

Taunton Charter Trustees

Wednesday, 7th August, 2019,
6.00 pm

The John Meikle Room - The Deane House



Members: Francesca Smith (Mayor), Sue Lees (Deputy Mayor),
Lee Baker, Chris Booth, Simon Coles, Caroline Ellis,
Marcia Hill, Richard Lees, Libby Lisgo, Martin Peters,
Hazel Prior-Sankey, Federica Smith-Roberts,
Alan Wedderkopp, Danny Wedderkopp and Brenda Weston

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Taunton Charter Trustees

To approve the minutes of the previous meeting of the Charter Trustees of Taunton held on 4th June 2019.

(Pages 5 - 18)

3. Declarations of Interest

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

To receive any questions or statements from residents of Taunton in accordance with Standing Order 30.

5. Petitions

To receive any petitions from residents of Taunton containing over 200 signatures in accordance with Standing Order 30.

6. Deputations

To receive any deputations from residents of Taunton in accordance with Standing Order 30.

7. Communications

The Mayor to report any communications which have been recently received.

8. Motions to the Charter Trustees

To consider motions in the order in which notice has been received.

9. Budget for the Charter Trustees of Taunton for 2019/20

To approve a Budget for the Charter Trustees of Taunton for the rest of 2019/20.

(Pages 19 - 22)

10. Confirmation of Special Responsibility Allowance for Mayor and Deputy Mayor for 2019/2020

Following the recommendation of the Joint Independent Remuneration Panel (JIRP) and the Shadow Council, to approve the Special Responsibility Allowance for the Mayor of Taunton and the Deputy Mayor.

11. Civic Protocol

To approve the draft Civic Protocol detailing the relationship between the Chair of Somerset West and Taunton Council and the Mayor of Taunton.

(Pages 23 - 26)

12. Functions and Responsibilities of the Charter Trustees

To approve an updated Functions and Responsibilities document.

(Pages 27 - 28)

13. Community Governance Review

To provide an update to the Charter Trustees of Taunton on the process and expected timeline of a Community Governance Review.

(Pages 29 - 96)

14. Appointment of Representative to Association of Charter Trustee Towns and Charter Town Councils

For the Taunton Charter Trustees to appoint one of their number to be their Representative to the Association of Charter Trustee Towns and Charter Town Councils, whose AGM is on Thursday 26th September 2019.

A handwritten signature in black ink, appearing to read "James Hasset". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JAMES HASSETT
CHIEF EXECUTIVE

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If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room. Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

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Taunton Charter Trustees - 4 June 2019

Present:

Councillors Lee Baker, Chris Booth, Caroline Ellis, Catherine Herbert, Marcia Hill, Richard Lees, Sue Lees, Libby Lisgo, Martin Peters, Hazel Prior-Sankey, Federica Smith-Roberts, Francesca Smith, Alan Wedderkopp, Danny Wedderkopp and Brenda Weston

Officers: Jo Comer, Paul Fitzgerald and Marcus Prouse

Also Councillors Habib Farbahi and John Hunt

Present:

(The meeting commenced at 6.00 pm)

1. Election of Mayor of Taunton

RESOLVED that Councillor Francesca Smith be elected Mayor of Taunton for the ensuing municipal year.

Councillor Smith signed and made the declaration of acceptance of office, and thanked Councillors for their support.

2. Election of Deputy Mayor of Taunton

RESOLVED that Councillor Sue Lees be elected Deputy Mayor of Taunton for the ensuing Municipal Year.

Councillor S Lees signed and made the declaration of acceptance of office, and thanked Councillors for their support.

3. Appointment of Civic Marshal

RESOLVED that Councillor Marcia Hill be appointed Civic Marshal for the Taunton Charter Trustees.

4. Apologies & Declarations of Interest

Apologies for absence were received from Councillor Simon Coles.

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	SWT & Cheddon Fitzpaine	Personal	Spoke and Voted

Cllr C Booth	All Items	SWT & Wellington	Personal	Spoke and Voted
Cllr C Ellis	All Items	SWT	Personal	Spoke and Voted
Cllr C Herbert	All Items	SWT	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	SWT	Personal	Spoke and Voted
Cllr J Hunt	All Items	SCC & SWT	Personal	Spoke
Cllr R Lees	All Items	SWT	Personal	Spoke and Voted
Cllr S Lees	All Items	SWT	Personal	Spoke and Voted
Cllr L Lisgo	All Items	SWT	Personal	Spoke and Voted
Cllr H Prior-Sankey	All Items	SCC & SWT	Personal	Spoke and Voted
Cllr F Smith	All Items	SWT	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	SWT	Personal	Spoke and Voted
Cllr A Wedderkopp	All Items	SCC & SWT	Personal	Spoke and Voted
Cllr D Wedderkopp	All Items	SWT	Personal	Spoke and Voted
Cllr B Weston	All Items	SWT	Personal	Spoke and Voted

5. **Notes of Meeting of the Taunton Unparished Area Committee**

(Notes of the meeting of the Taunton Unparished Area Committee held on 30th January 2019 were circulated with the Agenda).

RESOLVED that the notes of the final meeting of the Taunton Unparished Area Committee held on 30th January 2019 were noted.

6. **Petitions**

No petitions from residents of Taunton were received.

7. **Public Questions**

(a) Councillor John Hunt asked the following questions:-

After the meeting of the Unparished Area Committee meeting held in January, he had spoken to several different Councillors from all parties and had been left in no doubt that this group was to be set up to allow Taunton to continue its tradition of having a Mayor, and was only a temporary measure. The purpose of Charter Trustees was to maintain the continuity of a Town Charter, after the District with a status of Borough had been abolished, and until such time as a Parish or Town Council has been established. He understood that the City of Bath had continued with this model but that their system was different in that their Mayor covered the

whole of the City, which is not the case in Taunton. He was in favour of Taunton having a Mayor but that the Mayor should represent the whole of Taunton.

- (i) The minutes of the Unparished Area Committee on 30th January clarified that any invitations to events outside of the Unparished Area would need to first go to the Civic Head of the District Council (Chair of Somerset West and Taunton). Did this mean that the rest of the County Town was not represented by the Mayor of Taunton?

Councillor Hunt stated that he represented 11,500 registered electors, however 6,800 of those would it seem not have access to Taunton's Mayor, and this was just of those eligible to vote. The sixteen Councillors who served as Charter Trustees from nine wards had been selected by default to represent the County Town and choose a Mayor from amongst your number. The Mayor would only thus be available to an electorate of around 33,000 people or 56% of those eligible to vote in Taunton town, and thus 44% would not have the benefit of the Mayor.

- (ii) Please could I have your assurance that this Charter Trustee group will only be in place until such time as a proper Taunton Town Council has been established or the Unparished Area is parished and a Mayor could be created that could cover the whole of Taunton, if this was considered necessary by the people we serve.

The Mayor thanked Councillor Hunt for his questions and assured him that a written response would be sent to him.

Councillor Prior-Sankey responded and commented that the Governance review had been promised and would imaginably take place in the next couple of years and involving public consultation. This had been the only device that was available at the time to maintain the Mayoralty status. The Mayoralty was considered very important to the people of Taunton. As part of the Community Governance Review there would be parishes that may wish to join a potential Town Council and there may be areas currently unparished that wish to form their own distinct parish council.

Councillor Lisgo commended Councillor Prior-Sankey's comments. The former Taunton Deane Borough Council actively missed the opportunity to deal with this and chose not to instigate a Community Governance Review three years ago, which would have meant that by the time we had reached the point of a New Council a Town Council would have been ready to be stood up at the same time. This had taken place in Portland and Weymouth where at the point of reorganisation they had created a new Town Council. Charter Trustees should in her view be a temporary measure. She encouraged the new administration to undertake the Community Governance Review as soon as practicable.

Councillor Hill stated that she believed the people of Taunton could invite both the Chair of Somerset West and Taunton and the Mayor of Taunton and were not restricted having seen this happen in other localities and was not personally an issue for her.

(iii) Councillor Hunt asked for clarification that the Mayor of Taunton could attend events outside of the Unparished Area?

Some Charter Trustees felt that the Mayor of Taunton could attend events outside of the Unparished Area if so wished and if this was funded separately. Councillor Herbert raised concerns around the use of Unparished Area funds raised from a specific group of Council Taxpayers being used to allow the Mayor attend events outside the Unparished Area. Councillor Herbert felt a longer conversation was needed on the jurisdiction of the Taunton Mayor and the protocols being established between the Mayor and Chair in which events were attended by whom.

(b) Mr Nigel Power made the following statement:-

My background is accountancy trained rising to CEO of UK and overseas subsidiaries of major international companies. In my dotage, I now lecture ACCA subjects at Richard Huish business school, adult section. I therefore hope I can speak with a reasonable amount of experience with regards to getting value for money and first principles business case justification.

There seems to be confusion and potential obscurity revolving around responsibility, expenditure and funding of the Mayor and associated support costs.

We now have a new structure encompassing West Somerset and Taunton Dean which comprises of parish and unparished areas. The new Mayor and supporting entourage appear to be only representing the unparished areas with the chair of the council performing some sort of role for the parishes. If this is so, then we appear to be adding further dignitary costs over above what we had for a position which will be even more ceremonial than it was.

Regarding funding, there seems some ambiguity around the use of precepts to fund this activity. The inference is, that the unparished areas will now or in the future fund the mayor and associated costs. Please clarify.

On a general point, the creeping use of precepts and similar supplements to fund all sorts of activities such as police and crime commissioner, Devon and Somerset Fire and Rescue Service, Somerset Council's Adult and Social Care is becoming very transparent. I think the term is Stealth tax to extract extra funds from already hard up council tax payers. In this case, the cause is a luxury, especially against the backdrop of cuts and shortages in services for core council activities at both local and county level.

A further point to air in this context, is the consideration of a unitary council. Most people would not be able to navigate comprehensively which council does what service. The level of duplication of back office, management structure and councillors are in my opinion wasteful and the savings should be redirected to much more deserving areas. The 5 councils (including county) account for around 250 to 300 councillors. Compare this to my home city of Sheffield with a very similar population of around 500,000 is 94.

This is a new council of a different political persuasion with the opportunity to do a lot of good. It should use this opportunity to demonstrate good progressive leadership and management of resources for the community it represents and at the same time be transparent in all its dealings.

Sheffield is habitually a Labour council and in different ways has been very wasteful. The Liberal Democrats gained power about 20 years ago but lost it after one term as it failed to exceed its predecessor in terms of management of resources and assets. I hope you do not waste your opportunity.

The Mayor thanked Mr Power for his questions and assured him that a written response would be sent to him if he wished to have one.

(c) Mr David Orr asked the following questions:-

I am a resident in the unparished ward of Vivary (formerly Killams and Mountfield). We are one of the anomalous unparished wards in Taunton where, unlike Taunton parishes, we have no statutory consultation rights; no ability to have a Local Plan, nor do we get any share of CIL planning gain; nor do we have any access to our own precept for funding or any of the formal resources available to a Parish Council. I worked part-time as a backup photographer for the local papers for 3 years, so I am aware that many people value a civic dignitary at special occasions and commemorative events. I do then appreciate why the loss of a Mayoral Office from the new Somerset West and Taunton (SWT) Council was a genuine concern.

- (i) It is quite clear from the SWT Council website and the Special Instrument legislation that the Mayor is only for the unparished areas of Taunton.

“The Mayor and Deputy will maintain the traditional role previously carried out by the Mayor and Deputy Mayor of Taunton Deane within the boundary of the unparished area.”

How will that work with the Civic Office of the SWT Council and who pays for the Mayor or Deputy Mayor if they attend in parished areas of Taunton? That remains unclear.

It vexes me considerably that in the three years it took to create the controversially merged SWT Council, nothing was done to sort out those unparished ward anomalies. The unparished area fund is only £42,000. To set that in context, the departing Chief Executive received £89,000 for “loss of office” on top of the standard redundancy and retirement benefits.

- (ii) Is that £42,000 enough to bear the administrative costs of the Charter Trustees and the Mayoral Office? We simply don't know as no sensible budgeting has been carried out and brought to this key inaugural meeting. How much funding will be left for the benefit of the communities in the

unparished areas? We don't know. That contravenes the Standing Orders before you today.

- (iii) In the Standing Orders, Councillors who are Charter Trustees are required to declare conflicts of interest. Why haven't these been published?

I think that using the funding raised in unparished areas outside of those areas, is morally wrong and potentially ultra vires, given that the Statutory Instrument lists those specific unparished areas.

I will move to formal complaint if I see the unparished fund being used out of area. It took almost 4 years to make the Somerset Rivers Authority a precepting body. The morality and legality of this body raising the precept for unparished areas remains unaddressed. The Charter Trustees were created under the Leadership of John Williams and the Conservative Executive and the Charter Trustees may have started life as a "Get Out of Jail" card for keeping a Mayoral Office in Taunton.

Now that we have a Lib Dem administration, I would say to you to break out of the mind-set of the past and vote for your own budgets at Full Council. If you want a fully funded civic and mayoral office then vote for one. If you want to support twinning arrangements for all of Taunton then vote for that.

The Mayor thanked Mr Orr for his questions and assured him that a written response would be sent to him.

Councillor Prior-Sankey commented that there would be times where the Mayor of Taunton would need to travel outside of the Unparished Area of Taunton to represent the Town. She suggested the Charter Trustees sought advice to ensure the arrangements were appropriate, but she believed that a key part of the Mayoral role was in that representational aspect.

Mr Hunt was sent the following written response from the Governance and Democratic Specialist after the meeting:

- (i) The Chairman of SWT Council takes precedence across the District whilst The Mayor is the first citizen of Taunton. The exception to this is where an event involves a member of the Royal Family, Her Majesty's Lord Lieutenant or High Sheriff within Taunton Town (the unparished area), then the Mayor would take precedence. The Charter Trustees (and by extension the Mayor) are drawn from the 16 elected Members who are representing the Unparished Wards, and the funding for the Mayoralty will be precepted from within that boundary. However, The Charter Trustees are the body in which historic rights and privileges for the town of Taunton have vested in upon the abolition of the Borough Status of Taunton Deane. There is no part transfer of historic rights and privileges. Whilst having no executive powers the Charter Trustee body is responsible for ensuring the continuance of

the historical, ceremonial and social links of the Town. The Mayor historically as part of their duties may have gone to other Mayor Making ceremonies and other events outside of the Unparished Area and or the Town, as the Mayor is first citizen of Taunton and has that representational aspect to their role. It is for the Charter Trustees to decide whether they wish to support this and other activity historically done by the Mayor of Taunton Deane and to set a precept in future years from their residents to pay for it. The vast majority of the activity will be in the unparished area. I would suggest it is for the Charter Trustees to decide how they spend the funding provided to them as to how to best to continue support these historical civic links and how that is utilised to support the Mayoralty for 19/20, and the protocol to be discussed at our next meeting should help delineate how this will work in practical terms.

- (ii) As soon as a Town or Parish Council (were it to be created following a Community Governance Review) was created the Charter Trustees body would be dissolved – “Charter trustees are dissolved by virtue of regulation 15(2)(a) of the Local Government (Parishes and Parish Councils) Regulations 2008 (S.I. 2008/625) where the charter trustee area becomes wholly comprised in a parish or two or more parishes. Regulation 15 also provides that, in those circumstances, any mayor or deputy mayor shall cease to hold office as such and all property, rights and liabilities of whatever description of the charter trustees shall become the property, rights and liabilities of the parish council.

