

South Lakeland District Council Community Governance Review

Terms of Reference

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

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BACKGROUND

South Lakeland District Council has resolved to undertake a Community Governance Review (CGR) of the whole of the District.

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 in accordance with Section 100(4) of the Local Government and Public Involvement in Health Act 2007, 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). (The 2007 Act transferred powers to principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.) Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a Review, clearly setting out the focus of the Review. This document will fulfil this requirement.

The Council is also required to have regard to guidance on CGRs issued by the Secretary of State for Communities and Local Government. This guidance was published in March 2010 and has been carefully considered when drawing up the Terms of Reference and timetable.

What is a Community Governance Review?

A CGR is a legal process whereby Councils 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 councillors to be elected to the council and parish warding,
- grouping of parishes under a common parish council or de-grouping parishes.

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

Why is South Lakeland District Council undertaking this review?

A CGR provides an opportunity for principal councils to review and make changes to community governance in their areas. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or new local issues to ensure that the community governance for the area continues to be effective and convenient and reflects the identities and interests of the communities involved.

The Government has emphasised that any recommendations made in a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in improved effective and convenient delivery of local services. The Council will take all these factors into account as part of this review.

Government guidance also states that it is good practice to conduct a full CGR at least every 10-15 years and keep the area under review in the meantime.

South Lakeland District Council (SLDC) believes that parish councils play an important role in terms of community empowerment at local level and wishes to ensure that parish governance in the District continues to be robust, representative and able to meet any future challenges. Furthermore, it wishes to ensure that clarity and transparency exist at this level of governance and that the electoral arrangements of all parishes are appropriate, equitable and understood by their electorate.

The Council last undertook a full review during 2013. It received representations from some Parishes in 2014 to consider a further community governance review but had also received notification from the Local Government Boundary Commission (“the Boundary Commission”) for England (LGBCE) that it was to undertake a further electoral review. The advice at that time was not to proceed with a Community Governance Review at the same time as an electoral review. The outcome of the review of the National Park boundaries was also awaited and therefore any further review was considered premature and Council in September 2014 resolved that “the Council does not undertake a further Community Governance Review at this time but that officers look at a timetable for a review to commence by March 2017”.

A further report to Council in March 2017 resolved that it would be appropriate to facilitate a District-wide Community Governance Review after the implementation of the new District Ward boundaries, following the May 2018 elections.

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.

The Council wants to ensure that parishes are viable and 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 review?

As the principal council, the District Council is responsible for undertaking any CGR in its electoral area. The Council will approve the final recommendations before a Community Governance Order is made.

The main contacts for the review are:

- Debbie Storr, Director of Policy and Resources
- Paul Mountford, Principal Performance and Intelligence Officer
- Tom Benson, Electoral Services Manager

CONSULTATION

How the Council proposes to conduct consultations during the Review

These terms of reference provide the aims of the review, the legislation that guides the process, and the points that the council views as important in the process.

During the review, the Council will have regard to any local residents' associations, community forums or area committees, or other such community representation or engagement, that exist who make a distinct contribution to the community of that area.

Before making any recommendations or publishing final proposals, the council will take full account of the views of local people and will comply with the statutory consultative requirements by:

- Consulting local government electors in the Parishes,
- Consulting any other person or body (including other relevant local authorities and parish councils) which appears to the council to have an interest in the review,
- 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 with key documents available to view at South Lakeland House, Kendal, and the Town Hall, Ulverston. Press releases or adverts will be published where appropriate. The Council will also make use of the online consultation database to enable comments to be made online as well as in writing.

Timeline of the Review

Under legislation a CGR must be completed within a 12 month period from the day on which it commences. The CGR begins when the council publishes its terms of reference and concludes when it publishes the recommendations made in the review.

The stages for the review are shown below.

