

COUNCIL

20 MAY 2025

REFERENCE FROM THE TENDRING / COLCHESTER BORDERS GARDEN COMMUNITY JOINT COMMITTEE

A.3 TENDRING / COLCHESTER BORDERS GARDEN COMMUNITY – COMMUNITY GOVERNANCE REVIEW

(Report prepared by Ian Ford)

PURPOSE OF THE REPORT

To enable Council to consider the recommendation of the Tendring / Colchester Borders Garden Community Joint Committee that a Community Governance Review be undertaken, at the appropriate time, that would (amongst other things) look at the current parish boundaries within the area for the Garden Community (in so far as this is within the District) and would consider whether there is potential to create a new parish for the Garden Community or un-parish the existing area (in readiness for development of the Garden Community and Local Government Reorganisation).

EXECUTIVE SUMMARY

At its meeting held on 1 May 2025, the Tendring / Colchester Borders Garden Community Joint Committee (“the Joint Committee”) had considered a report (A.2) that had sought the Joint Committee’s approval of the Pathway to Stewardship as forming part of the planning guidance for determining planning applications at Tendring Colchester Borders Garden Community in respect of stewardship matters.

Members of the Joint Committee had been reminded that, as part of the partner Councils’ commitment to comprehensively plan for the delivery of the Tendring Colchester Borders Garden Community (TCBGC), specialist consultants (Community Stewardship Solutions (CSS)) had been commissioned, following a competitive tendering exercise, to prepare guidance on future stewardship requirements at the Garden Community.

The Joint Committee had recalled that the aim of that commission had been to enable the partner Councils to be better informed and more prepared for the consideration of stewardship proposals as they came forward through the planning process. Stewardship was an integral part of the planning requirements for the TCBGC, as set out in the adopted Section 1 Local Plan and the Development Plan Document.

It had been reported that throughout 2024, CSS had undertaken a series of meetings and interviews with local stakeholders and interested parties to gather views on potential community governance solutions at TCBGC. CSS had also been able to draw upon its considerable experience of planning stewardship arrangements at strategic developments and apply it to the TCBGC.

Members of the Joint Committee had been advised that the commission had culminated in the Pathway to Stewardship and Placemaking document. That document included commentary and bespoke recommendations related to a number of areas that CSS had considered to be intrinsic to progressive and effective stewardship arrangements, including accountable governance, financial sustainability and community enablement.

The Joint Committee had been made aware that the Pathway to Stewardship and Placemaking document, if approved by the Joint Committee, would form part of the partner

authorities' planning guidance that would be applied in the determination of relevant planning applications at TCBGC, particularly in relation to the future Stewardship Strategy to be submitted with the planning application.

In respect of the reference to the characteristics of TCBGC in that the development sat across both the Parishes of Ardleigh and Elmstead, as well as an area of unparished land (in the City of Colchester), it had been noted that the Pathway document had been finalised prior to Essex being included within the Government's Priority Programme for Devolution and Local Government Reorganisation (LGR). Therefore, any decision to commence a Community Governance Review to explore a change to the existing boundaries of the two Parishes within the Tendring District, would be undertaken at the appropriate time. The second recommendation of the report (A.2) had requested Tendring District Council to consider this in the light of LGR.

It had been RESOLVED by the Joint Committee:-

- (a) approves the Pathway to Stewardship report as planning guidance for future decision making in relation to stewardship and related matters at Tendring Colchester Borders Garden Community; and
- (b) recommends to Tendring District Council that a Community Governance Review be undertaken, at the appropriate time, to look at the current parish boundaries within the area for the Garden Community and to consider whether there is potential to create a new parish for the Garden Community or un-parish the existing area in readiness for the development of the Garden Community and Local Government Reorganisation.

Resolution (b) above is pertinent to this report. Although the resolution is framed in the way that it is, the community governance review process would look at all such matters within the review area and no predetermined outcome could be presumed from commencing such a review. Further, the Council's use of its powers under the Local Government and Public Involvement in Health Act 2007 in respect of community governance reviews would need to be for the purposes set out in that Act.

A copy of the published report (and its appendix) to the Joint Committee meeting held on 1 May 2025 is attached to this report.

