

Bromsgrove District Council

Terms of Reference

Community Governance Review for Proposed Boundary Changes to
Clent and Hagley Parish Council Areas



Bromsgrove
District Council

www.bromsgrove.gov.uk

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COMMUNITY GOVERNANCE REVIEW FOR PROPOSED BOUNDARY
CHANGE TO CLENT AND HAGLEY PARISH COUNCIL AREAS**

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CHANGE TO CLENT AND HAGLEY PARISH COUNCIL AREAS
REVIEW OF PARISHES AND RELATED MATTERS – LOCAL
GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Introduction

The Council has resolved to undertake a Community Governance Review of Clent West Parish Ward. The area to be included in the review is the whole of Hagley Parish Council and the whole of Clent Parish Council.

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act); the relevant parts of the Local Government Act 1972; 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 Department of Communities and Local Government and Local Government Boundary Commission for England (LGBCE) in March 2010; and 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 has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.)

Why is the Council undertaking the Review?

Hagley Parish Council has submitted a valid petition which includes:-

- Signatures by the requisite number of local government electors for the area;
- A map, which clearly defines the area to which the review is to relate and;
- Specific recommendations stating what changes the petitioners wish a community governance review to consider.

The petition stated:-

'We, the undersigned, support the proposal for Hagley Parish's boundary to be altered to include the proposed Transfer Area, shown on the plan¹. We formally request that Bromsgrove District Council undertake a Community Governance Review and consider our request'.

The petition meets the legal requirements to be a valid petition and accordingly the Council must undertake a Review in accordance with Section 83(2) of the 2007 Act².

As part of their petition Hagley Parish Council submitted a feasibility study³, part of this study requested that the Community Governance Review be conducted and that changes be implemented in time for the elections scheduled for 7 May 2015. However, it should be noted that these timescales could not be met as the Principal Council is still implementing changes made by the wider review undertaken by the LGBCE and these changes do not come into force until 1 December 2014. In addition, were it to be determined that the boundary changes were appropriate, as the timetable for the 2015

¹ Appendix 1 (Petition Map of The Hagley Parish Council proposed Transfer Area)

² Local Government and Public Involvement in Health Act 2007

³ Appendix 2 Hagley Parish Council Feasibility Study.

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Electoral process will begin in March 2015, it would not be possible for this review to be completed and implemented by then. It should also be noted that a much wider consultation than proposed in the feasibility study is necessary in order to take account of the wishes of parishioners and stakeholders in both Hagley and Clent Parish Councils. The timetable within the statutory guidance provides for a twelve month period to accommodate all of the steps required to complete a review of this nature.

What is a Community Governance Review?

A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council and parish warding), and;
- Grouping parishes under a common parish council or de-grouping parishes.

Why undertake a Community Governance Review?

A Community Governance 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 new local issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community. The government has emphasised that recommendations made in Community Governance Reviews ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services.

This Community Governance Review will consider:-

- The proposed transfer of an existing boundary between Clent and Hagley Parish Councils in the area as determined by the Principal Council;
- The contents of the Hagley Parish Council Feasibility Study
- The determination of the division of each Parish Council into Parish Wards;
- The number of members for each Parish Council (per Parish Ward) as a result of the Principal Councils transfer area.

The Community Governance Review will not consider:-

- Changes to any other electoral areas including wards or divisions within the Principal Council Area (Bromsgrove District Council).

General Statement Regarding Parish Governance

Section 2 of the Local Democracy, Economic Development and Construction Act 2009 states that there is a duty on principal councils to promote understanding among local people, which extends to parish councils and parish meetings.

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Why is the Council undertaking this Review?

Bromsgrove District Council has received a valid petition; accordingly, the Council must undertake a Review in accordance with Section 83(2) of the 2007 Act.

After careful consideration Bromsgrove District Council recommends that the area to be considered should be coterminous with the new ward boundaries which come into force on 1 December 2014. For clarification an overview map showing both areas has been prepared⁴.

It is proposed that the consultation take the form of a letter and questionnaire which will be sent to all stakeholders within the two Parish Council Areas.

Consultees will be asked to select between the following 4 options:-

- A** – To adopt the proposed change as set out in the petition submitted by Hagley Parish Council
- B** – To adopt the proposed change as proposed by Bromsgrove District Council
- C** – That no changes be undertaken
- D** – To make an alternative proposal

In the case of **D** the consultee would have to provide clear reasoning as to what the alternative proposal would be, set out the reason why, and provide a plan.

