

COUNCIL
11 July 2024

PUBLIC DOCUMENT

TITLE OF REPORT: COMMUNITY GOVERNANCE REVIEW TERMS OF REFERENCE

REPORT OF: DEMOCRATIC SERVICES MANAGER

EXECUTIVE MEMBER: Functions related to community governance – Non-Executive function.
(Electoral Services: Community and Partnerships)

COUNCIL PRIORITY: PEOPLE FIRST/ SUSTAINABILITY/ A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

- 1.1 Following the Local Government Boundary Commission for England (LGBCE) review of district wards, it is necessary to undertake a Community Governance Review (CGR) to ensure parish electoral arrangements across the district reflect the communities they serve.
- 1.2 To signify the formal start of the CGR, and launch the first stage of consultation, the Council must agree the Terms of Reference.
- 1.3 Any changes made as a result of the CGR will take effect from the May 2026 scheduled elections onwards.

2. RECOMMENDATIONS

- 2.1. That Council agree the Terms of Reference for the Community Governance Review, signifying the formal start of the Review and commencement of the first stage consultation.
- 2.2. Approve the additional budget of £20k required for the use of the Association of Electoral Administrators consultancy service to assist with delivering the Community Governance Review.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The Council is required to keep parish electoral arrangements under review. Following the LGBCE review of district electoral arrangements (Council size and warding patterns), it is necessary to review parish arrangements across the district to bring them into alignment, ensure they remain fit for purpose, and to ensure they continue to reflect local needs.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council should undertake a CGR and has previously advised parish councils that this would commence post May 2024 elections¹. If the Council decided not to do so, a petition² from local electors could be submitted, resulting in a potentially limited Review on timescales that are not conducive to effective management and with a restricted deadline.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. A Consultant from the Association of Electoral Administrators has been instructed to be the day-to-day lead for organising and co-ordinating the CGR. The Consultant is able to provide specialist, experienced knowledge to assist in the delivery of the review at this time. Current budget for use of the Consultant is limited and Members are requested to extend the budget, as explained within paragraph 10.
- 5.2. A Community Governance Review Working Group has been established where relevant officers (and the Consultant going forward) meet on a regular basis with the Group Leaders.
- 5.3. The Working Group met on 19 June 2024 to consider the Terms of Reference of the CGR along with the format of the consultation, as attached as Appendix A and B. Appendix C has subsequently been added at the request of the Working Group, for information.
- 5.4. The Managing Director has met with Hitchin Initiative, who indicated an aspiration of the formation of a Town Council in Hitchin. Although initially Hitchin Initiative indicated that they would be submitting a petition to instigate a CGR (and have been provided with the petition template), following reassurance that the CGR would be district wide and include consideration of potential town council(s), a petition has not yet materialised.
- 5.5. In addition, the district ward boundary review by the LGBCE resulted in revised parish electoral arrangements for Bygrave Parish Council and Royston Town Council. Bygrave was divided into two parish wards - Bygrave East and Bygrave West. Royston Town Council was divided into six parish wards – Royston Garden Gate; Meridian, Palace, South, West, and Willowside.
- 5.6. Royston Town Council, along with some District Councillors, have expressed dissatisfaction at this warding arrangement. Royston Town Council submitted to the LGBCE the following preference for three wards with no change to the total number of Town Councillors (15):
- Royston Heath Ward – to include the wards for Royston West, Royston Willowside and Royston Garden Lane - allocated 5 Town Councillors.

¹ 'Community Governance Review and Parish, Town and Community Councils in the North Herts District' Information Note circulated to District Councillors and Clerks and subsequently posted on the Council's website. [Electoral cycle changes | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/electoral-cycle-changes)

² Note is it still possible to receive and have to act upon a petition, if the Terms of reference approved do not cover the area under review, unless this has previously been reviewed within the relevant preceding 2 year period.

- Royston Palace Ward – to remain as is - allocated 4 Town Councillors.
- Royston Meridian Ward – to include the wards for Royston Meridian and Royston South - allocated 6 Town Councillors.

