



Agenda

General Purposes Committee

Monday 29 January 2024
at 7pm

Guildhall, St Peter's Place, Canterbury

Membership of the Committee

Councillor James Flanagan (Chair)
Councillor Alister Brady (Vice Chair)
Councillor Dane Buckman
Councillor Pat Edwards
Councillor Peter Old
Councillor Naomi Smith
Councillor Ian Stockley
Councillor Jeanette Stockley
Councillor Steven Wheeler

Quorum: 5

NOTES

1. Members of the public may speak at meetings of the Committee so long as they contact Democratic Services by 12.30pm the working day before the meeting.
2. The venue for the meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired.
3. Everyone is welcome to record meetings of the Council and its Committees using whatever non-disruptive methods you think are suitable. If you are intending to do this please mention it to the Democratic Services Officer and do not use flash photograph unless you have previously asked whether you may do so. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to withdraw permission and halt any recording if in the Chair's opinion continuing to do so would prejudice proceedings at the meeting. Reasons may include disruption caused by the filming or recording or the nature of the business being conducted.

Anyone filming a meeting is asked to only focus on those actively participating but please also be aware that you may be filmed or recorded whilst attending a council meeting and that attendance at the meeting signifies your agreement to this if it occurs. You are also reminded that the laws of defamation apply and all participants whether speaking, filming or recording are reminded that respect should be shown to all those included in the democratic process.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a noncommercial basis.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

4. The information contained within this agenda is available in other formats, including Braille, large print, audio cassettes and other languages.

Contact: Democracy, 01227 862009, democracy@canterbury.gov.uk

Agenda

1 APOLOGIES FOR ABSENCE

2 SUBSTITUTE COUNCILLORS

3 DECLARATIONS OF INTEREST

TO RECEIVE any declarations for the following in so far as they relate to the business for the meeting:-

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as nonpecuniary Prejudicial interests)
- c. Voluntary Announcements of Other Interests

Voluntary Announcements of Other Interests not required to be disclosed as DPI's or OSI's, ie announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Councillor knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Councillor, relative, close associate, employer, etc but not his/her financial position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

4 PUBLIC PARTICIPATION

Members of the public may speak on any item on the agenda, for a maximum of three minutes, provided that notification has been given to Democratic Services by 12.30pm on the working day before the Meeting.

5 DRAFT TERMS OF REFERENCE FOR A COMMUNITY GOVERNANCE REVIEW OF THE PARISH BOUNDARY BETWEEN THE PARISHED AREAS OF WESTBERE AND HERESDEN

TO CONSIDER the report of Tricia Marshall, Director of Corporate Services and Matthew Archer, Head of Corporate Governance.

6 ANY OTHER URGENT BUSINESS

7 EXCLUSION OF THE PRESS AND PUBLIC

TO RESOLVE - That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

8 ANY OTHER URGENT BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH

General Purposes Committee
29 January 2024

Subject: Draft Terms of Reference for a Community Governance Review of the parish boundary between the parished areas of Westbere and Hersden

Director and Head of Service:

Director of Corporate Services

Officer:

Head of Corporate Governance

Cabinet Member: Mike Sole, Cabinet member for finance

Key or Non Key decision: Non Key

Decision Issues:

These matters are within the authority of the Council

Is any of the information exempt from publication:

This report is open to the public.

CCC ward(s): Sturry

Summary and purpose of the report:

The purpose of this report is to ask Council to approve the terms of reference, timetable and consultation plan for a Community Governance Review (CGR) of the parish boundary between the Westbere and Hersden parished area.

To Recommend (to Council)

1. That a Community Governance Review be conducted, in accordance with the Local Government and Public Involvement in Health Act 2007, and the timetable and terms of reference set out in the appendices to this report be approved;
2. That the Head of Corporate Governance, in consultation with the Head of Paid Service be authorised to take all necessary steps in relation to the review;
3. That the CGR Task and Finish Advisory Group be invited to consider the review and make recommendations to the committee.

Next stage in process:

The recommendations of this committee will be referred to Council on 22 February 2024 for approval.

1. Introduction

The council has received a petition signed by the prerequisite number of electors seeking a community governance review to carry out a Community Governance Review of the Westbere and Hersden boundary dated December 2023.