Any final recommendations must also be noted to the Local Government Boundary Commission for England.

Who undertakes the review?

As the principal council, Bromsgrove District Council is responsible for undertaking any Community Governance Review within its area. The Council, at its meeting on 24 September 2014 agreed that a Community Governance Review be undertaken. The Council agreement signals the start of a formal 12 month timetable which will commence with publication of these draft terms of reference and full consultation.

As the review progresses, the Electoral Matters Committee (EMC), who have delegated powers regarding these matters, will meet to discuss recommendations. At the conclusion of the review the EMC will approve and agree any actions as to the outcome. These findings will then be presented in the form of a note to the next available Full Council meeting.

Consultation

How the Council proposes to conduct consultations during the review?

This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

⁴ Appendix 3 (BDC Map Review Area which is coterminous with existing electoral arrangements).

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This Community Governance Review will be conducted transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken and the reasons behind these decisions⁵.

The Act requires the Council to

- Consult the local government electors for the area under review.
- Consult any other person or body who appears to have an interest in the review.
- Take into account any representations that are received in connection with the Review by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007⁶.

The Council will have regard to Guidance on Community Governance Reviews issued by the Department of Communities and Local Government which aims to ensure that:-

- Electors should be able to identify clearly with the parish in which they are resident. The guidance states that 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 and generates a strong, inclusive community with a sense of civic values, responsibility and pride.
- 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 a Review.
- A careful balance to the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area.

Information relating to the Community Governance Review, including a submission template, will be available on the Council's website and key documents will be on deposit at the Council Offices. Full details of these offices can be found towards the end of this document.

Representations regarding this Review should be made in writing (submitted either by letter or email) to Bromsgrove District Council.

Bromsgrove District Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the Community Governance Review are informed of the recommendations and the reasons behind them. All representations will be available for public inspection (any personal information will be redacted).

The Council will notify any persons or bodies who have made written representations of the outcome of the review at all stages (where requested) and full details of any recommendations will be available on the Bromsgrove District Council website.

⁵ Appendix 4 – List of those who will be consulted as part of the review.

⁶ S.93, LG&PIHA 2007

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How to Respond to this Review

Representations in response to this review should be submitted within the specified timescales detailed below either by letter or email to:

Clent and Hagley Parish Councils Community Governance Review

Electoral Services Manager
C/O Town Hall
Walter Stranz Square
Redditch
B98 8AH

Email democracy@bromsgroveandredditch.gov.uk

Tel: 01527 881 421

Website www.bromsgrove.gov.uk/elections

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A timetable for the Community Governance Review

| Stage | What happens? | Timescales |
|-------------------|---|--|
| Commencement | Terms of Reference are published | Tuesday 1 October 2014 |
| Preliminary stage | Promotion of public consultation | One month Tuesday 1 October to Thursday 31 October 2014 |
| Stage one | Initial Submissions are invited | Three months Friday 1 November 2014 to Friday 31 January 2015 |
| Stage two | Consideration of submissions received – Draft Recommendations are prepared | Two months Monday 3 February to Monday 31 March 2015 |
| Stage three | Draft Recommendations are published. Public response invited | Three months Tuesday 1 April to Monday 30 June 2015 |
| Stage four | Considerations of submissions received – final recommendations are prepared | Two months Tuesday 1 July to Friday 29 August 2015 |
| Stage five | Final recommendations are published – concluding review | Monday 1 September 2015 |
| Stage six | Electoral Matters Committee resolves to make a Reorganisation Order | One month later Tuesday 7 October 2015 (provisional date) |
| Stage seven | Report outcome to Full Council | 18 November 2015 (provisional date) |

Considerations

The final recommendations for this review may include:

- Future boundary area changes for each Parish Council.
- Future electoral arrangements with regard to Parish Warding and names of electoral areas.
- Future number of Councillors for each Parish Council.
- Implementation of any Orders as a result of the Review and arrangements for when the Order comes into force.
- Financial arrangements and division of any assets.
- Any other matter not mentioned here that arises during the consultation period.