5.7 Royston Town Council have been informed and were reassured that the warding arrangements for the Town Council would be included within the district wide CGR and given the new parish wards would not come into effect until the next ordinary elections for Royston Town Council (2026) would provide sufficient time to remedy the situation via the planned CGR.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1. The Local Government Boundary Commission for England (LGBCE) undertakes periodic reviews of local boundaries. Electoral reviews can recommend new patterns of wards or electoral divisions so that each councillor represents about the same number of electors. Reviews also aim to make sure that the pattern of wards reflects community ties and identities and promotes effective and convenient local government.

7.2. As there had not been a Review undertaken for this District since 2006 and following several requests to undertake a review, one commenced in 2021. This concluded with an increase in the number of District Councillors (49 to 51), changes to ward names and boundaries, an increase in wards (from 24 wards to 25 wards) and a change in the electoral cycle (from election by thirds to whole council elections to enable multi member wards). Now the District Council has six 3-member wards, fourteen 2-member wards and five 1-member wards. The reports presented to Full Council throughout the review are detailed in paragraph 18 – background reports. Given the various changes made to the District Council in the review, it is now necessary to consider arrangements for the various town, community and parish councils within the district.

7.3. The Council has authority to take decisions about parish electoral governance arrangements under the Local Government and Public Involvement in Health Act 2007. The Council is required to monitor these arrangements, with good practice indicating a formal review should be undertaken every 10-15 years. This formal review process is known as a Community Governance Review (CGR). A CGR reviews only parish-level electoral arrangements. It does not consider or amend district ward-level governance arrangements.

7.4. A CGR is the process by which parish electoral arrangements are formally reviewed. The Council has considerable powers to review and amend governance arrangements without further referral to an external body, provided the statutory process is followed. Decisions are usually made by Full Council, unless appropriate delegations are in place, given the importance of parish governance arrangements across the local authority area.

- 7.5. A CGR must be undertaken:
- in accordance with the relevant legislation (Chapter 3 of the Local Government & Public Involvement in Health Act 2007);
 - have due regard to guidance published by the Secretary of State and the Local Government Boundary Commission for England (LGBCE), last published in March 2010 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf; and
 - comply with the Terms of Reference that the Council adopts.
- 7.6. The statutory guidance (Guidance on Community Governance Reviews 2010) sets out the broad criteria for a CGR, but notes that it is not appropriate to apply a 'one size fits all' approach. A CGR includes periods of consultation, and it is important that any consultation is open, transparent and fair.
- 7.7. References in legislation to a 'parish' also includes a parish which has an alternative style (such as 'town', 'village' or 'community' council) and parish meetings.
- 7.8. Following the review of warding arrangements by the Local Government Boundary Commission for England (LGBCE) it has become apparent that some changes to parish arrangements may be required to ensure they remain fit for purpose and reflect the local communities as explained in paragraphs 5.4 – 5.7. As a result of the LGBCE review, it is advisable that this Community Governance Review remains broad and covers the whole of the district.
- 7.9. A CGR may review any aspect of community governance including, for example, the creation or naming of a parish, the establishment of a separate parish from an existing parish, alteration of parish boundaries, abolition or dissolution of a parish, change to parish electoral arrangements (the number of councillors to be elected to the council; the year when the ordinary election of parish councillors are held, whether the parish should be divided into wards) or parish grouping.
- 7.10. Legislation and statutory guidance set out the requirements for a CGR. These include that the Council must;
- draw up Terms of Reference (ToR) for the review, specifying the area/s under review and any consequential matters that need to be considered.
 - consult local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.
 - 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".
 - take into account any representations received in connection with the review.
 - publish recommendations as soon as practicable after making them and take steps to ensure that those who may be interested in the review are informed of those recommendations.

- 7.11. Subject to these duties, it is for the Council to decide how to undertake the review.
- 7.12. The Local Government and Public Involvement in Health Act 2007 sets out two statutory criteria:

“The principal council must have regard to the need to secure that community governance within the area under review —

- (a) reflects the identities and interests of the community in that area, and
- (b) is effective and convenient.”

