

# **Review of Community Governance arrangements within South Norfolk.**

## **Terms of Reference**

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

### **1 Review**

South Norfolk Council is undertaking a Community Governance Review (CGR) of the whole of the South Norfolk Council Local Authority area. This review will be made under Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

### **2 Aim of the Community Governance Review.**

The aims of the review are to:

2.1 improve community engagement and local democracy

2.2 facilitate efficient, effective and convenient delivery of local services and ensure electors across the whole District are treated equitably and fairly.

### **3 The review will consider:**

3.1 Boundaries of parishes, particularly where affected by current and proposed changes

3.2 Whether two or more parishes should be 'grouped' by merging into one parish council, or 'de-grouped' if they had previously merged

3.3 Electoral arrangements for parishes (including issues such as the number of councillors elected, parish warding, etc.)

3.4 Consequential matters arising from any changes (such as dealing with parish assets; resolving issues relating to employees of existing parishes; setting a precept for a new Council; setting a date for the first elections and the subsequent electoral cycles)

3.5 Any other issue raised during the consultation process which should be addressed during the CGR.

### **4 The Legal Framework**

The review is undertaken under Part 4 of the Local Government and Public Involvement in Health Act 2007, and the Local Government Act 1972. It will take in account guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Secretary of State and the Local

Government Boundary Commission for England in March 2010. Consequential matters arising from the Review may involve other legislation including Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

### **5. The Terms of Reference Document (TOR)**

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

## **6 Information on Community Governance Reviews**

### **What is a Community Governance Review (CGR)?**

A review of the whole or part of the district to consider one or more of the following:

- 6.1 Parish areas - creating, grouping, altering or abolishing parishes
- 6.2 The naming of parishes and the style of new parishes
- 6.3 The electoral arrangements for parishes (the ordinary year of elections; council size, the number of councillors to be elected to the council, and parish warding)
- 6.4 Merging parishes by 'grouping' them under a new common parish council: or de-grouping parishes where they had previously been 'grouped'
- 6.5 Consequential matters – e.g.: the effect on existing parishes; dealing with parish assets; resolving issues relating to employees of existing parishes; setting a precept for a new Council; setting a date for the first elections and the subsequent electoral cycles.

### **7 The Council is required to ensure that community governance within the area under review will be:**

- 7.1 Reflective of the identities and interests of the community in that area; and
- 7.2 Is effective and convenient.

### **8 In doing so, the review is required to take into account:**

- 8.1 The impact of community governance arrangements on community cohesion; and
- 8.2 The size, population and boundaries of a local community or parish.

## **9 Why undertake a Community Governance Review?**

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

9.2 The Government has emphasised that recommendations made in the review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

9.3 The Council believes that parish councils play an important role in terms of community empowerment at the local level and wants to ensure that parish governance within the District continues to be robust, representative and enabled to meet new challenges. Furthermore, it wants to ensure that there is clarity and transparency to the areas that parish councils represent and that the electoral arrangements of parishes, the warding arrangements and the allocations of councillors are appropriate, equitable and readily understood by their electorate

9.4 Government guidance states that it is good practice to conduct a (full) review at least every 10-15 years and keep the area under review in the interim. The most recent review of the district was completed in July 2002.

## **10 Who will undertake the Community Governance Review?**

10.1 The Electoral Arrangements Review Committee (EARC) of South Norfolk Council has been given responsibility for undertaking the Review. They will oversee the Review and produce draft and final recommendations. The final recommendations will be ratified by full Council before a Community Governance Order is made.

## **11 Consultation during the Review**

11.1 The District Council hopes that this Review will be led by parishes and other consultees being bold in taking the initiative to recommend improvements, but it reserves the right to identify new arrangements itself and consult on them.

11.2 Before making any recommendations or publishing final proposals, the EARC will take full account of the views of local people.

It must:

11.3 Consult local government electors for the areas under review.

11.4 Consult any other person or body (including a local authority), which appears to the District Council to have an interest in the Review.

11.5 Notify and consult with the County Council.

11.6 Take into account any representations received in connection with the Review.

11.7 Information relating to the review will be made available on the South Norfolk Council website and at South Norfolk Council offices, Swan Lane, Long Stratton, NR15 2XE

11.8 The Council will publicise the Review by placing articles in the Council "Link" magazine. The Council will also contact all parish councils, community or resident groups (of which the Council is aware) Norfolk County Council, and District or County Councillors and Members of Parliament for the area under review reflects the identities and interests of the community in that area; and is effective and convenient.

11.9 When taking account of representations, the EARC will have regard to the need to secure that community governance within the area under Review:

- Reflects the identities and interests of the community in that area; and is effective and convenient.

