

Appendix B

Review of Parish and Town Councils and Related Matters Local Government and Public Involvement in Health Act 2007

Terms of Reference

Introduction

The Council has decided to undertake a Community Governance Review of all areas within its electoral boundaries.

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 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission.

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

Why is the Council Undertaking the Review?

It has been some time since the Council reviewed the current arrangements for all parish and town councils in its area. The Council recognises that since the creation of parish and town councils, there may be changes in population; shifts in “natural settlements” caused by new developments; or other local new issues that need to be raised and considered.

This Community Governance Review will be conducted jointly with the Review of Polling Districts, Polling Places and Polling Stations that the council will be conducting in 2013.

A copy of the map defining the area of the review is attached as an appendix to these terms of reference.

What will the Review consider?

The review will consider the whole of the Leeds electoral area and consider one or more of the following: -

- Creating, merging, altering or abolishing parishes and town councils (including altering boundaries where appropriate);
- The naming and the style of parishes and town councils;
- The electoral arrangements for parishes and town councils (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish/town council warding), and
- Grouping parishes and town councils under a common parish/town council or de-grouping them.

The review must make recommendations as to what new parish/town council(s) (if any) should be constituted in the area under review. If the review recommends that a new parish/town should be constituted, the review must also make recommendations as to the name of the new parish/town, whether or not the new parish/town should have a parish/town council, and whether or not the new parish/town council should have one of the alternative styles. However, where a new parish/town has 1,000 or more local government electors, the review must recommend that the parish/town should have a council.

In relation to existing parish/town councils under review, the review must also make recommendations as to whether the parish/town council should be abolished or not, or its area altered or not, whether or not the name of the parish/town council should be changed, and whether or not the parish/town council should continue to have a council. If the review recommends a parish/town council should continue to have a council, the review must also make recommendations as to what changes (if any) should be made to the council's electoral arrangements (which includes the number of councillors to be elected to the council).

In relation to the parish/town council's electoral arrangements, the review must consider whether to recommend that the parish/town council should, or should not, be or continue to be divided into wards for the purpose of electing councillors. For these purposes, the Council must consider whether the number, or distribution, of the local government electors for the parish/town council would make a single election of councillors impracticable or inconvenient, and whether it is desirable that any area or areas of the parish/town council should be separately represented on the council. In deciding to recommend that a parish/town council should be divided into wards, the Council must have regard to certain factors when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward. These factors are the number of local government electors for the parish/town council, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any particular boundaries. In deciding to recommend that a parish/town council should not be divided into wards, the Council must have regard to certain factors when considering the number of councillors to be elected for the parish/town council. These factors are the number of local government electors for the parish/town council, and any change in that number which is likely to occur in the period of five years from the start of the review.

In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parish/town councils) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

All local government electors for the area under review and any other person or body who appears to have an interest in the review will be consulted on the proposal and their representations will be taken into account as part of the review. The Council must have regard to the need to secure that the community governance arrangements for the area reflects the identities and interests of the community in the area and are effective and convenient.

Parish/town council Governance within the District

The Council wants to ensure that there is clarity and transparency to the areas that parish/town councils represent and that the electoral arrangements are appropriate, equitable and readily understood by the electorate.

In their White Paper, Strong and Prosperous Communities, the Government emphasised that “Ultimately, the recommendations made in a community governance 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.”

Who undertakes the Review?

Community Governance Reviews are the responsibility of the Head of Licensing & Registration and the Electoral Services Manager who will report representations received during the review period to the council’s General Purposes Committee along with recommendations for initial and final proposals. The Council’s General Purposes Committee will determine the initial proposals for further consultation and will recommend the final proposals to be made to full Council in relation to the review.

How the Council proposes to conduct consultations during the Review?

