



# **COMMUNITY GOVERNANCE REVIEW OF DRAKELOW (PARISHED AREA) DRAFT TERMS OF REFERENCE**

## **Introduction**

On 2nd November 2023, South Derbyshire District Council (“the Council”) approved these Terms of Reference created for the purposes of undertaking a Community Governance Review of the Parished area of Drakelow.

A Community Governance Review (“the Review”) is a legal process whereby the District Council can review and make changes to local governance arrangements within the whole or part of its district.

These arrangements will be determined following consultation with local people and will aim to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

## **Legislation and Guidance**

In undertaking the Review and implementing any outcome, the Council will be guided by the following legislation and guidance:-

- Part 4 of the Local Government and Public Involvement in Health Act 2007, as amended;
- The Legislative Reform (Community Governance Reviews) Order 2015 which amended and added to the 2007 Act;
- The relevant parts of the Local Government Act 1972;
- The Local Government (Parishes and Parish Councils) (England) Regulations 2008;
- The Local Government Finance (New Parishes) (England) Regulations 2008; and

- The Guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England (March 2010) (“the Guidance”).

### **Aim of the Review**

The District Council has received a valid petition signed by local electors from the Parished area of Drakelow (which is part of the District Ward of Linton). The petition requests that this Community Governance Review is undertaken and seeks the creation of a Parish Council for Drakelow covering the same area that is defined by the existing Parish Boundary and currently represented by a Parish Meeting. A Community Governance Review is the formal process through which the possible creation of a Parish Council is considered. A map which shows the current boundaries of the Parished area of Drakelow is set out at Appendix A.

In carrying out the Review, the Council aims to ensure that decisions affecting community governance within the area of the Review are reflective of the identities and interests of the community and are both effective and convenient.

Other important considerations are the impact on community cohesion, the size, population and boundaries of the area and what (if any) arrangements have already been made or could be made for the purposes of community representation or community engagement.

### **Present Structure of CGovernance in the Area**

The District of South Derbyshire currently has 49 Parishes represented by 31 Parish councils and 18 Parish meetings. The whole of the current area of Drakelow is currently represented by a Parish Meeting which consists of the local government electors registered in the area. At the present time, Drakelow does not have elected Parish Councillors.

### **What will the Community Governance Review consider?**

The Community Governance Review will consider:

- whether or not a Parish Council should be constituted or any alternative and, if so;
- what it should be named and the style that should be adopted,
- whether the area and boundaries should be altered to better reflect the local community,
- how many Parish Councillors there should be,
- whether there should be Parish Wards reflecting changes in the local community, and if so, what the Parish Wards should be named,
- the implementation dates and electoral arrangements that should apply.

### **Who is undertaking the Review?**

The Council is responsible for undertaking any review within its electoral boundaries.

All interested persons and bodies have the opportunity to submit representations throughout the process for consideration by Full Council (a meeting of all South Derbyshire District Councillors) before any decisions are made.

### **Why is the Council undertaking the Review?**

The Local Government and Public Involvement in Health Act 2007 transferred responsibility for Community Governance Reviews to principal councils. The District Council is undertaking this Review because it has received a valid petition submitted by local electors.

### **Why Constitute a Parish?**

The Council recognises that all communities have individual local issues and any decisions made will reflect those issues and be in the best interests of the area concerned.

Government guidance states that the advantage of constituting an area as a Parish is that Parishes reflect distinctive and recognisable communities of interest with their own sense of identity. It further states that this identity and community lends strength and legitimacy to the Parish structure, creates a common interest in local affairs, encourages participation in elections, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense a civic values, responsibility and pride.

### **Boundaries**

The petition seeks retention of the existing boundaries of the area currently represented by Drakelow Parish Meeting. If it is agreed to create a Parish Council for the Drakelow area; the District Council will attempt, as far as possible, to select boundaries that are, and are likely to remain, easily identifiable on the ground. Typically, these barriers will be either natural or man-made: they might include rivers or man-made features such as parks, railways, major roads – those barriers that oblige the residents of an affected area to have little in common with the remainder of an area.

Drakelow Parish is surrounded by the neighbouring parishes of Walton Upon Trent, Rosliston and Cauldwell and the non-parished urban area of Swadlincote. Additional neighbouring Parishes are located within the principal council area of East Staffordshire. These include Branston Parish Council and Stapenhill Parish Council.

