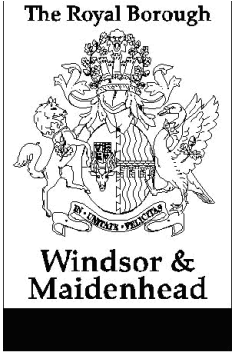


Report for:
ACTION



Contains Confidential or Exempt Information	No - Part I
Title	Community Governance Review Bray Parish – Approval of Proposals
Responsible Officer(s)	Russell O’Keefe, Strategic Director of Corporate and Community Services
Contact officer, job title and phone number	David Scott, Returning Officer and Head of Governance, Partnerships, Performance and Policy 01628 796748
Member reporting	None - Electoral Services matter by the Returning Officer
For Consideration By	Council
Date to be Considered	21 June 2016
Implementation Date if Not Called In	Immediately
Affected Wards	Bray and Oldfield Wards are considered but only at parish level.

REPORT SUMMARY

1. This report seeks Council’s approval to the draft proposals arising from the first stage of the consultation process of the Community Governance Review (CGR) for Bray Parish and the area known as The Fisheries, following the Council’s agreement to the Terms of Reference, in December 2015 and the completion of the first phase of consultation.
2. This reports recommends that in accordance with the Community Governance Review process, the Council recommends the addition of the specific area known as The Fisheries be added to the Parish of Bray to reflect the positive feedback and the absence of any adverse feedback from the first phase consultation.
3. If after the second period of consultation on this proposal, and the proposals continue to be supported, the Council will need to approve amending the parish area and bring these changes into effect for the next Parish elections in May 2019. The whole of the Community Governance Review must be concluded within twelve months of publishing the Terms of Reference.
4. There are no direct additional financial implications arising from the recommendation, though it should be noted that some modest costs will be incurred in the administration of the review when consulting with members of the public and individuals interested in the review, these will be met from within existing resources.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Council agrees

- i. to proceed to the second phase of consultation under the Community Governance Review procedures for Bray Parish in accordance with the Local Government and Public Involvement in Health Act 2007.
- ii. the proposal to include the specific area of the Fisheries be added to the current Parish of Bray, as set out in Appendix 1.
- iii. to conduct the second phase of consultation to confirm the inclusion of the area of The Fisheries into Bray Parish, with a view to a Reorganisation Order being made to bring the changes into effect for May 2019 at the next Parish elections.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 Following the report to Council in December which responded to the petition that was received, and acknowledged as valid, the Council has undertaken the first stage of consultation under the review process. Section 81 of the Local Government and Public Involvement in Health Act 2007 specifies that the principal council (in this case RBWM) implements the review in accordance with the approved Terms of Reference.
- 2.2 It is proposed that the second stage consultation process is undertaken, to consult on the proposals and reflect the positive feedback received in the phase one consultation. The draft proposals are set out in Appendix 1.

3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
The Community Governance Review is concluded by	Beyond 1 January 2017	December 2016	Before December 2016	Before November 2016	1 January 2017
The Community Governance Review has effective local public engagement	No public responses received	Between 1 and 10 responses received	More than 10 responses received	More than 30 responses received	August 2016

4. FINANCIAL DETAILS

- 4.1 There are no direct financial implications arising from the recommendations, although there will be small costs incurred in order to administer the second phase of the review. These will be met from within the existing resources of the Elections operations.

5. LEGAL IMPLICATIONS

5.1 The legislation relevant to the conduct of Community Governance Reviews is the Local Government and Public Involvement in Health Act 2007. Also relevant to parish governance matters is the Local Government Act 1972. The Department for Communities and Local Government and the Local Government Boundary Commission for England have jointly published guidance in 2008 to be used by Officers involved in the administration of a review. Officers have taken note of the legislation and guidance when composing the Terms of Reference and defining how the review will be conducted. Officers will follow the legislative requirements when carrying out the other subsequent stages of the review until its completion during 2016.

6. VALUE FOR MONEY

6.1 N/A

7. SUSTAINABILITY IMPACT APPRAISAL

7.1 No sustainability impact appraisal is required.

8. RISK MANAGEMENT

Risks	Uncontrolled Risk	Controls	Controlled Risk
Failure to carry out a Community Governance Review of Bray Parish in accordance with the legislation and guidance..	Failure to carry out a review could result in a legal challenge.	Ensure that the Terms of Reference are agreed and published and that the remaining stages of the review are completed within the timescales outlined in the Terms of Reference.	Complete the Community Governance Review following the valid petition for the review of the parish area in accordance with legislative requirements.

