

**SOUTH HOLLAND DISTRICT COUNCIL
LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007
COMMUNITY GOVERNANCE REVIEW OF THE UNPARISHED AREA WITHIN SOUTH HOLLAND
DISTRICT
TERMS OF REFERENCE**

1. INTRODUCTION

1.1 South Holland District Council ('the Council') has resolved to undertake a community governance review ('the review') of the unparished area of Spalding with a view to the creation of a parish or parishes and council(s) to serve all or part of that area.

1.2 The review will consider:

- I. Whether any changes should be made to community governance arrangements within the area under review, including whether any new parish(es) should be created and whether any new parish council(s) should cover only some or all of the currently unparished area
- II. Whether any existing parish boundaries should be amended to include areas within the unparished area
- III. The electoral arrangements for any proposed parish council(s) or existing Parish Councils impacted by the review
- IV. Any other relevant issues that are submitted in response to the review consultation process.

1.3 In undertaking this review the Council will have regard to the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and will comply with Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') as amended, the relevant parts of the Local Government Act 1972 and regulations issued under those acts.

1.4 Section 81 of the 2007 Act requires the Council to publish its terms of reference for a review, clearly setting out the focus of the review. These terms of reference fulfil this requirement by setting out the reasons for the review, its projected process and timescale, the matters that it will address and principles that the Council considers should guide the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the Council offices. The Chief Executive will have delegated powers to modify and republish the Terms of Reference.

Why undertake a Community Governance Review?

1.5 Town and parish councils are the most local tier of government in England. They are democratically elected and can play an important role in representing their local community, delivering services to meet local needs, and promoting community wellbeing. They may

exercise a variety of powers and duties including the delivery of some local services and may also enter into discussions with the principal councils (e.g. South Holland District Council, Lincolnshire County Council and any future unitary authority) about the transfer of services, budgets and assets subject to mutual agreement, Town and Parish Councils are principally through an annual precept – an additional amount added to the Council Tax in their area. A Parish Council may resolve to be called a Town Council, There is no difference between a Parish Council or Town Council in terms of powers or duties.

- 1.6 The Council is undertaking the review as currently there is an unparished area within South Holland District. Any new Councils established could play a full and proper part, alongside existing parish councils representing all other areas in South Holland, in future negotiations with any proposed Unitary Authority (established in accordance with the Government's English Devolution White Paper) on any local devolution framework plans.
- 1.7 Town or Parish Councils may promote community engagement and effective local government. Government guidance states that it is good practice for principal councils to conduct a community governance review every 10–15 years, except in areas with very low populations.

Community Governance Reviews

- 1.8 A community governance review is a review of the whole or part of a principal council's area to consider one or more of the following:
- i. Creating, merging, altering or abolishing parishes;
 - ii. The naming of parishes and the style of new parishes;
 - iii. Whether a parish council should be established for a new parish area;
 - iv. The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and any parish warding); and/or
 - v. Grouping parishes under a common parish council or de-grouping parishes.
- 1.9 In accordance with the 2007 Act, the Council will have regard to the need to secure community governance within the area under review which:
- i. Is reflective of the identities and interests of the community in that area;
 - ii. Provides for effective and convenient local government; and
 - iii. Considers any other arrangements for the purposes of community representation or community engagement in the area.
- 1.10 In accordance with Government guidance, when considering the above criteria, the Council will also take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish; and will seek to make recommendations that bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

Responsibility for the Review

- 1.11 As the relevant principal council, South Holland District Council is responsible for conducting any community governance review within its electoral area and for deciding whether to give effect to the recommendations of the review.
- 1.12 In accordance with regulations issued under the Local Government Act 2000, functions relating to Community Governance Reviews are not to be the responsibility of an authority's executive.
- 1.13 The management of the review will be the responsibility of officers. The Chief Executive will have delegated powers to undertake the review including authority to modify and republish the Terms of Reference.
- 1.14 The review will be overseen by the Community Governance Review Working Group, who will prepare draft proposals for consultation and propose final recommendations. The Council itself will agree the draft proposals for consultation, final recommendations and make any Reorganisation of Community Governance Order required to implement the outcome of the review.

2. CONSULTATION

- 2.1 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation 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 by judging them against the criteria in the 2007 Act.
- 2.2 In order to promote community engagement and transparency in the community governance review, the Council will:
- i. Publish these terms of reference;
 - ii. Publicise the review as widely as possible including using electronic means and social media and seek to engage the local media in reporting the issues under review;
 - iii. Consult local electors and other residents, business organisations, community groups, other local organisations, political parties, and elected representatives for the areas under review, Lincolnshire County Council and parish councils which neighbour the unparished area;
 - iv. Make key documents available at the Council offices;
 - v. Accept submissions by post or via e-mail or the Council's website;
 - vi. Consider representations received in connection with the review; and
 - vii. Publicise the recommendations and outcome of the review.
- 2.3 The Council will consider each matter under review on its merits and based on the information and evidence provided during the course of the review.