### **Local Government Boundary Commission for England**

In the event that the Community Governance Review leads to a change in any ward(s) boundaries in the District, this will be reviewed by the Local Government Boundary Commission for England.

## **What does a Parish Council do?**

Parish Councils are the most local form of government. They may collect money from council tax payers (via the District Council) known as a 'precept', a separate charge which is added to, and collected along with, your existing Council Tax. These precept monies are required to be used to invest in the area to improve local services or facilities.

A Parish council has statutory powers which may be complimentary or over and above those already provided by South Derbyshire District Council. Any Parish council created as a result of a Community Governance Review would work with South Derbyshire District Council to agree which services it would like to be involved in delivering. A list of the powers and duties of Parish Councils is available at the following link:

<https://www.websitesforParishcouncils.co.uk/powers-of-Parish-councils/>

Parish Councils can take different forms but are usually made up of local people who stand for election as a Parish Councillor to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services and work to improve the quality of life in the area.

## **What sort of factors might be taken into account when looking at community identity?**

There is no set list of factors; the following offers a few suggestions:

- Where do you think the boundary with the next Parish is or should be?
- Are there any natural physical boundaries, e.g. river, road, hill nearby?
- Are there any community groups or associations in the area which help to indicate where communities begin and end?
- Where are your key services, e.g. shops, doctors, pub, sports or social club?

## **Does changing a Parish boundary make any difference to the likelihood of development occurring on the edge of the settlements?**

No. The criteria, and the legislation that sits behind it, for determining whether or not Parish boundaries should change bears no relation to the legislation that guides the determination of planning applications.

## **Alternative styles**

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing Parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than Parish councils, or may provide stages building towards the creation of a Parish council.

The Council will be mindful of such other forms of community governance in its consideration of whether Parish governance is most appropriate in certain areas. However, the Council also notes that what sets Parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

With regard to the naming of Parishes, if required, the Council will endeavour to reflect existing local or historic place names and will give a strong presumption in favour of names proposed by local interest parties. The Council notes that Government considers that composite names of Parishes are rarely in the interests of effective and convenient local government and encourages avoidance of composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names. The Council will consider this when making any proposals regarding naming of Parishes.

Parishes may have alternative styles to 'Parish'. The alternative styles are 'community', 'neighbourhood' or 'village'. In addition, it should be noted that the style 'town' is still available to a Parish. 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. The use in these terms of reference to Parish does not preclude one of the alternative styles being adopted. The 'name' of a Parish refers to the geographical name of the area concerned, whereas its status or 'style' 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.

### **In the event that a new Parish Council wishes to precept, how much would it charge?**

As the precept will depend on the size of the Parish or community council, the services it provides and the number of properties across which it is spread, it is not possible to say how much a precept would be for an area which does not currently have a Parish or community council. Any new Parish or community council would be able to set its own precept level.

Where, as a result of an alteration to Parish boundaries, a property moves from one Parish to another, this may well have an impact on the overall level of Council Tax payable by occupants of that property, as the amount of precept levied by different Parish councils may vary. However, this is not a relevant factor when considering whether it is appropriate to change the community governance arrangements in a particular area.

The Council would aim to ensure that any new Parishes agreed should be viable and that the precept should enable them to promote the well-being of their residents and contribute to the provision of services in their areas. Based on the existing electorate in the Parished area of Drakelow (*645 electors* on Register in September 2023), the District Council may recommend the creation of either a Parish council or a Parish meeting. This applies to areas with between 151 to 999 local electors.

## **Council Size: How many Parish Councillors would there be?**

There must not be fewer than five Councillors on a Parish council, but there is no maximum number. As guidance, the National Association of Local Councils (NALC) suggest the minimum number of Councillors for any Town or Parish should be 7 and the maximum 25. Ideally, the number of members on a Parish council should reflect the size of the Parish overall. If it is agreed to establish a new Parish or community council, one of the issues that will need to be decided is how many Councillors will be elected. Parish Councillors can be elected to represent the whole of the Parish area or smaller neighbourhoods within the area, called Parish wards. Any Councillors elected to the Parish or community council would be in addition to the existing local District Ward Councillors who are Members of South Derbyshire District Council. It is possible for the same people to be elected to the District Council and a Parish or community council.

