

South Gloucestershire Council

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

Introduction

South Gloucestershire Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 to consider the following parish matters:

Parish/Area	Matters to be considered
Bradley Stoke Town	Changes to internal ward boundaries, the councillor split across internal wards and if changes were supported the name of any newly created town wards.
Little Sodbury Parish meeting	To consider parishing arrangements for this area, whether it should be amalgamated or grouped with a neighbouring parish area.
Oldbury on Severn Parish	To consider increasing the number of councillors representing the parish.
Pucklechurch Parish Council (and Emersons Green if change supported)	Changes to the external boundary between Pucklechurch parish and Emersons Green Town Council in the Lyde Green area.
Patchway Town	To consider if a new parish area should be created for the Charlton Hayes development, which currently sits within the Patchway Town Council boundary. If the creation of a new parish was supported consequential changes needed to the town wards and councillor numbers on Patchway Town Council and the electoral arrangements for a new parish would be included within the review.
Stoke Gifford Parish	To consider if the Cheswick/Stoke Park area (polling districts SPA, SPB, SPC) should remain part of the parish or if the external boundary should be amended to create a new parish area. If the creation of a new parish was supported the review would include consideration of the electoral arrangements including the name of the parish, internal warding arrangements and number of councillors.
Thornbury Town	To consider changes to the internal ward boundaries and the distribution of councillors across internal wards.
Tytherington Parish	To consider increasing the number of councillors on the parish council and changing the name of the parish.

Unparished areas	To consider creating new town/parish areas in the currently unparished parts of South Gloucestershire.
Westerleigh Parish	To consider changing the name of the parish to Westerleigh and Coalpit Heath Parish Council.
Wickwar Parish	To consider increasing the number of councillors representing the parish.
Yate Town	To consider changes to internal ward boundaries and if agreed any consequential amendments needed to the distribution of councillors across town wards to ensure electoral balance.

In undertaking the review, the Council will be guided by Part 4 of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission in April 2008.

What is a community governance review?

A CGR is a review of the whole or part of the Council area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes
- The naming of parishes and the style of new parishes
- The electoral arrangements for parishes (the ordinary year of election; council size, the number of councillors to be elected to the council and parish warding)
- Grouping parishes under a common parish council or de-grouping parishes

The Council is required 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
- Is effective and convenient

In doing so the Review is required to take into account:

- The impact of existing community governance arrangements on community cohesion; and
- The size, population and boundaries of any local community or proposed parish or town Council

Why is the Council undertaking the review?

A community governance review provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in

population or in reaction to specific or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in a Review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Government guidance further states that it is good practice to conduct a full Review at least every 10-15 years and keep the area under review in the interim. The most recent similar review under previous legislation which considered such matters resulted in the:-

- The South Gloucestershire (Reorganisation of Community Governance) Order 2015

Who is undertaking the review?

South Gloucestershire Council is responsible for undertaking any community governance review within its electoral area.

Consultation

The Council has drawn up and now publishes these Terms of Reference. This document sets out the aims of the review, the legislation that guides it and some of the policies the Council considers important in the review.

In coming to its recommendations in the review, the Council needs to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representation that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council recognises that the development of strong, sustainable communities depends on resident's 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.

The Council intends to consult widely within the areas affected by the review. The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views. This will include:

- Local Residents
- Ward Members

- Members of Parliament
- Community groups and organisations
- Local political parties
- Parish and Town Councils
- Local businesses
- Tenants and residents associations

In addition to this the Council will also:

- publish relevant statutory notices within the local media
- provide electronic versions of any consultation documents and other information on its website
- wherever possible the Council will seek to highlight the consultations in parish newsletters within the review areas
- produce consultation documents and information which can be sent to households in the review areas

The Council will also be pleased to receive comments from any other person or body that wishes to make representation during the initial submission.

When taking account of written representations the Council is bound to have regard to the need to secure that community governance within the areas under review:

- Reflects the identities and interests of the community in that area; and
- Is effective and convenient

The Council intends to clearly publish all decisions taken during the review, give reasons for taking such decision and conduct the process transparently so that local people and stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons.

TIMETABLE FOR THE REVIEW

A community governance review must, by law, be concluded within a twelve month period from the day on which the review starts. A review starts when the Council publishes its Terms of Reference and concludes when the Council publishes the recommendations made in the review.

The following is the review timetable:

Action	Expected Timeframe
Report to Committee Recommending further areas for inclusion in a review and seeking approval for the Terms of Reference.	May 2021
Commencement of Review The terms of reference are published and initial phase of consultation begins.	September 2021

Interim Report Stage To consider the outcome of the phase one consultation, to approve draft recommendations and to determine which areas (if any) should progress to a second phase of consultation.	December 2021/Jan 2022
Final stage of consultation commences if required.	February 2022
Final report to Committee To include recommendations for changes to electoral arrangements.	May 2022
Report to Council seeking approval for final recommendations	July 2022
Precept setting for any newly created areas	February 2023
Legal order takes effect	1 April 2023
Parish/Town Council ordinary day of election	May 2023

ELECTORATE FORECASTS

In considering the electoral arrangements of the parishes stated within these Terms of Reference the Council is required to 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 Council has used the Register of Electors 2021 published on 1 December 2020, and updated most recently on 1 September 2021 to provide existing local government electorate figures.

Electorate forecasts will be prepared using all available information.