- 7.13. A CGR is largely a technical project, following statutory processes to understand the interests and identities of local residents and their preferred community governance arrangements. Whilst final discussions and decisions will be made by Full Council, it is useful to maintain a small cross-party Working Group for detailed discussions. This helps ensure proposals made to Council are supported and appropriate.
- 7.14. Whilst Members are advised to read the DCLG guidance in its entirety, some key extracts are included below. Essentially, the guidance supports the 2007 Act requiring that local people are consulted, and that their views are taken into account during the CGR. Whilst Councillors are the decision-makers, those decisions must be based on evidence submitted through the CGR consultation process. Numbers refer to paragraph numbers in the DCLG guidance; emphasis added for clarity:

*‘7. The guidance supports and helps to implement key aspects of the 2006 white paper. The 2007 Act **requires that local people are consulted during a community governance review, that representations received in connection with the review are taken into account** and that steps are taken to notify them of the outcomes of such reviews including any decisions.’*

*‘58. **It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area.***

*‘59. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the **feeling of local community and the wishes of local inhabitants are the primary considerations.***

*‘95. **The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act.***

Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community,

such as were giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.'

'97. The aim of the 2007 Act is to open up a wider choice of governance to communities at the most local level. However, the Government considers that there is sufficient flexibility for principal councils not to feel 'forced' to recommend that the matters included in every petition must be implemented.'

- 7.15. It is important to note that it is the Council who decide community governance arrangements. Therefore, where difficult decisions must be made, consideration must be given to opposing and differing views in light of legislation, best practice, and official guidance. Best practice guidance includes, for example, not having 'island' or 'donut' parishes or parish wards which are wholly surrounded by one other parish or parish ward: and using identifiable markers for boundaries (such as rivers, railways, roads and the edges of properties).
- 7.16. Essentially proposals for change should first identify the identities and interests of the communities, and then consider the governance arrangements for that area.
- 7.17. Members are invited to note that the course of appeal is by way of Judicial Review, a potentially expensive and damaging mechanism open to local stakeholders if there is a failure in the decision-making process. For example, a failure to consult properly, or a failure not to take into account relevant consideration, or conversely irrelevant issues are taken into account in reaching a decision. In other words, it is important to ensure that community governance decisions can be justified both evidentially and procedurally to avoid potential legal challenge.
- 7.18. It is also important to recognise that the number of responses received is not necessarily indicative that a particular approach should be taken. It is true that stakeholders preferring the status quo may not make representations until and unless there is a suggestion of significant change that they would otherwise oppose. Therefore, where little response has been received, it cannot be assumed that local people are in favour of supporting the change proposed by a few submissions; they may well currently be unaware of those suggestions and happy with no change.

8. RELEVANT CONSIDERATIONS

- 8.1. The Terms of Reference for a CGR set out the scope of the review and the timetable for the work. Once agreed by Council, the Terms of Reference must be published and they form one of the foundations for the CGR.
- 8.2. In some cases a CGR can be very targeted at one particular parish, to resolve specific issues. However, given the changes made through the LGBCE review of district wards, it is prudent to review the whole area.
- 8.3. Additionally, a CGR can be limited in options to focus solely on one aspect of community governance (such as parish boundaries, or to resolve the number of parish councillors sitting in a council).
However, given the length of time since the last review and the consequential changes from the LGBCE review it is prudent to ensure a wide range of options are open for discussion at the start of the CGR.

- 8.4. The CGR will consider a hierarchy of topics, each dependent on and related to the other:
- a. Parish areas
 - i. Boundary alterations between existing parishes – this is considered likely in areas where the new District Wards deviate from parish boundaries.
 - ii. Grouping parishes under a common council or dissolving groups
 - iii. Parish name changes
 - iv. Alternative styles for any new parishes, including the creation of new parish councils in unparished areas.
 - b. Electoral arrangements
 - i. The size of the Council (how many Councillors shall serve on the Council) – this takes the National Association of Local Councils (NALC) recommendations regarding the number of Councillor per elector into account.
 - ii. Whether to ward the parish or not.
 - iii. Developing parish ward boundaries – Changes to parish wards are considered likely in those parishes where the LGBCE review divided existing parish wards.
 - iv. Allocating councillors to the wards
 - v. Dates of election – Changes to election dates may be valuable for some parishes.
 - c. Consequential matters
 - i. In some cases, changes to parish-level arrangements may have an impact on ward-level arrangements. These are ‘consequential matters’ are resolved by the LGBCE during their review. Note, however, district ward boundaries created through the recent LGBCE review cannot be changed through this process.
- 8.5 The draft Terms of Reference, including the timetable for the review, are set out in Appendix A. Members are invited to consider and agree these Terms of Reference. Once approved, the Terms of Reference shall be published, signifying the formal start of the CGR, and a public consultation shall commence.
- 8.6. The broad stages of a CGR are:
- a. Publication of Terms of Reference, signifying the start of the review.
 - b. Public consultation, inviting submissions of how parish electoral arrangements could be amended.
 - c. Analysis of responses, and development of Draft Recommendations (based on the consultation responses and Officer-led considerations of local issues and the statutory criteria), and subsequent agreement by Council.
 - d. Public consultation of the Draft Recommendations.
 - e. Analysis of responses, and development of Final Recommendations.
 - f. Consideration of Final Recommendations by Council.
 - g. Laying of Community Governance Order based on Council decisions.
 - h. Changes to parish electoral arrangements take effect.
- 8.7. Appendix B shows the wording for the public consultation.
- 8.8. When undertaking a CGR, the authority is required to consult with residents and interested parties. The initial consultation invites comments and suggestions to support