9. LINKS TO STRATEGIC OBJECTIVES

9.1 The Community Governance Review will contribute to the strategic objectives of the Council including putting Residents First, delivering Value for Money, Delivering Together and Equipping ourselves for the future.

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 The Council must seek to ensure that, so far as is reasonable and practicable, the conduct of the Community Governance Review is transparent throughout and that the electorate knows how to submit its comments during the two consultation stages.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1 None.

12. PROPERTY AND ASSETS

12.1 None.

13. ANY OTHER IMPLICATIONS

13.1 None.

14. CONSULTATION

14.1 The public will have a second opportunities to provide their views on whether the Fisheries should be incorporated into the parish of Bray. The first consultation period lasted for two months and invited residents and relevant organisations to submit their views after the Terms of Reference report had been published. Submissions for this first stage closed on 16 February 2016. The Council prepared Draft Proposals and is seeking approval to publish these and proceed to the second phase of consultation. Residents are invited to submit their views on the Council's Draft Proposals up until August 2016. The Council will publish its Final Proposals in September taking into consideration of any comments received.

15. TIMETABLE FOR IMPLEMENTATION

15.1 The Community Governance Review of Bray Parish must be concluded within twelve months of publication of the Terms of Reference. Should the outcome of the review be that the Fisheries is incorporated into the parish of Bray, a Reorganisation Order must be made. Changes to the composition of Bray Parish will not come into effect until the next parish elections in May 2019.

16. APPENDICES

16.1 Appendix 1 – Draft proposals Community Governance Review - Bray Parish.

17. BACKGROUND INFORMATION

17.1 Where a petition has been received and is found to be valid, the principal council must conduct a Community Governance Review of the area identified in the petition. A principal council may also conduct a Community Governance Review in response to a request by a particular parish for a review, or conduct one of its own making, where it is perceived that the arrangements for parish governance in all or part of its administrative area should be reviewed. This may be due to changes in population or development of land in or around the review area.

17.2 The principal council has a duty to review parish governance in its area and should review its area at least every ten to fifteen years.

17.3 A Community Governance Review may cover a range of topics in relation to parish governance, from the creation of brand new parishes and the alteration of parish boundaries to the increase or decrease in the number of councillors appointed to a parish.

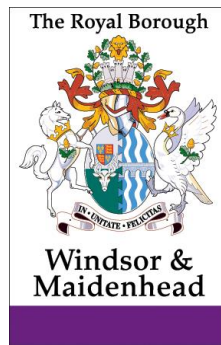
17.4 A principal council is not obliged to agree to any changes proposed in a review. It should however, be seen to make transparent and open decisions when making its draft and final proposals and to uphold the democratic processes underpinning local government. Whatever the outcome of the review, the principal council is required to publish its decisions and make these accessible to all.

18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Dudley	Leader of the Council			
Alison Alexander	Managing Director and Strategic Director			
Russell O'Keefe	Strategic Director of Corporate and Community Services			
External				
SLS c/o Rupert Avery	SLS Link			

REPORT HISTORY

Decision type:	Urgency item?	
	No	
Full name of report author	Job title	Full contact no:
David Scott	Returning Officer and Head of Governance, Partnerships, Performance and Policy	01628 796748



COMMUNITY GOVERNANCE REVIEW – BRAY PARISH

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

DRAFT PROPOSALS

**THESE DRAFT RECOMMENDATIONS HAVE BEEN PUBLISHED FOR
CONSIDERATION BY THE COUNCIL ON:**

21 June 2016

**SUBMISSIONS AND COMMENTS ON THESE DRAFT
RECOMMENDATIONS SHOULD BE MADE BY:**

27 September 2016

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1. INTRODUCTION

Terms of Reference

1.1 In December 2015, the Royal Borough of Windsor and Maidenhead approved and published its Terms of Reference to conduct a Community Governance Review of Bray Parish.

1.2 The Terms of Reference were to consult and consider whether the proposal submitted by way of a valid petition signed by 802 local government electors of Bray Parish and The Fisheries was convenient and reflective of the identities and interests of the communities in that area.

