

# **West Suffolk Council Community Governance Review 2021-2022**

## **Terms of reference**

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

#### **1. Background**

- 1.1 Government guidance states that it is good practice to conduct a full community governance review (CGR) at least every 10 to 15 years. The predecessor councils of West Suffolk Council, Forest Heath and St Edmundsbury, carried out community governance reviews in 2017 and 2016 respectively. However, following the conclusion of the Local Government Boundary Commission for England's review of Suffolk County Council division boundaries an interim CGR is required to consider potential improvements to the warding arrangements for the town councils in Bury St Edmunds, Haverhill and Newmarket so that, where possible, they may be coterminous with district ward and county division boundaries.
- 1.2 In 2019 West Suffolk Council (the council) was created and the new electoral scheme of district wards was designed to last up to 20-years. This scheme resulted in a necessary consequential impact on the warding arrangements for the town councils in Bury St Edmunds, Haverhill and Newmarket where additional parish wards were created because the new district ward boundary was not wholly coterminous with the existing Suffolk County Council division boundary.
- 1.3 The Local Government Boundary Commission for England (LGBCE) recently completed a review of the Suffolk County Council division boundaries which, where possible, aligned the county divisions with the West Suffolk district wards. The new division boundaries will be laid in parliament and come into force at the next county elections in 2025. The LGBCE has advised that, subject to the Suffolk County Council order being made by parliament, the council will be able to use the new division boundaries for Suffolk County Council as part of an interim CGR for implementation at the next parish and town council elections in 2023.
- 1.4 The council will focus this interim review on the consequential impact on parish warding arrangements in Bury St Edmunds, Haverhill and Newmarket from the new division boundaries for Suffolk County Council. The CGR also provides an opportunity to review any specific issues deferred by the reviews carried out by Forest Heath and St Edmundsbury and any small anomalies to existing community governance arrangements.
- 1.5 In this context, the council has resolved to undertake an interim CGR of all existing parishes within the West Suffolk district.

- 1.6 The objective of undertaking a CGR is to ensure that local governance will continue to be effective and convenient and will reflect the identities and interests of local communities.
- 1.7 In undertaking the review, the council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (referred to as 'the 2007 Act'), the relevant parts of the Local Government Act 1972, Guidance on CGRs issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.
- 1.8 Section 81 of the 2007 Act requires the council to publish its terms of reference for the review which clearly set out the focus of the review.
- 1.9 These terms of reference provide the aims of the review, the legislation that guides the process and the areas that the council will consider as part of the review process.
- 1.10 In accordance with the legislation, if any modifications are made to the terms of reference, these will also be published accordingly.

## **2. What is a community governance review?**

- 2.1 Community governance reviews provide councils with an opportunity to make changes to community governance arrangements to ensure that they provide for cohesive communities, improved community engagement, better local democracy and result in improved effective and convenient delivery of local services.
- 2.2 A CGR is a legal process whereby the council can consider the following:
  - creating, merging, altering or abolishing parishes
  - the naming of parishes and the style of any new parishes
  - the electoral arrangements for parishes, that is the ordinary year of election, council size (the number of parish councillors) and parish warding
  - grouping of parishes under a common parish council or de-grouping of parishes.
- 2.3 A CGR must reflect the identities and interests of communities and should take account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

## **3. What do parish and town councils do?**

- 3.1 Parish councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level, this can include open space and recreation, cemeteries, grass cutting, street lighting and so on. They can raise funds to meet the costs of administration and provision of services through setting a precept which forms part of council tax bills levied on council taxpayers in the parish. Parish councils can also provide a local voice for the community responding to consultations and raising concerns with the

relevant organisations.

- 3.2 A parish council is made up of parish councillors elected by the local government electors in the parish with elections taking place every four years. The next scheduled elections are in May 2023 and vacancies within the four-year term are filled by co-option or by election if 10 local government electors request it.

