

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
Hanham Abbots Parish	To consider amalgamating the parish with the parish of Hanham. To consider the inclusion of the east ward of Hanham Abbots parish (polling district LGA) into Oldland Parish.
Hanham Parish	To consider amending the Hanham parish boundary so that it runs concurrent with the Hanham district ward boundary (this would mean the inclusion of the unparished HAE polling district within Hanham parish). To consider amalgamating the parish with the parish of Hanham Abbots.
Oldland Parish	To consider the inclusion of the east ward of Hanham Abbots parish (polling district LGA) into Oldland Parish. To consider a boundary amendment which would mean the Willsbridge parish ward (polling district BIC) would be removed from Oldland and would become part of Bitton parish.
Bitton Parish	To review the number of councillors on the parish council. To consider amendments to the external parish boundary with Oldland parish so that it follows Siston Brook (This would mean the inclusion of polling district BIC within Bitton parish).
Frampton Cotterell Parish	To consider an amendment to the boundary with Winterbourne parish which would see a small number of properties in Court Road become part of Frampton Cotterell parish.
Patchway Town	To consider changes to parish arrangements following a petition from residents of the Stoke Lodge area requesting the creation of a parish for Stoke Lodge (polling district BCC).
Downend and Bromley Heath Parish	To consider amending the current parish boundary so that part of the currently unparished area of

	Rodway Ward is included within the Downend and Bromley Heath parish.
Unparished Areas	To consider parish arrangements for the unparished areas of South Gloucestershire.
Mangotsfield Rural and Pucklechurch parishes	To consider parish arrangements for the area including the creation of a new parish in the Emersons Green area.
Yate Town, Iron Acton and Westerleigh Parish	To consider an amendment to the western boundary between the parishes in the Stover Road area.
Dodington Parish and Sodbury and Yate Towns	To consider an amendment in boundary of Dodington parish in two places: 1. To amend the boundary to include Lilliput Court and Lilliput Park (currently part of Sodbury, North East ward) 2. To amend the boundary to include Chedworth (currently part of Yate, South ward)
Pilning and Severn Beach Parish	To consider changing the distribution of councillors representing each parish ward to provide electoral parity. The current number of councillors for the parish is ten (5 representing each parish ward)
Oldbury on Severn and Hill Parishes	To consider an amendment to the boundary between the parishes in the Nupdown area.

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 (Parishes) Order 2002 (S.I. 2002 No 3022)

This review is also being carried out in response to a petition received by the Council signed by local government electors from the Stoke Lodge area of Patchway Town Council. The petition seeks the creation of a new parish council for Stoke Lodge.

Who is undertaking the review?

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

The committee responsible for overseeing the review is the Regulatory committee. The full Council is responsible for agreeing final recommendations before any community governance order is made.

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 it's website
- produce consultation documents and information which will be sent to stakeholders 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	Timetable	Comments/Key actions
Report to LR and GP to approve terms of reference	12 April 2012	
Publication of Terms of Reference	19 June 2012	
Initial consultation stage in review areas	12 weeks	
Preparation of draft proposals for LR and GP	4 weeks	
Report to LR and GP with draft proposals	December 2012	
Second stage of consultation	8 Weeks (February – March 2013)	
Report to Regulatory Committee with final recommendations	May 2013	
Report for approval of final recommendations to full Council	22 May 2013	
Legal orders to establish parishes/make changes	With effect from 1 April 2015	
Basic precept for any new parishes	Feb 2015	
New parishes established	1 April 2015	
Town/Parish Council Elections	May 2015	

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 2012 published on 1 December 2011 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	Council Ward
Bitton	South	1974	5	Bitton
	North Common	3134	9	Oldland Common
	Oldland Common	2232	7	Oldland Common
Dodington	North East	1914	4	Chipping Sodbury
	North West	3964	8	Dodington
	South	315	3	Westerleigh
Downend and Bromley Heath	Bromley Heath East	2256	3	Downend
	Bromley Heath West	2443	3	Downend
	Downend West	1563	2	Downend
	Downend East	2380	3	Downend
	Leap Brook	1061	1	Emersons Green
Frampton Cotterell	Central	2124	5	Frampton Cotterell
	East	1495	5	
	West	1658	5	
Hanham	Mount	1940	4	Hanham
	Central	2035	4	
	Avon Valley	1004	2	
Hanham Abbots	East	1701	4	Longwell Green
	West	3142	9	Hanham
Hill		84	0	Severn
Iron Acton	Iron Acton	614	5	Frampton Cotterell
	East	462	4	Ladden Brook
Mangotsfield Rural	Badminton	2267	4	Emersons Green
	Blackhorse	1225	3	Emersons Green
	Emersons Green	1633	3	Emersons Green
	Pomphrey	3065	3	Emersons Green
	Springfield	1084	3	Rodway
Oldbury on Severn		674	7	Severn
Oldland	Willsbridge	819	1	Bitton
	Longwell Green	2420	3	Longwell Green
	Barrs Court	1688	2	Longwell Green
	Orchard	624	1	Oldland Common
	Cadbury Heath	2028	3	Parkwall
	Wraxall	4289	5	Parkwall
Pucklechurch		2263	9	Boyd Valley
Patchway	Stoke Lodge	1713	3	Bradley stoke central and

	Coniston Callicroft	3515 3106	5 7	stoke lodge Patchway Patchway
Pilning and Severn Beach	Pilning Severn Beach	1198 1693	5 5	Pilning & Severn Beach Pilning & Severn Beach
Rangeworthy		552	5	Ladden Brook
Sodbury	Old Sodbury North East South West	549 1765 1852	5 5 5	Cotswold Edge Chipping Sodbury Chipping Sodbury
Stoke Gifford	South University Central North	1075 3387 5060 3159	1 3 5 3	Frenchay and Stoke Park Frenchay and Stoke Park Stoke Gifford Stoke Gifford
Westerleigh	Coalpit Heath Westerleigh	2284 551	7 2	Westerleigh
Winterbourne	Winterbourne Winterbourne Down and Hambrook Frenchay	4351 1586 1392	8 4 4	Winterbourne Frenchay and Stoke Park
Yate	South East South Central North West	3238 1991 2810 4365 4690	3 2 3 4 5	Yate Central Dodington Yate Central Yate North Yate North
Unparished areas	Total number of electors in unparished area is 31,529	8657 8780 5813 8643 503 217		Kings Chase Rodway Staple Hill Woodstock Hanham Siston

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 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 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

The Council 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 the Council's Offices at Castle Court, Thornbury, BS35 1HF.

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 2015.

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:

Electoral Services
South Gloucestershire Council
Thornbury Council Offices
Castle Street
Thornbury
BS35 1HF

Alternatively your submission may be emailed to:

CGR@southglos.gov.uk

Your submission may be completed online at

www.southglos.gov.uk/consultation

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

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Publication of terms of reference

These Terms of Reference will be published on the South Gloucestershire Council website www.southglos.gov.uk 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

19 June 2012