

Harborough District Council Community Governance Review 2019-2020

Terms of Reference

A review of parishes under the Local Government and Public Involvement in Health Act 2007

Background

Harborough District Council has resolved to undertake a Community Governance Review (CGR) of all existing parishes within the Harborough District. The unparished area of Market Harborough is excluded from the review insofar as any proposal to create a parish (town) council for the area is concerned, although comments and suggestions with regards to the area are welcomed. Because of the size and likely complexity of a review of Market Harborough this would need to form the subject of a separate CGR in due course were any proposals to parish this area to be considered.

In undertaking the review the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (referred to as 'the 2007 Act'), the relevant parts of the Local Government Act 1972, Guidance on CGRs issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010. 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).

Harborough District Council undertook a previous district wide CGR in 2012 and has a duty to keep parish arrangements under review. In the light of the development activity within the district since the previous review and the adoption of the Local Plan it is considered timely to ensure that parishes and residents are still comfortable with existing arrangements, or if these can be improved.

Section 81 of the 2007 Act requires the Council to publish its Terms of Reference for the Review which clearly set out the focus of the review. This document will fulfil this requirement.

The Council is required to have regard to guidance issued by the Government and the publication 'Guidance on Community Governance Reviews' issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010 has been used in drawing up the Terms of Reference and timetable for the review.

What is a Community Governance Review?

A CGR is a legal process whereby Principal Authorities (Harborough District Council in this instance) can consider the following:

- creating, merging, altering or abolishing parishes,
- the naming of parishes and the style of any new parishes,
- the electoral arrangements for parishes, i.e. the ordinary year of election, council size (the number of parish councillors) and parish warding,
- grouping of parishes under a common parish council or de-grouping of parishes.

A CGR must reflect the identities and interests of communities and should take account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

Why is Harborough District Council undertaking this review?

A CGR provides principal councils with an opportunity to make changes to community governance arrangements in their area and ensure that such arrangements provide cohesive communities, improved community engagement, better local democracy and result in improved effective and convenient delivery of local services.

The last full CGR in Harborough was undertaken in 2012. Since that date there has been considerable development activity within the district, the Local Plan has been adopted and Neighbourhood Planning is buoyant. The Local Government Boundary Commission for England concluded an Electoral Review of the District which made changes to District Ward boundaries and came into effect at the May 2019 District and Parish elections. As there has been substantial change since the last review it is considered an appropriate time to review arrangements for community governance within the area.

Harborough District Council wants parish councils to play an important part in community empowerment at a local level and wishes to ensure the parish governance in the district continues to be robust, representative of the locality and able to meet future challenges. It is also important that electoral arrangements are appropriate, equitable and understood by the local electorate.

As new development takes place it may be that existing parish boundaries are no longer the most appropriate division between parishes. The CGR provides an opportunity for existing boundaries to be reviewed.

What do Parish Councils do?

Parish Councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level, this can include open space and recreation, cemeteries, grass cutting, street lighting etc. They can raise funds to meet the costs of administration and provision of services through setting a precept which forms part of council tax bills levied on council tax payers in the parish. Parish Councils can also provide a local voice for the community responding to consultations and raising concerns with the relevant organisations

A Parish Council is made up of parish councillors elected by the local government electors in the parish with elections taking place every four years. Vacancies within the four year term are filled by co-option or by election if 10 local government electors request it.

Who will undertake the review?

As the principal authority, Harborough District Council is responsible for undertaking CGRs within its area. Council will set up an advisory committee (The Community Governance Review Committee) to oversee the review process and to make recommendations following extensive consultation. Final will be submitted to Council for approval.

The primary contacts for the review are:

- Richard Ellis, Corporate Services Manager, Electoral Registration and Returning Officer
- Sheena Mortimer, Electoral Services Manager.

