

Review of Community Governance in Bexhill-on-Sea carried out by Rother District Council



Final Recommendation:

That there be no change to the existing governance arrangements for Bexhill-on-Sea at this time.

The final recommendation of Rother District Council (RDC) is that there be no change to the existing governance arrangements for Bexhill-on-Sea at this time.

Background

The Council received a petition to undertake a Community Governance Review (CGR) of Bexhill-on-Sea in March 2015; the petition was verified in June / July 2015 following the District Council elections in May. The petition was valid in that it contained the prerequisite number of signatures (10% or more local electors) to trigger a CGR (3,816). The petition called on the Council:

“to undertake a Community Governance Review as provided for in the Local Government and Public Involvement in Health Act 2007. The review should encompass the whole of Bexhill.

We recommend that an Area Committee be established for Bexhill-on-Sea, comprising the elected councillors for the nine Bexhill-on-Sea wards, as the simplest and most effective means of meeting the aims of the Act in relation to Bexhill-on-Sea.”

In addition to the valid petition, the current administration had made a manifesto pledge to conduct a CGR within Bexhill-on-Sea to consider all possible governance options, including parishing.

The commencement of the CGR was delayed following advice from the Local Government Boundary Commission for England who were conducting an East Sussex authority wide review of electoral boundaries at that time and which concluded in December 2016.

On 26 September 2016, the Council approved terms of reference for the conduct of the CGR of Bexhill-on-Sea.

The review commenced on 9 January 2017 with the formal publication of the Terms of Reference and the launch of the stage 1 consultation.

Bexhill-on-Sea – brief municipal history

Although there were established settlements at Bexhill Old Town, Sidley and Little Common, Bexhill evolved in the late 19th century around the railway station. It was established as a Municipal Borough with a Royal Charter granted in 1902 with its principal office at the Bexhill Town Hall, opened by the Bexhill Borough Council in 1895. This building is now the principal office of Rother District Council.

Rother District Council came into being on 1 April 1974, consequent upon a general

re-organisation of Local Government in England and Wales (excluding London) under the Local Government Act 1972. It was formed by combining the former authorities of Battle Rural District Council, Bexhill Borough Council and Rye Borough Council. Land and other property belonging to these former authorities (such as houses, open spaces, car parks and municipal offices, including the Bexhill Town Hall) was transferred to Rother District Council by the Local Authorities (England) (Property etc.) Order 1973 (S.I. 1973 No. 1861).

The ceremonial aspects of the Borough of Bexhill, including election of its Mayor, are currently vested in the Bexhill Charter Trustees comprising those members of Rother District Council elected by the Bexhill wards under section 246 Local Government Act 1972.

The Review

The Council has carried out this review in accordance with the Local Government Public Involvement in Health Act 2007 ('the Act') and guidance issued by the Department for Communities and Local Government.

At the full Council meeting held on 26 September 2016, Council agreed the Terms of Reference (ToR) for the CGR, established a Community Governance Review Steering Group, agreed the ToR for the Steering Group and agreed that the Steering Group be chaired by an independent person. The Steering Group comprised 9 Members – 6 Conservative, 1 Liberal Democrat, 1 Association of Independents and 1 independent councillor; former District Councillor Robin Patten was appointed to act as the independent chairman. Once the review was underway, all meetings of the Steering Group were held in the public domain.

The ToR specifically states that Community Governance Review Steering Group shall make recommendations as to:

- whether or not to establish an Area Committee for Bexhill-on-Sea;
- whether or not to establish any new parishes within Bexhill-on-Sea, the name of any new parishes and the styling (i.e. parish, community, neighbourhood or village) of any new parish;
- whether or not any new parish should have a parish / town council (subject to the particular restrictions on recommendations in this area set out in Section 94 of the 2007 Act) and the electoral arrangements of any new parish council – including the ordinary year of election, warding and number of councillors; and
- any other recommendations for alternative forms of governance for Bexhill-on-Sea that may emerge from the review.