Mr Power was sent the following written response from the Governance and Democratic Specialist after the meeting:

- (i) I can confirm that the Charter Trustees body will have the power to raise a precept next year to carry out their functions including funding the costs of a Mayoralty. Section 39(2)(d) of the Local Government Finance Act 1992 provides that charter trustees are local precepting authorities for the purposes of that Act.

Mr Orr was sent the following written response to his three questions from the Governance and Democratic Specialist after the meeting:

- (i) Yes the Charter Trustees (and by extension the Mayor) are drawn from the 16 elected Members who are representing the Unparished Wards, and the funding for the Mayoralty will be precepted from within that boundary. However, The Charter Trustees are the body in which historic rights and privileges for the town of Taunton have vested in upon the abolition of the Borough Status of Taunton Deane. There is no *part* transfer of historic rights and privileges. Whilst having no executive powers the Charter Trustee body is responsible for ensuring the continuance of the historical, ceremonial and social links of the Town. The Mayor historically as part of their duties may have gone to other Mayor Making ceremonies and other events outside of the Unparished Area and or the Town, as the Mayor is first citizen of Taunton and has that representational aspect to their

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- (ii) The Charter Trustees have formally requested from SWT Council the transfer of all funding derived from the Unparished Area to the Charter Trustees, funds that were previously administered by the Unparished Area Committee. This amount (48,978.69) will need to be prudently managed and their budget for the rest of the year will be discussed at the next meeting on 7th August. Somerset West and Taunton Council is expected to provide accommodation and staffing support for the Charter Trustees for the first year which should reduce the liabilities for this year, and could if it wished provide other support by agreement. It is intended that the support provided by the Councils various support staff including the Governance and Finance team shall be recorded to enable a true reflected picture to be reported back to the Charter Trustee's in advance of them raising their own precept for 2020/21. The role of charter trustees is to protect the civic tradition, mayoralty and regalia for the ancient area they represent and any precept raised would reflect this and not be used to fund other expenditure.
- (iii) Declarations of Interest is an item of order of business on each Charter Trustee meeting as per the Standing Orders. This was missing from the published Agenda of the first meeting but The Mayor at the meeting at apologies asked those Councillors who had any declarations of interest to make them then.

8. **Deputations**

No Deputations from residents of Taunton were received.

9. **Communications**

The Chair invited Councillor Catherine Herbert to make her statement.

Councillor Herbert had a great deal of concern around the costs of providing the Mayoralty and didn't feel that the Trustees had grasped the implications of this. The recommendations made by the Joint Independent Remuneration Panel (JIRP) in their own report to the Shadow Council in March 2019 admitted that they did not have much information around the scope of what a Mayor of Taunton would be. They also admitted that they had not been able to find out very many examples of what similar sized Town's Mayors were being paid as an allowance. She happened to know that Wellington's Mayor, whilst a different role, received an allowance of £500. The scope of the work that the Mayor did needed to be

reviewed critically going forward as there were some events on balance the Mayor should not go to. Some of the events such as the Christmas Day visits which incurred a high cost were not appreciated and just because the Mayor had historically gone to an event did not mean they needed to in future.

The recommendation that went before Shadow Council in March 2019 from the JIRP was, in her opinion, asking for the Charter Trustees to consider their recommendation and not setting that amount that needed to be paid. Councillor Herbert felt that with a limited budget this year of just the totality of the Unparished Area Special Expenses Precept and we would be paying an allowance based on guesswork based on an ill-informed group of people who had not done the required research. Unless that Allowance paid for the entirety of the Mayor's Travel Allowance. Councillor Herbert also had concerns around Parishing and her area was leaning towards becoming a Parish rather than part of a Town Council. On Twinning, Councillor Herbert felt that these Associations held no value for Taunton in 2019 and communications ability had changed somewhat since the post-war period and felt that the use of taxpayer's money could be better utilised. Councillor Herbert also raised concerns around the Councillors who are SWT Council's representatives on the Twinning Organisations. She felt that the Associations were not well supported and that the money could make a greater difference in the Unparished Area.

The Mayor thanked Councillor Herbert for raising the many issues she had and that these would need Officer Support and clarification to come back and answer these points at a future meeting.

Councillor Weston agreed that there was more to be clarified. She suggested a discussion was to be had with the Twinning Associations to clarify the benefit to Taunton they brought and review how they operated.

10. **Charter Trustees - Standing Orders**

The Charter Trustees considered the draft document circulated of the Standing Orders for the Charter Trustees of Taunton.

During the discussion of this item, Members made comments and asked questions which included:-

- Councillors raised concerns around the gendered language in the document and the need to be consistent.
- *Officers responded that this would be reviewed and corrected.*
- Concerns were also raised around the use of language that was not in Plain English, to enhance public understanding.

RESOLVED that the Standing Orders for the Charter Trustees of Taunton were agreed.

11. **Functions and Responsibilities of the Charter Trustees**

Charter Trustees considered the draft 'Functions and Responsibilities' as set out in the circulated document.

During the discussion of this item, Members made comments and asked questions which included:-

- It was suggested that at Point 9 the reference to Civic Church Services was deleted as there were a number of different faiths and none being practiced in the community.
- Questions were raised over whether the Civic Regalia was now in the ownership of the Charter Trustees, what items were in our possession and the cost of upkeep of these?
- *An inventory of the items was kept and they were regularly valued and insured, which is something that the Charter Trustees would be responsible for.*
- Point 3 stated that the Regalia would be loaned by Somerset West and Taunton to the Charter Trustees and not transferred, was this correct?
- *The question of Ownership would need to be clarified.*
- Concerns were raised around Point 15 and the cost of Officer Time to service the Charter Trustees absorbing a large proportion of the proposed budget for the following year.
- Concerns were raised that not enough work had been done on the budget estimation and until that work is done this group would not be able to fully function.
- *The baseline costs of supporting the Mayor and Charter Trustees would need to be established in the forthcoming year to enable the Charter Trustees to then set a reasonable precept that could cover the functions and responsibilities for 2020/2021.*
- *If the Request for Funding was agreed by SWT Council then one of the earliest pieces of work for the Charter Trustees would have to complete was a budget for 2019/20.*

RESOLVED that the Functions and Responsibilities of the Charter Trustees of Taunton be agreed, with the caveat that it is brought back to the Charter Trustees next meeting with further clarification on the points raised.

12. **Appointment of a Standing Committee**

Charter Trustees considered the circulated draft report on the proposed 'Powers and Duties' of the Standing Committee. The Specialist in Governance and Democracy outlined that the seven seats on such a Committee allocated politically proportionally as per the Standing Orders would be 6 Liberal Democrats and 1 Labour seat, though it was within the gift of the political groups

as to whether they took up their full entitlement. The names of those to be appointed did not have to be decided upon at this meeting but could be passed on to the Governance team in due course.

RESOLVED that the appointment of a Standing Committee for the Charter Trustees of Taunton were agreed.

RESOLVED that the Powers and Duties of the Standing Committee of the Taunton Charter Trustees were agreed.

13. **Motions to the Charter Trustees**

No motions to the Charter Trustees of Taunton had been received.

14. **Request for Funding**

Charter Trustees considered this item which was necessary to enable the Mayoralty to function and an Unparished Area Grant Scheme to continue to be operated. Somerset West and Taunton Council would need to receive a formal request to transfer all funding derived from the Unparished Area to the Charter Trustees. In future years the Charter Trustees would be in a position to raise its own precept.

During the discussion of this item, Members made comments and asked questions which included:-

- Questions were raised as to whether this included unspent funds previously held in the Unparished Area Special Expenses Precept.
- *Officers clarified that the amount was currently standing at £131,036.17, with £83,071.48 of that already committed but not spent.*
- Did this include the Community Infrastructure Levy (CIL) Monies?
- *No, and the Charter Trustees could request this funding amount (currently standing at £97,746.35) was transferred over also subject to appropriate governance arrangements having been devised, much as Parish and Town Councils control their CIL receipt allocation.*
- Does the Unparished Area Special Expenses Precept accrue interest?
- *A written answer would be provided but historically this was not done it was expected that this would be very small as the tax is collected in instalments throughout the year.*
- *There was also an Unparished Area Capital Budget that had been given to the Unparished Area Committee of £20,000 of which £10,995.86 with a specific requirement when given by the former Taunton Deane Borough Council to be spent on Open Spaces/ Playground Area Equipment.*
- It was requested that a breakdown of the Accounts be brought back to the next meeting of the Taunton Charter Trustees.
- It was raised that the use of the CIL monies was discussed at the January meeting and the emphasis on joint use with Somerset County Council to improve cycling infrastructure was supported. It was suggested that at the next meeting Officers of Strategy were requested to report back on this.

RESOLVED that the Charter Trustees of Taunton formally request from Somerset West and Taunton Council the transfer of all funding derived from the Unparished Area to the Charter Trustees.

15. Taunton's Twin Towns

Charter Trustees considered the circulated proposal to continue provision of a degree of financial support for the group's supporting Taunton's Twinning arrangements.

During the discussion of this item, Members made comments and asked questions which included:-

- Councillor Lisgo held some sympathy with Councillor Herbert's previous remarks. She believed that the proposals for Twinning needed to be radically modernised, with the full benefits of it not fully realised by a broader group of people. Until the budget for the Charter Trustees was known this could not be supported.
- Councillor Prior-Sankey clarified that the Lisieux Twinning Group received a £1000, of which the dinner must be paid for out of and was not separate and this could be consistent for both.
- The Lisieux residents involved were considered to still be very keen on the Twinning link. A discussion was needed to get both groups to come to the next meeting of the Charter Trustees and discuss this further.
- If the support was withdrawn then the Twinning Links could cease.
- The planning for next year's visit was already underway and the funding for this needed to be clarified.
- Comment was raised that the Charter Trustees should be fostering our relationships with other European countries and this needed to be looked at in the round for its demonstrable benefit to the Community if there was one potentially, such as involving more young people.
- The suggestion to merge the two separate Twinning Groups had previously been made.
- Twinning was a wider subject and perhaps the review needed to incorporate Somerset West and Taunton Council as an area needed to look at the Twinning links across the piece.
- Councillor Smith-Roberts had recently been involved with Friends of Konigslutter (FOK) and felt the experience had been a positive one. She commented that it may be more appropriate for SWT to look at other ways of operating and fostering those relationships which could be beneficial.
- It was requested by Councillor R Lees that the funding arrangements for other towns and localities in SWT that had twinning arrangements were researched and reported back to the next meeting of the Taunton Charter Trustees.
- A suggestion was made that the Parish Councils in the wider Taunton Area were approached requesting that they also helped to make a contribution to the Twinning proposals.

- Comment was made that the request for funding should be dealt with by the District Council and not through the use of the Unparished Area Precept.

RESOLVED that the proposal to continue providing a degree of financial support for the groups supporting Taunton's Twinning arrangements be deferred to the next meeting of the Charter Trustees to enable more information to be provided.

16. **Date of Future Meetings**

The Specialist in Governance and Democracy notified Members that dates had been identified of possible future meetings in the forthcoming Municipal Year, including an Informal meeting to deal with the nominations for the Mayor.

RESOLVED that the Taunton Charter Trustees were to meet quarterly, with dates to be circulated.

RESOLVED that the Taunton Charter Trustees establish a timetable of Standing Committee meetings that could take place at the earliest possible opportunity to establish a clear expectation for the future Community Governance Review of the Taunton area.

(The Meeting ended at 8.40 pm)

Charter Trustees Budget for 2019/20

Recommendations passed by SWT Council on 16th July 2019

Somerset West and Taunton Council **RESOLVED** to:-

- a) Transfer the 2019/20 Unparished Area budget of £46,399, to be allocated in line with the approved scope and governance of the Charter Trustees including the cost of the mayoralty, support costs and local grants scheme.
- b) Transfer the balance of unallocated legacy funds from previous years' TDBC Unparished Area Special Expenses Precept, to be administered by the Charter Trustees of the Town of Taunton.
- c) The transfer of legacy balance and future CIL Infrastructure Payments derived from the Unparished Area to the Charter Trustees of the Town of Taunton, once appropriate governance arrangements have been devised by the Charter Trustees to the satisfaction of the SWTC Head of Performance and Governance and the S151 Officer.
- d) Recommend the relevant Head of Function consults the Mayor, as representative of the Trustees, regarding the allocation of the legacy General Fund Unparished Area Play Equipment Capital Budget for use within the unparished area.
- e) The Charter Trustees be required to satisfy the SWTC S151 Officer that there are appropriate arrangements in place for the proper administration of and accounting for the funds to be transferred.
- f) Note that in future years, the Charter Trustees will be in a position to raise its own precept to fund its responsibilities.

Recommendations

That the Taunton Charter Trustees **resolve** to;

- a) Approve the Budget for the Charter Trustees of Taunton for 2019/20 until 31st March 2020 with the following allocations;
- b) As recommended by the Joint Independent Recommendation Panel (JIRP) and the Shadow Council approve the award of a Special Responsibility Allowance for 2019/20 for the Mayor of Taunton at £2,930 and £1,570 for the Deputy Mayor for Taunton.
- c) That CPIH be used to inflation-index both Mayoral allowances in future years.
- d) That after a year's experience of the offices of Mayor and Deputy Mayor, the allowances be reviewed by the JIRP.

- e) Approve an amount of circa £500 for insurance costs associated with the Historic Civic Regalia, Insignia and Silver and associated property that vested with the Charter Trustees on 1 April 2019. (£505.85 was the cost in 18/19).
- f) Ring-fence an amount from the budget to be spent entirely on Mayoral activities such as travel expenses and event organisation and hosting within the unparished area. Based on estimates from previous years spend and depending on activities planned this is suggested as being an amount that should not exceed £10-£15,000.

As per the report which went to SWT Full Council - Somerset West and Taunton Council is expected to provide accommodation and staffing support for the Charter Trustees for the first year, and could if it wished provide other support by agreement. It is intended that the support provided by the Councils various support staff including the Governance and Finance team shall be recorded to enable a true reflected picture to be reported back to the Charter Trustee's in advance of them raising their own precept for 2020/21.

Summary of Funding Available

The following table provides an update to the financial information included within the published report to Full Council.

Unparished Area Special Expenses	SWTC £	Charter Trustees £
2018/19 Legacy balance transferred from TDBC to SWTC on 1 April 2019	85,952	
Amounts paid out by SWTC in 2019/20 (as at 3 July 2019) against previously agreed commitments	-23,315	
Amounts committed through prior year decisions but not yet settled – to be retained and paid by SWTC	-30,012	
Prior year funds balance to be transferred to Charter Trustees	-37,625	37,625
2019/20 Special Expenses Precept to be transferred to Charter Trustees		46,399
Amounts provisionally committed or held in abeyance through prior year decisions, to be considered by the Charter Trustees Standing Committee		-30,630
Balance as at 16 July 2019	0	48,394
<i>Mayoral Ring-fenced Spend</i>	-15,000	
<i>Mayor and Deputy Mayor SRA</i>	-4500	
<i>Insurance Costs for Civic Regalia/Silver</i>	-500	
<i>Balance as at 8 August 2019</i>		28,394

The balance of uncommitted funds may be used to pay for the Mayoralty and associated costs, with any residual balance available to distribute as small grants for use within the unparished area.

