 1).
42. Shoreham Parish Council also propose a reduction from 6 to 5 of parish councillors elected for the Shoreham ward, so as to more fairly represent the number of electors in each of the three wards making up the Parish Council. The electorate of Shoreham ward is 887 (6 parish councillors presently, a councillor/elector ratio of 1:148), Badgers Mount is 526 (3 and 1:175) and Well Hill is 215 (1 1:215). 5 councillors for the Shoreham ward gives a ratio of 1:177 for that ward. If Members are minded to retain Shoreham Parish in it’s present warded form then it is **recommended** that the number of parish councillors for Shoreham ward be reduced from 6 to 5 (recommendation (q) in appendix 1).
43. **Sundridge with Ide Hill (appendix 12 - see Sevenoaks)**

The Parish Council has written to the District Council but has no specific proposals for changes to parish boundaries or electoral arrangements.
44. **Swanley**

Swanley Town Council has submitted a proposal that has been considered under paragraph 15 of this report.

45. Westerham (appendix 13)

The Parish Council proposes the transfer of High View Cottage from Brasted Parish as the only access to the property is from Westerham Parish. There is support from Brasted Parish Council and from Lord Astor of Hever. It is recommended that the Westerham Parish Council proposal be adopted (recommendation (r) in appendix 1). The recommendation will affect the boundary between the district wards of Westerham & Crockham Hill and Brasted, Chevening & Sundridge; 2 electors will transfer.

46. West Kingsdown

West Kingsdown Parish Council has submitted a proposal that has been considered under paragraphs 32-34 of this report.

Key Implications

Financial

There are no cost implications for the District Council in conducting a community governance review apart from staff resources.

Community Impact and Outcomes

The District Council believes that parish councils play an important role in terms of community empowerment at the local level and is keen to ensure that parish governance in the Sevenoaks District continues to be robust, representative and enabled to meet the challenges ahead. Government guidance states that “Ultimately, the recommendations made in a 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.”

Legal, Human Rights etc.

There are no legal or human rights implications in this report.

Resource (non-financial)

Staff input has been required to co-ordinate submissions and present them to Members at this meeting of the Electoral Arrangements Committee.

Conclusions

In accordance with Government guidance, a community governance review is due. There is an opportunity to conduct a review before the next scheduled major election (Police and Crime Commissioners on 15th November 2012) and plenty of time to implement the outcome ahead of the next full parish council elections in 2015.

Risk Assessment Statement

District Councils are expected to carry out community governance reviews every 10-15 years. If the opportunity is not taken now, staff resources may not be available until 2018, the next year of no scheduled elections.

Background Papers:

Local Government and Public Involvement in Health Act 2007

The Local Government Act 1972

Guidance on community governance reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England) - April 2008

Contact Officer(s):

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Dr. Pav Ramewal
Corporate Resources Director

Appendix 1

Recommendations:

- (a) that a revised timetable be approved;
- (b) that the boundaries and electoral arrangements of the Parishes of Chiddingstone, Cowden, Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing and Knockholt be unchanged;
- (c) that the Ash-cum-Ridley Parish Council proposal be adopted;
- (d) that the Eynsford Parish Council proposal be adopted;
- (e) that no change be made to the electoral arrangements of Hartley Parish;
- (f) that the proposals of Hextable Parish Council and Swanley Town Council be adopted;
- (g) that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish;
- (h) that the proposals of Otford Parish Council and Shoreham Parish Council in respect of Row Dow Lane be adopted;
- (i) that Members' instructions are sought on the counter proposals of Otford Parish Council and Shoreham Parish Council in the vicinity of Twitton;
- (j) that the proposal for Penshurst Parish to be unwarded be adopted and to seek views specifically on a change of name from Penshurst Parish to Penshurst and Fordcombe Parish;
- (k) that the proposal of Sevenoaks Town Council is not adopted;
- (l) that the proposal of Shoreham Parish Council in the vicinity of Well Hill is not adopted;
- (m) that Members' instructions are sought on the counter proposals of Shoreham Parish Council and West Kingsdown Parish Council in the vicinity of East Hill;
- (n) that Members' instructions are sought on the proposal by the Badgers Mount Residents Association to form a separate parish of Badgers Mount;
- (o) that Members' instructions are sought on the proposal by the Well Hill Residents Association to form a separate parish of Well Hill;
- (p) that Members' instructions are sought on the proposal by the Shoreham Society to form a separate parish of Shoreham (without Badgers Mount and Well Hill);
- (q) that (provided Members recommend the retention of the three wards of Shoreham Parish) the proposal by Shoreham Parish Council to reduce the number of parish councillors representing Shoreham ward from 6 to 5 be adopted; and

(r) that the Westerham Parish Council proposal be adopted.

Appendix 2

Extracts from the Guidance on Community Governance Reviews

Defining a parish

49. Parish councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.

50. The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people's day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity.

Criteria for undertaking a community governance review

51. Section 93 of the 2007 Act requires principal councils 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.

52. When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion; and
- the size, population and boundaries of a local community or parish.

53. In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

The identities and interests of local communities

54. Parish councils have an important role to play in the development of their local communities. Local communities range in size, as well as in a variety of other ways. Communities and Local Government is working to help people and local agencies create cohesive, attractive and economically vibrant local communities. The aim for communities across the country is for them to be capable of fulfilling their own potential and overcoming their own difficulties, including community conflict, extremism, deprivation and disadvantage. Communities need to be empowered to respond to challenging economic, social, and cultural trends, and to demographic change.

