

Appendix A



East Suffolk Council

Community Governance Review 2021-2022

Terms of Reference

A review of parishes under the Local Government and Public Involvement in Health Act 2007

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Background

East Suffolk Council has resolved to undertake a Community Governance Review (CGR) of the whole of the district. The Council has a duty to keep parish arrangements under review.

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (referred to as 'the 2007 Act'), the relevant parts of the Local Government Act 1972 and Guidance on CGRs issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010. Also, the following Regulations which guide, in particular, consequential matters arising from the review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625) and Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

Section 81 of the 2007 Act requires the Council to publish its Terms of Reference for the Review which clearly set out the focus of the review. This document will fulfil that requirement.

The Council is also required to have regard to guidance on CGRs issued by the Secretary of State for Communities and Local Government. This guidance was published in March 2010 and has been carefully considered when drawing up the Terms of Reference and timetable for this review.

What is a Community Governance Review?

A CGR is a legal process whereby Principal Authorities (East Suffolk Council) can consider the following:

- creating, merging, altering or abolishing parishes,
- the naming of parishes and the style for any new parishes,
- the electoral arrangements for parishes, i.e. the ordinary year of election, council size, the number of councillors to be elected to the council and parish warding,
- grouping of parishes under a common parish council or de-grouping parishes.

A CGR must reflect the identities and interests of communities and should take into account the impact of community governance arrangements on cohesion and the size, population and boundaries of a local community or parish.

Why is East Suffolk Council undertaking this review?

A CGR provides principal councils with an opportunity to make changes to community governance arrangements in their area and ensure that such arrangements provide cohesive communities, improved community engagement, better local democracy and result in improved effective and convenient delivery of local services.

East Suffolk Council has not carried out a district wide review since the creation of the new council. However, in order to create East Suffolk Council, the Local Government Boundary Commission for England undertook a district boundary review which came into effect for the elections in 2019 and have since carried out a County Council boundary review for Suffolk which was published in September 2021.

Government guidance states that it is good practice to conduct a full CGR at least every 10 to 15 years and keep the area under review in the meantime.

East Suffolk Council wants parish councils to play an important part in community empowerment at a local level and wants to ensure the parish governance in the district continues to be robust, representative of the locality and able to meet future challenges. It is also important that electoral arrangements are appropriate, equitable and understood by the local electorate.

As new development takes place, it may be that existing parish boundaries are no longer the most appropriate division between parishes. The CGR provides an opportunity for existing boundaries to be reviewed.

Local Government Boundary Commission for England (LGBCE)

Consent will be required by the LGBCE to implement any proposed changes recommended by this CGR. This is because the District and County Council electoral reviews were carried out less than five years ago and CGRs cannot be used as a vehicle to undermine the changes resulting from an electoral review.

As part of an electoral review, the LGBCE is required to have regard to Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). This provides that if a parish is to be divided between different wards or divisions it must also be divided into parish wards, so that each parish ward lies wholly within a single ward or division.

Parish wards created by the LGBCE to facilitate the new district wards and county divisions cannot be abolished as part of this CGR.

What do Parish Councils Do?

Parish Councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level. Parish Councils can provide a local voice for the community responding to consultations and raising concerns with the relevant organisations.

A Parish Council is made up of parish councillors elected by local government electors in the parish with elections taking place every four years. Vacancies within the four year term are filled by co-option or by-election if local government electors request it.

Who will undertake the review?

As the principal authority, East Suffolk Council is responsible for undertaking CGRs within its area. The Council will approve the final recommendations before a Community Governance Order is made.

The main contacts for the review are:

Karen Last, Electoral Services Manager

Tim Willis, Deputy Electoral Services Manager

Consultation

These terms of reference provide the aims of the review, the legislation that guides the process and the areas that the council will consider as part of the review process.

The council will consult widely on the review including but not limited to:

- Local government electors / East Suffolk Council residents
- Parish Councils
- Parish Meetings
- District councillors
- County councillors
- Members of Parliament

Prior to making recommendations or publishing final proposals, the Council will take full account of the views and suggestions put forward by local people and organisations and will comply with the statutory consultation requirements by:

- Consulting local government electors and other persons or bodies which appear to the Council to have an interest in the review,
- Considering any representations received in connection with the review,
- Notifying consultees of the outcome of the review,
- Publishing all decisions taken and the reasons for such decisions.

Information about each stage of the review will be published on the Council's website and available for inspection at East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT and Riverside, 4 Canning Road, Lowestoft NR33 0EQ. Press releases and other publicity will be issued where appropriate.

Timeline of the review

Legislation states that a CGR must be completed within a 12-month period. The CGR commences when the Council publishes its terms of reference and concludes when it publishes the recommendations made in the review.

Review Stages:

Stage	Action	Dates
Commencement	Terms of Reference approved by Council.	26 January 2022
Stage One	Consultation with Stakeholders – initial submissions invited on future arrangements.	Feb-April 2022
Stage Two	1. Consideration of submissions received. 2. Draft recommendations prepared.	April - May 2022
Stage Three	Draft recommendations to be considered by Council and approved for further consultation.	May 2022 (TBC)
Stage Four	1. Consultation with Stakeholders on draft recommendations. 2. Final recommendations prepared.	May – September
Stage Five	Final recommendations to be considered by Council with resolution to make a Re-organisation Order.	September 2022 (TBC)
Completion	Re-organisation Order made.	October 2022

Electoral Forecasts

When considering the electoral arrangements of the parishes in the area, the Council must consider any likely future change in the number or distribution of electors within five years from the day the review commences.