## 12 The Community Governance Review timetable

12.1 A review is required to be concluded within twelve months from the day on which it starts. The review will start when the Terms of Reference are published and concludes when the recommendations are published.

The following is the proposed review timetable:

<b>Action</b>	<b>Timetable</b>	<b>Outline of Action</b>
Terms of Reference (TOR) are published	Review start date 20 March 2017	District Council publishes TOR and notifies stakeholders, clearly defining extent of CGR
Introductory stage – submissions are invited	Four month consultation period ending 12 July 2017	District Council invites proposals from stakeholders on future arrangements under TOR
Draft proposals are prepared	By 17 August 2017	Draft proposals to be considered by Council's EARC in August 2017
Draft proposals are published	By 31 August 2017	District Council publishes Draft proposals and notifies stakeholders
Consultation	Two month period ending 27 October 2017	Consultation with stakeholders
Final Recommendations	29 November 2017	The Council's EARC meet to consider Final Recommendations and decide on the extent to which the Council will give effect to them
Final Proposals recommended by the Electoral Arrangements Review Committee for determination by Full Council	January/February 2018 (Provisional)	Full Council to consider and determine the final recommendations
Council publishes the reorganisation order	thereafter	District Council publishes a reorganisation order and requests the Local Government Boundary Commission for England to approve any consequential changes.

**PLEASE NOTE: THIS IS AN ESTIMATED TIMETABLE AND MAY BE SUBJECT TO CHANGE AS A RESULT OF CURRENTLY UNFORESEEN CIRCUMSTANCES. ANY CHANGES WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE**

## **13 Electorate Forecasts**

13.1 In considering the electoral arrangements of the parishes within the Review area, the EARC is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the Review starts.

13.2 The District Council has used the December 2016 Register of Electors to provide current local government electorate data, which is updated with the electorate forecasts.

## **14 South Norfolk Parishes and their Electoral Arrangements**

14.1 South Norfolk is made up of 119 Parishes. 16 of these have paired and grouped into 8 joint Parish councils 92 parishes have individual parish councils, and 13 have parish meetings, 98 have parish councils, of these 8 are joint Parish Councils and 13 have parish meetings.

## **15 Parishes**

15.1 Electors should be able to identify clearly with the parish in which they are resident. This sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership, provides democratic anchorage and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

15.2 Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. The feeling of local community and the wishes of local inhabitants are primary considerations in this Review.

15.3 The Council will consider changes that have happened over time (through population shifts or additional development for example) and which have led to a different community identity and historic traditions in an area.

15.4 The Government's Guidance is that community cohesion should be taken into account in this Review. The Government also expects to see a trend in the creation, rather than abolition, of parishes, and believes that the abolition of parishes should not be undertaken unless justified and clearly supported.

## **16 Electoral Arrangements**

### **What are 'Electoral Arrangements'?**

An important part of the Review will involve 'Electoral Arrangements'. This covers such matters as:

- 16.1 The ordinary year in which elections are held;
- 16.2 The number of councillors to be elected to the council;
- 16.3 The division (or not) of the parish into wards for the purpose of electing councillors;
- 16.4 The number and boundaries of any such wards;
- 16.5 The number of councillors to be elected for any such ward;
- 16.6 The name of any such ward.

### **17 Ordinary year of election**

17.1 The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, 2019 etc.). However, the Government has indicated that it wants a parish electoral cycle to coincide with the cycle for the District Council so that the costs of elections can be shared.

17.2 If the Review finds that it is appropriate to create additional parish councillors, these will come in to effect no later than at the next ordinary day of election on 2 May 2019.

### **18 A council for a parish**

Legislation sets out the following limits for a parish council:

- 18.1 Where the number of electors is 1,000 or more – a parish council must be created;
- 18.2 Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of governance;
- 18.3 Where the number of electors is 150 or fewer – a parish council should not be created.



## **19 What considerations cover the number of parish councillors?**

19.1 Both the Government and the Council believe that it is an important democratic principle that each person's vote should be of equal weight so far as possible (having regard to other legitimate competing factors) when it comes to the elections of councillors.

19.2 Whilst the number of parish councillors for each parish council must not be less than five, there is no maximum number. By law, the Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

19.3 The number of local government electors for the parish;

18.4 Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

19.5 The Council will also have regard to the National Association of Local Councils recommendations set out in the table below.

