

# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

## COMMUNITY GOVERNANCE REVIEW 2022

### TERMS OF REFERENCE

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

#### INTRODUCTION

##### Aims of the review

East Cambridgeshire District Council has resolved to undertake a Community Governance Review (CRG) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the following parish matters;

| Parish            | Matter to be considered   |
|-------------------|---|
| Westley Waterless | To move the boundary between Westley Waterless and Burrough Green so that those electors living in Westley Waterless all fall within the Westley Waterless Parish |

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 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

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).

##### 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?**

A CGR 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 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.

Government guidance further states that it is good practice to conduct a (full) CG at least every 10-15 years and keep the area under review in the interim. The most recent similar review of the district resulted in the:-

- The District of East Cambridgeshire (Electoral Changes) Order 2018

Specifically, this CGR will consider:

- The boundary between Westley Waterless and Burrough Green

### **Who will undertake the CGR?**

As the principal authority, the District 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 District Council will take full account of the views of local people. The District 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 District 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 District Council's offices at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE.

When taking account of written representations the District 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 District 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 District Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the Review.

### **A 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 District Council publishes its Terms of Reference and concludes when the District 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                      | Start Date<br>7 <sup>th</sup> March 2022                   | District Council publishes TOR and notifies stakeholders, clearly defining extent of CGR                                   |
| Introductory stage – submissions are invited                | Three month period<br>7 <sup>th</sup> March 2022           | District Council invites proposals from stakeholders on future arrangements under TOR                                      |
| Draft proposals are prepared                                | By<br>14 <sup>th</sup> July 2022                           | Draft proposals to be considered by Full Council   |
| Draft proposals are published                               | By<br>16 <sup>th</sup> July 2022                           | District Council publishes Draft proposals and notifies stakeholders   |
| Consultation  | Two month period ending<br>23 <sup>rd</sup> September 2022 | Consultation with stakeholders   |
| Final Proposals are prepared                                | By 10 <sup>th</sup> October 2022                           | Results of consultation considered and Final Proposals prepared  |
| Final Recommendations published                             | By 10 <sup>th</sup> October 2022                           | Submissions considered and final recommendations produced  |
| Final Recommendations are published and decision by Council | 20 <sup>th</sup> October 2022                              | 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 and requests the Electoral Commission to approve any consequential changes.     |

## **ELECTORATE FORECASTS**

In considering the electoral arrangements of the parish(s) stated within these Terms of Reference the District 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 District Council has used the Register of Electors 2022 published on 1 December 2021 to provide existing local government figures. Electorate forecasts will be prepared using all available information.

## **THE PRESENT STRUCTURE OF WESTLEY WATERLESS/BURROUGH GREEN PARISH(S) AND THEIR ELECTORAL ARRANGEMENTS**

### **Present Structure of parish governance in the area to be reviewed:**

| <b>Parish</b>     | <b>Current electorate</b> | <b>Forecast electorate</b> |
|-------------------|---------------------------|----------------------------|
| Westley Waterless | 119                       | 160                        |
| Burrough Green    | 318                       | 279                        |

### **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.

The Council is anxious to balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area.

The Council notes the Government's Guidance that community cohesion should be taken into account in this Review.

The Council also notes the Government's strongly stated Guidance that it "expects to see a trend in creation, rather than abolition, of parishes" and that "the abolition of parishes should not be undertaken unless clearly justified". The Council also notes that the Government also considers that, where existing parishes are abolished, "It would be undesirable to see the area becoming unparished with no community governance arrangements in place".

## **ELECTORAL ARRANGEMENTS**

### **What does ‘Electoral Arrangements’ mean?**

An important part of our 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 (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 district 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 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 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**

| <b>Electors</b> | <b>Councillors</b> | <b>Electors</b> | <b>Councillors</b> |
|-----------------|--------------------|-----------------|--------------------|
| Up to 900       | <b>7</b>           | 10,400          | <b>17</b>          |
| 1,400           | <b>8</b>           | 11,900          | <b>18</b>          |

|       |           |        |           |
|-------|-----------|--------|-----------|
| 2,000 | <b>9</b>  | 13,500 | <b>19</b> |
| 2,700 | <b>10</b> | 15,200 | <b>20</b> |
| 3,500 | <b>11</b> | 17,000 | <b>21</b> |
| 4,400 | <b>12</b> | 18,900 | <b>22</b> |
| 5,400 | <b>13</b> | 20,900 | <b>23</b> |
| 6,500 | <b>14</b> | 23,000 | <b>24</b> |
| 7,700 | <b>15</b> | 45,000 | <b>25</b> |
| 9,000 | <b>16</b> |        |           |

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.

### **Parish Warding**

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

Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;  
Whether it is desirable that any area or 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 predominately 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".

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.

## **District Warding and County Division Boundaries**

It is not envisaged that the issues which are the subject of this Review will require any alterations to the boundaries of District Wards but may affect the boundaries of the County Divisions.

The Electoral Commission is responsible for deciding whether boundary changes of this nature should be made and will require 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.