The petition, which was submitted by Mr Ian Mclean, supported by the Westbere Village Preservation Society, reads -

Parish Boundary Review for the Bread and Cheese Field Green Space (Westbere/Hersden)

Westbere's historic connection with the Bread and Cheese Field was lost when the 2018 Parish Boundary review moved the field into the newly created Hersden Parish. The Westbere Village Preservation Society and we the undersigned local residents request the following:

- 1. That Canterbury City Council undertake a boundary review in order to return the historic field to Westbere Parish.*
- 2. That the Bread & Cheese Field should be designated as a protected green space, especially in light of any proposed development that would lead to the coalescence of Westbere and Hersden and result in the loss of this historic landscape.*

Rationale-

Westbere's historic relationship with the Bread and Cheese field started in 1701 when the Bread and Cheese charitable trust was set up to distribute income from leasing the field for farming purposes to the villagers. 300 years later this charity still functions albeit in a modest way providing support to parishioners in further education, training and apprenticeships. A celebration of its role in the community took place in 2001 in the Yew Tree Pub to mark 300 years of the charity.

The development of this field would remove any distinction between the settlements of Westbere and Hersden and have the cumulative effect of joining Westbere to the ribbon developments along the A28 at Hoplands and Chislet Colliery, thereby damaging the integrity of Westbere and Hersden as separate communities.

The defined area which was included in the petition is provided below



The petition is in two parts. Part one is calling for a community governance review to consider revising the boundary of the Westbere Parish to incorporate the 'Bread and Cheese Field'

Part two of the petition is calling upon the site to be designated as a protected green space.

Officers have spoken to the petitioner and explained that part two is a planning policy matter and beyond the remit of a community governance review.

There will be an opportunity for the petitioners and signatories to make their views known on the planning policy issues when the Local Plan proposals are approved for consultation. This has been accepted by the petitioner, so for the purposes of this report the wording in the second part of the petition will be set aside. Further commentary on the Local Plan consultation is provided later in the report.

Qualifying criteria

For a CGR petition to be valid it must be signed by the requisite number of registered local government local electors within the designated area (Westbere Parish).

The threshold for an area with less than 500 electors is 37.5%.

The electorate for Westbere according to the November 2023 electoral register was 258, so 37.5% is 97 electors. The threshold has been met.

The petition was signed by 118 signatories in total, of whom:

- 97 were valid signatories, registered within the defined area
- 14 were rejected as either outside the defined area or not listed on the electoral register
- 7 were duplicates who had signed more than once

The council is under a duty to carry out a Community Governance Review if it receives a valid community governance petition for the whole or part of the council's area.

However, the duty to conduct a review does not apply if:

- a. the council has concluded a Community Governance Review within the last two years which in its opinion covered the whole or a significant part of the area of the petition; or
- b. the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates.

These exceptions do not apply and the council is therefore under a duty to undertake a Community Governance Review.

The last Community Governance Review was a 'whole district' review, which took place in 2017/18. A review of the unparished area of Whitstable is presently taking place.

2. Detail

The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") provides for the council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether or not to make any changes to Parish boundaries or size, and/or the creation of new parishes; and the review of the electoral arrangements for new and/or existing parishes.

Section 93 of the 2007 Act allows the principal councils to decide how to undertake such a review. If, following a review, the Council decides that changes should be made to the electoral arrangements; they may make an Order giving effect to the changes.

Section 93(c) also states that in reaching conclusions on the boundaries between parish

wards the 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 community governance review and seek sound and demonstrable evidence of such identities and linkage.

The guidance states that when considering parish ward boundaries the principal council should ensure they consider the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which will be broken by the fixing of any particular boundaries. A review offers an opportunity to put in place strong-clearly defined boundaries, tied to firm ground features, and remove anomalous parish boundaries.

The council is required to determine the terms of reference under which a community governance review is to be undertaken. The terms of reference must clearly specify the area under review and must be published. The guidance states that "Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services".

Considerations

Draft terms of reference for a Community Governance Review of the parish boundary between Westbere and Hersden have been prepared and can be found at Appendix B. The terms of reference set out the matters on which the Community Governance Review will focus.

The formal publication of terms of reference at full council will begin the review and the review must be completed within twelve months.

The valid petition received by the council included a map which proposed an alternative boundary for Westbere parish, incorporating the area of land known as the "Bread and Cheese Field". The designated area and existing parish boundaries are shown in two maps in Appendix E.

The proposal map will form the basis of the community consultation, which will ask

- a) Should the parish boundary between Westbere and Hersden be changed? (Yes/No/Not sure)
- b) Please give reasons

The council will consider the responses and make recommendations.

