



## CONSIDERATION OF THE NEED FOR A COMMUNITY GOVERNANCE REVIEW(S)

### 1 PURPOSE OF REPORT

- 1.1 To advise the Council on matters to consider in relation to the undertaking of a Community Governance Review(s) under the Local Government and Public Involvement in Health Act 2007.
- 1.2 If Council agrees to undertake a Community Governance Review(s), it must agree the terms of reference and commence the process to recommend changes (if any) that are required to the governance arrangements for the parish areas of the Council to reflect the identity and interest of local communities.

### 2 LINKS TO COUNCIL'S PRIORITIES AND OBJECTIVES

- 2.1 The Community Governance Review(s) would promote all the priorities and objectives of the Corporate Plan.

### 3 RECOMMENDATION

- 3.1 It is proposed that Council **RESOLVES**

EITHER

(1) To undertake a Community Governance Review only for Canvey Island;

OR

(2) To undertake a Community Governance Review for the Borough (excluding Canvey Island);

OR

(3) To undertake a Community Governance Review for the whole of the Borough;

AND

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- (4) To approve the Terms of Reference for the Community Governance Review set out at Appendix 1.
  - (5) To delegate to the Assistant Director – Legal & Democratic Services and Monitoring Officer in consultation with the Leader and the Deputy Leader the right to make any necessary technical or administrative amendments to the Terms of Reference to reflect the decision of Council prior to publication of the Terms of Reference.

#### **4 COMMUNITY GOVERNANCE REVIEWS**

- 4.1 A Community Governance Review (“CGR”) is a statutory process to review the role and operation of parish and town councils as the most local tier of government in England.
- 4.2 CGRs provide the opportunity for principal councils (in this case, the Council) to review and make changes to community governance within their areas. The law is contained within the Local Government and Public Involvement in Health Act 2007 (the “2007 Act”). The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
- 4.3 The 2007 Act 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. Under the 2007 Act, the Council is the body to which the power is devolved and the mechanism for the Council to utilise this power is through undertaking a CGR.
- 4.4 The statutory guidance on CGRs was issued by the Local Government Boundary Commission for England and the then Secretary of State for Communities and Local Government when it was published in 2010.  
<https://www.gov.uk/government/publications/community-governance-reviews-guidance>
- 4.5 The guidance sets out the obligations of councils in CGRs, the making of recommendations for electoral arrangements for parish councils and giving effect to recommendations made in CGRs.
- 4.6 As the guidance is statutory, this means that the Council must have regard to it before making its decisions. It makes strong presumptions against the abolishment of parishes and parish councils and is in favour of the creation of parish councils.
- 4.7 The guidance suggests that councils should keep their community governance arrangements under review, and they should ensure that they consider on a regular basis whether a CGR is needed. A CGR may need to be carried out, for example, following a major change in the population of a community or to re-draw boundaries which have become anomalous, for

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example following new housing developments being built across existing boundaries. Councils should exercise their discretion, but it is considered to be good practice for a council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate.

- 4.8 The legal requirement is, therefore, that the Council should consider whether a CGR is needed. There is no legal obligation to carry out a CGR but the Council must act reasonably and in line with the statutory guidance when making its decisions.
- 4.9 The Local Government Boundary Commission for England (LGBCE) has recently undertaken a review of the Council's electoral arrangements and the Castle Point (Electoral Changes) Order 2023 came into force in July 2023.