Consultation

These terms of reference provide the aims of the review, the legislation that guides the process and the areas that the council will consider as part of the review process. The Council will consult widely on the review including but not limited to:

- Local government electors/residents of the district
- Parish councils
- Parish meetings
- District councillors
- County councillors
- Members of Parliament
- Leicestershire and Rutland Association of Local Councils

Before making any recommendation or publishing final proposals the Council will take full account of the views and suggestions put forward by local people and organisations and will comply with the statutory consultation requirements by:

- Consulting local government electors and other persons or bodies which appear to the Council to have an interest in the review (see above),
- Taking into account any representations received in connection with the review,
- Notifying consultees of the outcome of the review,
- Publishing all decisions taken and the reasons for such decisions.

Information about each stage of the review will be published on the Council's website and available for inspection at The Symington Building, Adam and Eve Street, Market Harborough, Leicestershire, LE16 7AG. Press releases and other publicity will be issued where appropriate.

Timeline and Key Stages

| Stage | Action | Dates |
|---------------|---|---|
| Authorisation | 1. Council resolve to undertake CGR 2. Terms of Reference Approved 3. Advisory Committee established | Council – 23 rd September 2019 |
| Commencement | Notice of Review published (Review should be completed with 12 months of this date) | October 2019 |
| Stage One | Consultation with stakeholders – initial submissions invited on future arrangements in accordance with terms of reference | October 2019 – January 2020 (4 months) |
| Stage Two | 1. Consideration of submissions received 2. Draft recommendations prepared | February 2020– April 2020 (3 months) |
| Stage Three | Draft recommendations to be considered by Council and approved for further consultation | Council – 15 th June 2020 |
| Stage Four | 1. Consultation with stakeholders on draft recommendations 2. Final recommendations prepared | July 2020 to August 2020 (2 months) |
| Stage Five | Final recommendations to be considered by Council with resolution to make a Re-organisation Order | Council – September 2020 |
| Stage Six | Re-organisation Order made | October 2020 |

Electoral Forecasts

When considering the electoral arrangements of the parishes in the area the Council must consider any likely future change in the number or distribution of electors within five years from the day the review commences.

The review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings within the five year period taken from the Council's most recent Five Year Housing land Supply Statement.

Scope of the Review

The Review includes all aspects of community governance arrangements of existing parishes, including:

- To consider the names of any existing parishes/parish councils
- To consider the boundaries of any existing parish and whether any existing parishes should be split or amalgamated to constitute any new parish or if any new parish councils should be created along with the number of parish councillors to be elected for any parish council, whether new or existing.
- To consider whether any new or existing parish council should be divided into wards (or continue to be divided into wards), including 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.
- If considered desirable to effect any changes, whether or not any alterations should be made to the ordinary year of election for any new or existing parish/town council.
- To consider whether or not any recommendations should be made to the Local Government Boundary Commission for England for any subsequent alterations to the wards of the Harborough District Council.

Considerations

Legislation requires that the Council must ensure that community governance within the area:

- reflects the identities and interests of the communities in the area,
- is effective and convenient and takes into account any other arrangements for the purpose of community representation or engagement in the area.

In considering proposals for change, the Council will take the following into account:

Parish status (council or meeting)

Electorate – existing and forecast growth.

The review aims to ensure that parishes reflect community identity and interest and that they are viable administrative and democratic units.

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.

Parish boundaries

The Council will consider the effect of new and forecast development activity on existing parish boundaries. Parish boundaries should be easily identifiable and reflect the separation of settlements recognised locally as having their own identity. These boundaries should generally reflect the areas between communities with low populations or physical barriers such as rivers or man-made features such as railways or motorways.

Council size (number of councillors)

The minimum number of parish councillors that a council can have is five. A quorum for a parish council is three or a third, whichever is the greater number.

National research guidance suggests the following levels of representation for parish councils:

| Electorate | Councillor Allocation |
|---------------------|-----------------------|
| Less than 500 | 5 – 8 |
| 501 – 2,500 | 6 - 12 |
| 2,501 – 10,000 | 9 - 16 |
| 10,001 – 20,000 | 13 - 27 |
| Greater than 20,000 | 13 - 31 |

Government guidance is that each area should be considered on its own merits having regard to population, geography and the pattern of communities. The Council will pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.