Review Stages

Stage	Action	Timescale	Dates
Commencement	Terms of Reference are published and stakeholders are notified with clear definition of remit of review	Commencement stage has passed	24 July 2018 – Full Council Meeting
Preliminary stage	Local briefings and meetings	One month	August 2018
Stage One	Initial submissions invited from stakeholders on future arrangements under terms of reference	Three months	September – November 2018
Stage Two	Considerations of submissions received	Timescale for stage two is two months	December – January 2019
Stage Two	Draft recommendations prepared	Timescale for stage two is two months	December – January 2019
Stage Two	Draft recommendations to be considered by council	Timescale for stage two is two months	18 December 2018 – Full Council Meeting
Stage Three	Draft recommendations published and stakeholders notified	Timescale for stage three is three months	March – May 2019
Stage Three	Further consultation with stakeholders	Timescale for stage three is three months	March – May 2019
Stage Four	Consideration of final submissions received	Timescale for stage four is two months	June – July 2019
Stage Four	Final recommendations prepared	Timescale for stage four is two months	June – July 2019
Stage Four	Final recommendations published concluding the review	Timescale for stage four is two months	June – July 2019
Stage Four	Final recommendations to be considered by Council with resolution to make a Re-organisation Order	Timescale for stage four is two months	23 July 2019 – Full Council
Stage Four	Re-organisation Order made	One month after the resolution to make a Re-organisation Order	August 2019

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.

Electorate forecasts have been prepared using all available information. Appendix 2 uses the same Electorate Forecasting Methodology that was applied as part of the Local Government Boundary Review. This methodology uses:

- the 2015 electoral figures and the previous five year electorate figures at Polling District level,
- the number of new dwellings built in the five years prior to 2015 at Polling District level,
- the total number of dwellings in 2015 at Polling District level,
- the number of new dwellings forecasted to be built in the five years following 2015 at Polling District level.

Officers are recommending that the 2015 data set be applied to this review, as it was used to establish the new wards and is the most accurate.

PARISH AREAS

This part of a review covers the creation of new parishes, the alteration of parish boundaries and the abolition of existing parishes. 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 purposes of community representation or community engagement in the area.

Parishes

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; ensuring that electors are able to clearly identify with the parish in which they are resident, creating a common interest in parish affairs which will, in turn, encourage participation in parish elections.

Boundaries

The Council considers that parish boundaries reflect the areas between communities with low populations or pronounced physical barriers such as rivers and mountains or man-made features such as railways or motorways. These barriers can result in the residents on either side having little in common with each other and this possibility will be considered. 'Natural' settlements or settlements as they are defined in the Local Plan should not, in normal circumstances, be partitioned by parish boundaries. If any changes are required to boundaries, the Council will endeavour to select boundaries that are, and are likely to remain, easily identifiable.

Viability

The Council wishes to ensure that parishes are viable and that their precept 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. This review aims to ensure that the parishes within South Lakeland reflect community identity and interest and are viable as administrative units.

THE GROUPING OF PARISHES

Introduction

Grouping orders are permitted under Section 11 of the Local Government Act 1972 and parishes grouped can be seen as a working alliance with the electors of each of the grouped parishes electing a designated number of councillors to the council. Grouping parish councils can be effective in ensuring parish government where small parishes are not viable on their own but allows their separate community identity to continue.

General Principles

The Council notes that, under the Act, smaller new parishes of less than 150 electors will be unable to establish their own parish council but that it may be possible to group some parishes together to create a grouped parish council without changing parish boundaries, creating new parishes or abolishing very small parishes, which still reflect community identity, all of which may go against the wishes of the residents of the affected areas.

Other Matters – Styles and Parish Councillors

If a Reorganisation Order intends to form a group, add a parish to an existing group of parishes or de-group a parish or group, legislation permits the provision of alternative styles but, if a parish is removed from a group it must retain the style it had in the group until the parish council or meeting resolved to change the style.

Where a group is to be formed by a Reorganisation Order, add a parish to an existing group of parishes or de-group a parish or group, the Council will take into account equitability when considering the number of councillors to be elected by each parish.

NAMES AND STYLES

The Naming of Parishes

With regard to the names of parishes, the Council will endeavour to reflect existing local or historic place-names and will consider any ward names proposed by local interested parties.

The Council will be mindful of Section 76 of the Local Government Act 1972 with regard to the naming of parishes and subsequent notification along with Sections 87 and 88 of the 2007 Act and relevant guidance.

Alternative Styles

Alternative styles for parishes were introduced by the 2007 Act which could replace the 'parish' style. However, only one of three styles can be adopted, i.e. community, neighbourhood or village. In addition, the style of 'town' is still available to a parish but for as long as a parish has an alternative style it will not be able to also have the status of a town and vice versa.

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 parish meeting to resolve whether the parish should have one of the alternative styles.

If a new parish is to be created, the Council would make recommendations as to the geographical name of the new parish and whether or not it should have one of the alternative styles.

ELECTORAL ARRANGEMENTS

What are electoral arrangements?

