

Report to: **Council**

Date: **21 February 2023**

Title: **COMMUNITY GOVERNANCE REVIEW –  
DRAFT TERMS OF REFERENCE**

Portfolio Area: **Strategy & Governance**

Lead Member: **Cllr Jory – Leader of the Council**

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)

**Publication of the  
approved Terms  
of Reference is  
due to commence  
on Thursday, 23  
February 2023.**

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**RECOMMENDATIONS:**

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

## **1. Executive summary**

1.1 Having formally received two separate petitions each calling for the Council to invoke a Community Governance Review, this report seeks the approval of the draft Terms of Reference that will underpin the Review.

## 2. Background

- 2.1 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 can now 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 Officers have drafted a set of terms of reference (as set out at Appendix A) for which Council approval is now sought;
- 2.6 In drafting the Terms of Reference, officers have considered the timescales associated with the pre-election period and have recognised the need to enable for the new administrations of the Borough Council and the affected Town and Parish Councils some time to settle in following the local elections that are to be held on 4 May 2023;
- 2.7 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.

### 3. Options Available and Consideration of Risk

- 3.1 The Council could opt to defer the Terms of Reference to a future meeting. However, officers recognise that both petitions were received on 22 September 2022 and there is a wish amongst the petition organisers (and signatories) for the Review to now commence.
- 3.2 It is recognised that the local elections on 4 May 2023 could have a significant impact on the composition of the affected town and parish councils. Officers have attempted to mitigate the impact of the elections by recommending that the period of the 'Introductory Stage' runs from 23 February to 14 June 2023.

### 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 recommendations made by the Community Governance Review.</p>
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 draft 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 – Draft Terms of Reference.

#### **Background Papers:**

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