Special Responsibility Allowance for Mayor and Deputy Mayor

The Charter Trustees predecessor committee the Unparished Area Committee formally requested that the Joint Independent Remuneration Panel look at the allowances for the Mayor and Deputy on 30th January 2019, whose recommendations were then supported at the meeting of the Shadow Council on 26th March 2019 at amounts of £2,930 and £1,570 for the Mayor and Deputy Mayor respectively.

As is customary, the use of the independent JIRP in advising Councillors enables this to be looked at in an impartial manner with proposed allowances. If the Charter Trustees do wish to formally amend the Panel's recommendations this has to be accompanied by clear reasons for departing from the recommendations and these need to be publicised. The JIRP is keen to review the allowances after 12 months of operation.

Unparished Area Play Equipment Capital Budget

Play Equipment Capital Budget	SWTC £
2018/19 Legacy TDBC Capital Budget underspend carried forward and included in 2019/20 SWTC Capital Programme	11,000

£11,000 (rounded) is included in the SWTC 2019/20 Capital Programme Budget, as a carry forward from 2018/19 underspend on the TDBC Capital Programme. This will be formally reported in the Financial Outturn Report to SWTC Executive on 23 July 2019.

This legacy budget was intended to fund play equipment enhancements / replacement within the unparished area of Taunton, as a planned use of a TDBC General Fund Revenue Budget underspend in previous years. The funds are not derived from Special Expenses Precept collected from tax payers within the unparished area.

It is therefore proposed that this budget is retained by SWTC within the General Fund Capital Programme, but the Head of Performance and Governance be requested to consult with the Mayor – as representative of the Charter Trustees – regarding the agreed use of the funds. This aims to ensure suitable consultation for the use of resources is undertaken, whilst maintaining proper financial administration of the Council's General Funds.

Community Infrastructure Levy

Community Infrastructure Levy Balance	SWTC £
Legacy balance of TDBC CIL funds received 2016/17 to 2018/19 related to the unparished area and transferred from TDBC to SWTC on 1 April 2019.	97,746

The balance on 1 April 2019, transferred from TDBC to SWTC, of CIL collected and attributable to development within the unparished area is £97,746. This is based on the 15% share of CIL that would have been allocated to a town or parish council had one existed.

It is proposed that the balance of CIL currently held by SWTC is transferred to the Charter Trustees, with delegated authority from SWTC to the Charter Trustees to administer the funds for their intended purpose within the unparished area. Similarly to transfer any further relevant shares of CIL attributable to the unparished area during 2019/20 and subsequent years for the same purpose.

These transfers are to be dependent on the Charter Trustees establishing appropriate governance and administration arrangements, to the satisfaction of the Head of Performance and Governance and the S151 Officer.

Civic Protocol

The Civic protocol is designed to help clarify the events and functions that the Charter Mayor and the Chairman of Somerset West and Taunton (SWT) Council will attend.

The Civic role of the Chairman of the SWT Council includes the following tasks:

- Prioritise and focus on promoting and enhancing strategic district - wide initiatives and promote public involvement in the Council's activities.
- Host high profile business and political visitors
- Attend events of regional, national or international significance
- Attend activities that enhance the economic, social and environmental wellbeing of the area.
- be the conscience of the Council

It is anticipated that both the Chair role and Charter Mayor Role will complement each other but it will be vital that there is close liaison between the relevant office and Office-holders to ensure each role is afforded appropriate respect. The protocol arrangements will, as a consequence, require refinement as the new arrangements are embedded and the roles defined. This protocol will be reviewed after the first year of operation.

Precedence

The Chairman of SWT Council takes precedence across the District whilst The Mayor is the first citizen of Taunton. The exception to this is where an event involves a member of the Royal Family, Her Majesty's Lord Lieutenant or High Sheriff within Taunton Town (the unparished area), then the Mayor would take precedence.

The Mayor

The central role of the Mayor is as a representative for the town, the community and local democracy. The Office of Mayor can be used to:-

- Champion causes/charities, raising their profile;
- Raise awareness of local democracy;
- Celebrate success;
- Be the face of the Town in times of sadness;
- Welcome visitors on behalf of the Town.

The Mayor is responsible for:

- Upholding and promoting the Town Charter and preserving the historic rights and privileges associated with the Town e.g. regalia. (Alongside the other Charter Trustee's).
- Presiding over meetings of the Charter Trustees of Taunton.
- Encouraging Citizenship and Participation in the life of the Town; and
- Promoting the Town at all functions attended.

The Deputy Mayor

Purpose of Post:

To assist the Mayor at Civic Functions and to represent the Mayor when he / she is unable to attend an engagement (by prior arrangement with the hosts)

Duties and Responsibilities

1. To deputise for the Mayor, when the Mayor is unable to fulfil the duties of his / her role, at the request of the Mayor or on the advice of the Civic Office.
2. To support the Mayor at annual civic events and other events hosted by the Council, at the request of the Mayor.
3. To carry out the duties of the post, fairly and without discrimination and in accordance with the aims and objectives of the Council.

The Functions of the Mayor of Taunton

Throughout the year the Mayor is required to perform two basic functions:-

(1) Chair of Meetings of the Charter Trustees

The Mayor is the Chair of meetings of the Charter Trustees which comprises all 16 Councillors who have been elected to represent Wards in the Unparished Area of Taunton. This is primarily a function of control and chairmanship at these meetings.

(2) Taunton Ambassador

This is a non-political role. The various engagements and events range from civic receptions to carol services. The Mayor is likely to undertake between 200 - 300 engagements each year, including:-

- **Charity and Voluntary Events**

The Mayor supports local charitable and voluntary organisations within the Unparished Area and is frequently asked to open an event or attend an anniversary. As the President or Patron of a number of societies and other voluntary bodies, the Mayor is invited to attend several Annual General Meetings.

- **Civic Receptions**

On occasion, hospitality is likely to be given by the Council and the Mayor hosts these events. The Mayor would normally make a speech of welcome on behalf of the Council and the Citizens of Taunton. This is followed by a response by the leading guest.

- **Flag Raising Ceremonies and Tributes**

The Mayor attends the various flag raising ceremonies throughout the year. These include Armed Forces Day, Emergency Services (999) Day, Merchant Navy Day and Commonwealth Day. Tributes in the form of two minute silences have been held in the past as a mark of respect for those who have lost their lives following an act of terrorism or a natural disaster.

- **Civic Visits to and from Taunton's Twin Towns**

All the arrangements are made by the Civic and Engagement Specialist. This involves a complete programme for the visitors which is compiled in conjunction with the twinning associations and includes a welcoming reception and visits to centres of interest in the locality.

- **Church Services and Carols**

The Mayor invites the Members of the Council, Freeman, Past Mayors and Taunton's Member of Parliament, to join in religious services on different occasions throughout the year. The largest and most important of these are annual services held in St Mary Magdalene Church, namely the Civic Service and the Remembrance Service in November. Just before Christmas, the Mayor hosts a Carol Concert at the church and is usually asked to read one of the lessons. The Mayor also attends a large number of Carol Services held at various locations within the Unparished Area.

- **Other Events - Festival Launches, Sporting Events, School Visits**

The Mayor is often invited to attend large events staged in Taunton. The Mayor is invited annually to launch sporting events such as the Taunton Marathon, or to present the prizes. The Mayor is occasionally invited to attend matches in support of local clubs. The Mayor is often invited to visit schools and sometimes wears the full Mayoral robes and Chain of Office,

so that the children can learn something of Taunton's Mayoralty. The Mayor also formally welcomes exchange students from Taunton, Massachusetts and Kitwe, Zambia who have strong affiliations with local schools.

Important Notes

- (i) Any Charter Trustee who wishes to be nominated as the Mayor must have served at least three years as a former Taunton Deane Borough Councillor or as a Somerset West and Taunton Councillor to be nominated as Mayor and two years as a former Taunton Deane Borough Councillor or as a Somerset West and Taunton Councillor to be nominated as Deputy Mayor.
- (ii) The Mayor will be expected to drive himself/herself (or arrange alternative modes of transport) to engagements within the Taunton Unparished Area. A mileage allowance of 45p per mile (Her Majesty's Revenue and Customs non-taxable allowance) will be paid on submission by the Mayor of a monthly claim for re-imbusement.
- (iii) It is traditional for the Mayor to nominate at least one Charity for their one year Term of Office. Any donations or proceeds from events such as the Taunton Deane Male Voice Choir or the Civic Carol Concert will be held for distribution to the Charity or Charities nominated by the Mayor at the end of the Mayoral Year.

Contact –

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The Charter Trustees of the Town of Taunton

Functions and Responsibilities

The Functions and principal responsibilities of the Charter Trustees of the Town of Taunton are to:-

1. Elect a Mayor and a Deputy Mayor and maintain and uphold civic protocol and ceremony within Taunton including suspending any Charter Trustee who fails to comply with a resolution of the Charter Trustees or any of its committees by the next meeting of the Charter Trustees.
2. Convene and hold regular meetings and produce reports and minutes of such meetings.
3. Ensure the upkeep, repair and cleanliness and security of all property including the Civic regalia, plate, portraits, civic robes and hats and other valuables owned by the Charter Trustees.
4. Maintain a detailed and current inventory of all the Charter Trustee's civic property ensuring that such items are correctly insured.
5. Prepare annual revenue estimates, maintain accounts including VAT, investing any surplus funds to maximise interest and prepare the final accounts at the end of each financial year.
6. Promote and protect the views and interests of the Charter Trustees in the context of press and public relations with regard to local, national and international organisations and/or their representatives and other third parties or individuals as appropriate.
7. Enhance the interests of Taunton by acting upon views and information received from individual citizens and public or private sector interests of the town and bring to the attention of the Charter Trustees relevant matters for consideration as appropriate.
8. Initiate all arrangements for civic visits to and from Taunton and in particular for those cities and towns which are twinned with Taunton and foster the cultural, community and commercial links which come about as a result.
9. Make appropriate arrangements for civic church services and other civic functions and occasions.
10. Maintain close links with the Chair of the Somerset West and Taunton Council to ensure that the respective civic roles of both the Mayor and Chair are undertaken in accordance with the appropriate protocols to ensure that no unnecessary overlapping or gaps occur in response to invitations to attend events in Taunton.
11. Maintain close links with any Freemen, the Lord Lieutenant of Somerset, the High Sheriff and the Member of Parliament.
12. Ensure close links with the Association of Charter Trustee Towns and Charter Town Councils.

13. Assess and obtain insurance cover for the Charter Trustees (to include Public liability, Employers Liability, Fidelity Guarantee, All Risks (including Terrorism) and, where appropriate, Motor Vehicle).
14. Conduct all necessary and appropriate correspondence with outside bodies and organisations consequent upon decisions taken by the Charter Trustees.
15. Employ such officers as are necessary or purchase the necessary officer time from the Somerset West and Taunton Council to support the Mayor and Charter Trustees.
16. Form effective liaison between the Charter Trustees and Somerset West and Taunton Council.

The Charter Trustees of the Town of Taunton

Community Governance Review

What are community governance reviews?

Chapter 3 of Part 4 of the Local Government and Public Involvement Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State and the Electoral Commission to local government and local communities in England.

Since 13 February 2008, district councils, unitary county councils and London borough councils (principal councils) have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In making that decision, they will need to take account of the views of local people.

The full text of the 2007 Act can be accessed at: **Local Government and Public involvement in Health Act 2007**.

Principal councils are also required to have regard to guidance on undertaking community governance reviews, which has been published by the Electoral Commission.

Why undertake a community governance review?

A community governance review can be undertaken in response to demographic changes such as a rise in population, for example as a result of significant new housing development.

A review can also be triggered if a petition is presented to the principal council asking for a review to be undertaken, the 2007 Act places a duty on principal councils to respond to such a petition. Sections 39-43 of the Act set out prescriptive criteria, which the petition must meet in order to be legally valid.

The objective of undertaking a community governance review is to ensure that local governance will continue to be effective and convenient and will reflect the identities and interests of local communities.

Terms of Reference for community governance reviews

The 2007 Act requires principal councils to determine and publish the terms of reference under which a community governance review is to be undertaken. It also requires that the terms of reference specify the area under review. If any modifications are made to the terms of reference, these must also be published.

Who undertakes community governance reviews?

As the principal authority, Somerset West and Taunton District Council is responsible for undertaking any community governance review within its electoral area.

On the 19th March 2018, the former Taunton Deane Borough Council at a special Full Council passed the two following resolutions under 'Transitioning to a New Council':-

Resolved that subject to the Secretary of State confirming his final decision, the following be approved:-

- (a) To give consent under Section 15(4) of the Cities and Local Government Devolution Act 2016 to the making and laying of the necessary Orders for the dissolution of Taunton Deane Borough Council and West Somerset District Council and the creation of a single new Council covering both areas.
- (b) Subject to recommendation (a) above being supported, a Community Governance Review of the Unparished Area of Taunton be commenced at the earliest opportunity (taking into consideration the guidance from both the Local Government Boundary Commission for England and Ministry for Housing, Communities and Local Government).

Guidance on community governance reviews



The
Local Government
Boundary Commission
for England

Guidance on community governance reviews

March 2010

Department for Communities and Local Government
Local Government Boundary Commission for England

Department for Communities and Local Government
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Foreword

This document comprises guidance issued by the Secretary of State and the Local Government Boundary Commission for England under section 100 of the Local Government and Public Involvement and Health Act 2007 (the 2007 Act) on undertaking, and giving effect to recommendations made in, community governance reviews and on making recommendations about electoral arrangements respectively.

The Implementation Plan for the Local Government white paper, *Strong and Prosperous Communities*¹ (the 2006 white paper), sets out Communities and Local Government's future approach to guidance. It proposes that guidance must be short, clear and practical, and that an open and inclusive approach to its preparation should be followed, involving the range of stakeholders who will be affected by or have an interest in it.

This guidance follows that approach. It is an updated version of guidance originally published in 2008 prepared by a partnership of Communities and Local Government and the Electoral Commission with stakeholders including DEFRA, the Local Government Association, County Councils Network, London Councils, the National Association of Local Councils, and the Society of Local Council Clerks. It aims to be clear and practical but also to encourage innovative and flexible local action. The main change to the guidance has been to reflect the establishment of the Local Government Boundary Commission for England, which is responsible for the boundary-related functions previously exercised by the Electoral Commission and the Boundary Committee for England.

A model community governance reorganisation order is available on the Department's website.²

¹ *Strong and Prosperous Communities*, the Local Government white paper, The Stationery Office, October 2006(Cm 6969).

² <http://www.communities.gov.uk/publications/localgovernment/modelreorganisationorder>

Section 1: Introduction

The Local Government and Public Involvement in Health Act 2007 and community governance reviews

1. Chapter 3 of Part 4 of the 2007 Act devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.
2. The Secretary of State therefore has no involvement in the taking of decisions about recommendations made in community governance reviews and the Local Government Boundary Commission for England's (LGBCE) involvement is limited to giving effect to consequential recommendations for related alterations to the electoral areas of principal councils.
3. From 13 February 2008, district councils, unitary county councils and London borough councils ('principal councils') have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In making that decision, they will need to take account of the views of local people.
4. Principal councils are required, by section 100(4) of the 2007 Act, to have regard to this guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2).
5. This guidance is not an authoritative interpretation of the law (as that is ultimately a matter for the courts) and it remains the responsibility of principal councils to ensure that any actions taken by them comply with the relevant legislation. They should seek their own legal advice where appropriate.