55. Parish councils can contribute to the creation of successful communities by influencing the quality of planning and design of public spaces and the built environment, as well as improving the management and maintenance of such amenities. Neighbourhood renewal is an important factor to improve the quality of life for those living in the most disadvantaged

areas. Parish councils can be well placed to judge what is needed to build cohesion. Other factors such as social exclusion and deprivation may be specific issues in certain areas, and respect is fundamental to the functioning of all places and communities. The Government remains committed to civil renewal, and empowering citizens to work with public bodies, including parish councils, to influence public decisions.

56. 'Place' matters in considering community governance and is a factor in deciding whether or not to set up a parish. Communities and Local Government's vision is of prosperous and cohesive communities which offer a safe, healthy and sustainable environment. One aspect of that is strong and accountable local government and leadership. Parish councils can perform a central role in community leadership. Depending on the issue, sometimes they will want to take the lead locally, whilst at other times they may act as an important stakeholder or in partnership with others. In either case, parish councils will want to work effectively with partners to undertake the role of 'place-shaping', and be responsive to the challenges and opportunities of their area in a co-ordinated way.

57. It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban areas.

58. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the feeling of local community and the wishes of local inhabitants are the primary considerations.

59. Today, there may well be a variety of different communities of interest within a parish; for example, representing age, gender, ethnicity, faith or life-style groups. There are other communities with say specific interests in schools, hospitals or in leisure pursuits. Any number of communities of interest may flourish in a parish but they do not necessarily centre on a specific area or help to define it.

60. Building a sense of local identity may make an important contribution to cohesion where a local area is facing challenges arising from rapid demographic change. In considering the criteria, community governance reviews need to home in on communities as offering a sense of place and of local identity for all residents.

Effective and convenient local government

61. The Government believes that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.

62. Local communities should have access to good quality local services, ideally in one place. A parish council may be well placed to do this. With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient

they need to be easy to reach and accessible to local people.

63. In responding to the requirement for effective and convenient local government, some parish councils are keen, and have the capacity to take on more in the provision of services. However, it is recognised that not all are in position to do so. The 2007 Act provides a new power of well-being to those parish councils who want to take on more, giving them additional powers to enable them to promote the social, economic and environmental well being of their areas. Nevertheless, certain conditions must be met by individual parish councils before this power is extended to them.

64. Wider initiatives such as the Quality Parish Scheme and charters agreed between parish councils and principal councils also help to give a greater understanding of securing effective and convenient local government. In such cases, parish and town councils which are well managed and good at representing local views will be in a better position to work closely with partner authorities to take more responsibility for shaping their area's development and running its services.

Factors for consideration

65. When reviewing community governance arrangements, principal councils may wish to take into account a number of factors, to help inform their judgement against the statutory criteria.

The impact on community cohesion of community governance arrangements

66. Setting up parishes and parish councils clearly offers the opportunity to strengthen community engagement and participation, and generate a positive impact on community cohesion. In conducting community governance reviews (whether initiated by itself or triggered by a valid petition), the principal council should consider the impact on community cohesion when deciding whether or not to set up a parish council.

67. Britain is a more diverse society – ethnically, religiously and culturally – than ever before. Today's challenge is how best to draw on the benefits that migration and diversity bring while addressing the potential problems and risks to cohesion. Community cohesion is about recognising the impact of change and responding to it. This is a fundamental part of the place shaping agenda and puts local authorities at the heart of community building.

68. In its response to the recommendations of the Commission on Integration and Cohesion the Government has defined community cohesion as what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.

69. The Government's vision of an integrated and cohesive community is based on three foundations:

- People from different backgrounds having similar life opportunities
- People knowing their rights and responsibilities
- People trusting one another and trusting local institutions to act fairly

70. And three key ways of living together:

- A shared future vision and sense of belonging
- A focus on what new and existing communities have in common,

alongside a recognition of the value of diversity

- Strong and positive relationships between people from different backgrounds.

71. The Commission on Integration and Cohesion's report, *Our Shared Future*, is clear that communities have expert knowledge about their own circumstances and that actions at the local level contribute to achieving integration and cohesion, with local authorities well placed to identify any pressures. The Commission reports that policy makers and practitioners see civic participation as a key way of building integration and cohesion – from ensuring people have a stake in the community, to facilitating mixing and engendering a common sense of purpose through shared activities. The Local Government White Paper's proposals for stronger local leadership, greater resident participation in decisions and an enhanced role for community groups contribute to promoting cohesion.

72. Community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.

73. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. It would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.

Parish warding

156. Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards.

157. In considering whether or not a parish should be divided into wards, the legislation requires that consideration be given to whether:

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

158. Accordingly, principal councils should consider not only the size of the

electorate in the area but also the distribution of communities within it. The warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish. However, each case should be considered on its merits, and on the basis of the information and evidence provided during the course of the review.

159. There is likely to be a stronger case for the warding of urban parishes, unless they have particularly low electorates or are based on a particular locality. In urban areas community identity tends to focus on a locality, whether this be a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity. Again, principal councils should consider each case on its merits having regard to information and evidence generated during the review. (See also under Chapter 3, paragraphs 54 to 60).

The number and boundaries of parish wards

160. In reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area, and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a review. They will, however, be mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.