## **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) 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's Offices, website and Community Offices.

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 Grange, Nutholt Lane, Ely, Cambs. 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<sup>st</sup> December 2022.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council, which will be on 5 May 2023.

## **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:

Electoral Services  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
Cambridgeshire  
CB7 4EE

Alternatively your submission may be emailed to:

[elections@eastcambs.gov.uk](mailto:elections@eastcambs.gov.uk)

Should you require any further information or need clarification on the review process, please contact: Adrian Scaites-Stokes at the office above or [Adrian.scaites-stokes@eastcambs.gov.uk](mailto:Adrian.scaites-stokes@eastcambs.gov.uk) or by telephone on 01353 616456

## **Publication of Terms of Reference**

These Terms of Reference will be published on the District Council web site <http://www.eastcambs.gov.uk> and will be available for inspection at the offices at The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE

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

## **Date of Publication**

7<sup>th</sup> March 2022



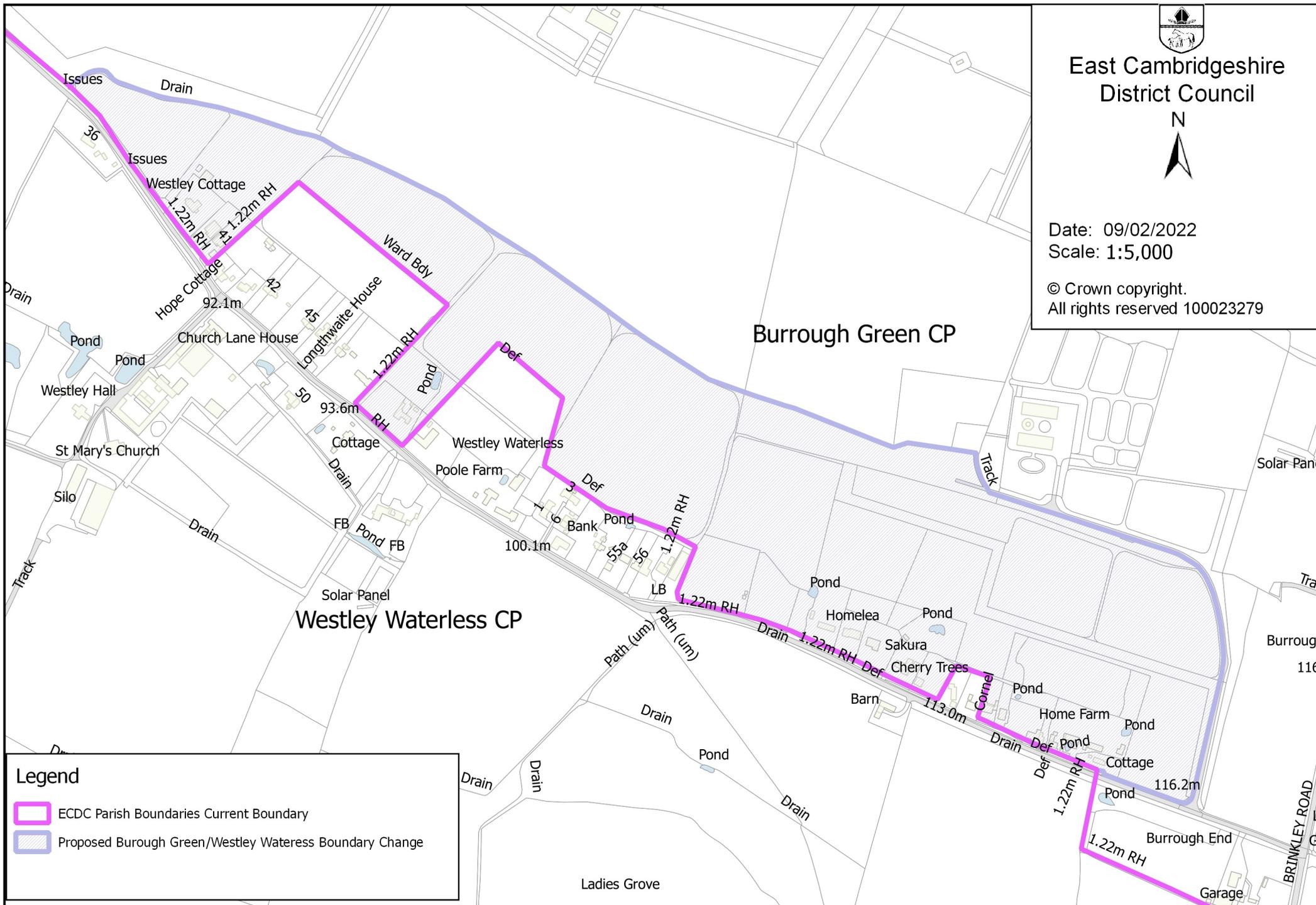
# East Cambridgeshire District Council



Date: 09/02/2022

Scale: 1:5,000

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## Legend

-  ECDC Parish Boundaries Current Boundary
-  Proposed Burrough Green/Westley Waterless Boundary Change