As of September 2023, the Parished area of Drakelow had 645 electors but no Parish Councillors. South Derbyshire District has 49 Parished areas of which 31 are represented by Parish Councils and the remaining 18 are Parish Meetings. A list of the Parishes is provided at [Appendix B](#). This also identifies the number of Parish Councillors and the ratio of electors to Parish Councillors. For ease of local comparison, the electoral ratios for the neighbouring Parishes of Walton Upon Trent, Rosliston and Cauldwell are set out below:

<b>Parish Name &amp; Polling District</b>	<b>Electorate September 2023</b>	<b>Number of Parish Councillors</b>	<b>Electoral Ratio (ie. One Councillor per how many electors)</b>
Drakelow (Parish Meeting) LTC	645	0	Not applicable
Walton Upon Trent (Parish Council) SLF	635	8	79.3
Rosliston (Parish Council) LTF	573	6	95
Cauldwell (Parish Meeting) LTB	81	0	Not applicable

## **Are Parish Councillors paid an allowance?**

Parish Councillors are not usually paid an allowance, but may incur costs which can be reimbursed.

## **Electorate Forecasts**

When considering any electoral arrangements arising as a result of this Review, the Council will consider any change in the number or distribution of electors which is

likely to occur within five years from commencement of this Review. This data is as follows:-

<b>District Area</b>	<b>Polling District</b>	<b>Electorate September 2022</b>	<b>Electorate September 2023</b>	<b>Electorate September 2028</b>
Drakelow	LTC	593	645	905

The above electorate forecasts have been developed by South Derbyshire District Council Electoral Services based on the assumption that the number of electors will increase at the same rate of increase as took place between September 2022 and September 2023. The increase between these dates was 52 additional electors in one year. In practice, the rate of increase could be higher and accelerate as new homes which have received planning consent are completed and become occupied. The Government's Guidance recommends that these forecasts should be made available widely at an early point in the review process; so that they are available to all who wish to submit representations.

### **Demographic Trends and Influences in the Area**

Individual District Ward and Parish profile data is available using the following link: [https://www.nomisweb.co.uk/sources/census\\_2021\\_pp](https://www.nomisweb.co.uk/sources/census_2021_pp)

The local area report data that is currently available for the area of Drakelow is based on the 2011 census data, with Parish level profile information based on the 2021 census awaited.

### **Parish Warding & the Naming of Parish Council Wards**

Parish warding is the division of a Parish Council area into appropriately sized wards for the purpose of electing Parish Councillors. Any Community Governance Review must examine the number and boundaries of Parish Wards, their names and the number of Councillors to be elected to each ward. In determining warding arrangements regard will be given to community ties in the area. Legislation requires that, in considering whether or not a Parish Council area should be divided into wards, the Council considers whether:

- (a) The number, or distribution of the local government electors for the area would make a single election of Parish Councillors impracticable or inconvenient; and
- (b) It is desirable that any area or areas of the Parish Council should be separately represented.

There is a need to consider not only the size of the electorate in the area but also their distribution within it. Warding arrangements should be clearly and readily understood by, and should have relevance for, the electorate in the Parish Council area. Parish Ward arrangements should have merit in themselves and, as well as meeting the two tests set out in legislation, they should also be in the interests of

effective and convenient local government and not be wasteful of a Parish Council's resources.

The District Council will endeavour to reflect existing local or historic place names when naming any Parish Council Wards and there will be a strong presumption in favour of names proposed by local interested parties.

### **Electoral Arrangements**

The next programmed elections for all Parishes in South Derbyshire District will be held May 2027. If, following the Community Governance Review, an area is Parished, any amendments to Parish arrangements would come into existence from 1 April 2025. Elections would need to be held in May 2025 and the initial term of office would be for two years. Elections would then be held every fourth year thereafter.

### **Timetable for the Review**

A timetable for the Review is shown below.

