

## **Terms of Reference – Community Governance Review.**

### **Proposals to remove three seats within the Bishopstone and District Parish Council**

#### **1. Introduction**

Herefordshire Council is carrying out a Community Governance Review (CGR) in Bishopstone and District Parish in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The Council is required to have regard for the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance has been considered in drawing up these terms of reference.

#### **2. What is a community governance review?**

A CGR can consider a number of issues, including whether to:

- create a new parish (this may be where an area is not currently parished, or as a result of bringing together two or more existing parishes)
- alter the boundary of one or more existing parishes
- bring a number of parishes together as a grouped parish council
- alter the number of seats on an existing parish council

A community governance review provides an opportunity to remove unsuitable boundaries and ensure that boundaries both reflect local identities and facilitate effective and convenient local government. Reviews also offer principal councils the opportunity to consider the future of what may have become redundant or declining parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council.

#### **3. In undertaking the review, Herefordshire 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
- The guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Electoral Commission, published in April 2008 and,
- The following regulations which guide, in particular, consequential matters arising from the review:
  - Local Government (Parishes and Parish Councils) (England) Regulations 2008 (S12008/625);
  - Local Government Finance (New Finance) regulations 2008 (S12008/626)

#### **4. Who carries out the review?**

Herefordshire Council is responsible for conducting the review. A decision on whether or not to carry out a CGR will be taken by Herefordshire Councillors at a meeting of full Council on 13 October 2017. If agreed, the council will have one year to complete the review. A full consultation will take place with parishes, ward members and other local stakeholders as part of the review. See item 7 below.

#### **5. Why are we proposing a Community Governance Review for Bishopstone and District Parish Council?**

In September 2015 the audit and governance committee received a report setting out the reasons for considering undertaking a CGR in the county, and agreed a timetable by which the information necessary to assess the case for a CGR would be collated.

Herefordshire is currently divided into 239 parishes and there are no areas within the county which are not 'parished'. Within the county there are 133 parish councils, (some of which are group parish councils which collectively represent more than one parish), and four parish

meetings (where there is no parish council but a parish meeting is held at least twice a year to which all electors are entitled to attend and vote on certain matters).

To inform the recommendation of the committee, a range of information has been collated including current elector numbers per parish, number of uncontested seats in the 2015 local elections and number of seats remaining vacant after the election<sup>1</sup>.

As part of a county wide consultation with parishes in 2016, a number of parishes came forward to highlight that they wished to either increase or decrease the number of seats on their parish council. During that consultation Bishopstone and District parish council indicated that: *The council indicated that they wished to remove the three seats which remained vacant following the elections in May 2015. Current and proposed arrangements would involve relatively low numbers of electors for every councillor on the parish council.*

However, in subsequent follow up consultation undertaken in the last two months, Bishopstone and District have now indicated that they: *no longer wish to remove the three seats which remained vacant following the elections in May 2015. They would, however, like to take part in the Community Governance Review with regard to moving a boundary on the north side of the A438 at Sugwas Pool, Swainshill, and Sugwas parish.*

## **6 The scope of the CGR.**

The review will not automatically mean there will be changes but it will see if there is a case for change. Herefordshire Council is not seeking a particular solution at this stage. It wishes to test views and assess what solutions are the right ones to pursue with each individual parish.

## **7 Who will we consult?**

Herefordshire Council's audit and governance committee will seek to establish a working group made up of appropriate local stakeholders, which will include the ward member for the Bishopstone and District parish. This working group will be supported and facilitated by Herefordshire Council officers.

A full consultation process will form part of the review to take full account of the views of local people. The Act requires the Council 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 both stages of consultation. This will include:

- The Parish Councils of the Bishopstone and District group.
  - Communities within the parishes under review.
  - Ward Members (in the wards where parishes are under review)
  - Community Council
  - Groups and Societies
  - Schools and Colleges
  - Members of Parliament
  - Herefordshire Association of Local Councils
  - Local Political Parties
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The deadline for sending your submissions for the first stage of the review is **1 March, 2018**. Please return your views in writing to: Democratic Services Community Governance Review, The Shire Hall , St. Peter's Square, Hereford, HR1 2HX or by email: [CGR@herefordshire.gov.uk](mailto:CGR@herefordshire.gov.uk)

The Council intends to clearly publish all decisions taken and the reasons for taking those decisions and will work towards the Government's view that "Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions."

