



## **COMMUNITY GOVERNANCE REVIEW OF TWYFORD AND STENSON (UNPARISHED AREA), STENSON FIELDS (PARISHED AREA) AND BARROW ON TRENT (PARISHED AREA)**

### **TERMS OF REFERENCE**

#### **Introduction**

On 30<sup>th</sup> June 2016, South Derbyshire District Council (“the Council”) approved these Terms of Reference created for the purposes of undertaking a Community Governance Review for the unparished area of Twyford and Stenson, the parished area of Stenson Fields and the parished area of Barrow on Trent.

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 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**

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.

The Community Governance Review will consider:

- Should a parish council boundary be altered to better reflect the local community.
- Should an unparished area have a parish council (or other body) created.
- Should existing parish councils be grouped.
- Should the number of parish councillors on an existing parish council be changed.
- Should a parish council be warded or existing parish wards be altered to reflect changes in the local community.
- Should the name of a parish council be changed.
- No change in existing governance arrangements.

### **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.

### **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 these reviews to principal councils. A number of parishes within the District have asked the Council to review their boundaries.

### **How will the Council undertake the Review?**

Specifically, the Council will consider the following:-

- Whether or not, as a result of the Review, the area of any existing neighbouring parish needs to be retained, merged, altered or abolished;
- Whether or not a parish be constituted for the area under review and if so the name and style of the parish;
- Whether or not any parish should have a Parish Council or any alternative and, if so, determine the electoral arrangements, i.e, the ordinary year of election, the size, the number of Councillors to be elected, the division of the parish into wards and the parish boundaries;
- Whether or not any grouping provision should be made; and
- Whether or not any other local community governance arrangements should be made.

### **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.

The Council, if it is agreed, will attempt, as far as possible, to select boundaries that are, and are likely to remain, easily identifiable.

### **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.

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 endeavour to ensure that any new parishes agreed should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner.

### **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. 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.

### **Are parish councillors paid an allowance?**

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

## **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	30 <sup>th</sup> June 2016
Publication of Terms of Reference	4 <sup>th</sup> July 2016
Consultation process – Invitation of initial submissions & Public Meetings	11 <sup>th</sup> July 2016 to 4 <sup>th</sup> September 2016
Last date for submissions	4 <sup>th</sup> September 2016
Analysis/evaluation of submissions and preparation of draft recommendations	5 <sup>th</sup> September 2016 to 23 <sup>rd</sup> October 2016
Draft recommendations agreed by Full Council	3 <sup>rd</sup> November 2016
Publication of draft recommendations	7 <sup>th</sup> November 2016
Consultation on draft recommendations & Public Meetings	14 <sup>th</sup> November 2016 to 15 <sup>th</sup> January 2017
Last date for submissions	15 <sup>th</sup> January 2017
Analysis/evaluation of submissions and preparation of final recommendations	16 <sup>th</sup> January 2017 to 19 <sup>th</sup> February 2017
Final recommendations agreed by Full Council	1 <sup>st</sup> March 2017
Publication of final recommendations	6 <sup>th</sup> March 2017
Preparation and publication of any Reorganisation of Community Governance Order	6 <sup>th</sup> March 2017

This programme and timeline may be adjusted after representations have been received by 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.

## **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 2016</b>	<b>Electorate 2021</b>
Barrow upon Trent	ASB	567	864
Twyford and Stenson	STB	969	1,811
Stenson Fields	STA	4,162	4,487

## **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 and the neighbouring areas;
- Consult with the Derbyshire County Councillors for the ?? area and the neighbouring areas;
- Consult with the Member of Parliament for the District;
- Consult with Derbyshire County Council;
- Consult with any neighbouring Parish Councils and community representative groups; and
- Consult with any other person or body which appears to the District Council to have an interest in the Review.

**The initial consultation period will end on 4<sup>th</sup> September 2016. 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 period of time 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.

Please send any representations to:-

- [cgovreview@south-derbys.gov.uk](mailto:cgovreview@south-derbys.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 either by e-mail at [democraticservices@south-derbys.gov.uk](mailto:democraticservices@south-derbys.gov.uk) or by telephone on 01283 595722 / 01283 595848.

Further information about the Review is available on the Council's website and social network pages, detailed below:-

- [www.south-derbys.gov.uk/communitygovernance](http://www.south-derbys.gov.uk/communitygovernance)
- [www.twitter.com/south-derbys](http://www.twitter.com/south-derbys)

### **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 2017 for financial and administrative purposes, depending upon the outcome of the Review.

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

4<sup>th</sup> July 2016