the CGR, with no prior recommendations or options offered for comment. That is, the initial consultation will be a 'blank sheet'.

- 8.9. We will consult with the following by sending details of the CGR and a link to the online feedback form:
- all householders, via the authority-held mailing lists and links from the home page of the website
 - all parish councils
 - all District Councillors
 - all relevant County Councillors
 - local political parties
 - Members of Parliament
 - Police & Crime Commissioner
- 8.10. It is important to note that some suggestions made through the initial consultation may not be taken forward. However, it is important that consultation responses from local residents on relevant aspects of this local governance review are given due consideration, and progressed as appropriate.
- 8.11. Following a review of responses, Draft Recommendations will be developed by officers, discussed by the CGR Working Group and agreed by Full Council. These will set out specific recommendations for each parish area under review. In some cases, the draft recommendation may be for no change; in others boundary changes may be recommended; in others the number of parish councillors may be adjusted; or new parish councils created. There is no assumption or expectation that any given area will be changed.
- 8.12. Once approved by Council, the Draft Recommendations will be taken to consultation. In this second consultation, options are more limited and focussed on the Draft Recommendations. If individual households are affected by potential boundary changes, they will receive information about the Draft Recommendations and consultation in the post, in addition to the broad public consultation process.
- 8.13. Following the consultation, officers will review all responses received and take these into account in developing the Final Recommendations. These will be presented, along with the submissions received, to the CGR Working Group before presentation to and discussion by Council, with the final decisions due to be made before the end of 2025. The Final Recommendations, once approved, become enacted by a formal reorganisation Order. Any changes to governance arrangements (including boundaries, parish names, and numbers of Councillors) take effect from the next scheduled elections.

8.14 Timetable for the Review – it is intended to complete the CGR within 12 months. However, the indicative timetable for the Review below may change depending on local circumstances, although implementation ahead of May 2026 is anticipated.

Date	Action
11 July 2024	Full Council approves the Terms of Reference, signifying the start of the CGR.
19 July to 7 October 2024	First public consultation, lasting 11 weeks. Longer than usual to accommodate consulting over school holidays and to allow Parishes to meet in September to feed into the consultation.
November 2024 to December 2024	Review by Officers and development of Draft Recommendations. CGR Working Group meetings will be held as appropriate to discuss, prior to consideration by Council.
23 January 2025	Draft Recommendations to be considered by Council and approved for second round of consultation.
31 January 2025 to 28 March 2025	Second public consultation, on Draft Recommendations.
8.15	Review by Officers and development of Final Recommendations. CGR Working Group meetings will be held as appropriate to discuss, prior to consideration by Council.
July 2025	Full Council discuss and agree Final Recommendations.
July 2025	Reorganisation Order made.