Consequential Amendments and District Electoral Review

The full electoral review of the district's warding arrangements by the Local Government Boundary Commission for England (LGBCE) is also underway and scheduled to publish its final recommendations in July 2024.

Any Community Governance Review for a change to parish boundaries is conducted as a separate exercise. However, this review will be timed to conclude after the LGBCE ward boundary review so that the outcomes can be considered in this review.

The Committee will also be aware that the Council only has the power to amend parish boundaries.

Timetable

The timetable appended to the report proposes that the review shall commence immediately

and conclude within the prescribed 12-month period. There is flexibility to revise the timetable, subject to the approval of full council.

Resource implications

A Community Governance Review is difficult to predict in terms of required staff resources.

There are clear decision points and controllable activities within the timetable such as preparatory work, drafting consultation documents and writing reports.

However, the nature and volume of the initial submissions and subsequent proposals could have some impact upon the available capacity to support the review and potential outcomes.

The review will be led by the Corporate Governance team. However, other service areas will be required to support or contribute to the review process to varying degrees, including for example, Electoral Registration, who verified the signatures in the petition against the electoral register; GIS (our mapping function); Policy and Communications including planning policy, consultation and engagement and communications; Legal, Finance and Council Tax, etc.

Local Plan consultation

Attention is drawn to the fact that this site was submitted to the council's Call for Sites process (ref. no SLAA163) for housing development and was assessed as "suitable" in line with the Strategic Land Availability Assessment (July 2022).

The site was subsequently included as a draft site allocation for 150 homes within the Draft Canterbury District Local Plan to 2045 (Regulation 18) published for consultation in October 2022.

We are in the process of preparing a revised Draft Local Plan for consultation. This is expected to be published in March 2024. The petitioners, along with everyone else, will have the opportunity to comment on the council's proposals for this site as part of the local plan consultation.

As stated, the CGR process is entirely separate to the draft Local Plan, which is developed under a different legislative framework .

While it is possible to carry out both consultations simultaneously, councillors should be mindful of any comments made if they wish to participate in the decision making for both exercises to ensure they keep an open mind and are seen to do so.

3. Relevant Council policy, strategies or budgetary documents

Constitution

4. Consultation planned or undertaken

A two-stage consultation process is proposed, as set out in the report.

5. Options available with reasons for suitability

Option 1 - To agree the terms of reference, timetable and consultation plan (recommended)

Option 2 - To suggest amendments to the terms of reference and timetable, which will be referred to Council for consideration.

6. Reasons for supporting option recommended, with risk assessment

Option 1 is recommended

7. Implications

(a) Financial

Resources may be required to publicise the review, undertake face to face consultation and manage the responses.

(b) Legal

The Local Government and Public Involvement in Health Act 2007 (Part 4) devolved power from the Secretary of State to principal councils to carry out community governance reviews and put in place or make changes to local community governance arrangements. The Community Governance Review will be undertaken in accordance with this Act and supplementary guidance.

The council is obliged to undertake a review which has been requisitioned following the submission of a valid petition.

(c) Equalities

None

(d) Environmental including carbon emissions and biodiversity

None

Other implications

(e) Staffing resource

The impact on staff resources is set out in the report. While it is anticipated the cost of running the Community Governance Review will be contained within existing budgets, it will divert staff resources and there will be modest costs attached for publicity and postage, hall hires, etc.

Contact Officer: Matthew Archer, Head of Corporate Governance

Background documents and appendices

[Guidance on Community Governance Reviews, 2010](#)

Additional document(s) containing information exempt from publication:

No

Appendices

Appendix A - Climate Change Impact Assessment

Appendix B - Terms of Reference

Appendix C - Programme and timetable

Appendix D - CGR Task and Finish Advisory Group Terms of Reference

Appendix E - Defined area map

Appendix A - Climate Change Impact Assessment (Checklist)

1. Climate Change impacts

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact If you have any relevant data, please include that in the explanation and reference the source.	Mitigation
Impact on the council's target of being carbon neutral by 2030 This applies to emissions of carbon dioxide as a direct result of our own activities and services. Please consider the whole life impact of your proposals		
Neutral		
Impact on carbon emissions in the Canterbury district This applies to the carbon dioxide emissions in the district as a result of your proposal. Please consider the whole life impact of your proposals.		
Neutral		
Emission of other climate changing gases including methane, CFCs, nitrous oxide		
Neutral		

2. Adaptation to climate change - Impact on our resilience to the effects of climate change

The greatest risks posed by climate change to the UK are:

- Flooding and coastal changes including erosion from extreme events
- Risks to health caused by high temperatures
- Water shortages and drought
- Risk to natural environments & services - landscape, wildlife, pollinators, timber etc
- Risk to food production & trade
- Emergence of new pests and diseases affecting people, plants & animals

What impact do your proposals have on our ability to resist or tackle these problems in the future?