3. THE TIMETABLE FOR THE REVIEW

- 3.1 The review begins when the Council publishes its Terms of Reference and concludes when it publishes the recommendations made in the review. These Terms of Reference will be published formally (following approval by Council) prior to the first meeting of the

Community Governance Review Working Group at which review business is to be considered.

- 3.2 Information about the stages of the review will be published on the Council's website, with key documents available to view at South Holland District Council Offices, Priory Road, Spalding, PE11 2XE (by appointment).

4. THE AREA TO BE COVERED BY THE REVIEW

- 4.1 The review will cover the currently unparished area in Spalding.
- 4.2 A map will be published as Appendix A, showing the area under review including the existing parish and district ward boundaries within that area.

5. ISSUES FOR CONSIDERATION IN THE REVIEW

Parish areas and parish councils

- 5.1 The review will consider whether any changes should be made to the community governance (parish) arrangements within the area under review, including:
- i. Whether or not a new parish or parishes should be created in areas that are currently unparished, or any other arrangements for some or all of those areas;
 - ii. In the event that a new parish or parishes are created, whether they should have a council or councils;
 - iii. Whether any new parish council for South Holland should cover only some or all of the currently unparished area; and
 - iv. Whether any changes should be made to the boundaries of any existing parish(es).
- 5.2 In considering the above, the review will have regard to current and projected patterns of population, development, community identity and linkages in the area under review; to the viability of existing and any potential parish areas and the delivery of local services.
- 5.3 The 2007 Act provides that where a new parish is created which has 1,000 or more electors, the principal council must recommend that the parish has a council. Where a new parish is created that has between 151 and 999 electors, the principal council may decide whether or not it should have a council.
- 5.4 In relation to previously unparished areas, the 2007 Act requires a principal council in undertaking a review to take into account other (non-parish) forms of community governance that have been, or could be, made for the purpose of community representation or engagement in the area under review. These might include community partnerships/forums, area committees, residents' and tenants' associations, neighbourhood management programmes or community associations. In accordance with Government guidance, the review will consider whether such arrangements could be alternatives to, or stages towards, the establishment of parish councils. The Council notes, however, that the guidance also states: What sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers," and "Their directly elected parish councillors

represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies.”

Names and Style of Parishes

- 5.5 In the event that a new parish is proposed to be created, the review will make recommendations as to the name of the new parish and as to whether or not any council should be a parish council or have one of the alternative styles (community, neighbourhood, or village). A council that is created as a parish council may decide that it shall have the status of a town council.

Electoral Arrangements

- 5.6 The review will consider what electoral arrangements should apply to any new parish council that is created and whether any changes should be made to the electoral arrangements of any existing parish council. “Electoral arrangements” means:

- i. The ordinary year in which elections are held;
- ii. The number of councillors to be elected to the council;
- iii. The division (or not) of the parish into wards for the purpose of electing councillors;
- iv. The number and boundaries of any such wards;
- v. The number of councillors to be elected for any such ward; and
- vi. The name of any such ward.

- 5.7 In relation to the year of election, the ordinary election of parish councillors takes place in 2027 and at four-yearly intervals thereafter. However, a principal council may decide, following a community governance review, that the first elections to any new parish council shall take place in another year, with the councillors elected serving an adjusted term of office to bring future elections back into line with the normal cycle.

- 5.8 In relation to the number of parish councillors, legislation provides that the number of councillors for each council shall not be fewer than five. There is no maximum number. Government guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.”

- 5.9 In relation to warding of a parish, the 2007 Act requires that in considering whether a parish should be divided into wards the Council should consider:

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

Electorate Forecasts

- 5.10 When the Council comes to consider the electoral arrangements of the town or parish councils in its area, it is required to consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

- 5.11 Current electorate figures for each of the parishes and polling districts in both the parished and unparished parts of the area under review will be published as soon as possible after the launch of the review.
- 5.12 Electorate forecasts, taking into account information on developments underway or planned based on extant planning permissions and the local development framework, will also be published to inform the consultation process as early as possible during the review.
- 5.13 In accordance with legislation, population estimates will be used to apportion assets where significant changes, including the creation of new parishes, are recommended.

Other Matters

- 5.14 The review will consider any other issues raised during the consultation process which are relevant to the review.
- 5.15 In the event that the review recommends the creation of any new council(s), the review will also consider what preparatory and transitional arrangements should apply to the establishment of that council or councils.