At this stage no assumptions are made as to what the Draft or Final Recommendations may be. The Terms of Reference are broad, enabling submissions about any aspects of local governance. However, it is expected that submissions and Officer-led analysis may include the following:

- a. Some communities within unparished areas have expressed an interest in forming a new Town or Parish council, and they are invited to submit a response to the first stage consultation. Any community that does not have a parish council at present may request to have a parish council. There are implications of this, including local council tax precepts, which will be explained more fully at the second stage of consultation as appropriate.
- b. Some tidying up of parish and parish ward boundaries is anticipated following the LGBCE review. The LGBCE review created new parish wards in existing parishes, without removing the existing parish wards. As a result, some parishes have more parish wards than necessary, and the combination of boundaries has resulted in complex patterns of small parish wards. These can be tidied-up through a CGR, although it is important to note that district wards cannot be changed through this process.
- c. A review of the number of Parish Councillors to bring them in line with the National Association of Local Councils (NALC) recommendations. The National Association of Local Councils (NALC) publishes recommendations of the number of parish councillors needed to adequately represent a given number of electors. There may be circumstances where these guidelines do not adequately reflect local needs, although they form a 'starting point' for consideration. Where populations have grown or changed, a review of Council Size may be important.

d. Adjustment of parish election dates, following the decision by this Council to move from elections by thirds to all-out elections. This Council now elects through all-out election, held in May 2024, 2028 and every four years hence. Parish councils elect in different years for a four-year term in 2024, 2026 or 2027 and therefore may benefit from bringing the election dates into alignment with the District to make things simpler for electors and reduce costs for parish councils and, therefore, local people.

8.16 If following a CGR, the electoral cycle of parish, town and community councils are brought into alignment with those of North Herts, the changes would take place at the scheduled elections from May 2026 onwards. This would mean:

- Parishes electing in 2026 would have a shortened term of office (2 years) so their term of office expires in 2028.
- Parishes electing in 2027 would have an extended term of office to 5 years to bring them in line with the 2032 elections.

9. LEGAL IMPLICATIONS

9.1 The Council, as principal council, has authority to take decisions about parish electoral governance arrangements under Sections 79 and 102(2) the Local Government and Public Involvement in Health Act 2007.

9.2 A District Council that is undertaking a review, must notify the County Council that the review for its area is to be undertaken and the terms of reference (including any modifications to those Terms), as per section 79(3).

9.3 Sections 81 – 84 of the said Act cover relevant aspect of the Terms of reference for the review. These are to be the Terms under which the review is to be undertaken and approved by the Council. The Terms must specify the area under review and any modifications to make to them, for example, following petition that may be received during the course of the review. As per the Guidance, there is no 'one size fits all' approach, nevertheless on general principles, the Terms of reference should set out clearly the matters on which a community governance review is to focus. As soon as practicable after deciding the Terms, they must be published.

9.4 A petition may still be received and there be a duty under section 84 or power to respond under section 85 of the Act, dependent on the Terms of reference approved.

9.5 Section 102(6) provides (6) The Terms of reference of a community governance review "allow for a community governance petition or community governance application to be considered" if the terms of reference of the review are such that—(a) the area under review includes the whole of the petition area or application area; and (b) the recommendations to be considered by the review include all of the petition's or application's specified recommendations.

9.6 14.5.1 Council Functions states that functions relating to Community governance are reserved to Council as referred in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

10. FINANCIAL IMPLICATIONS

- 10.1 The Council is required to undertake regular reviews of community governance at its own cost. The costs or savings associated with the outcome of a CGR are met by parish councils. Members are invited to note that the first round of consultation is largely electronic; however any Draft Proposals that would make changes for specific properties (such as changes to external parish boundaries, or the creation of new parish councils) require printed materials to be delivered to the affected properties with print and distribution costs attached.
- 10.2 As a guide, if the proposals affected every household in the district, based on 60k households (there is currently 59,868 households) it would cost circa £33k to print and post a one page letter using the current printers used to supply the election and canvass material. Note this does not account for VAT or the anticipated Royal Mail postage increase.
- 10.3 There is already some limited carry over budget (circa £10k) previously identified for use of the Association of Electoral Administrators consultancy service to assist in delivering the CGR, which may have been sufficient had the CGR been limited and focused on one aspect of community governance (such as parish boundaries, or to resolve the number of parish councillors sitting in a council). Since the proposed CGR will be wide ranging and district wide, the added work and complexities which arise from the Review, this budget will be insufficient.
- 10.4 An estimation of the amount of time required for a district wide CGR with the creation of an additional parish has been obtained, and it is estimated that an additional £20k budget will be required. However, it is difficult to estimate as there are many factors, such as the number of responses, suggestions made and how contentious any proposals may be, which may result in an over or under spend.