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General Information about this review

Electorate forecasts

The Council will use the Register of Electors published on 1 September 2014 in providing the existing parish/parish ward electorate figures at the commencement of the review. A revised set of figures will be necessary due to the implementation of The Bromsgrove (Electoral Changes) Order 2014⁷, which was as a result of a wide-scale Local Government Boundary Commission for England (LGBCE) review of electoral arrangements in Bromsgrove. These revised figures will be published on 1 December 2014.

When the Council comes to consider the electoral arrangements of the parishes in its area, it 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. Electorate forecasts have been prepared by using information gathered from various Council sources.

It is the Government's guidance that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencement of the review so that they are available to all who may wish to make representations.

Population estimates will be used to apportion assets where significant changes, including the creation of new parishes, are recommended.

The September figures and projected forecasts are presented in Table 1 overleaf.

The present and future structure of Clent and Hagley Parish Councils and their electoral arrangements

Following its review during 2012 – 2013 the LGBCE published its final recommendations in relation to the 'New Electoral Arrangements for Bromsgrove District Council'. The document set out new District Wards and changes to associated Parish Council Ward arrangements. These will come into force as of 1 December 2014 as detailed in The Bromsgrove (Electoral Changes) Order 2014⁸.

The 2014 Electoral Changes Order introduced new Parish Warding arrangements for Clent and Hagley Parish Councils. A comparison between existing and the new arrangements is set out in Table 2 overleaf. It should be noted that prior to this order neither Parish Council had Parish Warding arrangements and these are important considerations to be included in the Review.

⁷ Appendix 5 The Bromsgrove (Electoral Changes) Order 2014

⁸ Appendix 5 The Bromsgrove (Electoral Changes) Order 2014

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Table 1 Electorate Forecasts*

| Name of Parish | Electorate as of 1 Sept 2014 | Projected Electorate 2018 | Ward District (Current) | Polling Districts (Current) | County Division | Notes |
|----------------|------------------------------|---------------------------|-------------------------|-----------------------------|-----------------|--|
| Clent | 2006 | 2380 | Furlongs | FLB & FLC | Clent Hills | Currently an un-warded Parish - which will become warded on 1 December 2014 as a result of the LGBCE review. |
| Hagley | 3705 | 3705 | Hagley | HAA | Clent Hills | Currently an un-warded Parish - which will become warded on 1 December 2014 as a result of the LGBCE review. |

*A new set of figures will be made available as part of the consultation on Publication of the Revised Register of Electors. The new figures will take into account any Parish Warding arrangements.

Table 2 Parish/Parish Warding Arrangements

| Parish/Parish Ward - Existing | Existing Register | No. of Seats | Total Cllrs | 2015 NEW Arrangements | No of Seats |
|-------------------------------|-------------------|--------------|-------------|--|-------------|
| Clent | FLB FLC | N/A | 9 | Clent Parish, Clent East Parish Ward | 4 |
| | | | | Clent Parish, Clent West Ward | 5 |
| Hagley | HAA | N/A | 13 | Hagley Parish, Hagley East Parish Ward | 6 |
| | | | | Hagley Parish, Hagley South Parish Ward | 1 |
| | | | | Hagley Parish, Hagley West Parish Ward | 6 |

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Glossary of Terms and explanation of guidance covering this review

What does ‘Electoral Arrangements’ mean?

An important part of our Review will comprise giving consideration to ‘Electoral Arrangements’. The term covers the way in which a council is constituted for the parish. It covers:

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

Ordinary year of election

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter. The Government has indicated that it would want the parish council electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared. However, any changes which form part of the final recommendation where Council seats are re-distributed, it is possible to reduce the existing term of office to allow mid-term elections and revert thereafter to the 4 year cycle. Any costs associated with mid-term elections are wholly attributable to the Parish Council.

A council for a parish

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish.

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is between 151 and 999 – a parish council may be created,
- Where the number of electors is 150 or fewer – a parish council cannot be created.

What considerations cover the number of parish councillors?

The Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. However, each parish grouped under a common parish council must have at least one parish councillor.

In its survey, the Aston Business School found that the levels of representation varied and these are included in Table 3.

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Table 3

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

The National Association of Local Councils has issued the following guidelines:

Table 4

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

The Government’s guidance is that ‘each area should be considered on its own merits, having regard to its population geography and pattern of communities’, and therefore the Council is prepared to 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 in its consideration of this matter. The government makes the point ‘that the conduct of parish council business does not usually require a large body of councillors’.