RECOMMENDATIONS

That Council, having considered this reference report from the Tendring / Colchester Borders Garden Community Joint Committee and the advice of the Monitoring Officer set out below, approves:

- (a) in principle, that a Community Governance Review be undertaken, at the appropriate time, that would (amongst other things) look at the current parish boundaries within the area for the Garden Community (in so far as this is within the District) and that such review would consider whether there is potential to create a new parish for the Garden Community or un-parish the existing area (in readiness for the development of the Garden Community and Local Government Reorganisation); and**
- (b) refers the recommendation in (a) above to the Community Leadership Overview and Scrutiny Committee to enable an officer report to be submitted to it in respect of the options for the proposed community governance review, its timing and its resourcing and to enable the Committee to then**

provide an informed recommendation on these matters to the Council at a future meeting.

MONITORING OFFICER'S ADVICE

This report, and the report considered by the Tendring-Colchester Garden Community Joint Committee on 1 May 2025 sets out that this Council may utilise the powers set out in the Local Government and Public Involvement in Health Act 2007 in order to undertake a community governance review for a review area to be determined in the terms of reference for the review. The review process and requirements of the District Council in respect of a governance review is set out in the 2007 Act alongside which there is statutory guidance.

In view of the above, and the expectations around good decision making, Council is invited to consider resolving a reference of the Tendring-Colchester Borders Garden Community decision set out above to the Community Leadership Overview and Scrutiny Committee. The terms of reference for the Community Leadership Overview and Scrutiny Committee include the following:

“(C) The Community Leadership Overview & Scrutiny Committee, in accordance with Section 9F (d) and (e) of the Local Government 2000 (as amended) will also perform the functions relating to community governance reviews as provided for by Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the 2007”) where those functions have been delegated to the Committee by full Council (as set out in Part 3 Schedule 2 Responsibility for Council (Non-Executive) Functions).

9F (d) and (e) of the Local Government 2000 (as amended) will also perform the functions relating to community governance reviews as provided for by Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the 2007”) where those functions have been delegated to the Committee by full Council (as set out in Part 3 Schedule 2 Responsibility for Council (Non-Executive) Functions).

In performing its delegated functions, the Committee is required, by section 100(4) of the 2007 Act, to have regard to the guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2) of the same Act.”

Such a reference to that Committee would enable an officer report to be submitted to it in respect of the options for the proposed community governance review, its timing and its resourcing. The Committee could then provide an informed recommendation on these matters to the Council at a future meeting.

Notwithstanding the above, in relation to proposals around local government reorganisation within Greater Essex, in the event that both Tendring and Colchester were to be part of the same new unitary council, that council would be in a position to undertake a community governance review of the entire development area for the Tendring-Colchester Garden Community. At present, Tendring District Council would only be able to undertake a review of the Garden Community in so far as it relates to the Council's administrative area. The Garden Community development area straddles the boundary between Tendring District and Colchester City. While the envisaged vesting day for any new unitary would be 1 April 2028, the shadow authority for the possible new unitary for this area would be established in 2027 (with elections to it in May 2027). The shadow authority could be provided with community governance review powers and so could, from that point, consider the entire development area in a single community governance review. However, the discretion of the shadow authority or a new unitary council would be a matter

for those bodies.

If, through a community governance review, it is recommended that an area should have its own parish, then the 2007 Act provides direction on the form of governance at that level. For parishes with 150 or fewer local government electors cannot have a council and can only be a parish meeting (unless the parish already has a council). Between 151 and 999 local government electors, the review can recommend that the parish should have a council (optional) and where the parish 1000 or more local government electors the review must recommend that the parish has a council.

Undertaking a community governance review of a parished area (as is the case for the Tendring-Colchester Borders Garden Community development area within the District of Tendring) and concluding that the area should be unparished, will need to be mindful of the statutory guidance referred to. This guidance includes the following:

“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.”

The extent to which these tests can be answered would need to be addressed.

BACKGROUND PAPERS FOR THE DECISION

Published Minutes of the meeting of the Tendring / Colchester Borders Garden Community Joint Committee held on 1 May 2025.

APPENDICES

Appendix A = The covering report (A.2) submitted to the Joint Committee on 1 May 2025

Appendix B = The GC Pathway to Stewardship and Placemaking document