11. RISK IMPLICATIONS

- 11.1. Good risk management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2. Government guidance 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. Given the level of development and residential growth, and the recent review of District Wards since the last review, it is now timely to formally review the parish governance arrangements throughout the area.
- 11.3. If the Council chooses not to undertake a CGR, local people and/or parish councils may submit a petition (note above regarding terms of reference and potential for petition during a review). In so doing, the requirement to undertake a CGR is triggered and the Council has no further choice in the matter or the timing. In addition, a CGR launched due to a petition must be completed within 1 year, which can be challenging if there are delays or complexities during the process.

- 11.4. There may be changes in the indicative timetable provided for the Review, depending on local circumstances i.e. by-elections, staff leave, consequential matters as a result of a general election being called so close to the local elections, although implementation ahead of May 2026 is anticipated.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. A review of community governance will not impact on the requirement of the Public Sector Equality Duty.
- 12.3. Parish and Town Councils are the most local tier of government in England and play an important role in terms of community empowerment at a local level. A CGR offers an opportunity for both existing parishes and local people to feed into this process and offer proposals for any changes.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report as this is not a procurement exercise or contract.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1. There are significant demands on the Democratic Services Team including the first all-out elections and associated induction of members, the snap General Election and enacting the changes from the Elections Act. The appointment of the consultant to assist with the CGR will alleviate some of the pressure within the service and ensure the service continues to run effectively.

16. APPENDICES

- 16.1. Appendix A – Terms of Reference
- 16.2. Appendix B – Consultation questions
- 16.3. Appendix C – Parish, Town, Community Councils, Parish Meetings and Unparished Areas within North Hertfordshire District

17. CONTACT OFFICERS

- 17.1. Melanie Stimpson, Democratic Services Manager/Returning Officer
melanie.stimpson@north-herts.gov.uk

- 17.2 Jeanette Thompson, Service Director Legal and Community/Deputy Returning Officer
Jeanette.thompson@north-herts.gov.uk
- 17.3 Ian Couper, Service Director Resources
ian.couper@north-herts.gov.uk
- 17.4 Tim Everitt, Performance and Risk Officer
Tim.everitt@north-herts.gov.uk
- 17.5 Georgina Chapman, Policy and Strategy Team Leader
Georgina.chapman@north-herts.gov.uk
- 17.6 Rebecca Webb, HR Services Manager
Rebecca.webb@north-herts.gov.uk

18. BACKGROUND PAPERS

- 18.1 The Local Government Boundary Commission for England – Guidance on Community Governance Reviews
[Guidance on community governance reviews \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- 18.2 Council – 23 September 2021 – Electoral Cycle Consultation – Minute No. 52 refers
<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=136&MId=2614>
- 18.3 Council - 7 December 2021 - [Agenda for Council on Tuesday, 7th December, 2021, 7.30 pm - North Hertfordshire District Council \(north-herts.gov.uk\)](#)
- 18.4 Council – [20 January 2022 – Council Size Submission to Local Government Boundary Commission for England \(LBGCE\) – Minute No.78 refers](#)
- 18.5 Council – 14 July 2022 – [Warding Arrangement Submission to the Local Government Boundary Commission for England \(LGBCE\) - Minute No.134 refers](#)
- 18.6 Council – 19 December 2022 – Electoral Review – Response to Local Government Boundary Commission for England on Proposed Warding Arrangements – Minute No. 162 refers

Terms of Reference - Community Governance Review

A review of parish electoral arrangements under the Local Government and Public Involvement in Health Act 2007

Introduction

North Hertfordshire District Council has decided to undertake a Community Governance Review (CGR) under the provisions of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), to consider parish boundaries, parish ward boundaries, parish election dates and councillor representation throughout the local authority area.

Why undertake a Community Governance review?

A CGR provides an opportunity for district councils 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 ultimately recommendations made in a 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 review at least every 10– 15 years and keep the area under review in the interim. Given the level of development and residential growth, and the recent review of District Wards since the last review, it is now timely to formally review the parish governance arrangements throughout the area.

Scope of the review

North Hertfordshire District Council has decided to undertake a CGR to consider whether governance arrangements across the **whole** of the local authority area are:

- a) reflective of the identities and interests of the community in that area; and
- b) effective and convenient to the community in that area.

