

Community Governance Reviews - Briefing Note

Powers to conduct reviews and terms of reference

The government's guidance is that principal councils should keep their area under review, and that it would be good practice for a principal council to consider conducting a review every 10-15 years, except in areas with a low population. The extent of the area to be covered in a review should be considered: whole area or a part of the area. Timing of reviews should also be considered, with the government's advice that it should be undertaken well in advance of electoral reviews of the principal area.

A community governance review is a review of the whole or part of the principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes. A principal council may undertake a community governance review, and the government has seen the Local Government and Public Involvement in Health Act 2007 as stream-lining the whole process. The review is undertaken in accordance with the Act, being mindful of government Guidance and complying with the Terms of Reference. There are requirements for the district council to notify the county council that a review is to be undertaken and its terms of reference.

Section 81 of the Act requires the principal council to draw up terms of reference for the review. These must specify the area under review. It is for the principal council to decide these terms of reference, and any modifications to make to existing terms of reference. However, as soon as practicable after deciding terms of reference or modifying them the principal council must publish them. The principal council "begins" a community governance review when the council publishes the terms of reference of the review.

The principal council must comply with the duties in section 93 when undertaking a community governance review and guidance issues by the Secretary of State and Electoral Commission. However, subject to these duties, it is for the principal council to decide how to undertake the review. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.

The two touchstones of the review process are still in place in section 93. The principal council must 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.

In addition, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review. Government guidance sees other forms of community governance as possible more appropriate or alternative or stages towards establishing parish councils, and lists such other forms.

The principal council must take into account any representations received in connection with the review. As soon as practicable after making any recommendations, the principal council must publish the recommendations and take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations. Likewise, the government guidance is that any consequential matters that are referred to must have been fully consulted on.

The principal council must conclude the review within the period of 12 months starting with the day on which the council begins the review; government guidance is that the same completion applies to the consequential matters. The principal council "concludes" a community governance review when the council publishes the recommendations made in the review. The following is an indicative timetable:

Action	Timetable	Example
Introductory stage - submissions are invited	Two months	January 1 - February 29
Draft Proposals are prepared	Two months	March 1 - April 30
Draft Proposals are published		May 19
Consultations	Three months	May 19 - August 18
Final Proposals are prepared	One month	September 22
Final Proposals are published		October 6
Council publishes the Recommendations	Two months later	December 1
Council makes a Re-organisation Order	thereafter	

The principal council completes its review by making a Re-organisation Order in accordance with Section 86. The Order may revoke provisions of previous orders. The Order must include a map showing in general outline the area affected by the order. The Order may not give effect to "protected electoral arrangements" unless the Electoral Commission agrees to it, and the protected electoral arrangements are defined as:

- the electoral arrangements relate to the council of an existing parish;

- the electoral arrangements were made or altered in an order made under Section 17 of the Local Government Act 1992 or under Section 14 of the Local Government and Rating Act 1997;
- that order was made during the period of five years ending with the day on which the community governance review started.