

Dear Local Councils,

The email we circulated to you in January from Claire Porter, encouraged local councils to communicate to establish common ground as reviews would start soon after the elections. The letter went on to invite representations from Parish and Town Councils on changes that might be considered to be less controversial in nature and where it could be demonstrated there was some element of support from the Local Community and surrounding Parishes. The matter was discussed further at the SALC Joint Working Group last week when it was reported that the Community Governance Working Group would be establishing Terms of Reference for the review which would include details such as timetable, consultation and the process to be followed. It was emphasised that this work would not be completed until after the elections. In the meantime, to assist councils with the process, we are attaching a Briefing Note summarising the guidance from the Local Government Boundary Commission for principal authorities which we hope helps with understanding what is involved.

Once the Terms of Reference have been approved we will work with Shropshire Council to provide further information. We remind you to submit your representations/expressions of interest and any questions to democracy@shropshire.gov.uk. Councillor Gwilym Butler, Portfolio Holder for Communities, Place Planning and Regulatory Services says “ Shropshire Council is committed to working with SALC on this process and more information will be supplied after the Local elections. If there are Councils who would like to be considered as front runners for the process please make contact as we develop our way forward .”

Kind regards

Dianne

The Secretary of State and the Local Government Boundary Commission for England under section 100 of the Local Government and Public Involvement and Health Act 2007 (the 2007 Act) in March 2010 produced guidance on undertaking, and giving effect to recommendations made in, community governance reviews and on making recommendations about electoral arrangements respectively.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

The Local Government and Public Involvement in Health Act 2007 provides for a principal council to conduct a community governance review at any time. Principal councils will want to keep their community governance arrangements under review, and they should ensure that they consider on a regular basis whether a review is needed. A review may need to be carried out, for example, following a major change in the population of a community or to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries.

Principal councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15 years.

The 2007 Act allows principal councils to determine the **terms of reference** under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.

Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that they comply with the duties in that Act which apply to councils undertaking reviews. Principal councils will need to consult local people and take account of any representations received in connection with the review. When undertaking the review they must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.

Under the 2007 Act principal councils **are required to consult both those local government electors** in the area under review, and others which appears to the principal council to have an interest in the review. In the case of a community governance review **where a parish council already exists, as a local authority, it too should be consulted.** Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

Principal councils are required to **complete the review**, including consequential recommendations to the LGBCCE for related alterations to the boundaries of principal area wards and/or divisions, **within 12 months of the start of the community governance review.** The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations made in the review.

Principal councils will need to build into their planning process for reviews **reasonable periods for consultation with local electors and other stakeholders, for the consideration of evidence presented to them in representations, as well as for decision-making.**

When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion and
- the size, population and boundaries of a local community or parish.

In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

Factors for consideration

When reviewing community governance arrangements, principal councils may wish to take into account a number of factors, to help inform their judgement against the statutory criteria.

- The impact on community cohesion of community governance arrangements
- Size, population and boundaries of a local community or parish

Recommendations and decisions on the outcome of community governance reviews

Community governance reviews will make recommendations on those matters they have considered, as defined by the terms of reference set at the start of the review. A principal council must make recommendations as to:

- a) whether a new parish or any new parishes should be constituted
- b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
- c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

It may also make recommendations about:

- a) the grouping or degrouping of parishes
- b) adding parishes to an existing group of parishes or
- c) making related alterations to the boundaries of a principal councils' electoral areas.

The recommendations **must take account of any representations** received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act.

In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. It may be that much of this information can be gained through **the consultation which the council will have held with local people and also the council's wider engagement with local people on other matters.**

After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council **must publish its decision** and its reasons for taking that decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it.

Rural Areas

About 90% of the geographical area of England is covered by a parish, and this is mostly in rural or semi-rural areas. So, most populated rural areas already have a structure of local government that includes parishes and many of these have been in existence for hundreds of years. It is desirable that any changes do not upset historic traditions but do reflect changes that have happened over time, such as population shift or additional development, which may have led to a different community identity.

The focus of community feeling will differ from place to place and between different types of settlement. A scatter of hamlets may have a feeling of community within each hamlet, meriting a separate parish for each one, or amongst a number of hamlets, for which one parish covering all may be appropriate. Where a number of hamlets surround a village, a parish could be based on the village and its environs, provided that the sense of individual identity is not lost. In rural areas, the Government wants to encourage the involvement of local people in developing their community and having a part to play in shaping the decisions that affect them. A parish can be a useful and democratic means of achieving this.

Parish Warding

Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards. In considering whether or not a parish should be divided into wards, the 2007 Act requires that consideration be given to whether:

- a) the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - b) it is desirable that any area or areas of the parish should be separately represented 160.
- Accordingly, principal councils

Notes:

SC have stated they will not proceed with CGRs (timetable and terms of reference) until after the May 21 elections. The report to Council in February 2020 stated:

- It was considered a CGR was desirable to acknowledge and resolve a number of anomalies which currently exist with current governance arrangements
- it was necessary first to identify where the greatest need for reviews exists. This would be based on existing knowledge and through discussions with Members.
- Town/Parish Councils would be invited to suggest the potential need for a review and to enter into discussions with surrounding parishes in order to assist the process by identifying any common ground.
- Draft Terms of Reference to be prepared for consideration to include proposals for changes to boundaries and/or to the amendment of the current governance arrangements within Parishes.
- In the event that any proposals have an impact on the Division Boundaries, the Local Government Boundary Commission for England will be asked to make the appropriate changes to ensure that parish and division boundaries remain coterminous, having in mind electoral equality
- It is expected that a large number of reviews will require to be undertaken and it may not be possible to conduct a large number of reviews together. A rolling program of reviews would need to be managed.
- A report will be submitted to Council in 2021 for approval of the draft terms of reference and for the commencement of Community Governance Reviews.
- Any orders approved by the Council amending Community Governance Arrangements would come into effect from the ordinary election of councillors in 2025.