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**NORTH EAST LINCOLNSHIRE COUNCIL**

**PARISH COUNCIL COMMUNITY GOVERNANCE REVIEW**

**TERMS OF REFERENCE**

**Date: 25 May 2023**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN**

**HEALTH ACT 2007**

**NORTH EAST LINCOLNSHIRE PARISH COUNCIL**

**COMMUNITY GOVERNANCE REVIEW**

**TERMS OF REFERENCE**

**Introduction**

On 25th May 2023, North East Lincolnshire Council resolved to undertake a Community Governance Review covering all parish councils in North East Lincolnshire.

**Legislation and Guidance**

Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State to Principal Authorities in local government, such as North East Lincolnshire Council.

The review will be conducted in accordance with the requirements of the Local Government Public Involvement in Health Act 2007 and have regard to Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

The full text of the 2007 Act can be accessed at:

[www.opsi.gov.uk/acts2007/ukpga\_20070028\_en\_1](http://www.opsi.gov.uk/acts2007/ukpga_20070028_en_1)

The guidance can be accessed at:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf>

**Terms of Reference**

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

The Terms of Reference will be published on the Council’s website (www.nelincs.gov.uk) and will also be available to viewed in person at Municipal Offices, Town Hall Square, Grimsby, DN31 1HU.

**What is a Community Governance Review?**

A Community Governance Review is a legal process whereby Principal Councils can create parish councils; review and change parish boundaries; and, in extreme cases, abolish parish councils. The Council must ensure that community governance in the area under review reflects the identities and interests of the community in that area and is effective and convenient. It is important that recommendations made through a Community Governance Review should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

This means making sure that electors and other interested groups have a say in how local services are delivered in their area. Residents and interested parties will be notified of the review and their feedback will be sought.

The Council is required to ensure that community governance and electoral arrangements within the area under review will:-

* Be reflective of the identities and interests of the community in that area.
* Consider what community governance arrangement are effective and convenient to the community in that area.
* Consider what other arrangements there could be for the purpose of community governance or engagement.
* Consider the size, population and boundaries of the local community or parishes.

The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions relating to the creation or abolition of parishes; amending the parish boundaries; and the electoral arrangements of parish councils from the Secretary of State to principal councils.

This document sets out the terms of reference of the review, the legislation that guides it, and briefly explains some of the key governance and electoral issues the Council considers important in the review. In coming to its recommendations, the Council needs to take account of the views expressed during both consultation phases and bear these in mind when reaching the final decisions in respect of each parish council.

The Council recognises that the development of strong, sustainable communities depends on residents’ active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

**Why is the Council undertaking the review?**

The Local Government Boundary Commission for England (LGBCE) will be commencing a review of North East Lincolnshire Council’s Ward boundaries in Summer 2024, with a view to completing that review by Autumn 2025. The new Ward boundaries will come into operation with effect from the June 2026 elections. Prior to this review, it is advisable to conduct a parish council community governance review as parish council boundaries form polling districts and these polling districts need to be incorporated into the Ward review.

Secondly, the Council has authority to take decisions about parish electoral governance arrangements and is legally required to monitor them every 15 years. This is an opportune time to conduct a full review of town and parish councils in North East Lincolnshire.

**Scope of the Community Governance Review**

At Council on 25th May 2023, North East Lincolnshire Council agreed the following scope for the review:

* Creating, merging, altering or abolishing parishes.
* The naming of parishes and the style (i.e., whether to call it a town council or village council, etc.) of new parishes.
* The electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding.
* Grouping parishes under a common parish council, or de-grouping parishes.

**Who will undertake the Review?**

In accordance with the Constitution, the Communities Scrutiny Panel will consider feedback to both consultation phases and invite witnesses to give evidence (as appropriate). The Panel will make recommendations direct to Council on any proposed changes at the end of each consultation phase. Council will make the final decision at the end of the review period.