Aim of this guidance

6. This guidance is intended to provide assistance to principal councils on:
 - a) undertaking community governance reviews
 - b) the making of recommendations for electoral arrangements for parish councils and the making of consequential recommendations to the LGBCE for related alterations to the boundaries of electoral areas of principal councils; and

- c) giving effect to recommendations made in community governance reviews

Issues covered in this guidance

- 7. The guidance supports and helps to implement key aspects of the 2006 white paper. The 2007 Act requires that local people are consulted during a community governance review, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcomes of such reviews including any decisions.
- 8. The matters covered by the guidance include:
 - a) duties and procedures in undertaking community governance reviews (Chapter 2), including on community governance petitions; the document gives guidance on a valid petition, and for the requirement for petitions to meet specific numerical or percentage thresholds signed by local electors
 - b) making and implementing decisions on community governance (Chapter 3): the 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient; relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area
 - c) other forms of community governance not involving parishes (Chapter 4) for example, residents' associations, community forums, tenant management organisations, area committees
 - d) considerations on whether parish meetings and parish councils would be most appropriate, and electoral arrangements (Chapter 5)
 - e) consequential recommendations for related alterations to ward and division boundaries (Chapter 6)

Statutory provisions

- 9. In addition to the 2007 Act, legislation relating to parishes can also be found in the Local Government Act 1972 (in particular, provision about parish meetings and councils, the constitution of a parish meeting, the constitution and powers of parish councils and about parish councillors) and the Local Democracy, Economic Development and Construction Act 2009 (reviews of, and recommendations about,

electoral areas by the LGBCE), as well as in other enactments.

Structure of guidance

10. This document is published jointly and is divided into two parts. Chapters 2 to 4 deal with those matters which the Secretary of State may issue guidance on and the issues raised in Chapters 5 and 6 are those on which the LGBCE may issue guidance. Having conducted a community governance review, unless in certain circumstances there are no implications for electoral arrangements, principal councils will need to consider both parts of this guidance together.

Further information

11. Further information about electoral arrangements for parishes and any related alterations to district or London borough wards, or county divisions should be sought from the LGBCE's website www.lgbce.org.uk

Section 2: Undertaking community governance reviews

Why undertake a community governance review?

12. Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas. It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues. The Government has made clear in the 2006 white paper and in the 2007 Act its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
13. The 2007 Act is intended to streamline the process of taking decisions about giving effect to recommendations made in a community governance review, such as recommendations for the creation of new parishes and the establishment of parish councils, and about other matters such as making changes to parish boundaries and electoral arrangements. By devolving the powers to take these decisions from central government to local government, the 2007 Act is intended to simplify the decision-making process and make it more local.
14. Parish and town councils are the most local tier of government in England. There are currently about 10,000 parishes in England – around 8,900 of which have councils served by approximately 70,000 councillors. There is a large variation in size of parishes in England from those with a handful of electors to those with over 40,000 electors.
15. In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference

of which should include consideration of the boundaries of existing parishes.

16. A community governance review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that exist in England. Reviews also offer the chance to principal councils to consider the future of what may have become redundant or moribund parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council. Some of these issues are considered elsewhere in this guidance (see Chapter 3 about parish councils and parish meetings and Chapter 4 regarding grouping parishes and dissolving parish councils and abolishing parishes).
17. Since new boundaries may be used to provide the building blocks for district and London borough ward and/or county division boundaries in future electoral reviews of district, London borough, unitary and county councils, it is important that principal councils seek to address parish boundary anomalies when they arise. Principal councils should therefore consider carefully changes to parish boundaries as these can have consequential effects on the boundaries for other tiers of local government.
18. Community governance reviews may also be triggered by local people presenting public petitions to the principal council. This is explained in more detail in paragraphs 39 to 43 on public petitions to trigger community governance reviews.

Terms of reference for community governance reviews

19. The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.
20. Terms of reference will need to be drawn up or modified where a valid community governance petition has been received by the principal council. Local people will be able to influence the terms of reference when petitioning (see paragraphs 24 and 39 to 43 for more information).
21. As the 2007 Act devolves power from central to local government and to local communities, it is inappropriate to prescribe a “one size fits

all” approach to terms of reference for community governance reviews applied by principal councils. However, the Government expects terms of reference to set out clearly the matters on which a community governance review is to focus. The local knowledge and experience of communities in their area which principal councils possess will help to frame suitable terms of reference. The terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities.

22. In areas for which there is both a district council and a county council, district councils are required under section 79 of the 2007 Act to notify the county council of their intention to undertake a review and of their terms of reference. County councils play a strategic role in the provision of local services, and they can offer an additional dimension to any proposal to conduct a review, particularly as the terms of reference are being formulated. The bodies which the principal council must consult under section 93 of the 2007 Act include other local authorities which have an interest in the review. Such local authorities would include any county council for the area concerned. In such circumstances the district council should seek the views of the county council at an early stage.
23. Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

Timing of community governance reviews

24. A principal council is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the council’s area. However, the duty to conduct a review does not apply if:
 - a) the principal council has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition or
 - b) the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates
25. Where a review has been conducted within the last two years the principal council still has the power to undertake another review if it so wishes. Where a review is ongoing, the council can choose to

modify the terms of reference of the ongoing review to include the matters within the petition, or to conduct a second review.

26. Otherwise, the 2007 Act provides for a principal council to conduct a community governance review at any time. Principal councils will want to keep their community governance arrangements under review, and they should ensure that they consider on a regular basis whether a review is needed. A review may need to be carried out, for example, following a major change in the population of a community or as noted earlier in this chapter (see paragraph 15) to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries. Principal councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate.
27. In the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of two or three areas. However, it is recognised that a full-scale review will not always be warranted, particularly where a review of the whole area or a significant part of the principal council's area has been carried out within the last few years. Occasionally, it may be appropriate to carry out a smaller review, for example, to adjust minor parish boundary anomalies.
28. Principal councils should use their knowledge and awareness of local issues when deciding whether to undertake a review. However, principal councils should avoid starting a community governance review if a review of district, London borough or county council electoral arrangements is being, or is about to be, undertaken. Ideally, community governance reviews should be undertaken well in advance of such electoral reviews, so that the LGBCE in its review of local authority electoral arrangements can take into account any parish boundary changes that are made. The LGBCE can provide advice on its programme of electoral reviews.
29. Where the LGBCE bases its new district or London borough ward boundaries on parish boundaries the Parliamentary Boundary Commission will then use these boundaries to determine parliamentary constituency boundaries (parliamentary constituencies use district and London borough wards as their building blocks). This illustrates the importance of keeping parish boundaries under review and ensuring they accurately reflect local communities.
30. Reorganisation of community governance orders (explained further in

this chapter under implementation) creating new parishes, abolishing parishes or altering their area can be made at any time following a review. However for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1 April following the date on which it is made. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made. In relation to a new parish council, the principal council may wish to consider whether, during the period between 1 April and the first elections to the parish council, it should make interim arrangements for the parish to be represented by councillors who sit on the principal council.

31. Parish council elections should normally take place every four years at the same time as the elections for the district or London borough ward or, in areas outside of London which have no district council, the county division in which a parish, or part of a parish, is situated. However, where a new parish is to be created, it may be necessary to alter the date of the next parish election, particularly if the next elections to the ward or division are not scheduled to take place for some time. To achieve this, section 98 of the 2007 Act allows principal councils to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972, so that the first election to the new parish council is held in an earlier year. This results in councillors serving either a shortened or lengthened first term to allow the parish council's electoral cycle to return to that of the unitary, district or London borough ward at the next election.

Undertaking community governance reviews

32. Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that they comply with the duties in that Act which apply to councils undertaking reviews.
33. Principal councils will need to consult local people and take account of any representations received in connection with the review. When undertaking the review they must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient. Further information on making recommendations is in Chapter 3.
34. Under the 2007 Act principal councils are required to consult both

those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

35. Principal councils must consider the wider picture of community governance in carrying out their reviews. In some areas there may be well established forms of community governance such as local residents' associations, or community forums which local people have set up and which help make a distinct contribution to the community. Some principal councils may also have set up area committees which perform a specific role in the local community.
36. In undertaking a review, section 93(5) requires principal councils to take these bodies into account. Potentially, as representatives of their community, these bodies may be considered as foundations for or stages towards the creation of democratically elected parishes (further information about other non-parish forms of community governance can be found in Chapter 4).
37. Principal councils are required to complete the review, including consequential recommendations to the LGBCE for related alterations to the boundaries of principal area wards and/or divisions, within 12 months of the start of the community governance review. The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations made in the review³. The Government stated in the 2006 white paper that they wanted the process for undertaking community governance (formerly parish reviews) to be simplified and speeded up. Given that there is no longer the need to make recommendations to Central Government prior to implementing any review recommendations, the 2007 Act makes it easier for principal councils to reach decisions on community governance reviews. Whilst a community governance review will depend on a number of factors, such as the number of boundary changes, the Government believes it should be feasible to accomplish reviews within 12 months from the start.
38. Principal councils will need to build into their planning process for

³ See section 102(3) of the 2007 Act for the interpretation of 'begin' and 'conclude' in relation to a review.

reviews reasonable periods for consultation with local electors and other stakeholders, for the consideration of evidence presented to them in representations, as well as for decision-making (see Chapter 3 on making and implementing recommendations made in community governance reviews). Implementation of reviews by Order and the requirement for the principal council to publicise the outcome of a community governance review are covered in paragraphs 98 to 103.

Public petitions to trigger community governance reviews

39. In recent years, the Government has been keen to encourage more community engagement. The 2006 white paper confirmed this development further stressing the intention to build on the existing parish structure improving capacity to deliver better services, and to represent the community's interests.
40. Under the 2007 Act, local electors throughout England can petition their principal council for a community governance review to be undertaken. The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters including:
- the creation of a parish
 - the name of a parish
 - the establishment of a separate parish council for an existing parish
 - the alteration of boundaries of existing parishes
 - the abolition of a parish
 - the dissolution of a parish council
 - changes to the electoral arrangements of a parish council
 - whether a parish should be grouped under a common parish council or de-grouped
 - a strong, inclusive community and voluntary sector
 - a sense of civic values, responsibility and pride; and
 - a sense of place – a place with a 'positive' feeling for people and local distinctiveness
 - reflective of the identities and interests of the community in that area and
 - effective and convenient
 - the impact of community governance arrangements on community cohesion; and

- the size, population and boundaries of a local community or parish
 - people from different backgrounds having similar life opportunities
 - people knowing their rights and responsibilities
41. For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds are:
- a) for an area with less than 500 local electors, the petition must be signed by at least 50% of them
 - b) for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them
 - c) for an area with more than 2,500 local electors, the petition must be signed by at least 10% of them
42. These thresholds have been chosen to ensure that the minimum number of signatures to be obtained is neither so high that it will be impossible in most cases to collect that number nor so low as to allow a very small minority of electors to trigger a review. So, in areas with higher populations the threshold is not so high as to prevent a genuine desire for a review not being realised. Equally, in areas with smaller numbers of electors, this means that a handful of electors cannot initiate a review against the wishes of the majority of their fellow electors. The thresholds therefore help to ensure that the local democratic process is properly maintained.
43. The petition should define the area to which the review relates, whether on a map or otherwise, and refer to identifiable fixed boundaries. Where a proposed boundary is near an individual property, the petition must make clear on which side of the boundary the property lies. The petition must specify one or more proposed recommendations for review.
44. Where a petition recommends the establishment of a town or parish council or parish meeting (see paragraph 88) in an area which does not currently exist as a parish, the petition is to be treated as including a recommendation for a parish to be created even if it does not expressly make such a recommendation⁴

⁴ See Section 80 (8) of the 2007 Act

Section 3: Making and implementing recommendations made in community governance reviews

45. As stated in the 2006 white paper parish councils are an established and valued form of neighbourhood democracy and management. They are not only important in rural areas but increasingly have a role to play in urban areas. We propose to build on the existing parish structure, so as to improve its capacity to deliver better services and represent the community's interests.

Context of parishes in the wider community

46. Communities and Local Government is working to help people and local agencies create cohesive, attractive and economically vibrant local communities, building on the Government's Sustainable Communities' strategy.
47. An important aspect to approaching sustainable communities is allowing local people a say in the way their neighbourhoods are managed. One of the characteristics of a sustainable community is the desire for a community to be well run with effective and inclusive participation, representation and leadership. This means:
 - a) representative, accountable governance systems which both facilitate strategic, visionary leadership and enable inclusive, active and effective participation by individuals and organisations; and
 - b) effective engagement with the community at neighbourhood level including capacity building to develop the community's skills, knowledge and confidence
48. Central to the concept of sustainable communities is community cohesion. The impact of community governance on cohesion is an issue to be taken into account when taking decisions about community governance arrangements, and this is discussed further below.

Defining a parish

49. Parish and town councils vary enormously in size, activities and circumstances, representing populations ranging from less than 100 (small rural hamlets) to up to 70,000 (large shire towns – Weston-Super-Mare Town Council being the largest). The majority of them are small; around 80% represent populations of less than 2,500. Small parishes with no parish council can be grouped with

neighbouring parishes under a common parish council (see paragraphs 112 to 115).

50. Parish councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.
51. The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people's day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity.

Criteria for undertaking a community governance review

52. Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:
 - reflective of the identities and interests of the community in that area and
 - effective and convenient
53. When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:
 - the impact of community governance arrangements on community cohesion and
 - the size, population and boundaries of a local community or parish
54. In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

The identities and interests of local communities

55. Parish councils have an important role to play in the development of their local communities. Local communities range in size, as well as in a variety of other ways. Communities and Local Government is

working to help people and local agencies create cohesive, attractive and economically vibrant local communities. The aim for communities across the country is for them to be capable of fulfilling their own potential and overcoming their own difficulties, including community conflict, extremism, deprivation and disadvantage. Communities need to be empowered to respond to challenging economic, social, and cultural trends, and to demographic change.

56. Parish councils can contribute to the creation of successful communities by influencing the quality of planning and design of public spaces and the built environment, as well as improving the management and maintenance of such amenities. Neighbourhood renewal is an important factor to improve the quality of life for those living in the most disadvantaged areas. Parish councils can be well placed to judge what is needed to build cohesion. Other factors such as social exclusion and deprivation may be specific issues in certain areas, and respect is fundamental to the functioning of all places and communities. The Government remains committed to civil renewal, and empowering citizens to work with public bodies, including parish councils, to influence public decisions.
57. 'Place' matters in considering community governance and is a factor in deciding whether or not to set up a parish. Communities and Local Government's vision is of prosperous and cohesive communities which offer a safe, healthy and sustainable environment. One aspect of that is strong and accountable local government and leadership. Parish councils can perform a central role in community leadership. Depending on the issue, sometimes they will want to take the lead locally, while at other times they may act as an important stakeholder or in partnership with others. In either case, parish councils will want to work effectively with partners to undertake the role of 'place-shaping', and be responsive to the challenges and opportunities of their area in a co-ordinated way.
58. It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area.
59. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the feeling of local community and the wishes

of local inhabitants are the primary considerations.