In doing so the review is required to take into account:

- a) the impact of community governance arrangements on community cohesion; and
- b) the size, population and boundaries of the local community or parish.

The review will also consider whether it is appropriate to parish unparished wards, including whether to create new parish council(s) or make changes to existing parish arrangements, and whether election dates should be amended for parish councils, with the potential outcomes of the review that are covered and any recommendations as set out under sections 87-92 of Act [[Local Government and Public Involvement in Health Act 2007 \(legislation.gov.uk\)](http://legislation.gov.uk)]

Who will undertake the community governance review

As the principal authority, North Hertfordshire District Council (as principal council) is responsible for undertaking any CGR within its electoral area.

The review will comply with the legislative and procedural requirements set out in the 2007 Act, as well as statutory guidance and best practice models. This includes guidance produced jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England (LGBCE). This review will follow the approach set out in these Terms of Reference, including the indicative timetable.

A timetable for the review

The indicative timetable for the review is as follows. Depending on local circumstances some dates may change, although implementation ahead of May 2026 is anticipated.

Date	Action
11 July 2024	Full Council approves the Terms of Reference, signifying the start of the CGR.
19 July to 7 October 2024	First public consultation, lasting 11 weeks.
November 2024 to December 2024	Review by Officers and development of Draft Recommendations. CGR Working Group meetings will be held as appropriate to discuss, prior to consideration by Council.
23 January 2025	Draft Recommendations to be considered by Council and approved for second round of consultation.
31 January 2025 to 28 March 2025	Second public consultation, on Draft Recommendations.
	Review by Officers and development of Final Recommendations. CGR Working Group meetings will be held as appropriate to discuss, prior to consideration by Council.
July 2025	Full Council discuss and agree Final Recommendations.
July 2025	Reorganisation Order made.

Consultation

Before making or publishing Final Proposals, in line with legislative requirements, the Council will take full account of the views of local people. The Council will comply with legislative requirements by;

- a) consulting local government electors for areas under review;
- b) consulting any other person or body (including a local authority or elected representative) which appears to the principal council to have an interest in the review; and
- c) taking into account any representations received in connection with the review.

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

- a) reflective of the identities and interests of the community in that area; and

b) effective and convenient to the community in that area.

In order to ensure that this review is conducted transparently, as soon as practicable the Council will publish its recommendations and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.

The value of local councils

The Council believes that local parish and town councils play an important role in terms of community empowerment at a local level and want to ensure that local governance in the areas subject to this review continue to be robust, representative and enabled to meet the challenges that lie before it.

Parish and town councils have a key role to play in representing the views, promoting the needs, of the borough's local communities and neighbourhoods and that every opportunity should be afforded to them to express such views to the Council prior to any decisions taken which might affect local circumstances.

Parish boundaries

The Council considers that 'natural' settlements or settlements as they are defined in the Local Development Framework should not in normal circumstances be partitioned by parish boundaries.

The Council considers that the boundaries between parishes should where possible either reflect the 'no-man's land' between communities represented by areas of low population or by identifiable physical barriers. These physical barriers might include natural boundaries such as rivers or man-made features such as railways or roads.

In reaching conclusions on the boundaries between parishes, the Council will take into account community identity and interests in an area and will consider whether any particular ties or linkages might be broken by the drawing of particular boundaries. Equally, the Council, during its consultations will be mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

In any event the Council will endeavour to select boundaries that are, and are likely to remain, easily identifiable as well as taking into account any local ties which might be broken by the fixing of any particular boundaries.

Parish and Town Council level of membership

The Council notes that legally the number of parish councillors for each parish council shall not be less than five and that there is no maximum number. In the instance of parish wards, any warded parish must have at least one parish councillor per ward. Furthermore, each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

It is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors.

Whilst it will not be possible, nor desirable, to create absolute uniformity in councillor representation at a parish level it is the policy of the Council to provide an equality of representation across the area as far as possible.

Whilst the Council is keen to ensure that the allocation of councillors to parish councils is equitable across the borough using NALC guidelines, it acknowledges that local circumstances may occasionally merit variation. Therefore, in exceptional circumstances, or in the case of parish warding, the Council accepts that it may be appropriate to increase or decrease the allocation of councillors to a parish council to reflect local circumstances.