**Timetable for the Review**

|  |  |  |
| --- | --- | --- |
| **Date(s)** | **Meeting/Task** | **Actions** |
| 25 May 2023 | Council (after AGM) | * Agree Terms of Reference for Review * Delegate Communities Scrutiny Panel to carry out the review and submit its recommendations to Council |
| 2 June to 28th July 2023 | Consultation | Eight weeks for consultation. |
| August | Communities Scrutiny Panel | Consider feedback and draft recommendations for Council to consider. |
| 7th September 2023 | Special Council | Consider report from Communities Scrutiny Panel and agree draft recommendations for further consultation. |
| 8th September to 3rd November 2023 | Consultation | Eight weeks for consultation. |
| Mid-late November 2023 | Communities Scrutiny Panel | Consider feedback and determine final recommendations for Council to consider. |
| 14th December 2023 | Council | Consider report from Communities Scrutiny Panel and instigate changes to parish council electoral arrangements and/or request a further period of consultation if one or more further changes are proposed. \* |

\* *If necessary, a further period of consultation can be undertaken from late December until February if any further changes are proposed as a result of the feedback from the second consultation phase. The final decision would then be made by Council in March 2024.*

**Parish Council Boundaries**

The Council will consider any requests to amend current parish council boundaries, including creating/amending/removing parish Wards. Guidance recommends that parish boundaries use recognisable barriers (e.g., rivers, roads, etc) if they are being amended, wherever possible.

In reaching conclusions on 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 Council Membership**

Legislation sets out the following limits for a parish council:

* 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 an alternative form of governance.
* Where the number of electors is 150 or fewer, a parish council should not generally be created.

**What Considerations Cover the Number of Parish Councillors?**

Both the Government and the Council believe that 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 the number of councillors for each parish council must not be less than five, there is no maximum number. By law, the Council must have regard to the following factors when considering the number of Councillors to be elected for each parish:

* The number of local government electors for the parish.
* Any change in that number which is likely to occur in the period of five years beginning with the day the review starts.
* The Council will also have regard to the National Association of Local Council recommendations set out in the table below.

**National Association of Local Council -** **Number of Town/Parish Councillor Guidelines**

|  |  |  |  |
| --- | --- | --- | --- |
| Electors | **Councillors** | Electors | **Councillors** |
| Up to 900 | **5-7** | Up to 10,400 | **17** |
| Up to 1,400 | **8** | Up to 11,900 | **18** |
| Up to 2,000 | **9** | Up to 13,500 | **19** |
| Up to 2,700 | **10** | Up to 15,200 | **20** |
| Up to 3,500 | **11** | Up to 17,000 | **21** |
| Up to 4,400 | **12** | Up to 18,900 | **22** |
| Up to 5,400 | **13** | Up to 20,900 | **23** |
| Up to 6,500 | **14** | Up to 23,000 | **24** |
| Up to 7,700 | **15** | Up to 45,000 | **25** |
| Up to 9,000 | **16** |  |  |

**The Ordinary Year of Election**

The Local Government Act 1972 states that the ordinary election of parish councils shall take place in 1975 and every fourth year thereafter (i.e., 2023, 2027, etc.). The Government has indicated that it wants a parish council electoral cycle to coincide with the cycle for the Principal Council so that the costs can be shared.

If the review finds that it is appropriate to change the number of Parish Councillors, the proposed changes will come into effect at the next parish council elections.

**Consultation Process**

The Council intends to consult with parish councils; residents; North East Lincolnshire Council Councillors; political parties and other interested stakeholders. Information will be made available on the Council website and each parish council will be asked to publicise the review in their area.

Every household will receive a newsletter in June 2023 which contains information about the review and a link to the webpage.

North East Lincolnshire Council will be pleased to receive comments from any person or organisation that wishes to make representations during the review.

The consultation responses will be published on the North East Lincolnshire Council website and will be held on public deposit for inspection at Municipal Offices, Town Hall Square, Grimsby.

The Council intends to clearly publish all decisions taken during the review, give reasons for taking such decisions and to conduct the process transparently so that local people and local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reason.

**Consultation Methods**

These Terms of Reference will be published on the North East Lincolnshire Council website [www.nelincs.gov.uk](http://www.nelincs.gov.uk). They will be available for inspection at the offices of the North East Lincolnshire Council (Municipal Offices, Town Hall Square, Grimsby, DN31 1HU) during both consultation periods.

Responses to the consultation may be made in the following ways: completing the consultation form at [www.nelincs.gov.uk](http://www.nelincs.gov.uk)

By email to: [elections@nelincs.gov.uk](mailto:elections@nelincs.gov.uk)

In writing to: Elections Team, Municipal Offices, Town Hall Square, Grimsby, DN31 1HU.

Any submissions received after the closing date for consultation may not be taken into account.

Consultation responses will be published on the North East Lincolnshire Council website and will be held on public deposit for inspection at Municipal Offices, Town Hall Square, Grimsby, DN31 1HU.