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact	Mitigation
Neutral		

Appendix B

Canterbury City Council

Review of Community Governance Arrangements within the District of Canterbury City Council

Terms of Reference

Introduction

Canterbury City Council is conducting a Community Governance Review of the area defined in the 'Area to be Reviewed' section below in accordance with Part 4 Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

The council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Housing, Communities and Local Government. This guidance was considered when drawing up the Terms of Reference (TOR).

Explanation of a Community Governance Review

A Community Governance Review offers the opportunity to put in place strong, clearly-defined boundaries, tied to firm ground features and to remove any anomalous parish boundaries.

It can take place for the whole or part of the district to consider one or more of the following:

- creating, merging, altering or abolishing parishes
- the naming of parishes and the style of new parishes
- the electoral arrangements for parishes (the ordinary year of election; council size, the number of councillors to be elected to the council, and parish warding)
- grouping parishes under a common parish council or degrouping parishes.

The council is required to ensure 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.

In doing so the Community Governance Review is required to take into account of:

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

The aim of the review is to consider the petition request and the alternative ways in which the council might bring about improved community engagement, better local democracy and efficient, more effective and convenient delivery of local services and ensure electors across the area affected will be treated equitably and fairly.

Reason for undertaking this Community Governance Review

This review is taking place following the receipt of a valid petition seeking a change to the parish boundary between Westbere and Hersden.

The council wishes to consult on the proposals to inform the review.

Area to be reviewed

The Community Governance Review includes the parishes of Westbere and Hersden. Both are situated in the district ward boundary of Sturry and the county division of Herne Village and Sturry.

The review will also take into account the outcome of the ward boundary review currently being undertaken by the Local Government Boundary Committee for England (LGBCE).

Should the LGBCE recommend moving a ward boundary in or next to the defined area, then the review will take this into account.

Who will undertake the review?

Canterbury City Council is responsible for conducting the review. Subject to approval, the council will ask the CGR advisory task and finish advisory group to support the process.

The recommendations of the group will be considered in public by the General Purposes Committee which, in turn, will make recommendations to full Council.

A full consultation process will form part of the review to take account of the views of local people.

The council will publicise the review by displaying a notice at the council offices and publicity on the council's website, social media and newsroom sites.

The council will also write to all affected parish councils, the Kent Association of Local Councils, relevant ward councillors, Kent County Council (KCC), relevant KCC councillors, MPs, relevant parish councils and other known stakeholder groups.

Information and paper copies of the survey will be made available in the locality to support the review.

The council will be required to approve the final recommendations prior to the Community Governance Order being made.

Timetable for the review

A timetable for the review is attached.

The programme and timeline may be adjusted after representations have been received.

Any adjustments to the programme and timetable will be approved by the council and published on its website.

Electorate forecasts for the area

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

Electorate forecasts will be based upon the forecasts prepared by the council and shared with the LGBCE for the ward boundary review.

The existing electorate for Hersden parish is 1574 (Register of Electors, Jan 2024). The electorate is forecast to increase to 2736 by 2029.

The existing electorate for Westbere parish is 258 (Register of Electors, Jan 2024). The electorate is forecast to increase to 279 by 2029.

The forecasts will be provided to Hersden and Westbere parish councils by way of this report.

Consultation

The council has drawn up and, once approved, publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review

In coming to its recommendations following the Review, the council will take account of the views of local people and stakeholders.

The council will:

- publish these Terms of Reference and take submissions via its website;
- promote the process by means of general press releases and social media;
- provide key documents (this and subsequent reports) on deposit at the council offices in Canterbury and in the areas affected.

This council will notify Kent County Council that a review is to be undertaken; they are a formal consultee of this process.

Representations

Canterbury City Council welcomes representations from any person or body (e.g. organisation or business) who wishes to comment or make proposals on any aspect of the matters under review.

The public can respond to the consultation in a variety of ways, including:

- completing the survey on our website (Canterbury Newsroom and our canterbury.gov.uk website)
- email comments to consultations@canterbury.gov.uk
- writing to Victoria Asimaki, Principal Policy Officer (Engagement), Canterbury City Council, Military Road, Canterbury, CT1 1YW

All initial representations must be made by 17 May 2024.