In arriving at its recommendations in a review, the Council will need to take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 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 (for instance the local Member of Parliament and ward councillors) and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult in an appropriate manner within the review area ensuring that those most affected are given the opportunity to respond. In accordance with the Local Government and Public Involvement in Health Act 2007, representations received in connection with the Review will be taken into account, and consultees will be informed of the outcome of the Review.

Any decisions made and the reasons for those decisions will be published following the review. The mechanism for this will be through the Council’s website, issuing press releases, personal communications where appropriate and through notices in libraries in the area affected by the review.

How to contact us

Contact details at the Council for the duration of the review are as follows. Any representations should also be sent to this address. Representations should include the full name and contact details for the person or organisation making the representation: -

Susanna Benton
Electoral Services Manager
susanna.benton@leeds.gov.uk
0113 2476727

Electoral Services
Level 2, Town Hall
The Headrow
Leeds LS1 3AD

A timetable for the Review

12 February 2013	Report to General Purposes Committee for Terms of Reference and Timetable for Review to be approved
18 February 2013	Council to publish Terms of Reference
18 February 2013	Consultation begins with representations invited
15 April 2013	Closing date for representations
22 April 2013 to 31 May 2013	Elections Working Group consider representations and recommend initial proposals to General Purposes Committee
June 2013*	Report to General Purposes Committee to approve and publish initial proposals
24 June 2013	Second consultation begins on council's initial proposals with representations invited
16 September 2013	Closing date for representations
23 September 2013 to 14 October 2013	Elections Working Group consider representations on initial proposals and recommend final proposals to General Purposes Committee
October 2013*	Report to General Purposes Committee to recommend final proposals to Full Council
November 2013*	Full Council to agree and publish final proposals
25 November 2013	Any amendments to existing parish/town councils and any new parish/town council established if necessary and interim governance arrangements put in place
May 2014	Elections to new Parish/town council if required (to coincide with local government elections)

*Dates for General Purposes Committee and Full Council to be confirmed

Please note the timetable is subject to minor alteration although the Review must be completed within 12 months of the publication of the terms of reference

Electorate Forecasts

The Register of Electors published on 2 January 2013 shows the following numbers of electors within the area subject to the Review: 563,140.

When the Council comes to consider the electoral arrangements of the parish/town councils in its area, it 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.

Viability of any new Parish/town council

The Council recognises that parish/town councils should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The Council is committed to ensuring that the Review leads to parish/town councils that are based on areas which reflect community identity and interest and which are viable as an administrative unit.

Names and styles of any new parish/town councils

The Council will endeavour to reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed and by local interested parties

Electoral arrangements

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/town council. 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/town council 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; and
- The name of any such ward.

The Local Government Act 1972 states that ordinary election of parish/town council councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc.). However, the government has indicated that it would want the parish/town council 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 will be appropriate to hold an election for parish/town council councillors, for a newly formed parish/town council, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish/town council councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The Council notes that the number of parish/town council councillors for each parish/town council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors.

Government guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

The Council must have regard to the following factors when considering the number of councillors to be elected for a parish/town council:

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

The Council wishes to ensure that the allocation of councillors to parish/town councils is broadly equitable across the District, while acknowledging that local circumstances may occasionally merit variation.

The Council appreciates that there are different demands and consequently different levels of representation between the urban and rural parish/town councils in the district.

Reorganisation of community governance orders and commencement

When the Review has been completed the Council may make a 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 reasons for the decisions that the Council has taken will be deposited at the Council's offices, on the website and in local libraries within the area affected by this review.

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. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parish/town councils;
- 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/town council and their requirements. Parish/town council Councils have the power to raise revenue to help meet their spending requirements by issuing a 'Precept'. This is the total amount to be raised through the Council Tax from all the dwellings within the defined Parish/town council area.

Each Parish/town council +set their own level of precept and let the principal council know each year. Typically this is to cover costs associated with the running and administration of the parish/town council, such as the Clerks wages etc, as well as any local projects.

Date of publication of terms of reference

John Mulcahy
Head of Licensing and Registration
18 February 2013