

## Community Governance Review – Terms of Reference

### 1. Introduction

Broxtowe Borough Council has decided to undertake a Community Governance Review (CGR) of the governance arrangements of all of the parishes in its area.

The CGR will relate to the whole of the Borough, in order to consider the following:

- the creation, merger, alteration or abolition of parishes;
- the naming of parishes and the style of new parishes;
- the electoral arrangements for parishes (i.e. the ordinary year of election, council size, number of councillors to be elected to the council, and parish warding); and
- the grouping or de-grouping of parishes

Following the review, it may be necessary to ask the Local Government Boundary Commission for England to make changes to the Borough Council's ward boundaries so that parish and ward boundaries are coterminous.

In undertaking the Review, the Council will adhere to Part 4 of the Local Government and Public Involvement in Health Act 2007 (as amended) ("the 2007 Act") and the relevant parts of the Local Government Act 1972 in its work. The following regulations apply, in particular, to consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625), and Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). The Department of Communities and Local Government and the Local Government Boundary Commission for England has issued Guidance on Community Governance Reviews in accordance with section 100(4) of the 2007 Act in March 2010, and the Council will have regard to "the Guidance".

Links to the 2007 Act and the Guidance are provided here:

<http://www.legislation.gov.uk/ukpga/2007/28/contents>

<http://www.lgbce.org.uk/how-reviews-work/other-types-of-review/about-community-governance-reviews>

Section 93 of the 2007 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 representations which are received into account by judging them against the criteria in the 2007 Act and in these Terms of Reference. The Council will publish its plan for consultation during the Review, and this will include the receiving of submissions to assist the Council in preparing its draft proposals, together with an appropriate period of consultation on those proposals. The Council is also required to publish all decisions taken as part of the Review and the reasons for taking those decisions.

Broxtowe Borough Council welcomes all representations from any person or body who may wish to comment or make proposals on any aspect of the matters under review. Representations should be addressed to:

The Head of Administrative Services  
Broxtowe Borough Council  
Council Offices  
Foster Avenue  
Beeston  
Nottingham,  
NG9 1AB

Representations may be sent by email to [cgr@broxtowe.gov.uk](mailto:cgr@broxtowe.gov.uk).

All initial representations must be made by 30 September 2021.

All representations received will be published, as will the reasons for accepting or rejecting any such representations. In accordance with the Act, representations received in connection with the Review will be taken into account, and steps will be taken to notify consultees of the outcome of the Review.

## 2. Parishes

Section 93(4) of the 2007 Act requires that the Council must have regard to the need to secure that community governance within Broxtowe:

- reflects the identities and interests of the different communities in the area;
- is effective and convenient.

The Council considers that for community governance to be effective, parishes must be viable and have a precept which enables them to 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. Electors should also be able to identify clearly with the parish in which they live.

The Council considers that the boundaries between parishes should normally reflect natural and man-made defining points between communities. These might include rivers or man-made features such as railways or major roads which create a community of identity. It is also considered important that no part of a parish is disconnected from the whole due to access requiring a citizen to leave the parish, travel through a different area to then re-enter their parish. This continuous access helps to ensure community identity and provide polling arrangements which are local to electors. The views of local residents and the parish councils will be an important consideration where a potential change to a parish boundary is considered.

Section 94 of the 2007 Act sets out the duties which 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 parish governance;
- where the number of electors is 150 or fewer – a parish council is not created.

The Council will have regard to the relevant information in determining whether parish councils will be formed for parishes of more than 150 electors.

### 3. Electoral Arrangements

An important part of the Review will cover the electoral arrangements of the parishes, including any new parishes which are formed. This will include:

- (i). the year in which ordinary elections of parish councillors are held – the next ordinary elections for parish councils is 2023. The Review will be completed in time for any changes arising from it to be in place for those elections.
- (ii). the number of councillors to be elected to the council - the number of parish councillors for each parish council shall not be less than five (section 16, Local Government Act 1972). There is no maximum number in the legislation and there are no specific rules or guidance relating to the allocations of councillors.
- (iii). the division (or not) of the parish into parish wards for the purpose of electing parish councillors - the 2007 Act (section 95(3)) requires that, on considering whether a parish should be divided into wards for the purposes of elections of the parish council, the Council should consider:
  - 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.

Ward elections should also be in the interests of effective and convenient local government. The additional costs of multiple ward elections, which can be significant relative to a parish council's budget, should not be wasteful of a parish's resources.

- (iv). the number and boundaries of any such parish wards - parish ward boundaries should be clearly understood; and should take account of community identity and interests within a parish which comprises different parts. In accordance with section 95(5) of the 2007 Act, every attempt will be made to fix ward boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which might be broken by the fixing of any particular boundaries.
- (v). the number of councillors to be elected for any parish ward the 2007 Act (paragraph 95(5) requires it to have regard to the following when considering the number of councillors to be elected for each ward:
  - the number of local government electors for the parish;
  - any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the Review starts.
- (vi). the name of any such parish ward.

In considering the number of councillors to be elected for each parish, the Council will take into account the advice set out in the guidance - "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities,". The Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes and the take-up of seats at elections in its consideration of this matter.

Section 95(6-7) of the 2007 Act also requires the Council to have regard to the following factors when considering the number of councillors to be allocated to a parish:

- the number of local government electors for the parish; and
- 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 will consider a number of factors including the following as it looks at parish council sizes:

- the different demands and consequently different levels of representation that are appropriate between urban and rural parishes;
- the level of the precept and levels of service provision;
- the challenges of population sparsity and securing an appropriate level of representation in such areas;
- the traditional scale of representation in a particular parish; and
- the need to support a warding arrangement in a particular parish and achieving an equitable parity of representation between wards.

In respect of parish wards, the Council will ensure that there would be an equitable ratio of electors to councillors from any proposals.

### **Consequential Matters**

The Review will be completed when the Council adopts the Reorganisation of Community Governance in Broxtowe Order.

The Council is mindful that it may recommend that the Local Government Boundary Commission for England make alterations to Broxtowe's electoral boundaries to reflect changes made at parish level. The Council notes that it will be for the Commission to decide if related alterations should be made and, if so, when they should be implemented.