

# **Appendix 1**

## **Warwick District Area Community Governance Review – Terms of Reference**

### **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

#### ***What is a Community Governance Review (CGR)?***

A Community Governance Review (CGR) is a legal process whereby Councils can create parish councils, review and change electoral arrangements and, in extreme cases, abolish parishes.

Warwick District Council (the District Council) must ensure that community governance in the area under review reflects the identities and interests of the community in that area and is effective and convenient.

It is important that recommendations made through a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

In undertaking the CGR, the Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);
- the relevant parts of the Local Government Act 1972 (“the 1972 Act”);
- the Guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Electoral Commission in April 2008 (“the Guidance”);
- also 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).

#### ***What does a Parish Council do?***

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.

Therefore, the District Council wants 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.

### ***Who will undertake the CGR?***

Warwick District Council is responsible for undertaking a CGR within its electoral area.

The District Councils Regulatory Committee is responsible for overseeing this process and officers will produce draft and final recommendations for consideration by the Committee before a Community Governance Order is made.

### ***Why is Warwick District Council undertaking the review?***

A review provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population, additional development or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities, interests and historic traditions of the community.

The Government emphasises that recommendations made in a review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

The District Council has recently completed a review of its own electoral warding arrangements and wishes to conduct a community governance review to consider whether the existing Parish Councils are reflective of the identities and interests of the communities in those areas and are effective and convenient and consider whether it is appropriate for those parish councils to be merged, altered or abolished.

The District Council wants to ensure that electors should be able to identify clearly with the parish in which they are resident. It considers that this sense of identity 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.

The District Council wants to ensure that as far as practicable the electoral area boundaries at all levels of local government are coterminous.

## **Consultation**

The District Council wants to know what local people think about the community governance arrangements for the whole Warwick District area or perhaps just the area in which a person lives and invites the public to send their views and responses in writing to Gillian Friar, Electoral Services Manager, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire CV32 5HZ or by email to [register@warwickdc.gov.uk](mailto:register@warwickdc.gov.uk).

The deadline for sending views and responses for consideration in the first stage of the CGR is **at noon Friday 4 October 2013**.

The District Council will consider all the views and responses received and then publish draft proposals and the reasons behind them. There will then be a further period of time for people to comment on the draft proposals before the final proposals are agreed.

Before making any final proposals, the District Council will take full account of the views of local people.

The District Council will:

- Publish a notice in the local press informing residents of the Review and inviting responses;
- Publish information on the Council's website;
- Publish information on Parish notice boards informing residents of the Review and inviting responses;
- Inform and consult; Parish and Town Councils in Warwick District; all Warwick District Councillors; and all relevant County Councillors and Members of Parliament for the District;
- Consult any other person or body which appears to the District Council to have an interest in the Review;
- Consult with the residents of the Warwick Gates housing estate to take into account their views on the electoral arrangements for their electoral area currently divided between 3 Parishes; each with their own precept and approach and will continue to fall between 3 Parishes, 3 District wards and 3 County electoral divisions;
- Will review the final Local Government Boundary Commission recommendations for Parish electoral arrangements effecting the parishes of Cubbington, Kenilworth, Royal Leamington Spa, Warwick and Whitnash; ensuring that as far as practicable the electoral area boundaries at all levels of local government are coterminous;

- Ensure that District wide, as far as practicable, the electoral area boundaries at all levels of local government are coterminous;
- Take into account any representations received in connection with the Review;
- Inform the Local Government Boundary Commission for England of the commencement of the District wide CGR and keep them informed of recommendations made to amend District ward boundaries;
- Inform the Parliamentary Boundary Commission for England of the commencement of the District wide CGR and keep them informed of recommendations made to amend Parliamentary Constituency boundaries.

There will then be a further period of time for people to comment on the draft proposals before the final proposals are agreed.

A CGR must, by law, be concluded within a twelve month period. The twelve months starts when the District Council publishes its Terms of Reference and the Review concludes when the District Council makes its final decision on the proposals in the CGR.

### ***Timetable for the Review***

<b>Details</b>	<b>Relevant Date</b>
Terms of Reference agreed by Regulatory Committee	15 July 2013
Terms of Reference published and consultation period starts	16 July 2013
Last date for submissions	Noon 4 October 2013
First Draft Proposals are prepared	October 2013
Consult with Regulatory Committee on first draft of proposals received	4 November 2013
Draft Proposals are prepared	November/December 2013
Regulatory Committee set Draft Proposals	16 December 2013
Publish Draft Proposals – consultation period begins	17 December 2013
Draft Proposals – consultation period ends	Noon 17 March 2014
Final Proposals are prepared	March 2014
Regulatory Committee makes final decision & resolves to make order	03 April 2014
Final Proposals published	04 March 2014
Legal produces order	April 2014 thereafter

### ***Electorate Forecasts***

The July 2013 Register of Electors has been used in providing the existing parish/parish ward electorate figures. These are presented in Annex A.

When the District Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the Review starts. Electorate forecasts have been prepared using information contained in the Local Plan and data from the Warwickshire Observatory to project the five-year electorate forecast.

The Government's guidance is that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencement of the Review so that they are available to all who may wish to make representations. Where possible, the information is based on the current parish data.

Population estimates will be used to apportion assets where significant changes, including the creation of new parishes, are recommended.

### ***The Present Structure of Parishes and their Electoral Arrangements***

As well as forecasts, Annex A includes information regarding the following:

Type of governance: Council, Joint Council or Meeting  
Number of Councillors  
Ratio of Councillors to electorate  
District Ward  
County Division  
Parliamentary Constituency  
Last election date

### ***Boundaries***

It is desirable for Parish 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 take into account population shifts or additional development that may have affected community identity.

### ***Electoral Arrangements***

What does '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 parish 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.

### ***The Grouping of Parishes***

A parish grouping order is permitted under Section 11 of the Local Government Act 1972 and 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.

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 Parish Council.

The District 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."

### ***Creation of a Council for a parish***

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is 151 - 999 – a parish council may be created, with a parish meeting being the alternative form of parish governance; or
- Where the number of electors is 150 or fewer – a parish council is not created.

### ***Council Size***

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 District Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes 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 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

It should also be noted that the National Association of Local Councils suggest the minimum number of councillors be seven and the maximum be twenty five.

The District Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- the number of local government electors for the parish;
- any change in that number which is likely to occur in the period of five years beginning with the day when the Review starts.

### ***Parish Warding***

Parishes can be divided into wards for the purpose of electing councillors. (This could depend upon the size and make up of a proposed council). Consideration must 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 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."

### **The number of councillors to be elected for parish wards**

The District Council is required to have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected for each ward:

- the number of local government electors for the parish;
- any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the Review starts.

## **Naming of parish wards**

The District Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of ward names proposed by local interested parties.

## ***Reorganisation of Community Governance Orders and Commencement***

The Review will be completed when the District Council adopts a Reorganisation of Community Governance Order.

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 Councils offices at Riverside House, Milverton Hill, Royal Leamington Spa CV32 5HZ and website ([www.warwickdc.gov.uk](http://www.warwickdc.gov.uk)).

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 Councils 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.

The Order will specify when it will take effect for financial and administrative matters and when the electoral arrangements for a new or existing parish council will come into force.

## ***Consequential Matters***

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order.

These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act coming in to force.



***Date of Publication of these Terms of Reference***

Tuesday 16 July 2013