

NOT CONFIDENTIAL – For Public Release

Council

26 May 2022

Report of Director of Corporate and Customer Services

## **COMMUNITY GOVERNANCE AND POLLING ARRANGEMENT REVIEWS**

### **PURPOSE OF REPORT**

This report proposes that the Council agrees to carry out a number of Community Governance Reviews that are be required as a result of the new warding and parish arrangements proposed by the Local Government Boundary Commission for England and the impact of new housing developments across the district.

It is proposed that at the same time Polling Districts, Polling Places and Polling Stations are reviewed to make sure that they reflect the revised arrangements and the impact of new housing developments.

### **RECOMMENDATION(S)**

1. That authority be delegated to the Director of Corporate and Customer Services to carry out a review of polling districts, polling places and polling stations to make sure they reflect the revised warding arrangements and new residential developments constructed and occupied since the last review.
2. That authority be delegated to the Director of Corporate and Customer Services to carry Community Governance Reviews arising from the Local Government Boundary Commission for England proposals and the impact of new residential developments.
3. That any changes required as a result of these reviews be brought back to Council before 1 October 2022 to consider any proposed changes and any representations received before the arrangements are approved by Members.

### **WARDS AFFECTED**

District-wide

## **STRATEGIC LINK**

Establishing effective arrangements for the delivery of electoral events across the district underpins confidence from the citizens of the Derbyshire Dales in the democratic legitimacy of the Council and other public institutions.

### **1. BACKGROUND**

#### **1.1 Local Government Boundary Commission for England (LGBCE) Final Recommendations**

1.1.1 On 11 January 2022 the LGBCE published the final recommendations for new electoral arrangements for Derbyshire Dales District Council. As a consequence from the District Council Elections in May 2023 the District Council will have 34 Councillors made up of 5 three-councillor wards, 3 two councillor wards and 13 one councillor wards. This will result in a reduction of 5 Councillor and 4 fewer wards. Of the remaining 21 wards 3 will retain the same boundaries and 17 will change. Full details of the proposals are appended to this report.

1.1.2 As these are the final recommendations there is no scope for requesting further changes so the Council has commenced planning for the implementation of these recommendations. This will require the authority to conduct a review of polling districts, polling places and polling stations within the District in accordance with the Electoral Administration Act 2006. The last review was carried out in 2019.

1.1.3 This review will address the electoral arrangements for the new warding arrangements for Matlock Town Council but it is also likely to identify areas where polling districts and polling places may need revision to reflect new residential developments.

#### **1.2 Parish Council Electoral Arrangements**

1.2.1 The Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. These powers are exercised through carrying out a Community Governance Review as and when required.

1.2.2 As a result of a review a principal council may create a new parish or change the boundaries of existing parishes to reflect local circumstances. One example is the expansion of communities through new housing developments. These can lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people in different parishes from their neighbours.

1.2.3 While the Commission can make changes to the warding arrangements within a Parish it cannot make changes to the existing boundaries of that Parish.

Therefore a Community Governance Review may be needed to respond to their recommendations. For example during their consultation the Commission received representations suggesting that the Oker and Snitterton Ward of South Darley Parish Council should be moved into the Matlock Parish to reflect the Commission's proposals for the new Matlock West Ward

- 1.2.4 There is another example in Hulland Ward where new properties in Biggin View and George Rodgers Close are within the Parish of Biggin but as access to the development is from A517 the residents would consider themselves to live in the Parish of Hulland Ward.
- 1.2.5 A final example is in Ashbourne where it has been suggested that as the Ashbourne Airfield development is perceived as an extension to Ashbourne, properties in this development should move from the Parish of Bradley into the Parish of Ashbourne.
- 1.2.6 As the LGBCE has advised the Council that it needs notice of any proposed changes to protected parish council boundaries by 1 October 2022 it will be necessary to expedite the review and it is therefore regrettable that this matter was not considered by the Council at its meeting on 27 April, as a month has now been lost. It is proposed that in carrying out this review the Director of Corporate and Customer Services restricts this Community Governance Review to those areas requiring changes arising from the LGBCE review.