60. Today, there may well be a variety of different communities of interest within a parish; for example, representing age, gender, ethnicity, faith or life-style groups. There are other communities with say specific interests in schools, hospitals or in leisure pursuits. Any number of communities of interest may flourish in a parish but they do not necessarily centre on a specific area or help to define it.
61. Building a sense of local identity may make an important contribution to cohesion where a local area is facing challenges arising from rapid demographic change. In considering the criteria, community governance reviews need to home in on communities as offering a sense of place and of local identity for all residents.

Effective and convenient local government

62. The Government believes that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.
63. Local communities should have access to good quality local services, ideally in one place. A parish council may be well placed to do this. With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient they need to be easy to reach and accessible to local people.
64. In responding to the requirement for effective and convenient local government, some parish councils are keen, and have the capacity to take on more in the provision of services. However, it is recognised that not all are in position to do so. The 2007 Act provides a power of well-being to those parish councils who want to take on more, giving them additional powers to enable them to promote the social, economic and environmental well being of their areas. Nevertheless, certain conditions must be met by individual parish councils before this power is extended to them.
65. Wider initiatives such as the Quality Parish Scheme and charters agreed between parish councils and principal councils also help to give a greater understanding of securing effective and convenient local government. In such cases, parish and town councils which are well managed and good at representing local views will be in a better

position to work closely with partner authorities to take more responsibility for shaping their area's development and running its services.

Factors for consideration

66. When reviewing community governance arrangements, principal councils may wish to take into account a number of factors, to help inform their judgement against the statutory criteria.

The impact on community cohesion of community governance arrangements

67. Setting up parishes and parish councils clearly offers the opportunity to strengthen community engagement and participation, and generate a positive impact on community cohesion. In conducting community governance reviews (whether initiated by itself or triggered by a valid petition), the principal council should consider the impact on community cohesion when deciding whether or not to set up a parish council.
68. Britain is a more diverse society – ethnically, religiously and culturally – than ever before. Today's challenge is how best to draw on the benefits that migration and diversity bring while addressing the potential problems and risks to cohesion. Community cohesion is about recognising the impact of change and responding to it. This is a fundamental part of the place-shaping agenda and puts local authorities at the heart of community building.
69. In its response to the recommendations of the Commission on Integration and Cohesion the Government has defined community cohesion as what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.
70. The Government's vision of an integrated and cohesive community is based on three foundations:
- people trusting one another and trusting local institutions to act fairly
71. And three key ways of living together:
- a shared future vision and sense of belonging
 - a focus on what new and existing communities have in common, alongside a recognition of the value of diversity
 - strong and positive relationships between people from different backgrounds

72. The Commission on Integration and Cohesion's report, *Our Shared Future*, is clear that communities have expert knowledge about their own circumstances and that actions at the local level contribute to achieving integration and cohesion, with local authorities well placed to identify any pressures. The Commission reports that policy makers and practitioners see civic participation as a key way of building integration and cohesion – from ensuring people have a stake in the community, to facilitating mixing and engendering a common sense of purpose through shared activities. The 2006 white paper's proposals for stronger local leadership, greater resident participation in decisions and an enhanced role for community groups contribute to promoting cohesion.
73. Community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.
74. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. It would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.
75. As part of a community governance review a principal council should consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.
76. Challenges to community cohesion are often very local in nature and because of their knowledge of local communities, local authorities are in a good position to assess these challenges. As for the other considerations set out in this guidance, principal councils will wish to

reach a balanced judgement in taking community cohesion into account in community governance arrangements.

Size, population and boundaries of a local community or parish

77. Size, population and boundaries of a local community or parish are linked to aspects of both principal criteria as identified in the 2007 Act, but perhaps more specifically to community governance being effective and convenient. Often it is factors such as the size, population and boundaries which influence whether or not it is going to be viable to create a parish council. Parishes must fall within the boundaries of a single principal council's area.
78. The Local Government Commission for England in its 1993 Report *Renewing Local Government in the English Shires* makes the point that there is a long history of attempts to identify ideal minimum and maximum sizes for local authorities. Instead its preference was for authorities to be based on natural communities and reflecting people's expressed choices. This is even truer today, particularly at the most local level of government. Nevertheless, the size of communities and parishes remains difficult to define.
79. Parish councils in England currently vary greatly in size from those with a handful of electors with some representing hamlets of around 50 people to those in towns with well over 40,000 electors. Geography and natural boundaries; population size; and to an extent 'council size' (the term used by the LGBCE to describe the number of councillors who are elected to a local authority) may influence how small or large a parish council can be.
80. The general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government. This is generally because of the representative nature of parish councils and the need for them to reflect closely the identity of their communities. It is desirable that any recommendations should be for parishes or groups of parishes with a population of a sufficient size to adequately represent their communities and to justify the establishment of a parish council in each. Nevertheless as previously noted, it is recognised that there are enormous variations in the size of parishes, although most parishes are below 12,000 in population.
81. A parish council should be in a position to provide some basic services and many larger parishes will be able to offer much more to their local communities. However, it would not be practical or desirable to set a rigid limit for the size of a parish whether it is in a

rural or urban area, although higher population figures are generally more likely to occur in urban areas. Equally, a parish could be based on a small but discrete housing estate rather than on the town within which the estate lies.

82. There may be cases where larger parishes would best suit the needs of the area. These might include places where the division of a cohesive area, such as a Charter Trustee town (see paragraphs 133 to 134), would not reflect the sense of community that needs to lie behind all parishes; or places where there were no recognisable smaller communities.
83. As far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable. For instance, factors to consider include parks and recreation grounds which sometimes provide natural breaks between communities but they can equally act as focal points. A single community would be unlikely to straddle a river where there are no crossing points, or a large area of moor land or marshland. Another example might be where a community appeared to be divided by a motorway (unless connected by walkways at each end). Whatever boundaries are selected they need to be, and be likely to remain, easily identifiable.
84. In many cases a boundary change between existing parishes, or parishes and unparished areas, rather than the creation of an entirely new parish, will be sufficient to ensure that parish arrangements reflect local identities and facilitate effective and convenient local government. For example, over time, communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across them resulting in people being in different parishes from their neighbours.
85. A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries. Since the new boundaries are likely to be used to provide the building blocks for district ward, London borough ward, county division and parliamentary constituency boundaries in future reviews for such councils, it is important that principal councils seek to address parish boundary issues at regular intervals.

Parish meetings and parish councils

- 86.** Under the Local Government Act 1972 all parishes, whether or not they have a parish council, must have a parish meeting. In many parishes the requirement to have a parish meeting takes the form of at least one annual meeting, or more often several meetings during each year, organised (where one exists) by the parish council or if not by the parish meeting itself. The parish meeting of a parish consists of the local government electors for the parish, and as such local electors are invited to attend these meetings. Parish meetings have a number of functions, powers and rights of notification and consultation. The trustees of a parish meeting hold property and act on its behalf. Depending on the number of local government electors in the parish, there are different rules about whether or not a parish council must be created for the parish, or whether it is discretionary.
- 87.** Where principal councils are creating new parishes, the 2007 Act requires them to make recommendations about whether or not a new parish should be constituted in their area. New parishes can be constituted in a number of different ways, including by creating a parish in an area that is not currently parished, amalgamating two or more parishes and separating part of a parish, with or without aggregating it with parts of other parishes.
- 88.** Section 94 of the 2007 Act applies in relation to these recommendations. It places principal councils under a duty to recommend that a parish should have a council in parishes which have 1000 electors or more. In parishes with 151 to 999 electors the principal council may recommend the creation of either a parish council or a parish meeting. In parishes with 150 or fewer electors principal councils are unable to recommend that a parish council should be created and therefore only a parish meeting can be created. The aim of these thresholds is to extend the more direct participatory form of governance provided by parish meetings to a larger numbers of electors. Equally, the thresholds help to ensure that both the population of a new parish for which a council is to be established is of sufficient size to justify its establishment and also that local people are adequately represented.
- 89.** One of the reasons for these differing thresholds is that the Government recognises the difficulty which sometimes exists in small parishes, in particular, in managing to get sufficient numbers to stand for election to the parish council. However, the thresholds identified above do not apply to existing parish councils. If the community governance review concludes that the existence of the parish council reflects community identities and provides effective and convenient

local government, despite the small number of electors, then it can recommend that the parish council should continue in existence. So, where an existing parish of 150 or less electors already has a parish council with the minimum number of five parish councillors it can continue to have a parish council.

90. If a principal council chooses to establish a parish council, or if an existing parish whose boundaries are being changed has a parish council, the principal authority must consult on, and put in place the necessary electoral arrangements for that parish. (See Chapter 5 Electoral Arrangements.)

Recommendations and decisions on the outcome of community governance reviews

91. Community governance reviews will make recommendations on those matters they have considered, as defined by the terms of reference set at the start of the review.
92. A principal council must make recommendations as to:
- a) whether a new parish or any new parishes should be constituted
 - b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
 - c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be
93. It may also make recommendations about:
- a) the grouping or degrouping of parishes
 - b) adding parishes to an existing group of parishes or
 - c) making related alterations to the boundaries of a principal councils' electoral areas
94. In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also 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.
95. The recommendations must take account of any representations received and should be supported by evidence which demonstrates

that the recommended community governance arrangements would meet the criteria set out in the 2007 Act. Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.

96. In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. It may be that much of this information can be gained through the consultation which the council will have held with local people and also the council's wider engagement with local people on other matters. In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made. For example, a recommendation to abolish or establish a parish council, may negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located, and therefore should not be made.
97. The aim of the 2007 Act is to open up a wider choice of governance to communities at the most local level. However, the Government considers that there is sufficient flexibility for principal councils not to feel 'forced' to recommend that the matters included in every petition must be implemented.
98. Under the 2007 Act the principal council must both publish its recommendations and ensure that those who may have an interest are informed of them. In taking a decision as to whether or not to give effect to a recommendation, the principal council must have regard to the statutory criteria (see paragraph 51). After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council must publish its decision and its reasons for taking that decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it. Who should be informed will depend on local circumstances. Publicising the outcome of reviews is dealt with in the next section on implementation.

Implementation of community governance reviews by order

99. There are a number of steps that a principal council must take to publicise the outcome of any review it has conducted, and to provide information about that outcome to the bodies it must notify following any reorganisation order it makes to implement the review. Community governance reviews should 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 on them and the reasons behind these decisions.
100. If the council implements the recommendations made in its review, there are other steps it is required to undertake. These include depositing copies of the reorganisation order⁵ which the principal council will need to draw up to give effect to its decisions. Besides depositing at its main office a copy of the reorganisation order, it should also deposit a map showing the effects of the order in detail which should be available for inspection by the public at all reasonable times (i.e. during normal working hours). The 2007 Act also requires the council to make available a document setting out the reasons for the decisions it has taken (including where it has decided to make no change following a community governance review) and to publicise these reasons.
101. The principal council must publicise how the council has given effect to the review, and that the order and map are available for public inspection as set above. Other means of publicity it may wish to consider are through publication on the council's website, in local newspapers, on notice boards in public places, and in local libraries, town halls or other local offices. In addition, after a principal council has made a reorganisation order, as soon as practicable, it must inform the following organisations that the order has been made:
- a) the Secretary of State for Communities and Local Government
 - b) the LGBCE
 - c) the Office of National Statistics
 - d) the Director General of the Ordnance Survey
 - e) any other principal council (e.g. a county council) whose area the order relates to

⁵ A copy of a model reorganisation order with different examples of recommendations can be viewed on the Communities and Local Government website. It may help principal councils to draw up reorganisation orders which could be adapted to their own needs and circumstances. Principal councils are not obliged to follow this example. It is offered on an advisory basis and principal councils will want to seek their own legal advice that any orders they produce meet the necessary legal requirements.

- 102.** The Audit Commission has statutory responsibility for appointing external auditors to all local councils in England. For the purposes of its audit appointment functions the Commission needs to be aware of changes emerging from community governance reviews. Therefore, principal councils should inform the Audit Commission of any reorganisation orders made to implement the recommendations of community governance reviews.
- 103.** Section 97 of the 2007 Act provides for regulations to make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, reorganisation orders. Two sets of regulations have been made under the 2007 Act, which apply to reorganisation orders - both came into force on 8 April 2008. The first of these, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 No.625 make provisions in relation to matters such as the distribution of property and the rights and liabilities of parish councils affected by a reorganisation order. The second set, the Local Government Finance (New Parishes) Regulations 2008 No.626 deal with the setting of precepts for new parishes.
- 104.** Section 99 of the 2007 Act provides for public bodies affected by reorganisation following a community governance review to make agreements about incidental matters and what those agreements may provide for. So as to ensure that a reorganisation order has effect subject to the terms of any such agreement, principal councils should make provision for this in the reorganisation order. An example provision has been included in the model reorganisation order which can be found on the Communities and Local Government website (see footnote 2).

Maps of parish changes and mapping conventions

- 105.** To assist those who will have an interest in any recommendations made by the principal council when conducting a community governance review and to accompany the reorganisation order, clear high quality maps should be produced to a standard equivalent to using Ordnance Survey large scale data as a base. Maps can be graphically presented at a reduced scale for convenience but preferably no smaller than 1:10,000 scale. Each recommendation and order should be depicted on a map or maps. The mapping should clearly show the existing parish ward, parish, district or London borough boundaries and all proposed parish ward and parish boundaries in the area(s) affected, or given effect to in a reorganisation order.

106. It can be useful to include some positional information to identify the location of the area(s) in relation to the complete area of the principal council. A colour key can be included to clearly identify each boundary type. Where there are only proposed changes to an existing parish boundary alignment it can be helpful to show in translucent colour any areas to be transferred from one parish to another. This indicates clearly the extent of the proposed change. It can also be beneficial to add unique references to all areas of transfer to create a cross reference to the re-organisation order document. Applying a reference to each order map should also be considered so that a link is created with the re-organisation order.

Section 4: Other aspects of community governance reviews

Parish names and alternative styles for parishes

- 107.** Prior to the 2007 Act, a parish could be given the status of a town under section 245 of the Local Government Act 1972. “Town” status continues to be available to a parish. In addition, the 2007 Act inserted sections 12A and 12B into the 1972 Act to offer a further choice of alternative styles for a parish: community, neighbourhood and village. However, for as long as the parish has an alternative style, it will not also be able to have the status of a town and vice versa.
- 108.** The ‘name’ of a parish refers to the geographical name of the area concerned and can be changed independent of a review by a principal council at the request of a parish council or parish meeting (where there is no parish council)⁶. A change in the status or ‘style’ of a parish allows for that area to be known as a town, community, neighbourhood or village, rather than as a parish. The status or style of the parish will be reflected in the name of any council of the parish, the parish meeting, any parish trustees, and the chairman or vice-chairman of the parish meeting or of any parish council. So, for example, the council of a parish which uses the style ‘village’ will be known as the ‘village council’ and its councillors as the ‘village councillors’, etc.
- 109.** References in legislation to a ‘parish’ should be taken to include a parish which has an alternative style, as is the case in relation to a parish which has the status of a town. The same applies in relation to references in legislation to a ‘parish meeting’, ‘parish council’, ‘parish councillor’, ‘parish trustees’, etc in connection with a parish which has an alternative style.
- 110.** The Government recognises that in long established parishes, particularly in rural areas, local people may wish to retain the name of their parish and the existing style of their parish councils, - although others may prefer “village” or another style. Following a community governance review, in areas previously unparished where a new parish is being created, people living there may wish for the style of their parish council to reflect the local community in a different way and may prefer one of the alternative styles. This may well be the case for those living in urban areas. Local authorities will wish to take

⁶ Section 75 Local Government Act 1972

account of these preferences in deciding the name of the parish and the chosen style.