1.3 The petition called for the consideration of adding an area known as The Fisheries to the Parish of Bray. The area known as The Fisheries comprises six roads which are part of Oldfield East polling district in Oldfield Ward.

The legislative framework

1.4 In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, and the following regulations, which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).¹

1.5 The Council is also required to have regard to guidance on Community Governance Reviews issued in accordance with section 100(4) of the Act by the government Department for Communities and Local Government. This

¹ The 2007 Act has transferred powers to the principal councils that previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England

Guidance was published in April 2008, and it has been considered when writing the Terms of Reference.²

The areas under Review

1.6 The Council has resolved that the following areas shall be the subject of this Review:³

- The area known as The Fisheries. This includes the following roads; Avenue Road, Bray Road (partial), Church Road, Fishery Road, Glebe Road and The Rushes.
- The current warded parishes of Bray, which includes: Alexander, Bray Village, Dedworth, Holyport and Oakley Green & Fifield wards.

1.7 The Council has considered that this Review has the potential to create an additional warded parish for Bray, comprising solely the area known as The Fisheries. This would increase the number of wards in Bray Parish from the current five to six.

1.8 This would create implications at borough ward level as a new polling district for Oldfield ward would need to be created. It is proposed that the current Oldfield East polling district be split into two parts and a new polling district should be created, containing The Fisheries. This new polling district would then be coterminous with the new warded parish of Bray for The Fisheries, should this be the confirmed outcome of the Review.

1.9 Should the outcome of the review be that a new warded parish for Bray is created, the Council would intend to create a fourth polling district for Oldfield East ward as part of the next Polling District and Places review. It should be noted that there are no proposed changes to the boundaries between the borough wards of Bray and Oldfield, and this is not part of the proposed review.

² This Guidance is available on the website of the Department for Communities and Local Government at www.gov.uk/government/publications/community-governance-reviews-guidance

³ Section 81(2) requires the area under Review to be specified in this Terms of Reference

2. CONSULTATION

The Consultation Process

2.1 As outlined in the Terms of Reference published in December 2015, the Council proposed that it would consult 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 criteria in the Act.⁴

2.2 The timetable for the review, which sets out the timeframes for public consultation, is as shown in Table 1.

Table 1 – Revised timetable for the Review

Action	Proposed Dates
Terms of Reference approved by Council	15 December 2015
Terms of Reference are published	16 December 2015
Stage 1 – Consultation period. Deadline for initial submissions	16 February 2016
Stage 2 – Consideration of submissions. Draft recommendations are published.	Originally 23 April 2016 Revised 21 June 2016
Stage 3 – Consultation period. Deadline for submissions on draft proposals	Originally 23 June 2016 Revised 1 September 2016
Stage 4 – Council agrees and publishes its final proposals	Originally 23 August 2016 Revised 27 September 2016
If required, Council resolves to make a Re-organisation Order	Thereafter

2.3 The first consultation took place with stakeholders in the area between 16 December 2015 and 16 February 2016. The individuals and interested parties

⁴ Section 93

who were contacted directly and issued copies of the Terms of Reference document were published in Appendix 3 of the Terms of Reference.

Representations Received

2.4 Between 16 December 2015 and 16 February 2016, only two representations were made to the Council in respect of the current review. The first was made by Mr Rod Ball on behalf of the Oakley Green and Fifield Residents Association (OGFRA) on 25 January 2016. The second was made by Dr Barrie Mair on behalf of the Fisheries Residents Association (FRA) on 9 February 2016.

2.5 The representation made by the Oakley Green and Fifield Residents Association (OGFRA) indicated that the association had no specific comment about the Fisheries being added to the parish of Bray and was content for the Council to make its own decision as to whether the review area should be added to the parish. In addition, the association indicated that as the review did not concern altering the boundaries for the existing remaining parish ward boundaries, they had no concerns about the proposals to include the Fisheries into Bray.