All representations received will be published, as will the reasons for accepting or rejecting any such representations.

The names of individuals will not be published. Responders will be advised not to include personal data in the body of their responses.

The names of organisations who respond will be published.

In accordance with the Act, representations received in connection with the review will be taken into account and steps will be taken to notify consultees of the outcome of the review.

Publication of the results

The council will publish full details on its website and make them available on request from the council offices. The start date shall be the date the terms of reference are approved, on 22 February 2024.

This notice is dated 22 February 2024.

Appendix C

Canterbury City Council

Community Governance Review 2024 - programme and timetable

Stage	Date/Timeline	Timescale	Outline of Activity
Commencement	29 Jan General Purposes Committee		Consider Terms of Reference recommend to Council
	Council 22 February 2024		Approval of terms of reference and timetable
Notice	26 February 2024		Publication of Notice, terms of reference and stakeholder notification of commencement of the review.
Invite submissions	26 February 2024 to 17 May 2024	12 weeks	Consultation launched. Initial submissions invited.
Make recommendations	General Purposes Committee - xx September 2024		General Purposes Ctte makes proposals to Council.
Decision	Council - 17 October 2024 (provisional date)		Council can conclude the review and make final recommendations or elect to carry out a further round of consultation on proposals.
Conclusion	Oct - Nov 2024		Council can make a Reorganisation Order if required.

Appendix D

The Community Governance Review Task and Finish Advisory Group

Terms of Reference (updated)

Size and composition - 7 comprising 3 labour (including portfolio), 2 liberal democrat, 1 conservative, 1 green party

Whitstable CGR

1. The advisory group will consider and determine the following stages of the Community Governance Review for the proposed Whitstable Town Council Parish area:

- (a) Consider responses from the first phase of consultation.
- (b) Consider options and recommendations for the second phase of consultation.
- (c) Consider responses from the second phase of consultation.
- (d) Consider final recommendations to the committee and council.
- (e) Consider and determine any other matters in connection with the review.

2. The advisory group will make recommendations to the committee and council on the content of the draft Community Order for the Whitstable Town Council parish area.

Westbere CGR

1. The advisory group will undertake the following for the Community Governance review for the Hersden/Westbere parished areas:

- (a) Consider responses from the consultation.
- (b) Consider options and recommendations to be put to the committee
- (c) Consider and determine any other matters in connection with the review.

2. The advisory group will make recommendations to the committee and council on the content of the draft Community Order for the Hersden/Westbere parished area.

General

3. The quorum for the advisory group will be at least half the voting membership.
4. The parent committee is the General Purposes Committee.

APPENDIX E

Defined area map

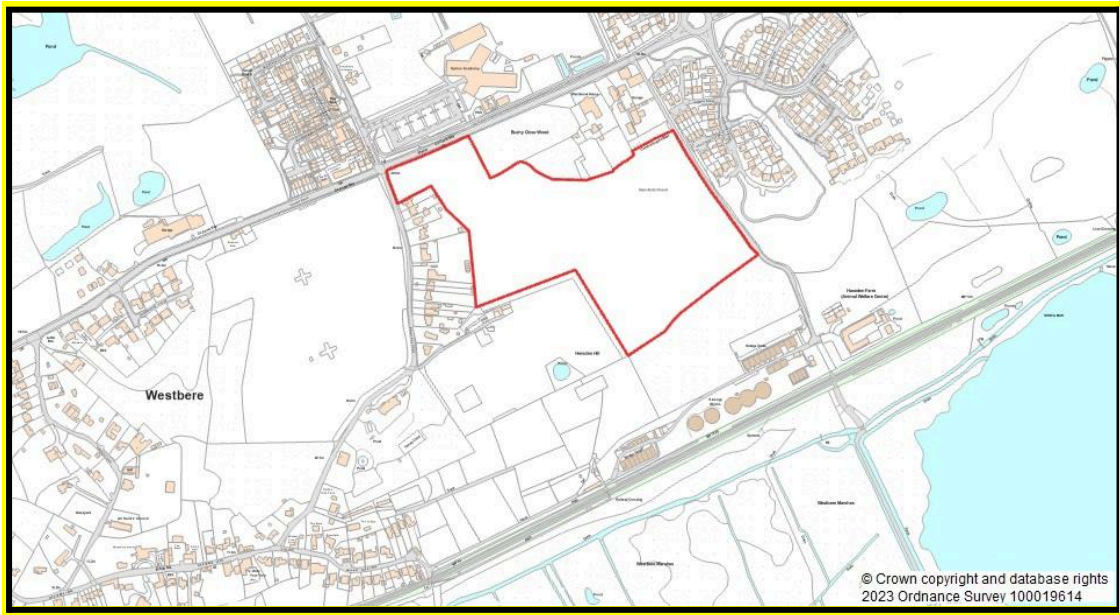


Illustration of Westbere parish boundary (designed area circled)