To that end, Herefordshire Council will:

- Publish a notice in the local press informing residents of the review and inviting responses;
- Publish information on the council's website;
- The Council will also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.
- Take into account any representations received in connection with the Review.

## 8. What matters will the review focus on?

The recommendations made in a community governance review will have two main objectives:

- 1) To facilitate the changes the parishes identified in this document are seeking
- 2) To improve community engagement and better local democracy.

The review must ensure that community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient. It must also take into account any existing arrangements such as community or resident's associations or neighbourhood councils.

The Council is keen to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identify and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

## 9. Timeframes

Publication of this draft terms of reference formally begins the review, and the review must be completed within twelve months.

## 10. Timetable for the Review

Action	By when
Terms of reference presented to Council	13 October 2017
Publish terms of reference	11 December
Initial consultation period	11 December 2017 to 1 February 2018
Consultation phase 1	1 February to 6 April 2018
Prepare draft proposals and recommendations	6 April to 10 May 2018
Consultation phase 2: Draft proposals and recommendations	11 May to 22 June 2018
Presentation of proposals	22 June to 1 July 2018
Prepare final proposals	2 July to 31 July 2018
Internal consultation and sign-off report	August/September 2018

## **Appendix 1: Glossary of terms and relevant information to this review:**

### **What role do Parish Councils perform?**

Parish Councils are the most local form of government. They collect money from Council Tax payers (via the District Council) known as a “precept” and this is used to invest in the area to improve services or facilities. Parish Councils can take different forms but usually are made up of local people who stand for election as Parish Councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services and work to improve the quality of life in the area.

### **What are grouped parishes?**

It may best be considered as a working alliance of parishes that have come together under a common parish council, with the electors of each of the grouped parishes electing a designated number of councillors to the Council. It has been found to be an effective way of ensuring parish government for small parishes that might otherwise be unviable as separate units, while otherwise guaranteeing their separate community identity.

The Council recognises that the grouping of parishes needs to be compatible with the retention of community interests, and notes the government’s guidance that “it would be inappropriate for it to be used to build artificially large units under single parish councils.” A grouping order is permitted under Section 11 of the Local Government Act 1972.

### **Parish Warding.**

Parishes/towns can be divided into wards for the purpose of electing councillors. Again, this could depend upon the size and make up of a proposed council. The Government guidance requires that consideration be given to the number of and distribution of local government electors which could make a single election of councillors impractical or inconvenient or it may be desirable for areas within the town or parish to be separately represented.

The Government’s guidance is that “the warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish

### **What is a community governance order?**

The Review will be completed when the Council adopts a Reorganisation of Community Governance Order. The Order will specify when it will take effect for financial and administrative purposes and when the electoral arrangements for a new or existing parish council will come into force

Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council’s offices and website.

In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council’s offices. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

### **What do ‘Electoral Arrangements’ mean?**

An important part of our Review will comprise giving consideration to „Electoral Arrangements“. The term covers the way in which a council is constituted for the parish. It covers:

- the ordinary year in which elections are held;
- the number of councillors to be elected to the Council;
- the division (or not) of the parish into wards for the purpose of electing councillors;
- the number and boundaries of any such wards;
- the number of councillors to be elected for any such ward; and
- the name of any such ward.

### **Is there an ideal size of a parish council?**

The Government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities,” and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

Parishes wishing to increase numbers must give strong reasons for doing so. The number of parish/town councillors for each council must be not less than five but can be greater. However, each parish grouped under a common parish council must have at least one parish councillor.

The Aston Business School found the following levels of representation to the good running of a council:

Electors	Councillors
Less than 500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
More than 20,000	13-31

### **Viability**

The Government has a commitment to improve the capacity of the parish structure to deliver better services and to represent the community’s interests. Therefore, the Council is anxious to ensure that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner.

### **Boundaries**

It will be desirable for parish/town council boundaries to be readily identifiable. This can be by reference to physical features or may follow adopted electoral ward boundaries in the District. Any changes should also take into account population shifts or additional development that may have affected community identity.