THE PRESENT STRUCTURE OF THE PARISHES AND THEIR ELECTORAL ARRANGEMENTS

The present structure of the parishes falling within these terms of reference is:

Parish Council	Parish Wards	Electorate	No of town/parish cllrs
Bradley Stoke	North	6622	6
	South	7131	7
	Stoke Brook	1666	2
Little Sodbury Parish meeting		84	0
Oldbury on Severn		663	7
Patchway Town	Callicroft	5520	9
	Coniston	3954	6
Pucklechurch Parish		2278	9
Stoke Gifford Parish	Central	9306	9

	University	3670	3
Thornbury Town	North West	3035	3
	North East	2821	3
	Central	1739	4
	East	1554	3
	South	2041	3
Tytherington Parish		641	5
Unparished Areas of South Gloucestershire		31,676	
Westerleigh Parish	Coalpit Heath	2488	7
	Westerleigh	466	2
Wickwar Parish		1643	7
Yate Town	Central	6761	6
	North	9559	9
	South	1873	2

Electoral Arrangements

What does 'Electoral Arrangements' mean?

An important part of this review will comprise giving consideration to Electoral Arrangements. The term covers the way in which a council is constituted for the parish. It covers:

- the ordinary year in which elections are held
- the number of councillors to be elected to the council
- the division (or not) of the parish into wards for the purpose of electing councillors
- the number and boundaries of any such wards
- the number of councillors to be elected for any such ward
- the name of any such ward

Ordinary year of election

The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter. If the review finds that it is appropriate to create new posts for parish councillors then these will come in to effect at the next ordinary day of election i.e. May 2023.

A council for a parish

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish:

- Where the number of electors is 1000 or more - a parish council must be created;

- Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of parish governance;
- Where the number of electors is 150 or fewer – a parish council is not created

The number of councillors for a parish

The government has advised, and the Council concurs that “it is an important democratic principle that each person’s vote should be of equal weight so far as possible, have regard to other legitimated competing factors, when it comes to the election of councillors”. Likewise, the Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number.

The government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and pattern of communities”, and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

By law, the Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- the number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Parish warding

The act requires that in considering whether a parish should be divided into wards for the purposes of elections for the parish council the Council should consider the following:

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

The government’s guidance is that “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”.

With regard to urban parishes, the government’s guidance suggests “there is likely to be a stronger case for the warding of urban parishes. 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”.

The Council will be mindful of all this guidance, noting further that “each case should be considered on its merits and on the basis of the information and evidence provided during the course of the review.”

The Council notes that warding arrangements should be clearly and readily understood by and should have relevance for the electorate of the parish; they should reflect clear physical and social differences within a parish; one parish but comprising different parts.

The Council recognises that ward elections should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. They should not be wasteful of a parish’s resources.

Previously unparished areas

If a Council considers parishing previously unparished areas, it is required by law to consider other forms of community governance as alternatives to 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, 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, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

Consultation information issued in relation to the unparished areas of South Gloucestershire will include information on the forms of community structure and engagement that are currently available within these areas.

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.

Reorganisation of Community Governance Orders and Commencement

The review will be completed when the Council adopts the reorganisation of Community Governance Orders. Copies of this order, the map(s) that show the effects of that order in detail, and the documents which set out the reasons for the decisions that the Council has taken (including where it has

decided to make no change following a review) will be deposited at the Council's offices and on its website.

In accordance with the Guidance issued by the government, 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 be deposited with the Secretary of State at the Department of Communities and Local Government and at Badminton Road Council Offices, Badminton Road, Yate, BS37 5AF.

The provisions of the Order would take effect for financial and administrative purposes from 1 April in the designated year.

The electoral arrangements for new parishes will come into force at the next elections to parish councils, namely May 2023.

Consequential Matters

District Warding

The Council notes that it may consider making a request to the Local Government Boundary Commission for England (LGBCE) to make changes to the district ward boundaries to reflect any changes made at parish level. The Council may wish to consider related alterations to the boundaries of district wards so that boundaries are coterminous following:

- the creation, alternation or abolition of a parish
- the establishment of new or altered parish ward boundaries
- a grouping or de grouping of parishes

The LGBCE is responsible for deciding whether boundary changes of this nature should be made and will require evidence that the Council has consulted on any such recommendations.

If the need for changes becomes apparent during the course of this review the Council will endeavour to incorporate them within the consultation at the earliest opportunity.

General Principles

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. These may include:

- the transfer and management or custody of 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, right 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 that the regulations regarding the establishment of a precept for a new parish require the Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

How to contact us

Should you wish to submit a written representation regarding this review please address this to:

Community Governance Review
Electoral Registration and Returning Officer
South Gloucestershire Council
PO Box 1953
Bristol
BS37 0DB

Or Freepost COMMUNITY GOVERNANCE REVIEW

Alternatively your submission may be emailed to:

electoral.services@southglos.gov.uk

A phased approach is being taken to consultations for each area within the review. During the consultation period for each review area you will be able to complete an online response at www.southglos.gov.uk/consultation

Should you require any further information or need clarification on the review process, please contact:

Natalie Carr
Democratic and Member Services Manager
Telephone: 01454 868198
Email: natalie.carr@southglos.gov.uk

Publication of terms of reference

These Terms of Reference will be published on the South Gloucestershire Council website www.southglos.gov.uk/cgr and are available for inspection at the Councils one stop shops.

Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within each Parish.

Date of publication

01 October 2021