Consultation – stage 1

The stage 1 consultation was an open consultation seeking the views of all stakeholders (including but not limited to local businesses, community associations, local county councillors, schools and colleges, tenants and residents associations, political organisations, voluntary groups, charities and societies) to enable the Council to formulate preferred options for the stage 2 consultation to be held later in the year.

The consultation was launched on 9 January 2017, ran for 12 weeks and closed on Friday 31 March 2017. At the close of the consultation 928 responses had been

received. All responses received were published on the Council's website in their entirety in the interests of transparency and to stimulate debate. Parish and Town councils across the District were also notified and invited to respond to the consultation. It was clear from the responses received that the majority of respondents would like to see some other form of local governance for Bexhill-on-Sea.

The Council used a broad range of consultation methods including an on-line portal for comments, letters and emails, community engagement events, attendance at community meetings, all of which were promoted through the Council's dedicated consultation webpage, by direct invitation, media releases, elected Members, posters and leaflets distributed across the district and social media.

In May, the Steering Group Members received and considered the outcome of the stage 1 consultation including the arguments put forward by respondents in both support and against of the top four favoured options (Parish/Town Council; Parish/Town or Area Committee; Area Committee or No change).

Taking into consideration the feedback received from the stage 1 consultation, the Steering Group recommended to the Overview Scrutiny Committee (OSC) to take forward the following three options for the stage 2 consultation:

- Option one – no change and retain the status quo.
- Option two – the creation of one Parish Council for the whole of Bexhill (to be styled a Town Council).
- Option three – the creation of an Area Committee for Bexhill.

Options for Bexhill-on-Sea

The recommendations made by the Steering Group were considered and agreed by the OSC on 12 June together with an additional, fourth option, as follows:

- Option four – the creation of three Parish Councils subdivided as Bexhill, Little Common and Sidley.

After consideration had been given to the results of the first consultation by the OSC and Cabinet, full Council agreed on 10 July 2017 the following four options for the stage 2 consultation:

- i) Option one – no change to governance arrangements – retention of the Charter Trustees.
- ii) Option two – the creation of one Parish Council for the whole of Bexhill (to be styled a Town Council) – abolition of the Charter Trustees.
- iii) Option three – the creation of an Area Committee for Bexhill – retention of the Charter Trustees.
- iv) Option four – the creation of four Parish Councils – North, East, South and West Bexhill, based on the current (May 2017) East Sussex County Council Divisional boundaries – abolition of the Charter Trustees.

The consultation documentation and information can be accessed at www.rother.gov.uk/communitygovernancereview

Consultation – stage 2

The stage 2 consultation was launched on 1 September 2017, ran for 8 weeks and closed on Tuesday 31 October 2017. The consultation was run by way of Council produced response cards and an on-line consultation portal; whilst these had initially been the preferred methods, the Council subsequently confirmed that responders could use a variety of methods and the consultation deadline was extended (from 13 October to 31 October). The Council's preferred consultation response method was on-line, via the consultation portal, not only to keep costs to a minimum but to enable the capture of demographic data, which was not captured with any other method.

The Council took the decision in July that there would not be a leaflet drop to all households in Bexhill-on-Sea on the basis of cost. In the absence of a Rother District Council (RDC) leaflet drop to all households, Democracy4Bexhill (D4B) (a local, non-politically aligned group established initially to raise awareness of the review) produced their own leaflet campaigning for a Town Council, and response postcard which was circulated to all Bexhill households.

At the close of the consultation 9,227 valid responses (residents and non-residents) had been received, with the following result: 4% (Option 1) no change; 94% (Option 2) town council; <1% (Option 3) Area Committee and 2% (Option 4) 4 Parish Councils.