Where there has been a history of uncontested elections and/or the need to co-opt members in order to fill vacancies, the Council will give careful consideration to whether the present levels of representation are appropriate or whether there is a ‘democratic surplus’ in a parish.

By law, the Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the five years beginning with the day when the review starts.

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Parish warding

The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the Council should consider the following:

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

The Government's advice is that warding of parishes in largely rural areas that are based predominantly 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.

With regard to urban parishes there is likely to be a stronger case for warding. Urban area community identity tends to focus on a locality, whether this is a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity.

The Council will be mindful of all this guidance, noting further that each case should be considered on its own merits and on the basis of the information and evidence provided during the course of the review.

Ward arrangements should be clearly and readily understood and should also have relevance for the electorate in a parish. They should reflect clear physical and social differences within a parish. Ward elections should have merit, not only should they meet the two tests laid down in the Act, but they 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 reaching conclusions on the boundaries between parish wards, the Council will take into account community identity and interests in an area. It will consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Equally, the Council during its consultations in this Review is mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

The guidance has suggested that a relevant consideration for the Council when undertaking a Review is that district/borough/electoral divisions should not split an un-warded 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, but the Local Government Boundary Commission has requested the Council to bear this in mind, which the Council will do.

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The number of councillors to be elected for parish wards

It is an important democratic principle that 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 elections of councillors. There is no provision in legislation that each parish councillor should represent, as nearly as may be, the same number of electors. However, 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.

The Council is likewise anxious to avoid a ward being over-represented by councillors as the residents of those wards (and councillors) could be perceived as having more influence than others on the Council. During the process, the Council is committed to consistently showing the ratios of electors to councillors that would result from its proposals.

Naming of parish wards

In the naming of parish wards, the Council will be mindful of existing local or historic place names, and there will be a presumption in favour of 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 this Order, the map(s) that show the effects of the 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 deposited at the locations listed at the end of this document.

In accordance with the guidance issued by the government, the Council will issue maps to illustrate each 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 Offices listed at the end of this document. Prints will also be supplied, in accordance with regulations to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

The provisions of the Order will be detailed in the Final Recommendations and will take effect for financial and administrative purposes on 1 April 2016.

The new arrangements will come into force at the next ordinary elections to the council which are scheduled to be held in May 2019. However, it is possible to reduce the existing term of office to allow mid-term elections and revert thereafter to the 4 year cycle. Any costs associated with mid-term elections are wholly attributable to the Parish Council.

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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.

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;
- 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.

How to contact us

Representations in response to this review should be submitted within the specified timescales detailed above either by letter or email to:

Clent and Hagley Parish Councils Community Governance Review

Electoral Services Manager
C/O Town Hall
Walter Stranz Square
Redditch
B98 8AH

Email democracy@bromsgroveandredditch.gov.uk

Tel: 01527 881 421

Website www.bromsgrove.gov.uk/elections

Should you require any further information or need clarification on the review process, please contact:

Claire Felton
Head of Legal and Democratic Services,
Telephone: 01527 881 429
Email: c.felton@bromsgroveandredditch.gov.uk

Lizzie Tovey
Electoral Services Manager
Telephone: 01527 881 422
Email: l.tovey@bromsgroveandredditch.gov.uk

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Public Inspection of Documentation

Any documents and associated written representations will be published on the Bromsgrove District Council website www.bromsgrove.gov.uk/elections and will also be available for inspection between the hours of 10:00am and 4:00pm on any normal working day at:

| | |
|--|--|
| The Council House, Burcot Lane, Bromsgrove, B60 1AA | The Customer Service Centre (Dolphin Centre), School Drive, Bromsgrove, B60 1AY |
|--|--|

Details of any representations will also be made available for inspection.

Date of Publication

24 September 2014

Appendices which should be included with this document are:

- Appendix 1 – Petition Map of the Hagley Parish Council proposed Transfer Area
- Appendix 2 – Hagley Parish Council Feasibility Study
- Appendix 3 – BDC Map of Review Area (Coterminous with existing Electoral Arrangements)
- Appendix 4 – List of Stakeholders
- Appendix 5 – The Bromsgrove Electoral Changes Order 2014