## **2. REPORT**

- 2.1 Broadly, if the Council decide to undertake a CGR, it is for the Council to decide how the CGR will be carried out. There is no formal procedure set down in legislation although local people must be consulted during a CGR, and representations received in connection with the CGR must be taken into account. Those making representations must be informed of the outcomes from the CGR. In view of the deadline for the LGBCE to be notified of proposed changes to parish boundaries by 1 October 2022, it will be necessary to undertake a relatively short period of consultation with parish councils and other stakeholders before bringing proposals back to the Council for decision before that deadline.
- 2.2 This report proposes that the Director of Corporate and Customer Services be authorised to carry out a district wide review of polling districts, polling places and polling stations in accordance with the guidance issued by the Electoral Commission and to carry out Community Governance Reviews in accordance with guidance issued by the LGBCE.
- 2.3 Delegating authority to the Director will mean that consultation can commence on any issues that arise during the course of both reviews without bringing a report to Council or the relevant Committee. It is considered necessary to proceed on this basis as the LGBCE have issued a deadline of 1 October 2022 to be notified of any changes. Without this delegation there is a risk that these reviews will not be completed before the start of the timetable for the Parish and District Council elections in May 2023. This delegation will only

relate to the conduct of both reviews and final decisions arising from the reviews will be made by Council.

- 2.4 Section 93 of the Local Government and Public Involvement in Health Act 2007 allows the District Council to decide how to undertake a community governance review, provided that the council complies with its duties under the Act. In doing so, the Council will need to consult with local people and take account of any representations received in connection with the review. The Council, in any decisions that it takes, will have to have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.
- 2.5 The Council will be required to consult with local government electors in the area under review, and others which may appear to have an interest in the review. In areas where parish councils already exist, these too should also be consulted. Whoever is consulted and responds, the Council must take into account any representations it receives as part of a community governance review.
- 2.6 The District Council will need to move quickly to undertake and conclude this community governance review in order for any changes to be made in good time ahead of the elections scheduled for May 2023.

### **3. RISK ASSESSMENT**

#### **Legal**

- 3.1 The issues considered in this report are within the powers and functions of the District Council. Such changes may be made by the District Council following the undertaking of a Community Governance Review (CGR). Legislation in the Local Government and Public Involvement in Health Act 2007 sets out the process which a CGR must follow.
- 3.2 Where a CGR is carried out, the legislation requires that the Council has regard to the need to secure that any community governance for the area under review:-
  - reflects the identities and interests of the local community in that area; and
  - that it is effective and convenient.
- 3.3 A CGR can be carried out at any time, either as a result of the Council deciding to do so of its own volition, or as a result of a request from a parish council or local residents.
- 3.4 The relevant powers are contained within the body of the report. The legal risk is therefore low.

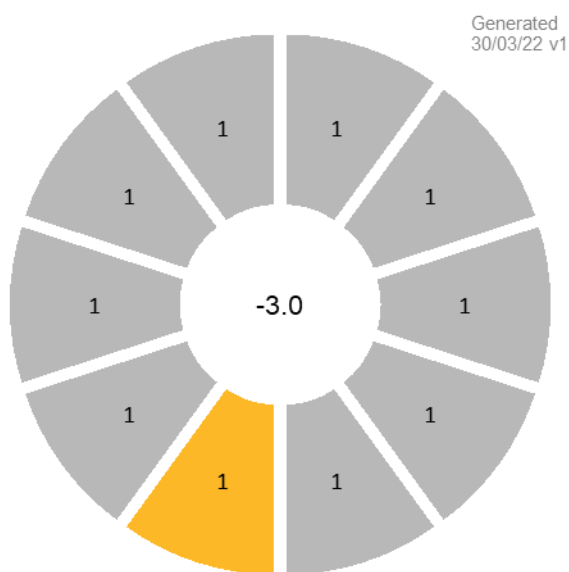
#### **Financial**

3.5 There are no significant financial implications as these reviews can be carried out in house and the costs covered by existing budgets. The financial risk is assessed as low.

#### 4. OTHER CONSIDERATIONS

4.1 In preparation of this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4.2 The approved Climate Change Impact Assessment Tool has been completed for this report and is reproduced below...



DDDC has committed to being a carbon neutral organisation by 2030 (7 years and 9 months away).

#### 5. CONTACT INFORMATION

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#### 6. BACKGROUND PAPERS

6.1 None

#### 7. ATTACHMENTS

7.1 Appendix 1: The Local Government Boundary Commission for England -  
New electoral arrangements for Derbyshire Dales District Council – Final  
Recommendations