The Law - Duties and Guidance

Under section 93 of the Local Government and Public Involvement in Health Act 2007, the Council must comply with the following duties when undertaking a community governance review:

- (1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to Undertake the review.
- (3) The principal council must consult the following—
 - (a) the local government electors for the area under review;
 - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review—
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
 - (a) that have already been made, or
 - (b) that could be made, for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in

connection with the review.

- (7) As soon as practicable after making any recommendations, the principal council must—
 - (a) publish the recommendations; and
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (8) The principal council must conclude the review within the period of 12 months starting with the day on which the council begins the review.

Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State (guidance on Community Governance Reviews published in March 2010 by the Department for Communities and Local Government (DCLG) and the Local Government Boundary Commission for England (LGBCE)).

The application of these obligations was addressed in the report to the Community Governance Steering Group of the 22 May 2017.

The Council received 9,032 valid responses from residents to the stage 2 consultation. This represents 25.8% of the electors (34,912) of Bexhill and 20.4% of the population (44,200) taken as a whole (as the consultation was open to all and responses from under 18s have been accepted).

Despite the efforts of the Council and D4B, the majority of electors (74.2%) / population (79.6%) did not feel sufficiently strong enough about the future governance arrangements for Bexhill-on-Sea to take part in the consultation and to express a preference for one of the options.

Consideration of the outcome of the consultation and identification of the final recommendation

The Community Governance Review Steering Group considered the outcome of the stage 2 consultation on 9 November and felt unable to support one final recommendation. Given the importance of the decision, which included the potential to establish an additional tax raising body on a permanent basis for the residents of Bexhill-on-Sea, it was agreed that all four options be put forward to the OSC, Cabinet and full Council to enable a full and thorough debate on all possible options, without any steer or influence from the OSC or Cabinet. The OSC and Cabinet therefore supported this view and all four options were considered by full Council on Monday 18 December.

Following a full and thorough debate on all four options, at which all Members of the Council were able to speak at length, full Council agreed that its final recommendation was that there be no change to the existing governance arrangements within Bexhill-on-Sea at the current time. The Council was extremely grateful for residents who had taken the time to respond to the consultation.

The Council's main reasons for this decision is summarised as follows:

- Councillors felt unable to support the formation of an additional tax raising body on the residents of Bexhill-on-Sea for perpetuity on a minority of opinion;
- Many residents were asset rich and cash poor, as well as many low income

- families, benefit dependent residents and those living within the some of the most deprived areas within East Sussex (Sidley and Central Wards);
- It was likely that East Sussex County Council, East Sussex Fire and Rescue Authority and East Sussex Police and Crime Commissioner along with Rother District Council would all be increasing their element of Council Tax in coming years to address the continued reduction in government support, particularly in relation to adult social care;
 - Whilst the majority of those who responded to the consultation were in favour of the formation of a Town Council for Bexhill-on-Sea (94%), this represented only 20% of the population of Bexhill-on-Sea;
 - Any Town Council established in Bexhill-on-Sea would be able to increase its pre-cept by any amount / percentage and would not be subject to the same Government capping regime as the District Council;
 - It was considered that the diverse / distinct communities within Bexhill-on-Sea may be disadvantaged through the formation of a Town Council for Bexhill-on-Sea;
 - The stage 1 consultation responses indicated that a fair proportion of the matters that respondents thought would be improved or should be addressed by another governance model were not services / functions that were provided by RDC nor could they be addressed by a Town Council;
 - RDC had an excellent track record of financial stability – confirmed year on year by external auditors; Bexhill-on-Sea is in good hands; and
 - RDC had invested significantly in Bexhill-on-Sea over the past 10 years and this investment was now paying off in terms of regeneration, tourism and culture, job creation, national recognition and awards and economic growth.

Final Recommendation

The final recommendation of the Council has been a difficult one, given the significant number of responses to the Council's stage 2 consultation, but it has concluded that the final recommendation is that there be no change to the existing governance arrangements for Bexhill-on-Sea at this time.

Enquiries for further information on the final recommendations please contact:

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