

POLICY AND RESOURCES	
Meeting Date	21 July 2025
Report Title	Undertaking a Community Governance Review in Swale
EMT Lead	Larissa Reed – Chief Executive
Head of Service	Larissa Reed – Chief Executive
Lead Officer	Larissa Reed – Chief Executive
Classification	Open
Recommendations	That Policy and Resources recommends to Council: 1. That they agree to undertake a Community Governance Review in Swale with the objective to extend Town or Parish Council coverage to all of Swale 2. That Policy and Resources agree the political configuration of the Steering Group and Recommend this to Full Council. 3. That Policy and Resources note the draft TOR at appendix B, understanding that these will not be put before Full Council until the areas covered by the CGR have been agreed by the Steering Group

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the process the council will need to undertake in order to create additional town and parish councils within the Borough.

2 Background

- 2.1 The Local Government and Public Involvement in Health Act 2007 (Chapter 3 of Part 4 of the 2007 Act) devolves the power to local authorities to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. Before a Parish or Town Council can be created the Council is required to undertake a Community Governance Review (CGR).
- 2.2 Community Governance Reviews provide the opportunity for principal councils (SBC is the principal council), to review and make changes to community governance within their areas.
- 2.3 In addition to creating parishes, reviews also offer the chance to principal councils to consider the future of what may have become redundant or moribund parishes,

often the result of an insufficient number of local electors within the area who are willing to serve on a parish council.

- 2.4 In addition to the principal council undertaking a review, Community governance reviews may also be triggered by local people presenting public petitions to the principal council to trigger community governance reviews. The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.
- 2.5 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.
- 2.6 The Borough of Swale is largely served by Town and Parish Councils, however there are some notable exceptions to this, the largest being Sittingbourne Town and some surrounding areas which, although are villages, are seen as some as being part of Sittingbourne Town (eg Murston)
- 2.7 The Swale Corporate Plan sets out a desire to hold Community Governance Reviews to enable the whole of the Borough to be covered by Town or Parish Councils.
- 2.8 The process to undertake a Community Governance Review is set out at Appendix A.
- 2.9 The process requires the council to set up a steering group. There are a number of options for this steering group.
 - One member from each political group
 - One member from each political group plus the unaligned independent member
 - A more politically balanced group (eg 2 Labour, 2 Conservatives, 2 SIA, 1 member each from Liberal Democrats, Reform and Green)
 - A more politically balanced group (eg 2 Labour, 2 Conservatives, 2 SIA, 1 member each from Liberal Democrats, Reform and Green) plus the unaligned independent
- 2.10 **Timing of community governance reviews**

There is no requirement to carry out a Community Governance Review in any particular part of the electoral cycle, but there is good practice to suggest they link in with the electoral cycle so if there are any new councils formed they fall within the cycle (eg elections in May 2027). This is not to say that a new council may not be formed earlier but the tenure of the members will be shortened to fit in with the main electoral cycle of the principal council.

- 2.11 Under the act, there is a requirement to complete the review, within 12 months of the start of the community governance review. The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations made in the review
- 2.12 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 that Act which apply to councils undertaking reviews. Swale Borough Council as the principal council will need to consult local people, and take account of any representations received in connection with the review. When undertaking the review it is important 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.
- 2.13 Under the 2007 Act the council is required to consult local government electors in any area under review, and others who may have an interest in the review. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies.
- 2.14 In addition, the council must take into account any representations received as part of a community governance review. We must also consider the wider picture of community governance in carrying out their reviews. In some areas there may be well established forms of community governance such as local residents' associations, or community forums which local people have set up and which help make a distinct contribution to the community. In undertaking a review, section 93(5) requires the council to take these bodies into account.

3.0 Alternative Options Considered and Rejected

Not to undertake a Community Governance Review. It would be possible to pause any Community Governance Reviews (except any which are the result of a petition). This has been discounted as it is a piece of work which is in the Corporate Plan

4.0 Consultation Undertaken or Proposed

The bodies which the principal council must consult under section 93 of the 2007 Act include other local authorities which have an interest in the review (It is unlikely we have any of these other than KCC).