The ordinary year of election is every four years as stated in the Local Government Act 1972. However, where the electorate cycle for a district council is in thirds (as in South Lakeland) the parish electoral cycle should coincide with the district cycle so the costs of elections can be shared.

Parish Council or Parish Meeting?

The Council has a duty to create, or not, a parish council and must follow the guidance laid down in legislation as follows:

- 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 governance,
- where the number of electors is 150 or fewer a parish council is not created.

What considerations cover the number of parish councillors?

The Government's advice is that, as an important demographic principle, each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when electing parish councillors. This Council agrees with this principle and will take this into account during the review also having regard to current and historical factors, along with the fact that there should be not less than five councillors for each parish council. There is no maximum number and no rules relating to the allocations of councillors. However, each parish grouped under a common parish council must have at least one parish councillor.

Legislation dictates that the Council must have regard to the following factors when considering the number of councillors to be elected for a 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.

The table below is research guidance on the 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

The Government's guidance is that each area should be considered on its own merits, having regard to population, geography and the pattern of communities. Therefore, the Council will pay particular attention to existing levels of representation, the overall pattern of existing council sizes which have stood the test of time and the take-up of seats at elections when considering this aspect. However, the Council acknowledges that there are exceptions to every 'rule' and each area will be considered individually.

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.

The Council will be mindful of community identities in both rural and urban parishes, with the latter possibly more likely to benefit from warding where community identity focuses on an area such as a housing estate, and will endeavour to ensure that any warding arrangements reflect local circumstances and are clearly and readily understood by the electorate.

It should be noted that ward elections should have merit, not only should they meet the two tests given above, but should also be in the interests of effective and convenient local government. They should not be wasteful of a parish's resources.

The Number and Boundaries of Parish Wards

In respect of the number and boundaries of any parish wards, the Council will take into account the criteria stated above, in particular the community identity and interests in an area, but also whether any particular ties or links might be broken by the drawing of particular ward boundaries. Parish wards must be easily identifiable and remain so in the future.

Any recommendations which are intended to reflect community identities and links will be supported by relevant evidence.

Although the Government's guidance is that district wards and county electoral divisions should not split an unwarded parish and that no parish ward should be split by such a boundary, the relevant legal provisions do not apply to reviews of parish electoral arrangements. However, the Council will bear this in mind as requested by the LGBCE.

The Number of Councillors to be Elected for Parish Wards

The Council will take into account the following when considering the size and boundaries of any parish 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 the review commences.

The guidance advises that as an important democratic principle, each person's vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the election of councillors. Although there is no provision in legislation that each parish councillor should represent, as near as possible, the same number of electors, the Council considers 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 between different parish wards.

Likewise, the Council wishes to avoid the risk that, where one or more wards of a parish are over-represented by councillors, the residents of those wards (and their councillors) could be perceived as having more influence than others on the council. Consequently, during the review, the Council will show the ratios of electors to councillors that would result from any proposals.

The same principle of equitability will apply when consideration is given to the number of councillors to be elected to a common parish council by each parish within a grouping arrangement.

Naming of Parish Wards

With regard to the names of parish wards, the Council will endeavour to reflect existing local or historic place-names and will consider any ward names proposed by local interested parties.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of the Order, maps detailing the effects of the Order, and the documents setting out the reasons for all decisions made whether for change or no change, will be deposited and published in the same manner as at each stage of the review.

In accordance with the Government's guidance, the Council will issue maps to illustrate each recommendation at a scale not less than 1:10,000 wherever possible. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's offices at South Lakeland House, Kendal. In accordance with regulations. Prints will also be supplied, , to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

The Order is scheduled to take effect on 1 September 2019 but any changes to electoral arrangements for existing parishes will come into force at the next ordinary elections for the parish council.

However, if these elections are not for some time, the Council may resolve to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for an earlier election with councillors serving a shortened term of office to allow the parish electoral cycle to return to that of the District.

CONSEQUENTIAL MATTERS

General Principles

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, including:

- 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 including those regarding the transfer of property, rights and liabilities which require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion. The Council also notes Regulation 3 of the Local Government Finance (New Parishes) Regulations 2008 regarding the establishment of a precept for a new parish and their requirements.

Where any such consequential matters affect Cumbria County Council, the Council will also seek the views of that council with regard to alterations to electoral division boundaries in accordance with the Government's guidance.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

These Terms of Reference will be published on 24 July 2018.