

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007
COMMUNITY GOVERNANCE REVIEW OF THE EXISTING BURTON GREEN
WARD OF ASHOW, BURTON GREEN AND STONELEIGH JOINT PARISH

TERMS OF REFERENCE

1. INTRODUCTION

1.1 Under the provisions of the above Act the District Council is empowered to undertake community governance reviews with a view to considering the electoral arrangements in the whole or part of its district.

1.2 The review can consider one or more of the following

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes
- The electoral arrangements for parishes (the ordinary year of election; the number of councillors to be elected to the council and parish warding) and
- Grouping parishes under a common parish council or de-grouping parishes.

1.3 The Council has delegated the power to carry out reviews and implement recommendations arising from them to its Regulatory Committee.

1.4 A petition, which conforms to the provisions of Section 80(4) of the Act and is, therefore, declared to be valid, has been received in the following terms:

‘Currently Burton Green is a Ward of Stoneleigh Parish Council. We the undersigned support the establishment of a separate Parish and Parish Council for Burton Green which will cover the area shown edged in Red on the attached plan and we request that Warwick District Council puts in place the necessary procedures to facilitate this.’

1.5 On the receipt of a valid petition the Council must, under Section 83(2) of the Act, undertake a review and the Regulatory Committee has authorised its officers to do so.

1.6 In undertaking the review the Regulatory Committee will be guided by and have regard to Part 4 of the Local Government and Public Involvement in Health Act 2007 and the Guidance on Community Governance Reviews issued by the Department of Communities and Local Government in 2008.

1.7 In particular Section 93(4) of the Act requires the Council, when undertaking the review, to 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.

2. CONSULTATION

- 2.1 Under the provisions of the Act the Council are required to consult the following as part of the review:
- the local government electors for the area under review;
 - any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

It must also inform the County Council that a review is being carried out.

- 2.2 All representations received in connection with the review will be taken into account and all consultees will be informed of the outcome of the review.

3. TIMETABLE

- 3.1 The review will start on the publication of these terms of reference and must be completed within 12 months.
- 3.2 The following time table will be adopted for this review:

Action	Timetable Date	
Terms of reference are Published		15 August 2011
Initial consultation exercise commences – submissions are invited	One month	22 August 2011
End of consultation period		16 September 2011
Regulatory Committee considers submissions and makes recommendations		10 October 2011
Recommendations published And circulated	One month	11 October 2011
Regulatory Committee considers recommendations and any comments received and makes a final decision		22 November 20011
Decision and reasons for the decision published and circulated		23 November 2011
Order made		30 November 2011
Council carry out the necessary transitional and consequential matters		By March 2012
Implementation of any changes Agreed		1April 2012

4. MATTERS TO BE CONSIDERED

4.1 The petition asks the Council to establish a parish and parish council for the area of the current Burton Green Ward of Ashow, Burton Green and Stoneleigh joint Parish which is shown on the attached plan.

4.2 If the Council decides to constitute a parish and parish council it will need to:

- Name the Parish. Unless there are any compelling arguments to the contrary it is expected that the name will reflect the existing local place name ie Burton Green;
- Decide whether the parish should have one of the alternative styles referred to in the above Act. These are 'community', 'neighbourhood' or 'village'. If one is adopted the council will be known by that style (eg Village Council rather than Parish Council);
- Decide on the size of the Council (ie the number of councillors). By law each parish council must have at least 5 councillors but there is no specified maximum. The District Council will take into account the number of local government electors in the area and any likely changes to that number over the next 5 years when determining the size of the Council;
- Decide on the year of elections. The next ordinary parish council elections will be held in 2015. If it is decided to hold elections for the new parish council before then any councillors elected will remain in office only until the next ordinary elections in 2015;
- Parish warding. Unless there are compelling arguments to the contrary it is not thought that the area of the proposed parish is sufficient to warrant splitting it into wards.

5. TRANSITIONAL AND CONSEQUENTIAL MATTERS

5.1 Any decisions of the Regulatory Committee will be introduced by way of a Reorganisation of Community Governance Order which will be made by the District Council

5.2 Once the Order is made the District Council will be guided by the Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/635) and the Local Government Finance (New Parishes) Regulations 2008 (SI2008/626) in dealing with transitional and consequential matters arising from the review such as the distribution of property (if any), continuity of local matters and the calculation of budget requirements and precept.

6. SUBMISSION OF COMMENTS AND REPRESENTATIONS

- 6.1 Anyone wishing to make representations on any of the above matters should do so by writing to:

Gillian Friar
Electoral Services Manager
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

Or by email to elections@warwickdc.gov.uk

By 16 SEPTEMBER 2011

- 6.2 The Regulatory Committee will have regard to all representations received by the due date when considering the matters before it.