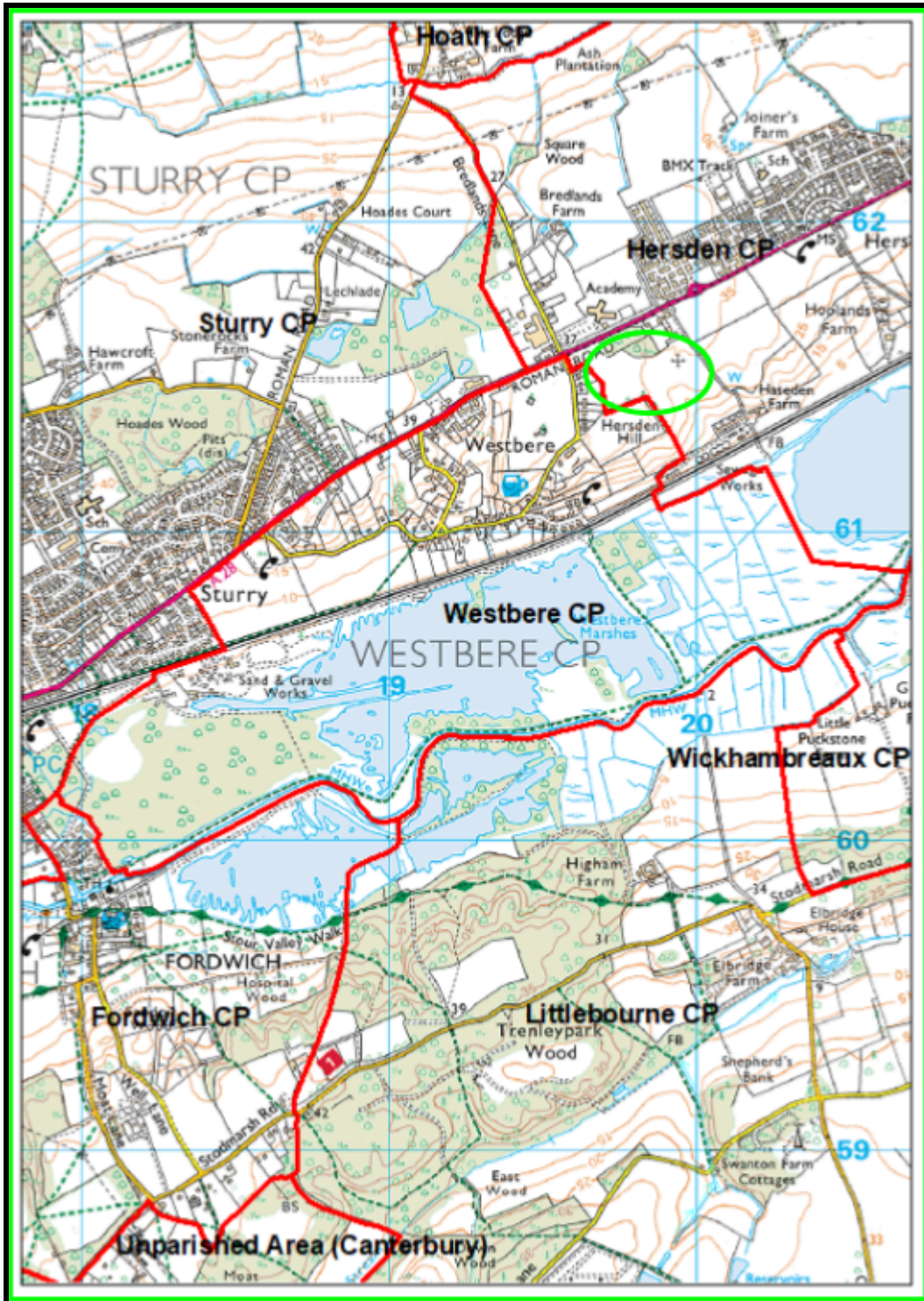


Illustration of Hersden parish boundary (designated area circled)

