

North Warwickshire Borough Council

Notice of a Community Governance Review

Local Government and Public Involvement in Health Act 2007
Local Government (Parish and Parish Councils) Regulations 2008

The Council has commenced a Community Governance Review in response to a request from Middleton Parish Council to increase the number of councillors from five to seven. The purpose of the review is to enable the Council to consider what changes are needed to the parish arrangements.

The existing Parish Council has put forward the following reasons for the request

1. Middleton is a geographically diverse community with some 90 houses in Hill Lane and Tamworth Road, outlying farms and communities
2. Hill Lane in particular needs representation
3. The work the Council wishes to undertake in the next few years (taking over the village hall / recreation room, affordable homes etc)
4. The impact of HS2.

The Council is now conducting the first stage of the review process and is inviting residents and interested organisations to submit their views on the above issue.

The Council has published its Terms of Reference document for the review and a copy can be obtained by contacting the Democratic Services team as shown below or viewed at the Council offices. It can also be viewed on the Borough Council's website www.northwarks.gov.uk or the parish website www.middletonpc.co.uk

How to contact us.

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

Democratic Services
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Alternatively your submission may be emailed to:
democraticservices@northwarks.gov.uk

The deadline for submissions is 12 October 2012.

NORTH WARWICKSHIRE BOROUGH COUNCIL
COMMUNITY GOVERNANCE REVIEW OF MIDDLETON 2012
TERMS OF REFERENCE

INTRODUCTION

Aim of the review

Following the receipt of a request from Middleton Parish Council, North Warwickshire Borough Council has agreed to undertake a Community Governance Review (CRG) of Middleton.

The request for the CGR was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 and proposes to increase the number of parish councillors from 5 (five) to 7 (seven).

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts 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. Also the following Regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (S12008/625); Local Government Finance (New Parishes) Regulations 2008 (S12008/626).

This Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance was published in April 2008 and it has been considered when drawing up the Terms of Reference (TOR).

These terms of reference will set out the matters on which the review is to focus.

What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district 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 elections; council size, the number of councillors to be elected to the council, and parish warding), and
- 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 CGR is required to take into account:

- The impact of community governance arrangements on community cohesion and
- The size, population and boundaries of a local community or parish.

Why undertake a Community Governance Review?

The CGR is to be undertaken due to the receipt of a request from the existing Parish Council. The Borough Council, although not required to carry out a review, has decided that a review should be carried out in the interest of local electors to ensure the community governance arrangements for the area reflects the identities and interests of the area and are effective and convenient.

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

The recommendation within the request is to increase the number of parish councillors from 5 (five) to 7 (seven). The existing Parish Council has put forward the following reasons for the request

1. Middleton is a geographically diverse community with some 90 houses in Hill Lane and Tamworth Road, outlying farms and communities
2. Hill Lane in particular needs representation
3. The work the Council wishes to undertake in the next few years (taking over the village hall / recreation room, affordable homes etc)
4. The impact of HS2.

Who will undertake the CGR?

As the principal authority, the Borough Council is responsible for undertaking any CGR within its electoral area.

The Council will approve the final recommendations before a Community Governance Order is made.

Consultation

How the Council proposes to conduct consultations during the Review?

Before making any recommendations or publishing final proposals, the Borough Council will take full account of the views of local people. The Borough Council will comply with the statutory consultative requirements by:

- Consulting local government electors for the area under review.
- Consulting any other person or body (including a local authority), which appears to the Borough Council to have an interest in the review.
- Notifying and consulting the County Council.

- Taking into account any representations received in connection with the review.

Information relating to the CGR will be available on the Council's website and key documents will be on deposit at the Borough Council's Offices, The Council House, South Street, Atherstone, Warwickshire CV9 1DE.

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

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

The Borough Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them.

The Borough Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

Timetable for the CGR

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

The following is the review timetable:

Action	Timetable	Outline of Action
Terms of Reference (TOR) are published.	10 August 2012	Borough Council publishes TOR and notifies stakeholders, clearly defining extent of CGR.
Introductory stage – submissions are invited.	12 October 2012	Borough Council invites proposals from stakeholders on future arrangements under TOR.
Draft proposals are prepared	By 16 November 2012	Draft proposals to be considered by Council on 12 December 2012
Draft proposals are published.	14 December 2012	Borough Council publishes Draft proposals and notifies stakeholders.
Consultation	Period ending 18 January 2013	Consultation with stakeholders.

Action	Timetable	Outline of Action
Final proposals are prepared	4 February 2013	Results of consultation considered and final proposals prepared.
Final recommendations are published and decision by Council.	20 February 2013	The Council meet to consider final recommendations and decide on the extent to which the Council will give effect to them.
Order made	Thereafter	Council publishes the reorganisation Order.

Electoral Forecasts

In considering the electoral arrangement of the parish stated within this Terms of Reference the Borough 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 Borough Council has used the Register of Electors 2012 published on 2 July 2012 to provide existing local government figures.

Electorate forecasts will be prepared using all available information.

The Present Structure of Middleton Parish Council and Their Electoral Arrangements

Present Structure of parish governance in the area to be reviewed.

Parish	Number of Councillors	Electorate
Middleton	5	582

Parishes

The Council wishes to ensure that electors should be able to identify clearly with the parish in which they are resident. It considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representatives and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this Review.

Electoral Arrangements

What does 'Electoral Arrangements' mean?

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The terms cover 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 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 (ie 2011, 2015, 2019 etc). However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the Borough Council, so that the costs of elections can be shared.

If the Review finds that it is appropriate to create new posts for parish councillors then these will come into effect at the next local government elections (combined with elections to the County Council on 2 May 2013) or coincide with the next Borough Council elections on 7 May 2015.

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 1,000 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 governance;
- Where the number of electors is 150 or fewer – a parish council is not created.

What considerations cover the number of parish councillors?

The government has advised, and this Council concurs that "it is an important demographic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the elections 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. There are no rules relating to the allocations of councillors. However, in dealing with a request the following guidelines, which are based on recommendations from the national Association of Local Councils, will be followed.

Number of Parish Councillors Guidelines

Electors	Councillors	Electors	Councillors
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	45,000	25
9,000	16		

The government's guidance is that "each area should be considered on its own merits, having regard to its population, geography and the 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.

Reorganisation of Community Governance Orders and Commencement

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) (where necessary) that show the effects of the order in detail, and the document(s) which set out the reason 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 Offices and published on the Council's 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 the Council's office at The Council House, South Street, Atherstone, Warwickshire CV9 1DE. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

It is proposed that the Order will take effect for financial and administrative purposes on 1 April 2013.

If agreed any amendments to the electoral arrangements will come into force at the next local government elections (combined with elections to the County Council on 2 May 2013) or coincide with the next Borough Council elections on 7 May 2015.

Consequential Matters

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.

How to contact us

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

Democratic Services
North Warwickshire Borough Council
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Alternatively your submission may be emailed to:

Democraticservices@northwarks.gov.uk

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

David Harris
Democratic Services Manager
Telephone: 01827 719222
<mailto:davidharris@northwarks.gov.uk>

These Terms of Reference will be published on the Borough Council website <http://www.northwarks.gov.uk> and will be available for inspection at the Borough Council's offices at The Council House, South Street, Atherstone, Warwickshire CV9 1DE.

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

Date of Publication

10 August 2012.