There will be statutory and non statutory consultation periods during this piece of work. Officers will carryout roadshows, drop ins, will provide FAQ's and will work with KALC to ensure the consultation is robust and residents views are clearly articulated to members

5.0 Implications

Issue	Implications
Corporate Plan	The work required to carry out Corporate Governance Reviews is in the Corporate Plan
Financial, Resource and Property	The cost of undertaking the CGR will be in the region of £10,000. Although we have no specific budget to undertake this piece of work, we have an officer working on Local Government Reorganisation and they will lead this piece of work
Legal, Statutory and Procurement	The Local Government and Public Involvement in Health Act 2007 (Chapter 3 of Part 4 of the 2007 Act) devolves the power to local authorities to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England
Crime and Disorder	There are no direct crime and disorder implications of this proposal
Environment and Climate/Ecological Emergency	There are no direct Environmental Emergency implications of this proposal
Health and Wellbeing	Although there is not direct Health and Wellbeing impact of this decision, Town and Parish Councils are able to undertake work to improve Health and Wellbeing
Safeguarding of Children, Young People and Vulnerable Adults	There are no direct safeguarding implications of this proposal
Risk Management and Health and Safety	There are no direct health and safety implications of this proposal
Equality and Diversity	There are no direct Equality and Diversity implications of this proposal
Privacy and Data Protection	There are no direct privacy or data protection implications of this proposal

7 Appendices

- Appendix A
- Appendix B

8 Background Papers

A research paper which was presented to Group Leaders. The contents of which have been transferred to this report.

Appendix A

Proposed Timetable	Outline of Action
Month 1	P&R makes recommendations to Council on the CGR process. Cross Party Member steering group is set up (informally agreeing ToR) (draft ToR at appendix B (these are not for agreement at the current time)
Month 1	Full Council approves recommendations from P&R, sets ToR for CGR, appoints Steering Group and agrees ToR for Steering Group. Kent County Council to be notified of intention to undertake review and sent ToR
Month 2/3	Meetings of CGR Steering Group to consider the proposed timetable for review, consultation methods and geography for CGR
Month 3-5 (Month 1 of 12 month required timescale)	Formal publication of ToR and launch of public consultation (12 months' timescale starts from now), timetable for review, consultation methods etc. Consultation period of 6 weeks All Parish and town councillors to be notified of intention to review and sent ToR MP's to be notified of intention to review and sent ToR Local groups and interested parties such as local businesses, local residents' associations, local public and voluntary organisations such as schools or health bodies to be informed.
Month 5/6 (Month 2/3 of 12 month required timescale)	CGR Steering Group considers submissions and develops draft recommendations for submission to P&R for approval by Full Council
Month 6/7 (Month 3/4 of 12 month required timescale)	Publish draft proposals (within Council Agenda).
Month 7/8 (Month 4/5 of 12 month required timescale)	Formal Publication of draft recommendations and launch of stage 2 of public consultation (6 weeks)
Month 9/10 (Month 6/7 of 12 month required timescale)	CGR Steering Group considers submissions and develops final recommendations for submission to P&R for approval by Full Council
Month 10/11	Full Council makes final decision and approves the creation of Community Governance Orders (CGO),

(Month of 12 month required timescale)	if any, in relation to any proposed parish / town councils.
Membership	Cross Party – need to agree the number
Officer Leads	Larissa Reed – Chief Executive Steph Curtis - Policy & Communities Manager Jo Millard – Electoral and Democratic Services Manager

Drafts TOR for Steering Group

Swale Borough Council

Community Governance Review – Draft Terms of Reference

A community governance review will be carried out by Swale Borough Council under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). The review shall comply with the legislative requirements, have regard for the associated statutory guidance and will be conducted in accordance with these terms of reference.

The review will consider the establishment of a Town Council for xxxx encompassing the following electoral wards x xxxxxxx. The review will also consider the establishment of Parish Councils for the following areas

It shall have particular regard for the need to secure that community governance within the area under review:

- reflects the identities and interests of the communities in that area; and
- is effective and convenient.

When carrying out the Community Governance Review, Swale Borough Council must also take into account other existing or potential community governance arrangements.

Following the review the Community Governance Review Steering Group shall make recommendations as to:

- whether or not to establish a new Town/Parish Council in xxxx and whether or not to create new Parish Councils in xxxx,
- The electoral arrangements of any new parish or town council – including the ordinary year of election, warding and number of councillors; The review shall invite and take account of submissions from all interested parties.