2.6 The representation made by the Fisheries Residents Association (FRA) strongly expressed the view that they were in favour of the Fisheries being added into the Bray parish boundary. The key arguments set out were:

- ‘The residents of the Fisheries feel they share an historic identity with the ecclesiastical parish of St. Michael’s Bray and as a result, should not be excluded from the political parish of Bray formed for the purpose of local governance’.
- ‘The residents of the Fisheries feel that they share a cultural identity with the warded parish of Bray Village, where both communities represent “a semi-rural area of historical and cultural stability”. Furthermore, the considerable economic redevelopment scheduled for the neighbouring areas of Maidenhead over the coming years, will

further distance the interests of the rural community of the Fisheries from their neighbours of Oldfield ward’.

- ‘The Fisheries would like to influence the progression and outcome of the Bray Neighbourhood Plan which is currently underway. Their current status outside of the parish boundary restricts the outcome they want to shape for the identity they feel a part of’.
- ‘The FRA suggests that support for the inclusion of the Fisheries into Bray Parish far exceeds the number of local government electors in the review area who signed the petition. It is suggested that a far larger number of people support the proposal, which the Council should take into account when reaching its decision’.

3. ELECTORATE AND DEMOGRAPHIC FORECASTS

The electorate and electorate forecasts for the Review areas

3.1 Since the Terms of Reference were published in December 2015, electorate statistics for the review area have changed. There have been monthly alterations to the electoral register since 1 December. The statistics below reflect the electoral register as at 7 April 2016; the most recent version of the electoral register.

Table 2 - Current electorate and property statistics for the Review area

Parish of Bray as at end of April 2016

<i>Ward</i>	<i>Properties</i>	<i>Electors</i>	<i>Electors per property</i>
Alexander	333	405	1.2
Bray Village	1141	2021	1.7
Dedworth	326	434	1.3
Holyport	1479	2692	1.8
Oakley Green & Fifield	456	781	1.7

The Fisheries as at the end of April 2016

<i>Street</i>	<i>Properties</i>	<i>Electors</i>	<i>Electors per property</i>
Avenue Road	24	48	2.1
Bray Road	15	31	2.2
Church Road	4	15	5.5
Fishery Road	41	82	2.2
Glebe Road	16	25	1.8
The Rushes	12	22	2
Total	112	223	1.9

4. PROPOSALS

4.1 The Council has considered the representations and comments it has received to form the basis of its draft recommendations. In light of the support received in favour of incorporating the Fisheries into the parish of Bray and the absence of any comments in objection to the proposal, and the number of individuals who signed the petition, the Council recommends that the existing boundary of the Bray Parish is extended to include the area known as the Fisheries. It is proposed that these changes come into effect for the next scheduled elections to the parish in 2019.

4.2 A consequence of incorporating the Fisheries into Bray Parish is that a new polling district for Oldfield East will need to be created as outlined in point 1.8. This will be considered and steps put in motion to bring about this alteration at a subsequent Polling District and Places Review before 2019.

5. NEXT STEPS

5.1 The next stage in this Community Governance Review is to invite comments from the public on the Council's Draft Proposals set out in Section 4 and to open the second stage of consultation.

5.2 The Council will consult directly with the organisations and individuals listed in Section 6 as part of the second consultation stage in the same way as it did for the first stage of consultation.

5.3 Comments and recommendations are invited from the date of publication of the Draft Proposals up until 23 August 2016. After the close of consultation, the Council will consider any recommendations received in order to decide and publish its Final Proposals, as per the updated timetable shown in Table 1.

6. LIST OF CONSULTEES (ORGANISATIONS AND INDIVIDUALS FOR CONSULTATION)

Borough Ward Councillors for Bray. Councillors David Burbage, David Coppinger and Leo Walters.

Parish Councillors for Bray.

Alexander: Julie-Ann Glover

Bray Village: Sandra Kiely, Ken Elvin, Chris Graham, David Burbage, Margaret Pierce.

Dedworth: Michael Airey

Holyport: Derek Wilson, Simon Dudley, Peter Janikoun, Louvain Kneen, Barbara Bou-Sreih, Leo Waters

Oakley Green & Fifield: Chris Yates and Nicola Marsh.

The Fisheries Residents Association. Website: www.fisheryresidents.info.
Chairman: Mr Barrie Mair.

Oakley Green, Fifield and District Community Association (OGAFCA).
Website: www.ogafcap.co.uk Chairman: Grenville Annetts.

Oakley Green & Fifield Residents Association (OGFRA). Website:
www.ogfra.org Chairman: Rod Ball

Down Place Residents Association (DPRA). Website: Chairman: David Short