### **19.6 Number of Parish Councillors Guidelines**

<b>Electors</b>	<b>Councillors</b>	<b>Electors</b>	<b>Councillors</b>
Up to 900	<b>7</b>	10,400	<b>17</b>
1,400	<b>8</b>	11,900	<b>18</b>
2,000	<b>9</b>	13,500	<b>19</b>
2,700	<b>10</b>	15,200	<b>20</b>
3,500	<b>11</b>	17,000	<b>21</b>
4,400	<b>12</b>	18,900	<b>22</b>
5,400	<b>13</b>	20,900	<b>23</b>
6,500	<b>14</b>	23,000	<b>24</b>
7,700	<b>15</b>	45,000	<b>25</b>
9,000	<b>16</b>		

19.7 The Government Guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. The Council will pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections when considering this matter.

## **20 Parish Warding**

When considering whether a parish should be divided into wards that will each have a stated number of parish councillors the Council should consider the following:

20.1 Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;

20.2 Whether it is desirable that any area or areas of the parish should be separately represented on the council.

20.3 The Government Guidance is that the warding of parishes in largely rural areas that are based predominately on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish.

20.4 The Council should also consider the desirability of parish warding in circumstances where the parish is divided by district ward or county division boundaries. It should be mindful of the provisions of schedule 2 (electoral changes in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district or county council electoral arrangements. While these provisions do not apply to reviews of parish arrangements, the Local Government Boundary Commission for England believes that, in the interests of effective and convenient local government, they are relevant considerations for principal councils to take into account when undertaking community governance reviews.

20.5 The Council believes that warding arrangements should be clearly and readily understood by and should have relevance for the electorate of the parish; they should reflect clear physical differences within a parish; one parish but comprising different parts. Each case will be considered on its merits and on the basis of the information and evidence provided during the course of the Review.

20.6 A parish, especially one expecting population growth, can consider whether dividing the parish into two or more wards would be appropriate in the light of this Guidance. A parish considering merging with a neighbouring parish can seek the use of warding to preserve the representation of its distinct identity within a larger body.

20.7 The Council recognises that, warding arrangements have merit, they should not only meet the two tests listed above but that they should also be in the interests of effective and convenient local government. They should not be wasteful of parish resources.

20.8 There is no provision in legislation that each parish councillor should represent, as nearly as may be, the same number of electors. However, 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.

## **21 District Warding and County Division Boundaries**

21.1 Initial views are that the Review will not require any alterations to the boundaries of District Wards or County Divisions. The Local Government Boundary Commission for England is responsible for deciding whether boundary changes of this nature should be made and will require that the Council has consulted on any such recommendations.

21.2 If the need for such changes becomes apparent during the course of this Review, the Council will incorporate them within the consultation at the earliest opportunity.

## **22 Reorganisation of Community Governance Orders and commencement**

22.1 The Review will be completed when the Council adopts a Reorganisation of Community Governance Order or concludes that such an Order is not needed.

22.2 Copies of any such Order, the map(s) that show the effects of the Order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be available:

22.3 from South Norfolk Council's Offices, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

22.4 on the South Norfolk website <http://www.south-norfolk.gov.uk/democracy/6156.asp>

22.5 In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate any recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's office at South Norfolk House, Swan Lane, Long Stratton, Norwich, NR15 2XE. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

22.6 It is proposed that the Order will take effect for financial and administrative purposes on 1 April 2019.

22.7 The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council, which will be on 2 May 2019.

## **23 Consequential matters**

### **General Principles**

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:

- 23.1 The transfer and management or custody of property;
- 23.2 The setting of precepts for new parishes;
- 23.3 Provision with respect to the transfer of any functions, property, rights and liabilities;
- 23.4 Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

23.5 In these matters, the Council will follow the Regulations that have been issued under the 2007 Act.

### **How to contact us**

Should you wish to submit a representation this can be through our online survey <https://www.south-norfolk.gov.uk/boundary-and-polling-station-reviews#open>

or a written representation regarding this Review please send it to:

Electoral Services  
South Norfolk District Council  
South Norfolk House  
Cygnet Court  
Long Stratton  
Norwich  
NR15 2XE

Alternatively your submission may be emailed to:

[review@s-norfolk.gov.uk](mailto:review@s-norfolk.gov.uk)

Should you require any further information <https://www.south-norfolk.gov.uk/boundary-and-polling-station-reviews#open>

or need clarification on the review process, please contact: Electoral Services Team on 01508 533704 or email [review@s-norfolk.gov.uk](mailto:review@s-norfolk.gov.uk)

### **Publication of Terms of Reference**

These Terms of Reference will be published on the District Council web site and will be available for inspection at <http://www.south-norfolk.gov.uk/democracy/6156.asp>

### **Date of Publication**

20 March 2017