## **4. Who will undertake this review?**

- 4.1 West Suffolk Council is responsible for undertaking CGRs within its area.
- 4.2 The council will set up a Task and Finish Group (The CGR Task and Finish Group) to oversee the review process and to make draft recommendations to full Council for consultation and then final recommendations to full Council for approval which will subsequently be implemented by the making of a Community Governance Order.
- 4.3 The lead officer for the review is Ben Smith, Business Partner for Governance. (Email: [Ben.Smith@westsuffolk.gov.uk](mailto:Ben.Smith@westsuffolk.gov.uk))

## **5. Areas under review**

- 5.1 This interim review includes the following aspects of community governance arrangements for existing parishes:
- to consider the names and styles of any existing parish council
  - to consider the number of councillors to be elected to any existing parish council
  - to consider the boundaries of any existing parish council, and
  - to consider the warding arrangements of any existing parish council, including 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.
- 5.2 The review will not automatically mean there will be changes but will examine whether there is a case for change. The council is not seeking a particular solution at this stage. It wishes to test views and assess what solutions are the right ones to pursue with each individual parish.
- 5.3 As resolved by St Edmundsbury Borough Council in 2016 the 2021-2022 CGR will consider the parish governance arrangements for the growth site to the east of Bury St Edmunds, which is commonly known as Lark Grange and is within the Rushbrooke with Rougham parish area, and determine if they should be amended now that a significant number of properties are occupied on that site.
- 5.4 This interim review will not consider issues involving principal area boundaries or any issues which were included and resolved as part of the reviews undertaken by Forest Heath and St Edmundsbury councils in 2017 and 2016

respectively:

- Forest Heath District Council CGR 2017: Community governance review (CGR) - Forest Heath district
- St Edmundsbury Borough Council CGR 2016: Decision notices for the Community Governance Review

## **6. Consultation**

- 6.1 The council will publicise the review by displaying a notice at the council offices and on the council's website. The council will consult widely on the review including but not limited to:
- local government electors or residents of the district
  - parish and town councils
  - parish meetings
  - district councillors
  - county councillors
  - Members of Parliament
  - residents associations
  - local businesses
  - local public and voluntary organisations
  - Suffolk Association of Local Councils
- 6.2 The council is required to consult on the recommended changes to parish arrangements and will undertake consultation which is proportionate to the issue being consulted on to ensure that any person or body who has an interest in the issue, or is affected by the issue, has an opportunity to submit their views. The council will write to those with an interest inviting them to submit their views at all stages of the consultation.
- 6.3 The task and finish group will oversee the public engagement strategy to ensure that this is robust and proportionate.
- 6.4 Before making any recommendation or publishing final proposals the council will take full account of the views and suggestions put forward by local people and organisations and will comply with the statutory consultation requirements by:
- consulting local government electors and other persons or bodies which appear to the council to have an interest in the review (see above)
  - taking into account any representations received in connection with the review
  - notifying consultees of the outcome of the review, and
  - publishing all decisions taken and the reasons for such decisions.
- 6.5 Information about each stage of the review will be published on the council's website and will be made available for inspection at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU. Public libraries and parish and town councils will also be encouraged to make information available where facilities are available. Press releases and other publicity will be issued where appropriate.

## 7. Indicative timeline and key stages

Stage	Action	Dates
Authorisation	Council resolves to undertake CGR Terms of reference approved Task and Finish Group established	Council – 14 December 2021
Commencement	Notice of review published	17 December 2021
Stage One	Consultation with stakeholders – initial submissions invited on future arrangements in accordance with terms of reference	January 2022 – February (2 months)
Stage Two	Consideration of submissions received Draft recommendations prepared	March 2022
Stage Three	Draft recommendations to be considered by Council and approved for further consultation	22 March 2022
Stage Four	Consultation with stakeholders on draft recommendations Final recommendations prepared	April 2022 – June 2022 (3months)
Stage Five	Final recommendations to be considered by Council with resolution to make a re-organisation order	Council – September 2022
Stage Six	Re-organisation order made	As soon as practicable after publication of final recommendations

Please note that any Community Governance Order made following a CGR should, for administrative and financial reasons take effect on 1 April following the date on which the order is made. Electoral arrangements will come into force at the first elections to any new parish council following the making of the order.

## 8. Considerations

8.1 Legislation requires that the council must ensure that community governance within the area:

- reflects the identities and interests of the communities in the area, and
- be effective and convenient and takes into account any other arrangements for the purpose of community representation or engagement in the area.

8.2 In considering proposals for change, the council will take the following into account:

- a strong, inclusive community and voluntary sector
- a sense of civic values, responsibility and pride

- a sense of place – a place with a 'positive' feeling for people and local distinctiveness
- reflective of the identities and interests of the community in that area
- the impact of community governance arrangements on community cohesion, and
- the size, population and boundaries of a local community or parish.