#### **Matters to be taken into consideration**

- 4.10 Any CGR must take into account the impact of community governance arrangements on community cohesion; and the size, population and boundaries of a local community or parish. The Council must also have regard to the need to secure community governance arrangements that are effective and convenient and which reflect the identities and interests of the community in the area under review.
- 4.11 The purpose of a CGR is to ensure community governance:
- a) reflects the identities and interests of the community in that area;
  - b) is effective and convenient, and,
  - c) takes into account any non-parish arrangements for the purposes of community representation or community engagement in the area (e.g. existing residents' associations).
- 4.12 A CGR would consider one or more of the following:
- a) creating, merging, altering or abolishing parishes;
  - b) the naming of parishes in the style of new parishes;
  - c) 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); and
  - d) grouping parishes under a common parish council or de-grouping parishes.
- 4.13 The Council has not carried out any CGR since the inception of Canvey Island Town Council in 2006 and, it would, therefore, be appropriate for the Council

to consider conducting a CGR for Canvey Island ahead of the next Town Council elections in 2027.

- 4.14 There are no other parish or town councils within the Borough which is unusual given the additional local representation on Canvey Island. However, there is proactive engagement with the local community and other community groups by the Ward Members. There have been various projects undertaken by the Members following engagement with local residents and businesses.
- 4.15 The Government recognises and supports the role parish councils can play in terms of community empowerment at a local level. However, when considering whether to carry out a CGR, the Council must consider the wider picture of community governance and whether there have been any changes or reaction to specific local issues. As an alternative to parish councils there could be other forms of community engagement and empowerment such as resident associations or community forums where local residents can actively engage and contribute to local issues of interest.
- 4.16 Nonetheless, when considering a CGR for Canvey Island, the Council should also give consideration to a CGR for the rest of the Borough.
- 4.17 The final recommendations of the CGR aims to:
- Improve community engagement.
  - Bring local communities together.
  - Create better local democracy.
  - Help towards the delivery and efficiency of local services.
- 4.18 It should also be noted that the Council would be under a duty to carry out a CGR if it receives a valid community governance petition for the whole or any part of the Borough. However, the duty does not apply if either the Council has concluded a CGR within the last two years which in its opinion covered the whole or a significant part of the area of the petition or if the Council is already conducting a review of the whole, or a significant part of the area to which the petition relates. A CGR triggered by a petition must be conducted within 12 months of receipt and so the Council would have no option but to do the work anyway.
- 4.19 When considering whether to carry out a CGR on Canvey Island Town Council, the Council should refer to the recommendations made by the Local Government Boundary Commission for England (LGBCE) in their final report on the revised electoral arrangements for the Town Council. Whilst the LGBCE were able to make recommended changes to the Town Council warding arrangements, it is a matter for the Council to implement such changes under the 2007 Act.

- 4.20 The inception of the Town Council came about in 2005 following a request from a local campaign group. Prior to that, it had been the Canvey Island Urban District Council, but legislation brought about a reorganisation of local government and the Urban District Council became part of Castle Point District Council in 1974.

## **5 TERMS OF REFERENCE FOR A CGR**

- 5.1 In order for a CGR to be properly constituted, it must comply with the legislative requirements under the 2007 Act and the statutory guidance. Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that they comply with the duties in the 2007 Act.
- 5.2 A CGR must have a formal Terms of Reference which is set by the Council and which specifies the geographical area under review. It is proposed that there be a single Terms of Reference which applies to any CGR which the Council approves. The Terms of Reference are set out in Appendix 1.
- 5.3 Once approved, the Terms of Reference are published and then followed by a consultation exercise with electors for the area under review and any other person or stakeholders which appears to the Council to have an interest in the review. This means the Council will need to consult local people and take account of any representations received in connection with the CGR. When undertaking the CGR the Council must 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.
- 5.4 Under the 2007 Act principal councils are required to consult both those local government electors in the area under review, and others which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The Council must take into account any representations it receives as part of the CGR and if any modifications are made to the Terms of Reference, these must also be published.
- 5.5 The outline timetable for review is set out below and is predicated on using existing staff in the elections team and incorporating the Review into business as usual. Therefore, when drafting this outline timetable, consideration has been taken into account of the annual work around the canvass, publication of the register and preparation for the County Council elections.