Whilst the Council has discretion in this matter and will be mindful to apply the NALC guidelines it will, wherever possible, fully consider and take into account the wishes of the local area and the existing levels of representation which have stood the test of time before arriving at a decision.

Parish election dates

North Hertfordshire District Council previously elected 'by thirds', with elections taking place in three out of every four years. In line with these arrangements, scheduled parish elections also took place in three out of every four years, with some parish councils electing in each of those three years. The Council now elects all District Councillors in one scheduled election every four years, following a resolution by Council.

It may be prudent for scheduled elections for parish councils to be aligned with the District Council election dates. This can save considerable money for parish councils, who will then all share their election dates, and makes the democratic process easier and more accessible for electors. If election dates change for any parish council, the term of office for parish councillors in affected parishes will be shorter or longer than four years in the first scheduled election after the completion of the Review. Full details will be prepared and shared alongside any Draft Recommendations for consultation.

How to contact us

If you would like to say how you view potential future arrangements under these Terms of Reference please respond to the online consultations on the North Hertfordshire District Council website, <https://www.north-herts.gov.uk/>

Consultation questionnaire

North Hertfordshire District Council is undertaking a review of parish electoral arrangements, known as a Community Governance Review (or CGR). You can read the full terms of reference here [link].

As part of the Review, the Council is inviting you to have your say on current electoral arrangements. We will use the information you provide, along with analysis by specialist staff, to develop proposals for changes where they are necessary. There will be more consultation about those draft proposals before any changes are made.

You are welcome to tell us about the current arrangements, and to suggest any changes you would like to see. Some of the things that you might want to think about include:

- Do the parish boundaries reflect your local community?
- Are there the right number of parish councillors to serve your community? Note that parish councillors are not paid for the work they do on the parish council.
- Have there been any changes locally that mean parish arrangements should change?
- If your area does not have a parish council, do you want one to serve your community?
- Would you prefer election dates for the parish council and the district council (North Hertfordshire District Council) to be on the same date in future?

Please answer the questions below to help us understand your views. The deadline for responses is 7 October 2024.

The information you provide in this questionnaire will be used to inform the Community Governance Review, by North Hertfordshire District Council in accordance with the Data Protection Act 2018
You can read the Council's privacy policy, how we control your data and your rights on our website.

Your details – we want to hear from local people within the district so please tell us the following information.

Your name (optional)	
Your email address (optional) If you provide your email address, we will email you when the public consultation about the Draft Recommendations starts, early in 2025.	
Your postcode (required)	

How you are responding to this consultation

<p>In what capacity are you responding to this consultation? (please tick all that apply)</p>	<p><input type="checkbox"/> I'm responding in my capacity as a resident</p> <p><input type="checkbox"/> I'm responding in my capacity as a District Councillor</p> <p><input type="checkbox"/> I'm responding in my capacity as a parish/ Town councillor</p> <p><input type="checkbox"/> I'm responding on behalf of a parish or Town council*</p> <p><input type="checkbox"/> I'm responding on behalf of a residents/community association</p> <p><input type="checkbox"/> I'm responding on behalf of another organisation (such as a business)</p>
<p>If you are responding on behalf of a parish council, residents / community association, business or organisation:</p> <p>Name of organisation</p> <p>Your position</p> <p>Is this response the official response of your organisation (yes/no)</p>	

Your response

<p>Which parish or area are you responding about?</p>	<p>[Drop down list of all parish/town councils, plus the unparished areas, plus 'unsure' and 'all']</p>
<p>What would you like to tell us about the current parish electoral arrangements in this area? Include any suggestions for changes, information about what works well, and how the arrangements or change affect you. You are encouraged to think about the following in your response</p> <ul style="list-style-type: none"> - Do the current arrangements reflect the identities and interests of the local community? If not, what changes could be made to improve that? - Are the current arrangements effective and convenient for local people? If not, what changes could be made to improve them? - Are the current Parish and Town boundaries in the right place, or are some properties divided from their communities? 	
<p>Would you like to tell us about arrangements in other areas? [Yes/No]</p>	
<p>[If yes, repeat this section]</p>	

Thank you for taking the time to respond to this consultation.

The consultation responses received will be published on the council's website as part of a report to Council. Your name and address will not be published. This information is collected to identify the areas that consultation responses have been received.