### **Electorate forecasts**

- 8.3 When considering the electoral arrangements of the parishes in the area the council must consider any likely future change in the number or distribution of electors within five years from the day the review commences.
- 8.4 The review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings within the five-year period taken from the council's most recent Five-Year Housing Land Supply Statement.
- 8.5 This information will be included as part of the draft and final recommendations.

### **Parish names and alternative styles for parishes**

- 8.6 The council will endeavour to reflect existing or historic place names and will consider any ward names proposed any local interested parties. The council will be mindful of Section 75 of the Local Government Act 1972 with regards to changing the name of a parish and subsequent notification and to Sections 87 and 88 of the 2007 Act and related guidance.
- 8.7 Alternative styles for parishes were introduced by the 2007 Act which could replace the 'parish' style – community, neighbourhood or village. Town status continues to be available to a parish (S247 of the Local Government Act 1972) but for as long as a parish has an alternative style it will not be able to have the status of a town and vice versa.
- 8.8 At the request of a parish the council as principal authority can change the name of a parish to reflect the style adopted.
- 8.9 If an existing parish is under review the council will make recommendations as to whether the geographical name of the parish should change but it will be for the parish council or meeting to resolve whether the parish should have one of the alternative styles or retain the 'parish' style.

### **Parish boundaries**

- 8.10 The council will consider the effect of new and forecast development activity on existing parish boundaries. Parish boundaries should be easily identifiable and reflect the separation of settlements recognised locally as having their own identity. These boundaries should generally reflect the areas between communities with low populations or physical barriers such as rivers or man-made features such as railways or motorways.

## Council size (number of councillors)

- 8.11 The minimum number of parish councillors that a council can have is five. A quorum for a parish council is three or a third, whichever is the greater number.
- 8.12 National research guidance suggests the following levels of representation for parish councils:

Electorate	Councillor allocation
Less than 500	5 – 8
501 - 2,500	6 - 12
2,501 - 10,000	9 - 16
10,001 - 20,000	13 - 27
Greater than 20,000	13 - 31

- 8.13 Government guidance is that each area should be considered on its own merits having regard to population, geography and the pattern of communities. The council will pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.
- 8.14 In considering requests to change the number of councillors on any individual parish council the council will review the electoral history for the parish including the number of contested elections that have been held, the number of vacant seats following normal parish elections (every four years) and the history of co-options (that is has the parish council been able to fill vacancies).

## Parish warding

- 8.15 The council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections:
- 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 parish council.
- 8.16 The Government's guidance is that warding of parishes may not be justified for largely rural areas based predominantly on a single centrally located village. Conversely, warding may be appropriate where a parish encompasses a number of villages with separate identities or where there has been urban overspill at the edge of a town into a parish.
- 8.17 In considering parish wards the council will ensure that electoral equality is retained (the principle that each person's vote should be of equal weight so far as is possible). This will be achieved by keeping the councillor to elector ratio similar across any warded areas.

8.18 The Local Government Boundary Commission for England (LGBCE) recently completed an Electoral Review as part of the creation of West Suffolk Council and made changes to the parish warding arrangements in Bury St Edmunds, Newmarket and Haverhill. The LGBCE has since completed an electoral review of Suffolk County Council and created coterminous boundaries which provide the opportunity to review the parish warding arrangements.

## **9. Reorganisation of Community Governance Orders and commencement**

9.1 The review will be completed when the council resolves to accept the final recommendations and authorises completion of the Reorganisation of Community Governance Order.

9.2 Copies of the order, supporting maps and documents setting out the reasons for the decisions taken will be placed on deposit at West Suffolk House, Western Way, Bury St Edmunds and on the council's website. They will be publicised in accordance with the requirements of the 2017 Act. All parishes will be notified of the outcomes of the review.

9.3 Copies of the Reorganisation of Community Governance Order will be sent to:

- the Secretary of State for Levelling Up, Housing and Communities
- the Local Government Boundary Commission for England
- the Office of National Statistics
- the Director General of the Ordnance Survey
- Suffolk County Council
- the Audit Commission
- Suffolk Association of Local Councils

## **10. Representations**

10.1 The council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included within the review.

10.2 Representations can be made in the following ways:

- By email: [cgr@westsuffolk.gov.uk](mailto:cgr@westsuffolk.gov.uk)
- By post: Community Governance Review, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU

## **11. Date of publication**

11.1 These terms of reference will be published on 17 December 2021.