In considering requests to change the number of councillors on any individual parish council the Council will review the electoral history for the parish including the number of contested elections that have been held, the number of vacant seats following normal parish elections (every 4 years) and the history of co-options (i.e. has the council been able to fill vacancies).

Parish Warding

The Council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections:

- whether the number or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient,
- whether it is desirable that any area, or areas, of the parish should be separately represented on the council.

The Government's guidance is that warding of parishes may not be justified for largely rural areas based predominantly on a single centrally located village. Conversely, warding may be appropriate where a parish encompasses a number of villages with separate identities or where there has been urban overspill at the edge of a town into a parish.

In considering parish wards the Council will ensure that electoral equality is retained (the principle that each person's vote should be of equal weight so far as is possible). This will be achieved by keeping the councillor/elector ration similar across any warded areas.

The Local Government Boundary Commission for England recently completed an Electoral Review of the District Council and made changes to the parish warding arrangements in Lutterworth and Broughton Astley. Although retaining coterminous boundaries is not a legal requirement of a CGR the Council will take district, county and parliamentary boundaries into account.

Parish names and alternative styles for parishes

The Council will endeavour to reflect existing or historic place names and will consider any ward names proposed any local interested parties. The Council will be mindful of Section 75 of the Local Government Act 1972 with regards to changing the name of a parish and subsequent notification and to Sections 87 and 88 of the 2007 Act and related guidance.

Alternative styles for parishes were introduced by the 2007 Act which could replace the 'parish' style – community, neighbourhood or village. Town status continues to be available to a parish (S247 of the Local Government Act 1972) but for as long as a parish has an alternative style it will not be able to have the status of a town and vice versa.

At the request of a parish the District Council as principal authority can change the name of a parish to reflect the style adopted.

If an existing parish is under review the Council will make recommendations as to whether the geographical name of the parish should change but it will be for the parish council or meeting to resolve whether the parish should have one of the alternative styles or retain the 'parish' style.

Grouping of parishes

Under Section 91 of the 2007 Act a CGR can recommend the grouping or de-grouping of parishes. In some instances it may be appropriate to group parishes to allow a common parish council to be formed. De-grouping may also offer the reverse possibility where local communities have expanded.

Any grouping or de-grouping needs to be compatible with the retention of community interests and it would be inappropriate to use it to build artificially large units under single parish councils. However, it could offer a possibility for parishes with less than 150 electors to be grouped with other parishes under an elected parish council despite being unable to form a parish council in their own right.

Ordinary year of election

As the District Council is elected every four years on an 'all out' basis it is proposed to keep the ordinary year of election for parish councils on the same date. If a new parish council were to be created as a result of the review the normal year of election would apply following the initial election (i.e. the initial election would be for a period of less than four years).

Reorganisation of Community Governance Orders and Commencement

The review will be completed when the Council resolves to accept the final recommendations and authorises completion of the Reorganisation of Community Governance Order.

Copies of the Order, supporting maps and documents setting out the reasons for the decisions taken will be placed on deposit at the Symington Building, Adam and Eve Street, Market Harborough, LE16 7AG, on the Council's website and otherwise publicised in accordance with the requirements of the 2017 Act. All parishes will be notified of the outcomes of the review.

Copies of the Order will be sent to:

- the Secretary of State for Housing, Communities and Local Government
- the Local Government Boundary Commission for England
- the Office of National Statistics
- the Director General of the Ordnance Survey
- Leicestershire County Council
- the Audit Commission
- Leicestershire and Rutland Association of Local Councils

Consequential matters

In the interests of maintaining coterminous boundaries of principal authority electoral areas and the boundaries of parishes recommendations may be made to the Local Government Boundary Commission for England to make related changes to district and/or county electoral area boundaries.

Setting up new parish councils or grouping/de-grouping councils may require additional consequential provisions including:

- the transfer and management or custody of property
- the setting of precepts
- provisions with respect to the transfer of any functions, property, rights and liabilities
- provisions for the transfer of staff

In these matters the Council will be guided by the relevant legislation.

Date of Publication

These terms of reference will be published on 1st October 2019