<b>Action</b>	<b>Dates</b>
Terms of Reference agreed by Full Council	2nd November 2023
Publication of Terms of Reference	3rd November 2023
Consultation process – Invitation of initial submissions & Public Meetings	3rd November 2024 to 26th January 2024
Last date for submissions	26th January 2024
Analysis/evaluation of submissions and preparation of draft recommendations	27th January 2024 to 16th February 2024
Draft recommendations agreed by Full Council	28th February 2024
Publication of draft recommendations	8th March 2024
Consultation on draft recommendations & Public Meetings	8th March 2024 to 3rd May 2024
Last date for submissions	3rd May 2024
Analysis/evaluation of submissions and preparation of final recommendations	4th May 2024 to 10th June 2024



Final recommendations agreed by Full Council	Date to be confirmed (anticipated July 2024)
Publication of final recommendations	Date to be confirmed (anticipated July 2024)
Preparation and publication of any Reorganisation of Community Governance Order	Date to be confirmed (anticipated August 2024)

This programme and timeline may be adjusted after representations have been received from local people in response to the initial public consultation. This will allow the Council a degree of flexibility in the interests of ensuring that it manages the review process efficiently. Any adjustments to the programme and timetable will be published on the Council's website.

### **Consultation**

The Council has a duty under the Local Government and Public Involvement in Health Act 2007 to consult with the local government electors in the area under review and any other interested person or body. Throughout the process all representations will be taken into account before decisions are made.

The Council will:-

- Publish a release in the local press informing residents of the Review and inviting responses;
- Publish information on the Council's website;
- Consult with the residents of the area subject to the Review;
- Consult with the South Derbyshire District Councillors for the area subject to the Review (Linton Ward) and the neighbouring areas (Newhall & Stanton, Church Gresley and Seales Wards);
- Consult with the Derbyshire County Councillors for the Drakelow area (Linton and Swadlincote South Electoral Division) and the neighbouring area (Swadlincote North);
- Consult with the Member of Parliament for the District;
- Consult with Derbyshire County Council;
- Consult with East Staffordshire Council;
- Consult with any neighbouring Parish Councils (Walton Upon Trent and Rosliston Parish Councils and Cauldwell Parish Meeting in South Derbyshire and Branston Parish Council and Stapenhill Parish Council in East Staffordshire) and community representative groups (Linton Area Forum); and

- Consult with any other person or body which appears to the District Council to have an interest in the Review (Derbyshire Association of Local Councils, Countryside Partnership (Developer), VitalEnergi (Waste Plant), Eon (proposed Solar Farm), East Midlands Airport and Water Supplier for Drakelow.

**The initial consultation period will end on 26<sup>th</sup> January 2024. Any representations must be received by that date or they may not be considered when the options are prepared for Full Council.**

There will then be a further opportunity for people to comment on the draft proposals before the final decision is made.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

The Council welcomes all representations from any persons or bodies with a local interest who may wish to comment or make proposals on any aspect of the matters under review.

#### Level of Support from Local Electors

The District Council would expect there to be a minimum number of responses from local electors in Drakelow to trigger a draft recommendation for changes to the existing Parish arrangements. This number would be **5%** of the electors involved (33 local electors from Drakelow). A greater level of support would be expected for such a draft recommendation to be made a final recommendation. This number would be **10%** of the electors involved (65 local electors from Drakelow). If more than one option is supported at the draft or final recommendation stage; then the support from the local electorate for those options will be measured against one another to determine whether the trigger point has been achieved.

Please send any representations to:-

- [drakelowcgr@southderbyshire.gov.uk](mailto:drakelowcgr@southderbyshire.gov.uk) or
- South Derbyshire District Council  
Legal and Democratic Services Section  
Community Governance Review  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

If you have any queries relating to the Review, please contact us by e-mail at [democraticservices@southderbyshire.gov.uk](mailto:democraticservices@southderbyshire.gov.uk) or by telephone on 01283 595722 / 01283 595848.

Further information about the Review is available on the Council's website below:-

***Insert link***

### **Completion of the Review**

The Council will clearly publish the outcome of decisions taken as a result of the review and the reasons behind those decisions, so as to conduct the process transparently, making local people and other interested parties aware of the decisions reached. Press releases will be issued at key points as detailed in the above timetable and key documents will be on deposit at the Council's offices.

### **Order and commencement**

In the event of a Reorganisation of Community Governance Order being made, the provisions of such an Order will take effect from 1<sup>st</sup> April 2025 for financial and administrative purposes, depending upon the outcome of the Review.

### **Date of Publication of these Terms of Reference**

3rd November 2023

(HF/LCSA/18/10/23 Working Draft)