111. Where the review relates to a new parish, it is for the principal council, in the first instance, to make recommendations as to the geographical name of the new parish, and as to whether or not it should have one of the alternative styles. So far as existing parishes under review by principal councils are concerned, the review must make recommendations as to whether the geographical name of the parish should be changed, but it may not make any recommendations for the parish about alternative style. It will be for the parish council or parish meeting to resolve whether the parish should have one of the alternative styles.
112. In relation to a group of parishes, provision about alternative styles for the group may be made by the principal council in a reorganisation order that forms that group, adds a parish to an existing group or de-groups a parish or group. A grouping containing a mixture of styles is not permitted under section 11A(4) of the Local Government Act 1972. Where an individual parish is removed from a group through a de-grouping order the parish must retain the style it had when it was part of the group until such time as the parish council or meeting resolves to adopt an alternative style. Provision about alternative styles in relation to groups will normally be made independently of a community governance review.

Grouping or degrouping parishes

113. Section 91 of the 2007 Act provides for a community governance review to recommend the grouping or degrouping of parishes by principal councils. As mentioned in chapter 3, (paragraph 87) unless they already exist as functioning parish councils smaller new parishes of less than 150 electors will be unable to establish their own parish council under the 2007 Act.
114. In some cases, it may be preferable to group together parishes so as to allow a common parish council to be formed. Degrouping may offer the reverse possibilities perhaps where local communities have expanded. Such proposals are worth considering and may avoid the need for substantive changes to parish boundaries, the creation of new parishes or the abolition of very small parishes where, despite their size, they still reflect community identity. Grouping or degrouping needs to be compatible with the retention of community interests. It would be inappropriate for it to be used to build artificially large units under single parish councils.
115. Section 91 also requires a review to consider the electoral arrangements

of a grouped parish council or of a parish council established after a parish is de-grouped. Each parish in a group must return at least one councillor.

- 116.** When making a recommendation to group or de-group parishes, the principal council may make a request to the LGBCE to make a related alteration to the boundaries of district or London borough wards or county divisions. For example, if a principal council decided to add an additional parish to a group, because of their shared community identities, it may wish to recommend that all of the parishes in the group be included in the same district ward (see Chapter 6 for more details).

Abolishing parishes, and dissolving parish councils

- 117.** While the Government expects to see a trend in the creation, rather than the abolition, of parishes, there are circumstances where the principal council may conclude that the provision of effective and convenient local government and/or the reflection of community identity and interests may be best met, for example, by the abolition of a number of small parishes and the creation of a larger parish covering the same area. If, following a review, a principal council believes that this would provide the most appropriate community governance arrangements, then it will wish to make this recommendation; the same procedures apply to any recommendation to abolish a parish and/or parish council as to other recommendations (see paragraphs 90 -97). Regulations⁷ provide for the transfer of property, rights and liabilities of a parish council to the new successor parish council, or where none is proposed to the principal council itself.
- 118.** Section 88 of the 2007 Act provides for a community governance review to recommend the alteration of the area of, or the abolition of, an existing parish as a result of a review. The area of abolished parishes does not have to be redistributed to other parishes, an area can become unparished. However, it is the Government's view that it would be undesirable to see existing parishes abolished with the area becoming unparished with no community governance arrangements in place.
- 119.** The abolition of parishes should not be undertaken unless clearly justified. Any decision a principal council may make on whether to abolish a parish should not be taken lightly. Under the previous parish review legislation, the Local Government and Rating Act 1997 , the

⁷ The Local Government (Parishes and Parish Councils) (England) Regulations 2008 No.625.

Secretary of State considered very carefully recommendations made by principal councils for the abolition of any parish (without replacement) given that to abolish parish areas removes a tier of local government. Between 1997 and 2008, the Government rarely received proposals to abolish parish councils, it received only four cases seeking abolition and of these only one was approved for abolition by the Secretary of State.

120. Exceptionally, there may be circumstances where abolition may be the most appropriate way forward. Under the 2007 Act provisions, the principal council would need to consider local opinion, including that of parish councillors and local electors. It would need to find evidence that the abolition of a parish council was justified, and that there was clear and sustained local support for such action. A factor taken into account by the Government in deciding abolition cases, was that local support for abolition needed to have been demonstrated over at least a period equivalent to two terms of office of the parish councillors (i.e. eight years), and that such support was sufficiently informed. This means a properly constituted parish council should have had an opportunity to exercise its functions so that local people can judge its ability to contribute to local quality of life.
121. Where a community governance review is considering abolishing a parish council we would expect the review to consider what arrangements will be in place to engage with the communities in those areas once the parish is abolished. These arrangements might be an alternative forum run by or for the local community, or perhaps a residents' association. It is doubtful however, that abolition of a parish and its council could ever be justified as the most appropriate action in response to a particular contentious issue in the area or decision of the parish council.
122. In future, principal councils will wish to consider the sort of principles identified above in arriving at their decisions on whether or not to abolish a parish council. In doing so, they will be aware that decisions about community governance arrangements, including decisions for the abolition of a parish council, may attract a challenge by way of judicial review.
123. The 2006 white paper underlined the Government's commitment to parish councils as an established and valued form of neighbourhood democracy with an important role to play in both rural, and increasingly urban, areas.
124. Section 10 of the Local Government Act 1972 makes provision for the dissolution of parish councils in parishes with very low populations,

but not for the de-parishing of the area. Recommendations for the dissolution of a parish council which is not in this position are undesirable, unless associated either with boundary changes which amalgamate parishes or divide a parish or with plans for a parish to be grouped with others under a common parish council (see paragraphs 112 to 115). Recommendations for changing a parish area (or part of a parish area) into an unparished area are also undesirable unless that area is amalgamated with an existing unparished urban area.

Rural areas

- 125.** About 90% of the geographical area of England is covered by a parish, and this is mostly in rural or semi-rural areas. So, most populated rural areas already have a structure of local government that includes parishes and many of these have been in existence for hundreds of years. It is desirable that any changes do not upset historic traditions but do reflect changes that have happened over time, such as population shift or additional development, which may have led to a different community identity.
- 126.** The focus of community feeling will differ from place to place and between different types of settlement. A scatter of hamlets may have a feeling of community within each hamlet, meriting a separate parish for each one, or amongst a number of hamlets, for which one parish covering all may be appropriate. Where a number of hamlets surround a village a parish could be based on the village and its environs, provided that the sense of individual identity is not lost.
- 127.** In rural areas, the Government wants to encourage the involvement of local people in developing their community and having a part to play in shaping the decisions that affect them. A parish can be a useful and democratic means of achieving this.

London

- 128.** The London Government Act 1963 abolished parishes existing at the time within London. When the boundaries for Greater London were established, they were adjusted to allow the surrounding shire counties to keep parishes that were in the fringe areas. Since then, London has been the only part of England not to have parishes or parish councils.
- 129.** The Government's view is that Londoners should have the same rights as the rest of the country. The 2007 Act corrects this anomaly to allow London boroughs the possibility to exercise the same community governance powers as other principal councils including

being able to set up parishes and parish councils. Similarly, local electors in London boroughs are, as elsewhere in England, able to petition for a community governance review.

130. In London, there is the same possibility to choose a style for a parish perhaps to reflect better the local urban area like “community” or “neighbourhood”. Whilst some parts of London are populated by people who may be more transient or mobile than elsewhere, there are equally areas of the capital where there are stable populations who may wish to see the creation of a parish council for their local area.

Other urban areas

131. There are parts of rural or semi-rural England which are unparished, but the opportunities for establishing new parishes are increasingly to be found in urban and suburban areas. It is possible that identifying the community upon which a parish might be based may be more difficult to discern in some urban areas. A “community” perhaps already represented by a voluntary organisation or a community endeavour, such as a Neighbourhood Watch area or a residents’ association, may indicate a suitable area on which to base proposals for a new or altered parish, (see paragraphs 135 -145).
132. Much of the information described in Chapter 3 on the identities and interests of local communities is applicable to urban areas. There are parishes in parts of some large cities or unitary authorities, as well as a number of parishes in the metropolitan boroughs of the larger conurbations. Some of these parishes have been created under the Local Government and Rating Act 1997 Act, but in most metropolitan boroughs these are on the more sparsely populated peripheries (the originals having been transferred, as part of former rural districts, to the metropolitan counties in 1974).
133. The lower population limits and grouping mentioned above are more relevant to rural areas than to urban areas, although both are applicable in law. The general rule is that the parish is based on an area which reflects community identity and interest and which is viable as an administrative unit. In urban areas this may mean, for example, that a parish should be based on a housing estate rather than on the town within which the estate lies. The larger the town, the greater will be the scope for identification of distinct communities within it.

Charter trustee areas

- 134.** Charter trustees were established following the local government reorganisations in the early 1970s and 1990s to preserve the historic identity of former boroughs or cities, most with relatively large populations. To this end, charter trustees have the power to carry out ceremonial functions. They were not intended to act as administrative units. Proposals to create a parish or parish council covering all or part of a charter trustee area need to be judged in particular against the following considerations:
- a) the effect on the historic cohesiveness of the area
 - b) what are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the charter trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?
- 135.** These issues need to be taken into account in those areas with certain cities or boroughs which will be affected by any consequent reorganisation from the structural and boundary changes in the 2007 Act.

Other (non-parish) forms of community governance

- 136.** In conducting a community governance review, principal councils must consider other forms of community governance as alternatives or stages towards establishing parish councils. Section 93(5) of the 2007 Act states that *“In deciding what recommendations to make [in the community governance review] the principal council must take into account any other arrangements... 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”*. The following paragraphs consider other types of viable community representation which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council. There is sometimes evidence locally of an existing community governance infrastructure and of good practice which are successfully creating opportunities for engagement, empowerment and co-ordination in local communities.
- 137.** However, 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. This is an important distinction to make. Parish councils are the foundation stones for other levels of local government in England. 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.

- 138.** The 2006 white paper recommended that local communities should be able to take more responsibilities for local issues affecting their area. Key to this approach is community empowerment, and the ability of various existing organisations themselves to see through specific projects to tackle local issues. Structures such as local residents' associations, community or neighbourhood forums and area committees have an important role to play in local community governance.
- 139.** At the neighbourhood level, there are various initiatives in existence, which through being representative and accountable can effectively empower local people. They have varying degrees of power and influence, and commensurate levels of transparency and accountability.

Area committees

- 140.** Area committees are part of the structure of some principal councils (e.g. district, unitary and London borough), where they choose to have them. Area committees are a key initiative for enabling local government to fulfil community governance roles and also to deliver government policy on issues affecting social inclusion in local communities. Principal councils also provide resources for area committees, and their councillors are commonly integral to their constitution. Area committees can cover large areas and exist to advise or make decisions on specific responsibilities that can include parks, off-street parking, public toilets, street cleaning, abandoned vehicles and planning applications amongst others. Also, more widely, they contribute to shaping council services and improving local service provision.

Neighbourhood management

- 141.** Neighbourhood management programmes are similarly set up by principal councils and may be led by one of a number of bodies. The expansion of neighbourhood management was promoted in the 2006 White Paper as a tool to enable local authorities to deliver more responsive services through their empowerment of citizens and communities. Their purpose is to create the opportunity for residents to work with local agencies, usually facilitated by a neighbourhood manager, to improve services at the neighbourhood level.

- 142.** Neighbourhood management arrangements aim to improve ‘quality of life’ through implementation of (rather than advising or making decisions on) better management of local environment, increasing community safety, improving housing stock, working with young people, and encouraging employment opportunities, supported strategically by relevant stakeholders and Local Strategic Partnerships. They tend to cover smaller populations than area committees. The 2006 white paper recommends that take up of neighbourhood management should be encouraged and that Government should work with local authorities pioneering the approach, to raise the profile of achievements and promote adoption elsewhere.

Tenant management organisations

- 143.** The 2006 white paper makes a series of proposals that facilitate the empowerment of residents through tenant management organisations (TMOs). Tenant management organisations are established by the local housing authority; they usually function on urban housing estates and can take responsibility for housing services (such as collecting rents and service charges and organising repairs and maintenance) from the local housing authority under the Housing (Right to Manage) (England) Regulations 2008. The 2006 white paper promoted the role of TMOs and recommended simplifying and extending their scope; enabling them to take on additional services and undertake further representation of residents within neighbourhoods. A TMO is an independent legal body and usually elects a tenant-led management committee to the organisation; they can also enter into a legal management agreement with landlords.

Area/community forums

- 144.** Area or community forums (including civic forums) can be set up by the principal council, or created by local residents to act as a mechanism to give communities a say on principal council matters or local issues. Sometimes forums are set up to comment on a specific project or initiative that will impact upon the local area, and so may be time-limited. They increase participation and consultation, aiming to influence decision making, rather than having powers to implement services. They vary in size, purpose and impact, but membership usually consists of people working or living in a specific area. Some forums also include ward councillors, and representatives from the council and relevant stakeholders can attend meetings.

Residents' and tenants' associations

145. Residents' and tenants' associations enable local people to participate in local issues affecting their neighbourhood or housing estate, including the upkeep of the local environment, crime, sometimes dealing with anti-social behaviour matters, or on some estates, housing management. They can be set up by any group of people living in the same area and can choose who members will be; how they will be represented and what they want to achieve. In the case of tenants' and residents' associations on estates, they may be established with direct support from the principal council, as a mechanism for communicating with the tenants and residents on its estates. To engage effectively with other organisations, residents' and tenants' associations must be able to show that they are accountable and represent the views of the whole community, rather than narrow self interests of just a few local people.

Community associations

146. Community associations offer a particular and widespread democratic model for local residents and local community-based organisations in a defined neighbourhood to work together for the benefit of that neighbourhood. They can use a model constitution registered with the Charity Commission. The principal council may also be represented on the association's committee. They usually manage a community centre as a base for their activities. Membership is open to everyone resident in the area.

Section 5: Electoral arrangements

Introduction

147. The purpose of a review undertaken by a principal council, or a petition from the electorate, is likely primarily to concern the administrative boundaries of a new or existing parish. As discussed earlier (Chapter 2), this might be in the light of growth from within an existing parish or a locally identified need for a new form of community governance. However, in addition to these primary concerns, principal authorities will also need to consider the governance of new or altered parishes. The principal council must have regard to the need for community governance within the area under review to reflect the identities and interests of the community in that area, and to ensure that the governance is effective and convenient. Further information on electoral arrangements is available from the LGBCE's website www.LGBCE.org.uk

What are electoral arrangements?

