

East Devon District Council

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

A review of parishes and related matters under the Local Government and Public Involvement in Health Act 2007

## **INTRODUCTION**

### Setting the Context

The Local Government and Public Involvement in Health Act 2007 provides for a principal council to conduct a community governance review at any time. The Council can undertake a review of the whole or part of its area.

East Devon District Council (“the Council”) has resolved to review the governance arrangements for the parish of Honiton and Gittisham following a request for a review.

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, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the review: Local Government (Parishes and Parish Councils) (England) Regulations 2008, Local Government Finance (New Parishes) Regulations 2008. Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a review.

These Terms of Reference will be published by placing a copy on public deposit at the offices of East Devon District Council, Blackdown House, Honiton and on the Council’s website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

### What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district to consider one or more of the following:

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

The Council is required to have regard to the need to secure that community governance within the area under review will be

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In deciding what recommendations to make, the council must take into account any other arrangements (apart from those relating to parishes) 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. In doing so the CGR is required to take into account:

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

#### Who undertakes the review?

As the principal authority the District Council is responsible for undertaking any CGR within its electoral area.

The Council will approve the final recommendations before a Community Governance Order is made.

### **CONSULTATION**

#### How the Council proposes to conduct consultations during the CGR

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.

In coming to its recommendations in the CGR the Council will need to take account of the views of local people. The 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 that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council intends to consult with all households and interested parties in the area inviting initial submissions and seeking views on the draft proposals.

The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at both stages of consultation.

This will include

- Ward Members
- Tenants and Residents Associations
- Groups and Societies
- Schools and Colleges
- Members of Parliament
- Devon Association of Local Councils
- The Police

The Council will also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.

As required by Section 79(3) of the Local Government and Public Involvement in Health Act 2007, the District Council will notify Devon County Council that a review is to be undertaken,

provide them with a copy of the Terms of Reference for the review and will consult them on the matters under review.

The Council intends to clearly publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government's view in undertaking the review that "Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions."

In accordance with the Act, representations received in connection with the review will be taken into account and steps taken to notify consultees of the outcome of the review by publishing them on the Council's website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk) , through general press releases, public notice advertisements in local newspapers, placing key documents on public deposit at Council offices and will communicate the final outcome of the review by writing to all households in the area affected by the review.

A timetable for the review

A CGR must, by statute be concluded within a twelve-month period from the day on which the CGR starts. A CGR starts when the District Council publishes its Terms of Reference and concludes when the District Council publishes the recommendations made in the CGR.

The following is the review timetable

<b>Action</b>	<b>Timetable</b>	<b>Dates</b>
Compiling Terms of Reference		October 2021
Terms of Reference report to Cabinet		November 2021
Council approves Terms of Reference		December 2021
Publication of Terms of Reference		January 2022
Stage one – Invite initial submissions	3 months	January 2022 to March 2022
Stage two – Consideration of submissions received and draft proposals prepared		April 2022
Stage three – Draft proposals are published and consultations made	3 months	June 2022 to August 2022
Stage four – Consideration of submissions received and final proposals prepared		September/October 2022
Preparation of Recommendation and approval by Cabinet		November 2022
Preparation of Recommendation and approval by Council		December 2022
Publication of Recommendations		December 2022
Effective date of Order		December 2022
Parish Council elections under new arrangements		May 2023

## PARISH AREAS

### Introduction

The legislation requires that the Council must 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, and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

### Parishes

The Council is anxious to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

### District Warding and County Division Boundaries

Should the issues which are the subject of this review require any alterations to the boundaries of District Wards or County Divisions, the Electoral Commission is responsible for deciding whether boundary changes of this nature should be made and will require evidence that the Council has consulted on any such recommendations. If the need for changes become apparent during the course of this review the Council will endeavour to incorporate them within in the consultation at the earliest opportunity.

## **REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT**

The process will be completed when the Council adopts the 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 the Council has taken (including where it has decided to make no change following the review) will be deposited at the Councils offices and posted on its website.

In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department for Communities and Local Government and at the Council's offices. Prints will also be supplied in accordance with the regulations to Ordnance Survey, the Land Registry, the Valuation Office Agency, the Local Government Boundary Commission for England and the Electoral Commission.

Should an Order be made, it is proposed that it will take effect for financial and administrative purposes on **1 April 2023**

## **CONSEQUENTIAL MATTERS**

### General Principles

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 parishes;
- 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 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 that the regulations regarding the establishment of a precept for a new parish require the Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

### **HOW TO CONTACT US**

Should you wish to submit a written representation regarding this review please address this to

Electoral Services

East Devon District Council

Blackdown House

Border Road

Honiton

EX14 1EJ

Alternatively you representation can be e-mailed to [electoralservices@eastdevon.gov.uk](mailto:electoralservices@eastdevon.gov.uk)

### **DATE OF PUBLICATION OF THESE TERMS OF REFERENCE**

Date of Publication: **[DATE]**