Commencement of CGR – Terms of Reference agreed at Full Council	December 2024
Publication of Terms of Reference	January 2025
Research and information gathering including any meetings required	February 2025 – July 2025
Initial consultation stage	July 2025 – September 2025
Consideration of draft submissions and draft recommendations prepared for Full Council	September 2025 – December 2025
Draft recommendations published and consulted on	January 2026
Final recommendations prepared	February 2026 – March 2026
Consideration of consultation outcome	March 2026 – July 2026
Final Recommendations considered and approved by full Council	October 2026
Community Governance Order(s) made	October 2026 – November 2026
New community governance arrangements come into force	1 May 2027

**6 OPTIONS**

- 6.1 Option 1: Do nothing. There would be no change to any of the arrangements currently.
- 6.2 Option 2: Carry out a CGR only for the area of Canvey Island in relation to the Town Council.
- 6.3 Option 3: Carry out a CGR for the rest of the Borough and leave the Town Council arrangements as is.
- 6.4 Option 4: Carry out a CGR for the whole of the Borough.
- 6.5 If the Council agrees to undertake a CGR, the terms of reference must be approved by the Council which sets out the process and timetable for the review.
- 6.6 It should be noted that agreeing to carry out a CGR is not a final decision to make changes to governance arrangements. The Council has a duty to consider whether, or not, to make changes but does not pre-judge the final outcome. A full public consultation exercise would need to be carried out and any representation made will have to be taken into account.

**7 RISK IMPLICATIONS**

- 7.1 The legislation and guidance set out the process which must be followed. Any deviation could lead to an invalid process and will need to start again.
- 7.2 If Council decides to not carry out a CGR, one can be triggered by the submission of a valid petition submitted to the Council. If the petition is received whilst the Council is carrying out a Review for a different area, then Council must decide whether to:
- Modify the terms of reference for the existing CGR to allow the new petition/application to be considered, or
  - Set up a separate CGR with its own terms of reference, or

**8 FINANCIAL IMPLICATIONS**

- 8.1 The officer time required to carry out a CGR will be met from within existing staff resources. However, there will be a cost arising in 2025/26 as a result of the communications, consultation and engagement activities which need to be undertaken. The estimated cost is up to £20,000 and provision for this will be made as part of the 2025/26 budget setting process.

**9 LEGAL IMPLICATIONS**

- 9.1 The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. There is no

legal obligation to undertake a CGR but it is good practice for a local authority to review its arrangements every 10 to 15 years.

**10 HUMAN RESOURCES IMPLICATIONS**

10.1 Officer time from the Electoral Services and Democratic Service teams would be required to undertake the consultation process, analyse responses and data.

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

11.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.



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**Background Papers:-**

None.

For further information please contact Angela Law on:-

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### Community Governance Review Terms of Reference

#### 1. Context

- 1.1. The Council has resolved to undertake a community governance review will consider the whole area of Canvey Island in relation to the Town Council only. The area covered is set out in the attached map below.

OR

- 1.2. The Council has resolved to undertake a community governance review will consider the whole areas of Hadleigh, Thundersley, Daws Heath and Benfleet and leave the Town Council arrangements as is. The area covered is set out in the attached map below.

OR

- 1.3. The Council has resolved to undertake a community governance review will consider the whole area of Castle Point Borough. The area covered is set out in the attached map below.

#### 2. Legal Framework

- 2.1. In undertaking the Review, the Council will be guided by:
- Part 4 of the Local Government and Public Involvement Act 2007.
  - The relevant parts of the Local Government Act 1972.
  - Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010 and the following regulations which guide, in particular, consequential matters arising from the Review; Local Government (Parishes and Parish Council) (England) Regulations 2008 and Local Government Finance (New Parishes) Regulations 2008.
  - Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its terms of reference in a Review.