The review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings with the five-year period.

Scope of the Review

The Review includes all aspects of community governance arrangements of existing parishes, including:

- To consider the name of existing parishes/parish councils

- To consider the boundaries of existing parishes and whether existing parishes should be split or amalgamated to constitute new parishes or if any new parish councils should be created along with the number of parish councillors to be elected for any parish council, whether new or existing.
- To consider whether any new or existing parish council should be divided into wards (or continue to be divided into wards), including 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.

Considerations

Legislation requires that the Council must ensure that community governance within the area:

- reflects the identities and interests of the communities in the area,
- is effective and convenient and takes into account any other arrangements for the purpose of community representation or engagement in the area.

In considering proposals for change, the Council will take the following into account:

Parish status (Council or Meeting)

Electorate – existing and forecast growth

The review aims to ensure that parishes reflect community identity and interest and that they are viable administrative and democratic units.

Parishes with 150 or fewer local government electors cannot have a council and can only be a parish meeting (unless the parish already have a council). Between 151 and 999 local government electors the review can recommend that the parish could have a council (optional) and where the parish has 1000 or more local government electors the review must recommend that the parish has a council.

Parish boundaries

The council will consider the effect of new and forecast development activity on existing parish boundaries. Parish boundaries should be easily identifiable and reflect the separation of settlements recognised locally as having their own identity. These boundaries should generally reflect the areas between communities with low populations or physical barriers such as rivers or man-made features such as railways or motorways.

Council size (number of councillors)

The minimum number of parish councillors that a council can have is five. A quorum for a parish council is three or a third, whichever is the greater number.

Electorate	Councillor Allocation
Less than 500	5 – 8
501 – 2,500	6 – 12
2,501 – 10,000	9 – 16
10,001 – 20,000	13 – 27
Greater than 20,000	13 - 31

Government guidance is that representation of areas should be considered on their own merits having regard to population, geography and the pattern of communities. The Council will pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.

In considering requests to change the number of councillors on any individual parish council, the Council will review the electoral history for the parish including the number of contested elections that have been held, the number of vacant seats following normal parish elections (every four years) and whether the council has been able to fill vacancies by means of co-option.

Parish warding

The Council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections:

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

In considering parish wards the Council will ensure that electoral equality is retained (the principal that each person’s vote should be of equal weight so far as possible). This will be achieved by keeping the councillor/elector ratio similar across warded areas.

Parish names and alternative styles for parishes

Alternative styles for parishes were introduced by the 2007 Act which could replace the ‘parish’ style with community, neighbourhood or village. Town status continues to be available to a parish (Section 247 of the Local Government Act 1972) but for as long as a parish has an alternative style it would not be able to have the status of a town and vice versa.

At the request of a parish, the District Council as principal authority can change the name of a parish to reflect the style adopted.

If an existing parish is under review the Council will make recommendations as to whether the geographical name of the parish should change but it will be for the parish council or

meeting to resolve whether the parish should have one of the alternative styles or retain the 'parish' style.

Grouping of parishes

Under Section 91 of the 2007 Act a CGR can recommend the grouping or de-grouping of parishes. In some instances, it may be appropriate to group parishes to allow a common parish council to be formed. De-grouping may also offer the reverse possibility where local communities have expanded.

Any grouping or de-grouping needs to be compatible with the retention of community interests and it would be inappropriate to use it to build artificially large units under single parish councils. However, it could offer a possibility for parishes with fewer than 150 electors to be grouped with other parishes under an elected parish council despite being unable to form a parish council in their own right.

Ordinary year of election

As the District Council is elected every four years on an 'all out' basis, it is proposed to keep the ordinary year of elections for parish councils on the same date.

Reorganisation of Community Governance Orders and Commencement

The review will be completed when the Council resolves to accept the final recommendations and authorises completion of the Reorganisation of Community Governance Order.

Copies of the Order, supporting maps and documents setting out the reasons for the decisions taken will be deposited at the Council offices at East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT and Riverside, 4 Canning Road, Lowestoft NR33 0EQ.

In accordance with the Guidance, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will also be deposited with the Secretary of State at the Department for Levelling Up, Housing and Communities. Prints will also be supplied in accordance with regulations to the Secretary of State, the Electoral Commission, the LGBCE, the Office for National Statistics, the Director General of the Ordnance Survey and any other principal council whose area the order relates to. Copies may also be sent to the Audit Commission, the Registrar General, the Land Registry and the Valuation Office Agency.

Any changes to electoral arrangements will come into force at the next ordinary elections for the parish council.

Consequential matters

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order, including:

- the transfer of management or custody or property,
- the setting of precepts for new parishes
- provision with respect to the transfer of any functions, property, rights and liabilities,
- provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act. In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the Proper Officer of the Council as an appropriate proportion.

Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish and their requirements.

Date of publication

These terms of reference will be taken to the East Suffolk Full Council meeting on 26 January 2022 and if approved will be published on 27 January 2022.