6. PRINCIPLES THAT WILL GUIDE THE REVIEW

Parishes

- 6.1 There is an evidence base which demonstrates that town or parish councils can play an important role in empowering and representing communities.
- 6.2 The Council notes the Government's continued commitment to town and parish councils and its guidance that it "expects to see a trend in the creation, rather than the abolition, of parishes."
- 6.3 It is important that the creation of any parish(es) should reflect distinctive and recognisable communities of interest, with their own sense of identity, and that electors should be able to identify clearly with the parish in which they are resident. This information will therefore need to be gathered as part of the review.
- 6.4 The Council will wish to carefully balance the consideration of changes that have happened over time, for example through population shifts or additional development that may have led to a different community identity, with historic traditions in the area.
- 6.5 The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their area in an economic and efficient manner. Nevertheless, it is recognised that in a rural area a strong sense of community can prevail over a sparsely populated area.

Boundaries

- 6.6 The Council notes that the boundaries between parishes will often reflect the "no-man's land" between communities represented by areas of low population or pronounced physical

barriers, either natural or man-made; and that ideally boundaries should be, and be likely to remain, easily identifiable.

Names

6.7 With regard to the names of any parish councils or parish wards established, the Council believes that these should reflect existing local or historic place names and there will be a presumption in favour of names proposed by local interested parties.

The Number of Parish Councillors

6.8 When considering the number of councillors to be elected for any parish council, in addition to applying the statutory rules described above, the Council will have regard to:

- i. The recommended guidance issued by the National Association of Local Councils (NALC) and indicative national data on representation;
- ii. Existing levels of representation, the pattern of existing council sizes which have stood the test of time and the take-up of seats at elections; and
- iii. The desirability of a broadly equitable allocation of councillors to parish councils across South Holland, whilst acknowledging that local circumstances may merit variation.

Warding

6.9 The Council will give careful consideration both to traditional community identities and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in any part of the area under review.

6.10 The Council notes Government guidance that “there is likely to be a stronger case for the warding of urban parishes... [where]... community identity tends to focus on a locality... [and]... each locality is likely to have its own sense of identity.” The Council will seek to secure that any warding arrangements should have relevance for the electorate, be in the interests of effective and convenient local government and not be wasteful of a town or parish council’s resources.

6.11 In reaching conclusions on the boundaries between any wards, the Council will have regard to community identity and interests and will consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. The Council will also have regard to guidance by the Local Government Boundary Commission for England (LGBCE) that the principal council ward boundaries should not split an unwarded parish and that no parish ward should be split by such a boundary.

6.12 When deciding the number of councillors to be elected for any ward, the Council will take into account the view of the LGBCE that it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation.

7. COMPLETION OF THE REVIEW AND IMPLEMENTATION OF ANY DECISIONS

- 7.1 The review will be completed when the Council publishes its final recommendations. The Council will take steps to inform interested parties of the recommendations and outcome of the review. In accordance with Government guidance, the Council will issue maps to illustrate each recommendation at an appropriate scale wherever possible.
- 7.2 If the review results in any changes to community governance, at the conclusion of the review the Council will make 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 Council's decisions (including where it has decided to make no change following the review) will be deposited at the Council's offices, published on its website, and provided to the clerk of any council affected.
- 7.3 In accordance with legislation, copies of any order and associated maps will be deposited with the Secretary of State and the Local Government Boundary Commission for England (LGBCE). Prints of the maps will also be supplied to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, and the Boundary Commission for England.
- 7.4 Subject to the final recommendations of the review, the provisions of any order will take effect for financial and administrative purposes no later than 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing parish council will come into effect in accordance with the provisions of any Reorganisation Order. The Order can be made at any time following a review.

8. CONSEQUENTIAL MATTERS

- 8.1 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 and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- 8.2 In these matters, the Council will be guided by the relevant regulations issued following the 2007 Act. In particular, the Council notes that the regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.
- 8.3 In relation to the establishment of a precept for any new parish council, the Council will comply with the requirements of the Local Government Finance (New Parishes) Regulations 2008.

Principal Area Boundaries

- 8.4 Any changes to parish or parish ward boundaries as a result of this review will not automatically change the corresponding principal council ward or division boundaries.
- 8.5 In the event of a Reorganisation Order making such a change, the Council may recommend to the Local Government Boundary Commission for England (LGBCE) that the principal council ward/division boundaries are realigned to coincide with the revised parish or parish ward boundaries. It would be for the LGBCE to decide if and when these related alterations should be made.

8.6 The LGBCE would require evidence that the Council has consulted on the recommendations as part of the review. The Council will therefore seek to include any such draft recommendations for consultation at the earliest possible opportunity should they appear desirable.

Contact Details for the Review

Enquiries regarding the review process and/or comments on the matters set out in these Terms of Reference should be directed to:

Community Governance Review

c/o Electoral Services Team

South Holland District Council

Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE

Email: elections@sholland.gov.uk

APPENDIX A

The map overleaf shows the existing unparished area boundaries in the scope of the review area together with the South Holland District Council Wards and surrounding parishes.

The area for review includes the South Holland District Council Wards of Spalding Castle, Spalding Monkshouse, Spalding St John's, Spalding St Mary's, Spalding St Paul's and Spalding Wygate.