### **3. Reason for Review**

- 3.1. Following a review of Castle Point Borough Councils Electoral Arrangements by the Local Government Boundary Commission for England, a number of changes have been made to the Ward arrangements for the Borough. Whilst the Commission did not carry out a review of the parish or town councils in the borough, they did agree some changes which amended the warding arrangements of Canvey Town Council
- 3.2. [The Council also considers it appropriate to undertake a CGR for those areas in the Borough which are not represented by a Town or Parish Council. Following the Borough Council decision to move to all out Borough Council elections every four years it was considered timely to review the mechanisms to empower community engagement at a local level on the Castle Point mainland.]

### **4. What is a Community Governance Review**

- 4.1 Community Governance Review is a review of the whole or part of the council's area 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 council), and parish warding); and
  - grouping parishes under a common parish council or de-grouping parishes other types of local arrangements, including parish meetings.
- 4.2 A Community Governance Review is required must consider:
- the impact of community governance arrangements on community cohesions.
  - the size, population and boundaries of a local community or parish. The council is required 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, be effective and convenient.
- 4.3 If the council is satisfied that the recommendation of a Community Governance Review would ensure that community governance within the area under review will reflect the identities and interests of the community in that area, and is effective and convenient, the council makes a Community Governance Order.

## **5. Parish governance in our area**

- 5.1 The Council believes parish councils play an important role in terms of community empowerment at local level.
- 5.2 The Council wants to ensure that the parish governance in the borough continues to be robust, representative and enable to meet the challenges that lie before it. Furthermore, it wants to ensure there is clarity and transparency to the areas parish councils represent.
- 5.3 It wants to ensure that the electoral arrangements of the town council are appropriate, equitable and readily understood by their electorate.

## **6. Who will undertake the review**

- 6.1 As the relevant principal authority, Castle Point Borough Council is responsible for conducting any CGR within its electoral area. The Council will oversee the review and produce draft and final recommendations; Full Council will approve the final recommendations before a Community Governance Order (Order) is made.
- 6.2 In agreeing to carry out a CGR, the Council is not pre-judging the outcome of the Review. No decisions have been made by the Council and the process will consider whether any changes are appropriate and, if so, what changes should be made.
- 6.3 Any changes to boundaries or governance arrangements will only be altered at the end of the Review, including the consultation process and decisions on the outcome will take into account all representations received.

## **7. Consultation**

- 7.1. The Council is required 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. The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at all stages of the consultation.
- 7.2. Before making any recommendations or publishing final proposals, a full consultation process will form part of the review to take full account of the views of local people and other stakeholders. The council will comply with the statutory consultative requirements by:
  - a) publish a notice and terms of reference;
  - b) consulting local government electors for the area under review;
  - c) consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review; and
  - d) taking into account any representations received in connection with the review.

- 7.3. The Council will publicise the review by displaying a notice at the Council Offices and on the Council's website. The Council will also write to the Canvey Town Council or any other community or resident groups of which the Council is aware, the Essex County Council, and the MP covering the Castle Point Constituency.
- 7.4. Information about each stage of the review will be published on the Council's website with key documents available at Castle Point Borough Council website.
- 7.5. In accordance with the Act, representations received in connection with the Review will be taken into account.

## 8. Indicative timetable for the Community Governance Review

### 8.1

Commencement of CGR – Terms of Reference agreed at Full Council	December 2024
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8.2. Any Community Governance Order made following a CGR should, for administrative and financial reasons (for example setting up a new parish council and arranging for its first precept) take effect on the 1st April following the date on which the Order is made. Electoral arrangements will come into force at the first elections to any new parish council following the making of the Order.

## **9. Representations**

9.1. Castle Point borough Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included in the Review.

9.2. Representations may be made in the following ways:

Online: [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)

By Email: [CGR@castlepoint.gov.uk](mailto:CGR@castlepoint.gov.uk);

By Post: Community Governance Review,

Assistant Director – Legal & Democratic Services, Castle Point  
Borough Council, Council Offices, Kiln Road, Thundersley, Benfleet,  
Essex SS7 1TF

11 December 2024