- 148.** Electoral arrangements in relation to an existing or proposed parish council are defined in the 2007 Act and are explained in detail below:
- a) ordinary year of election – the year in which ordinary elections of parish councillors are to be held
 - b) council size – the number of councillors to be elected to the council, or (in the case of a common council) the number of councillors to be elected to the council by local electors in each parish
 - c) parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward

Ordinary year of election

149. Ordinary parish elections are held once every four years with all councillors being elected at the same time. The standard parish electoral cycle is for elections in 2011, 2015 and every four years after 2015, but parish elections may be held in other years so that they can coincide with elections in associated district or London borough wards or county divisions and share costs. For example, all London borough ward elections take place in 2010, 2014 and so on. We would therefore expect parish elections in London to take place in these years.

- 150.** New or revised parish electoral arrangements come into force at ordinary parish elections, rather than parish by-elections, so they usually have to wait until the next scheduled parish elections. They can come into force sooner only if the terms of office of sitting parish councillors are cut so that earlier parish elections may be held for terms of office which depend on whether the parish is to return to its normal year of election.
- 151.** For example, a parish that had elections in 2007 could wait until its next scheduled elections in 2011 for new parish wards to come into force. Alternatively, the new parish wards could have come into force at elections in 2009 if the terms of office of the councillors elected in 2007 were cut to two years. If the elections in 2009 were for two-year terms of office then the parish council could return to its normal electoral cycle in 2011.
- 152.** Alternatively, if new or revised parish electoral arrangements are to be implemented in the third year of sitting councillors' term of office, provision can be made to cut short the term of office of existing councillors to three years. Elections could then take place with all councillors serving a five-year term of office, enabling the parish to return to its normal year of election.

Council size

- 153.** Council size is the term used to describe the number of councillors to be elected to the whole council. The 1972 Act, as amended, specifies that each parish council must have at least five councillors; there is no maximum number. There are no rules relating to the allocation of those councillors between parish wards but each parish ward, and each parish grouped under a common parish council, must have at least one parish councillor.
- 154.** In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.
- 155.** The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was

conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

- 156.** In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.
- 157.** Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.

Parish warding

- 158.** Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards.
- 159.** In considering whether or not a parish should be divided into wards, the 2007 Act requires that consideration be given to whether:
- a) the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - b) it is desirable that any area or areas of the parish should be separately represented
- 160.** Accordingly, principal councils should consider not only the size of the electorate in the area but also the distribution of communities within it. The 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. However, each case should be considered on its merits, and on the basis of the information and evidence provided during the course of the review.

- 161.** There is likely to be a stronger case for the warding of urban parishes, unless they have particularly low electorates or are based on a particular locality. In urban areas community identity tends to focus on a locality, whether this be a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity. Again, principal councils should consider each case on its merits having regard to information and evidence generated during the review. (See also under Chapter 3, paragraphs 54 to 60).

The number and boundaries of parish wards

- 162.** In reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area, and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a review. They will, however, be 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.
- 163.** The principal council should also consider the desirability of parish warding in circumstances where the parish is divided by district or London borough ward and/or county division boundaries. It should be mindful of the provisions of Schedule 2 (electoral change in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district or London borough and county council electoral arrangements. These provide that when the LGBCE is making changes to principal council electoral arrangements, no unwarded parish should be divided by a district or London borough ward or county division boundary, and that no parish ward should be split by such a boundary. While these provisions do not apply to reviews of parish electoral arrangements, the LGBCE 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. For example, if a principal council chooses to establish a new parish in an area which is covered by two or more district or London borough wards or county division boundaries it may also wish to consider the merit of putting

parish warding in place to reflect that ward and/or division.

- 164.** When considering parish ward boundaries principal councils should ensure they consider the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which will be broken by the fixing of any particular boundaries.

The number of councillors to be elected for parish wards

- 165.** If a principal council decides that a parish should be warded, it should give consideration to the levels of representation between each ward. That is to say, the number of councillors to be elected from each ward and the number of electors they represent.
- 166.** 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 election 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 LGBCE believes 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. Such variations could make it difficult, in workload terms, for councillors to adequately represent the interests of residents. There is also a 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.
- 167.** The LGBCE offers no specific guidelines for what might constitute significant differences in levels of representation; each case will need to be considered on its merits. Principal councils should be mindful that, for the most part, parish wards are likely to be significantly smaller than district or London borough wards. As a consequence, imbalances expressed in percentage terms may be misleading, disguising the fact that high variations between the number of electors per councillor could be caused by only a few dozen electors.
- 168.** Where a community governance review recommends that two or more parishes should be grouped under a common parish council, then the principal council must take into account the same considerations when considering the number of councillors to be elected by each parish within the group.

Names of parish wards

- 169.** In considering the names of parish wards, the principal council should give some thought to existing local or historic places so that, where appropriate, these are reflected and there should be a presumption in favour of ward names proposed by local interested parties.

Electorate forecasts

- 170.** When considering the electoral arrangements for a parish, whether it is warded or not, the principal council must also 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. The most recent electoral register should be used to gain an accurate figure for the existing electorate. Planning assumptions and likely growth within the area, based on planning permissions granted, local plans or, where they are in place, local development frameworks should be used to project an accurate five year electorate forecast. This ensures that the review does not simply reflect a single moment but takes account of expected population movements in the short- to medium-term.
- 171.** Electorate 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.

Consent/protected electoral arrangements

- 172.** If, as part of a community governance review, a principal council wishes to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission, or the LGBCE, the consent of the LGBCE is required. This includes proposals to change the names of parish wards.
- 173.** The principal council must write to the LGBCE detailing its proposal and requesting consent. The LGBCE will consider the request and will seek to ensure that the proposals do not conflict with the original recommendations of the electoral review, and that they are fair and reasonable.
- 174.** Where a request for consent is made to the LGBCE, it will expect to receive evidence that the principal council has consulted with electors in the relevant parish(es) as part of the community governance review and will wish to receive details of the outcome of that review.
- 175.** For changes to the number or boundaries of parish wards, the

principal council will also need to provide the LGBCE with an existing and five-year forecast of electors in the parish(es) affected. Five-year forecasts should be accurate from the day that the review began. Both existing and forecast figures should be provided for the existing parish (and parish wards where relevant) and the proposed parish (and parish wards where relevant).

176. If the LGBCE consents to the changes it will inform the principal council which can then implement the proposed changes by local order. No LGBCE order is required. Conversely, if the LGBCE declines to give consent, no local order may be made by the local authority until the five-year period has expired.

Section 6: Consequential recommendations for related alterations to the boundaries of principal council's wards and/or divisions

177. As part of a community governance review, principal councils may wish to consider whether to request the LGBCE to make changes to the boundaries of district or London borough wards or county divisions to reflect the changes made at parish level.
178. There are three instances when a principal council may wish to consider related alterations to the boundaries of wards or divisions following:
- the creation, alteration or abolition of a parish
 - the establishment of new or altered parish ward boundaries
 - a grouping or de-grouping of parishes
179. In the interests of maintaining coterminosity between the boundaries of principal authority electoral areas and the boundaries of parishes and parish wards, principal councils may wish to consider as part of a community governance review whether to make consequential recommendations to the LGBCE for related alterations to the boundaries of any affected district or London borough wards and/or county divisions. The Commission may agree to make related alterations to ensure coterminosity between the new parish boundary and the related ward and/or division boundary. If so, the Commission will make an order to implement the related alterations. The Commission will not normally look to move ward or division boundaries onto new parish ward boundaries. However, it will consider each proposal on its merits.
180. In addition, when making a recommendation to group or de-group parishes, (see paragraph 108 to 111 for more details) the principal council may make a request to the LGBCE to make a related alteration of district or London borough ward or county division boundaries. For example, if a principal council decided to add an additional parish to a group it may wish to recommend that all of the parishes be included in the same district or London borough ward and/or county division. Recommendations for related alterations should be directly consequential upon changes made as part of a community governance review.
181. It will be for the LGBCE to decide, following the receipt of proposals, if

a related alteration should be made and when it should be implemented. Only the LGBCE can make an order implementing any alterations to the district or London borough ward or county division boundary. No order will be made to implement related alterations until the order changing the boundary of the relevant parish(es) or parish ward(s), or the order grouping or de-grouping parishes, has been made. Rather than make related alterations that would create detached wards or divisions or that would have a disproportionate impact on ward or division electoral equality, the LGBCE may decide to programme an electoral review of the principal council area.

- 182.** If, in liaison with the district or London borough council and/or the county council, the LGBCE decides to make related alterations to ward and/or division boundaries at a different time, it will consider whether there would be any adverse effects for local people in the holding of elections while the boundaries are not coterminous. However, changes to wards and divisions come into force at district or London borough and county ordinary elections in the electoral areas on either side of the electoral boundary change, so a period of non-coterminosity until the scheduled parish, district or London borough and county elections have taken place may be preferable to unscheduled elections. Unscheduled elections will be necessary to bring into force changes between adjacent parishes or wards whose scheduled elections never normally coincide.
- 183.** In two-tier areas, district councils are advised to seek the views of the county council in relation to related alterations to division boundaries.
- 184.** A principal council may decide that it does not wish to propose related alterations to ward or division boundaries. Where this results in boundaries no longer being coterminous, principal councils will need to be satisfied that the identities and interests of local communities are still reflected and that effective and convenient local government will be secured. Principal councils will also wish to consider the practical consequences, for example for polling district reviews, of having electors voting in parish council elections with one community but with a different community for district or London borough and/or county elections.
- 185.** Where proposals for related alterations are submitted to the LGBCE, it will expect to receive evidence that the principal council has consulted on them as part of a community governance review and the details of the outcome of that review. Principal councils may wish to undertake this consultation at the same time as they consult on proposals to alter the boundaries of parishes or establish new parishes. They must complete the community governance review,

including making any consequential recommendations to the LGBCE for related alterations, within a period of one year. Sufficient time should be given to the LGBCE to consider the proposals in advance of the election year in which the principal council proposes they be implemented.

186. The principal council will need to take into account the number of registered electors in any district or London borough ward or county division affected when the review starts, and a forecast of the number of electors expected to be in the areas within five years, and provide this information to the LGBCE. This information should be used to establish a total electorate figure for each district or London borough ward and/or county division affected by the recommendations, both for the current electorate and for expected electorate five years after the start of the review. These totals should also be provided to the LGBCE.
187. When submitting proposals to the LGBCE the principal council should illustrate the proposed changes on maps of a suitable scale, using different coloured lines and suitable keys to illustrate the required changes.
188. If the LGBCE decides not to implement the proposed related alterations, then the existing ward and/or division boundaries will remain in force. The LGBCE has no power to modify any recommendations submitted to it; it may only implement or reject the recommendations.
189. In most cases, related alterations to district or London borough ward and/or county division boundaries tend to be fairly minor in nature and simply tie the ward and/or division boundary to the affected parish boundary. However, if an authority has altered several parish and/or parish ward boundaries and proposes several related alterations to district or London borough ward and/or county division boundaries, the cumulative effect of these could affect electoral equality at district or London borough and/or county level. This could be particularly acute if a number of parishes were transferred between district or London borough wards or county divisions to reflect grouped parishes. In such circumstances, the LGBCE will wish to consider conducting an electoral review of the principal council area or an electoral review of a specified area within it. The timing of such reviews would be dependent on the LGBCE's review programme commitments.

COMMUNITY GOVERNANCE REVIEWS: SOME LESSONS FROM RECENT PRACTICE

Introduction

This document is based on information collected about some recent Community Governance Reviews, with particular reference to the experience of the local councils sector. It has been written primarily for the national and county associations of local councils, and for individual local (parish and town) councils. However, it should also be of interest to principal authorities who hold responsibility for these Reviews.

It is issued alongside five case studies from recent Reviews, chosen to reflect very different circumstances. They are:

- Affpuddle & Turnerspuddle (Dorset), where two parishes were merged;
- Huntingdonshire (Cambridgeshire), where various parish boundaries were altered;
- Morecambe (Lancashire), where a new town council was created;
- Lickey End (Worcestershire), where a parish council was abolished; and
- Southsea (Portsmouth), where a parish council was abolished.

In addition, some information was gathered about three locations within London, where the creation of local councils is being considered, though none has yet reached the stage of a Community Governance Review. These are briefly outlined in an annex.

It should be noted that Community Governance Reviews vary considerably, depending on the nature of the changes being considered and on local circumstances. The case studies cannot pretend to cover all that variation. Nonetheless, this research has been able to reach some conclusions and it raises a few issues about the review process.

Users of this note may also be interested in an earlier publication, *A guidance note and checklist for newly established local (parish and town) councils*, which was published by NALC on its website in January 2011 along with eight case studies. Those documents look at the early operational experience of local councils, at the stage subsequent to a Community Governance Review.

The review process

Legislation: the Local Government & Public Involvement in Health Act 2007 significantly changed the way that Community Governance Reviews are undertaken. It streamlined the process and delegated powers to principal authorities (districts and unitaries). They now have responsibility for undertaking such reviews, for deciding on the outcome and for implementing the outcome. Central government no longer has a direct role in the process.

One other important change brought in by the 2007 Act was that local communities can cause a principal authority to undertake a Community Governance Review, if they can organise a petition demonstrating sufficient support among the electorate for certain changes. Sufficient support is 50% signing in an area with fewer than 500 electors or 250 signing in an area with between 500 and 2,500 electors or 10% signing in an area with more than 2,500 electors. However, principal authorities are still able to refuse a review if one was held within the last 2 years or they are currently running a full review of their area.

Guidance: '*Guidance on Community Governance Reviews*' was published in updated form by the Department for Communities & Local Government and the Local Government Boundary Commission for England in 2010. Aimed largely at principal authorities, it offers advice about undertaking a review and implementing its recommendations. It can be accessed at: <http://www.communities.gov.uk/publications/localgovernment/guidancecommunitygovernance2010>

Also available on the Department's website is a model reorganisation order – the statutory instrument principal authorities must use to implement changes from a Community Governance Review. It can be accessed at:

<http://www.communities.gov.uk/publications/localgovernment/modelreorganisationorder>

Criteria: the Act requires principal authorities to take account of certain criteria when conducting a review, namely:

- The identities and interests of the community in an area; and
- The effective and convenient governance of the area.

They are also advised to consider factors such as:

- What impact proposed community governance arrangements might have on community cohesion; and
- Whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.

The guidance refers to people's sense of place and their historic attachment to areas.

Overall, local council arrangements should lead to: improved local democracy; greater community engagement; and better local service delivery.

Process: the main steps that surround a Community Governance Review are listed in the box below. Please note this is included for quick reference and is not formal guidance.

Trigger for a review	<ul style="list-style-type: none"> • A valid community petition; or • A principal authority's own decision.
Decision to hold a review	<ul style="list-style-type: none"> • A principal authority takes a formal decision; • Which can be to review all or a part of its area; • Though it must have valid grounds for refusal if there has been a petition.
Terms of reference	<ul style="list-style-type: none"> • A principal authority must draw up and publish terms; • Stating the matters and the geographic area to be covered; • Notifying other local authorities which have an interest.
Undertaking a review	<ul style="list-style-type: none"> • A principal authority must consult electors in affected area(s); • It should consult other bodies with an interest, including any affected local councils; • It must then consider any representations received.
Making recommendations	<ul style="list-style-type: none"> • Bearing in mind representations, the criteria and other factors; • Including alternative forms of governance in the area e.g. residents associations, neighbourhood forums; • The principal authority formally recommends an outcome from the review; • It must publish its recommendations and the reasons for them, informing those with an interest.
Implementing a review	<ul style="list-style-type: none"> • A principal authority makes a Reorganisation Order to put into effect any changes; • Which must include a detailed map of the boundaries; • It publishes the Order and map for public inspection; • It must inform specified bodies e.g. Ordnance Survey; • It should include in the Order any agreed incidental issues e.g. the transfer of assets.
Next steps	<ul style="list-style-type: none"> • An Order is often written to come into force the following April; • Typically a new local council is then elected in May.

The guidance expects that the core of the Community Governance Review process, from the publication of terms of reference through to the Reorganisation Order, can be completed within one year.

Project findings

From the perspective of the local councils' sector certain issues may be of particular interest and these are now considered.

Involvement of local councils in the review process

Community Governance Reviews are a principal authority responsibility and the evidence seen shows that their management and implementation is, indeed, strongly driven by those authorities. It is their democratic services teams who undertake the work and their Councillors (often sitting in full Council) who take the key decisions.

However, generally principal authorities appear to liaise closely with affected local councils as they consider holding a review and draw up its terms of reference. They also consult local councils formally, as interested parties, and in-the-main keep them regularly informed of review progress. Local councils often assist with promoting the public consultation stage.

Local councils can play a more pro-active role when it comes to initiating a review. Among the five case studies, it was Affpuddle & Turnerspuddle Parish Council which asked Purbeck District Council to review an anomalous boundary and it was Lickey End Parish Council which pressed Bromsgrove District Council to conduct a review for its abolition.

With one exception the case study local councils were content with their degree of engagement with these reviews. This is not an issue where the proposed changes are relatively straightforward or where the local council and principal authority share the same objective. But it can become so in more complex or contentious cases.

Involvement of county associations in the review process

The County Associations of Local Councils (CALCs) had only limited involvement in the five case studies. They were made aware of these particular reviews and were usually invited to comment at the consultation stage, which seems typical of Community Governance Reviews more widely. The central government guidance does not specifically mention CALCs when it refers to consulting 'interested parties'. However, the guidance is deliberately unspecific on this point and most principal authorities do in practice seem to consult them.

The view of contacted CALCs was generally that their limited involvement in these case studies was acceptable and realistic given their own resource constraints. They need to focus their effort on the more complex or contentious cases. Examples elsewhere were cited where CALCs had provided much more significant input or support, particularly for community action groups keen to have a new local council created in their area and especially where this view is not shared by the principal authority.

Support given by principal authorities

The extent to which community groups or existing local councils receive active support from principal authorities during the Community Governance Review process seems to depend, crucially, on whether they hold the same view about the preferred outcome.

In most cases they did and many in the local councils' sector praised the way that principal authorities handled those reviews. In Morecambe the community action group received advice to help it follow the necessary procedures for engaging the community, putting together a petition and proposing parish boundaries. Some case studies demonstrate the importance of the relationship with the relevant ward Councillor (or Councillors). They can act as a bridge with other principal authority Councillors and having their support when review decisions are being taken obviously counts for a lot.

The local councils' sector and community groups held very different views about their principal authorities where they were said to be seeking different review outcomes. Examples beyond the case studies were cited of principal authority literature circulated to communities which was felt to be one-sided. Again, political support (or hostility) can be crucial. The review which abolished Southsea Town Council was seen by some as highly politicised.

Implications of the 2007 legislation

A number of the Community Governance Reviews examined took place because new legislation (the Local Government & Public Involvement in Health Act 2007) had delegated review decisions to principal authorities. Purbeck District Council was willing to manage a review for a modest boundary change once the process and decision was within its gift.

The process required to comply with the 2007 Act is also streamlined. There were some initial complications as this new approach was introduced (see Huntingdonshire), but since then the review system does indeed appear to have speeded up. Attempts to establish a Morecambe Town Council, which started before the legislative change, made relatively slow progress until that process altered and could be completed locally by Lancaster City Council. That said, Community Governance Reviews still seem to take the best part of a year.

So the new review process has simplified and speeded up the creation of new local councils and amendments made to existing local councils. However, evidence from Lickey End and Southsea is that it has equally simplified and speeded up the process for abolishing local councils. Principal authorities in both these areas had, previously unable to get central government agreement to abolition, could quickly consider them again once the 2007 Act came into force. It may be these were unusual cases, stored up from the pre-2007 system, and that few others like them will now appear.

One other important difference since the 2007 Act is that communities now have more power. If they can put together a valid petition, it must be acted upon and the principal authority is under a duty to conduct a Community Governance Review. Of course, this is only the start of the process, but it is a significant change from the pre-2007 system where the decision was essentially in the hands of the principal authority.

“If you [the community] really feel you need something changed you can at least now go to them [the principal authority] with some pressure.” – a county association chief executive

County associations involved with the two cases of local council abolition both noted that the review system established in 2007 contains no right of appeal (other than going down the route of a full judicial challenge). They raise an interesting question, whether the delegation of review decisions to the local level should have some inbuilt safeguard.

Use of the review guidance and criteria

The principal authorities in the case study areas had mostly made use of the central government guidance document, supplementing this with their own experience and knowledge of reviews. They broadly saw that guidance as helpful, though Portsmouth City Council noted it didn't directly address situations where a local council was being abolished. That document is ostensibly aimed at principal authorities, but is certainly worth reading by any local council facing a Community Governance Review.

Review documentation written by officers in principal authorities and examined during this research makes frequent and accurate reference to the decision-making criteria and considerations which are outlined in the guidance (and in some cases by the Act) – see page 2 above. Perhaps inevitably, in the most contentious case (Southsea) some take the view that it was politics more than the criteria which swung the outcome. Interestingly, this case included the broadest assessment of the criteria by officers at the principal authority.

More typically, whilst the criteria are noted in principal authority review papers (as something to be considered), they are not assessed systematically or in any depth. There might be an expectation that some evidence about those criteria would be provided to those taking decisions. One principal authority said that had the review been more complex it would probably have undertaken further analysis.

Scope of the reviews

A final observation is that four of the five case studies and the bulk of other Community Governance Reviews known about were partial reviews – that is, they dealt with just part of a principal authority's area. The Huntingdonshire case study was the exception, but even

that could be said to have been largely a tidying-up exercise to re-align certain parish boundaries so they fitted better with current settlement patterns and new infrastructure.

It appears that principal authorities are, by and large, using their new powers to address particular local council issues, rather than taking a strategic look at community governance across the area. This, of course, would be more work for them. The national guidance suggests it would be good practice for principal authorities to undertake a review of their whole area every 10 to 15 years, though probably less often in areas with very low populations. It goes on to suggest that “in the interests of effective governance” they consider looking at the whole area rather than conducting piecemeal reviews. It will be interesting to see if more whole area reviews happen as the new legislation settles down.

Forward look

This research has confirmed how varied Community Governance Reviews can be, depending on the change in governance proposed, the type of area involved and the local context.

However, if the cases examined are typical, it could be said that reviews tend to fall into two varieties. Most prove straightforward and uncontentious, raising few issues about the outcomes, the involvement of the local councils’ sector and the system introduced by the 2007 Act. Unfortunately, a minority prove complex and divisive, with the result that their outcomes are contested. It should be noted, though, that the pre-2007 system also produced some contested and complex reviews, the difference being that decisions then were taken nationally rather than locally.

It may be, now, that certain types of Community Governance Review will become more common and others less so. This might be because:

- The Localism Bill (at the time of writing) and the wider policy drive to bring about more active and engaged communities means more communities in unparished areas campaign for a local council in their area. This could be mainly in unparished urban areas, including examples within London (see the annex);
- The emphasis placed on the local community level could also lead to more calls for local council de-mergers. This was certainly cited as a trend in one county examined by this research, where individual villages would like a local council more focused on their needs and are unhappy being part of a larger local council area (probably with its main focus on another settlement);
- This research has found some evidence that longstanding concerns about certain parish boundaries, or even the existence of certain local councils, have been tackled since 2007 by principal authorities using their newly delegated powers. That flurry of cases may now subside;

- As time passes more principal authorities may consider it appropriate to undertake a full review of their area. This stock-take of community governance arrangements may be most likely in areas that have been subject to development and population change. Yet it seems unlikely that most principal authorities will do this every 10 to 15 years as the guidance suggests.

Another question is whether the streamlined and delegated system created by the 2007 Act will make Community Governance Reviews more frequent overall. Communities might be more alive to the possibility of having a local council and hence more interested in calling for reviews. Principal authorities may have mixed views; the review system has been made easier for them, but with reducing budgets they may still prefer not to divert resources onto reviews. Most of the interest seems likely to come from the bottom-up.

Concluding suggestions for the local councils' sector are that:

1. Local councils who are or are hoping to be subject to a Community Governance Review would do well to familiarise themselves with the national guidance, so they can engage with their principal authority with an understanding of the process it must follow and the criteria that should inform its decisions;
2. Local councils should make the most from their working relationship with the Ward Councillor (or Councillors) during a review. Early discussions to gain their support should help them to influence the direction and outcome of the review;
3. County associations (CALCs) might try to agree with principal authorities (districts and unitaries) that, where there is review, they will always be informed at the outset and invited to comment at the consultation stage. If a Charter Agreement exists between principal authority and the local councils' sector this could be included;
4. That said, given resource constraints in county associations, the research confirms that it makes sense for them to target their support at community groups or existing local councils involved with more complex or contentious reviews. Simply being available to advise should be sufficient elsewhere. Some principal authorities might also value calling on their CALC's experience of reviews from neighbouring districts;
5. County associations can also play a very important promotional role, by helping to ensure that local communities in unparished areas are aware they can now bring about a Community Governance Review, if they can put together a valid petition;
6. County associations may also feel well placed, given their overview of local governance arrangements, to tell a principal authority when they think it should

undertake a full Community Governance Review of its area. For instance, where they are aware of various parishing or boundary issues emerging across the area;

7. The 2007 Act provided for the creation of local councils within Greater London. This was a potentially significant development and the National Association of Local Councils (NALC) will no doubt wish to continue monitoring closely the experience in those parts of London which are closest to a Community Governance Review. There will be important learning, whatever the outcome of those reviews;
8. NALC and the county associations may want to monitor reviews in large urban areas more generally, to see how criteria in the national guidance are interpreted and used by principal authorities when deciding review outcomes. Very urban settings can raise difficult questions about residents' sense of place, appropriate boundaries and the impact on community cohesion. However, the simple fact of being in an urban areas is not a justifiable consideration;
9. NALC will note that some county associations think the review system should contain a right of appeal against principal authority decisions. It seems unlikely this would be introduced currently, as it would mean amending the 2007 Act and the political momentum is for less central intervention in local decisions. However, at the very least NALC might log contentious cases so they can assess, over time, their frequency and whether this is an issue worth reconsideration.

This document was written for the National Association of Local Councils (NALC) by Brian Wilson Associates and David Atkinson Consulting.

Thanks are due to Chris Borg at NALC for his management of the project and his timely advice. Equally, to all those in local councils, county associations of local councils and principal authorities who provided information about the case study areas and the areas within London. It should be noted that this document does not necessarily represent their views and any errors are the author's.

May 2011

Annex: Progress towards Community Governance Reviews in London

Queen's Park in Westminster

The campaign for a Queen's Park Community Council was formally launched in Summer 2010 and is the most advanced in London. It is led by the Queen's Park Neighbourhood Forum, which previously received Neighbourhood Renewal funding from central government. Paddington Development Trust acts as a facilitator for the campaign, though it makes it clear the campaign is led by the residents' Forum.

The campaign is, in part, a response to the cutting of Local Area Agreement reward grant funding in 2010, which resulted in the loss of much of the infrastructure underpinning the Forum. The Forum is well established and represents a good cross-section of the area's 20,000 or so population. It did not want to lose the sense of local democracy, community involvement and cohesion which had built up during the years of Neighbourhood Renewal funding. There is also a feeling that the area is pioneering the ambitions of the Big Society.

A range of options were considered by the Forum, as a means of continuing its work. The community council (i.e. local council) model was chosen because it reflected the Forum's desire to act strategically, to engage with Westminster City Council on a statutory basis and to have access to funding through a precept. The proposed boundary is the same as that for the Queen's Park ward.

The campaign for a community council is now seeking to trigger a formal Community Governance Review. Through local outreach work, including door knocking and meetings, the campaign has secured the 800 signatures (or 10% of the electorate) it requires for its petition to be accepted. That petition is due to be handed over to the principal authority in May 2011.

Talks have been held with the Chief Executive of Westminster City Council and with an adviser to the council Leader. The campaign is emphasising the benefits for the principal authority, as well as the good news story that would be generated by becoming London's first local council.

Nevertheless, this trailblazing role brings its own limitations. It means that there are very few organisations to turn to with a similar experience. NALC has provided helpful advice and the Trust have talked to those who were involved with the Andover Town Council campaign.

The Forum are now starting to think about how best to ensure their views are heard during the consultation phase of the Community Governance Review and, longer term, about the development of shadow arrangements for the community council set-up phase.

London Fields in Hackney

Residents of the London Fields and Broadway Market area, in the London Borough of Hackney, have started a movement for a London Fields Community Council. The campaign was formally launched at a meeting in February 2011, at which residents heard presentations from NALC about the process for triggering a Community Governance Review and from nearby Chatsworth Road about neighbourhood planning.

Signatures are currently being collected in order to petition the Borough for a Community Governance Review. Local residents have set up a website which sets out the arguments in favour of establishing a local council and describes the main steps for doing so.

This campaign cites the following as reasons for having a new community council:

- A general feeling of remoteness from decisions currently being made about the area;
- Development pressures, especially on the east side of London Fields, which people feel they have little control over;
- The disaffection of some young people and a lack of local positive activities for them;
- A lack of service provision on some of the area's housing estates.

It is argued that a community council would deliver:

- More influence over things that matter to local people;
- Councillors who live locally and a Community Clerk who can fight their corner;
- Better services for those living on the housing estates;
- A local slice of the Local Infrastructure Levy (from planned local developments), which would reduce any precept;
- Running some community and leisure facilities, retaining proceeds from their use;
- A chance to bid to run other local services e.g. managing the Fields and licensing the market;
- The development of other community facilities in the locality.

London Borough of Camden

This is an interesting example, because it was driven by the principal authority rather than by a local residents' campaign.

In 2009 the London Borough of Camden undertook a wide review of options for new local governance arrangements across its area. This was done partly in response to the 2007

Local Government & Public Involvement in Health Act, which allowed for the creation of local councils within Greater London.

A cross-party Working Group of Councillors was established to investigate proposals, which included having local councils, having a directly elected Mayor and having single member wards. It considered the relationship with other community engagement mechanisms in the Borough. It was also asked to take account of some previous recommendations from a review of area forums. Three existing Parish Councillors and some senior officers from NALC attended one of the Working Group's meetings, to give their views and experiences of how local councils operate.

The Borough also consulted with all of its Councillors and with some 3,500 residents who had expressed an interest in governance and community empowerment issues. That consultation found that most of these residents were against the introduction of a directly elected Mayor, against having single member wards and against the creation of local councils. In effect, they wished to retain the status quo.

The Working Group, therefore, concluded that the Borough should not initiate a Community Governance Review with proposals to establish local councils. Camden's full Council endorsed that view later in 2009, when dealing with other reforms to the Borough's constitution. No further work on this issue has been undertaken.