

## **HAMBLETON DISTRICT COUNCIL**

### **KIRKLINGTON WITH HOWGRAVE COMMUNITY GOVERNANCE REVIEW 2010**

#### **TERMS OF REFERENCE**

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

#### **INTRODUCTION:**

##### **Aims of the Review:**

Following the receipt of a request from the Kirklington with Howgrave Parish Council, Hambleton District Council has resolved to undertake a Community Governance Review to consider the following Parish matters:-

| <b><u>Parish(es):</u></b> | <b><u>Matters to be Considered:</u></b>                    |
|---------------------------|------------------------------------------------------------|
| Kirklington with Howgrave | To vary the number of Councillors elected for each Parish. |

In undertaking the Review, the Council will comply with Part 4 of the Local Government and Public Involvement in Health Act 2007 and the relevant parts of the Local Government Act 1972.

The Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This Guidance was last published in March 2010 and has been considered when drawing up the Terms of Reference (TOR).

##### **What is a Community 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 ensure 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 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.

## **Why undertake a Community Governance Review?**

This CGR has been triggered by the receipt of a request from Kirklington with Howgrave Parish Council.

The request asks for the electoral arrangements in the combined Parish Council to be changed. Currently four Councillors are elected for the Parish of Kirklington and one for Howgrave. The request asks for this to be changed so that three Councillors are elected for Kirklington and two for Howgrave.

A CGR provides an opportunity for principal authorities to review and make changes to community governance in their area. The Government has emphasised that recommendations made at 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.

## **Parish Governance**

The Council believes that Parish Councils play an important role in terms of community empowerment at the local level and wants to ensure that Parish governance in our District continues to be robust, representative and enabled to meet the challenges that lie before it. Furthermore, it wants to ensure that there is clarity and transparency to the areas that Parish Councils represent and that the electoral arrangements of Parishes – the warding arrangements and the allocations of Councillors – are appropriate, equitable and readily understood by their electorate.

## **Who will undertake the CGR?**

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

## **CONSULTATION:**

### **How the Council proposes to conduct consultations during the Review**

Before making any recommendations or publishing final proposals, the District Council will take full account of the views of local people. The District Council will comply with the statutory consultative requirements by:-

- consulting Local Government electors for areas under review;
- consulting any other person or body (including a Local Authority) which appears to the District Council to have an interest in the review;
- notifying and consulting the County Council;
- seeking the views of the relevant Council Area Forum;
- taking into account any representations received in connection with the Review.

Information relating to the CGR will be available on the Council's website and key documents will be on deposit at the Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU.

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

- reflects the identities and interests of the community in that area; and
- is effective and convenient.

The District Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them.

The District Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

#### **A timetable for the CGR:**

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.

#### **Timetable for the CGR:**

| <b><u>Action:</u></b>                            | <b><u>Timetable:</u></b>    | <b><u>Outline of Action:</u></b>                                                                                            |
|--------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Terms of Reference (TOR) are published.          | Start Date<br>5 August 2010 | District Council publishes TOR and notifies stakeholders, clearly defining extent of CGR.                                   |
| Draft Proposals are published.                   | 5 August 2010               | District Council publishes Draft Proposals and notifies stakeholders.                                                       |
| Consultation.                                    | By 30 September 2010        | Consultation on electoral arrangements for new Parishes (if agreed in principle) and other requests received from Parishes. |
| Final Proposals are published.                   | 27 October 2010             | Audit and Governance Committee meet to consider representations and agree and consult on Final Proposals (if appropriate).  |
| Final Recommendations are considered by Council. | 21 December 2010            | The Council agree to Final Recommendations.                                                                                 |
| Order made.                                      | Thereafter                  | Council publishes the Reorganisation Order.                                                                                 |

#### **ELECTORAL FORECASTS FOR THE DISTRICT:**

In considering the electoral arrangements of the Parishes stated within these Terms of Reference, the District Council is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the Review starts.

The District Council has used the Register of Electors 2010 published on 1 December 2009 to provide existing Local Government electorate figures. Electoral forecasts will be prepared using all available information.

## **THE ELECTORAL ARRANGEMENTS:**

### **What considerations cover the number of Parish Councillors?**

The Government has advised, and this Council concurs, that “it is an important demographic principle that each person’s vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the elections of Councillors. Likewise, the Council notes that the number of Parish Councillors for each Parish Council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of Councillors. However, each Parish grouped under a Common Parish Council must have at least one Parish Councillor.

The Council approved its own policy on the number of Parish Councillors to be used for elections in 1974 and this was last applied in 2007.

### **Number of Parish Councillors Policy**

| <b><u>Electors:</u></b> | <b><u>Councillors:</u></b> |
|-------------------------|----------------------------|
| Up to 500               | 5                          |
| 501 – 750               | 6                          |
| 751 – 1,000             | 7                          |
| 1,001 – 1,500           | 8                          |
| 1,501 – 2,000           | 9                          |
| 2,001 – 2,500           | 10                         |
| 2,501 and above         | 11                         |

The Government’s guidance is that “each area should be considered on its own merits having regard to its population, geography and the pattern of communities” and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing Council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

By law, the Council must have regard to the following factors when considering the number of Councillors to be elected for the 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 when the Review starts.

### **Existing Electoral Arrangements for Kirklington with Howgrave Parish Council:**

| <b><u>Parish Council</u></b> | <b><u>Current Electorate:</u></b> | <b><u>Electorate 5 Year Projection:</u></b> | <b><u>Parish Councillors:</u></b> | <b><u>Ratio:</u></b> |
|------------------------------|-----------------------------------|---------------------------------------------|-----------------------------------|----------------------|
| Kirklington                  | 176                               | 181                                         | 4                                 | 45:1                 |
| Howgrave/Sutton Howgrave     | 75                                | 77                                          | 1                                 | 77:1                 |

### **Proposed Electoral Arrangements for Kirklington with Howgrave Parish Council:**

|  | <b><u>Current</u></b> | <b><u>Electorate</u></b> |  |  |
|--|-----------------------|--------------------------|--|--|
|--|-----------------------|--------------------------|--|--|

| <b><u>Parish Council</u></b> | <b><u>Electorate<br/>(01/12/09):</u></b> | <b><u>5 Year<br/>Projection:</u></b> | <b><u>Parish<br/>Councillors:</u></b> | <b><u>Ratio:</u></b> |
|------------------------------|------------------------------------------|--------------------------------------|---------------------------------------|----------------------|
| Kirklington                  | 176                                      | 181                                  | 3                                     | 60:1                 |
| Howgrave/Sutton Howgrave     | 75                                       | 77                                   | 2                                     | 38:1                 |

It is proposed that Councillors would be elected for the first time at the May 2011 elections.

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

The Review 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 that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council's offices and 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 of Communities and Local Government and at the Council's office at the Civic Centre, Stone Cross, Northallerton, North Yorkshire, DL6 2UU. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

The electoral arrangements for a new or existing Parish Council will come into force at the next elections to the Parish Council. These might be the next ordinary local elections. However, where the next ordinary elections are not for some time, the Council might have resolved to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year, with Councillors serving a shortened first term to allow the Parish electoral cycle to return to that of the district.

### **How to contact us:**

Should you wish to submit a written representation regarding this Review please address this to:-

The Head of Legal Services  
Hambleton District Council  
Civic Centre  
Stone Cross  
Northallerton  
North Yorkshire DL6 2UU

or [martyn.richards@hambleton.gov.uk](mailto:martyn.richards@hambleton.gov.uk)

Should you require any further information or need clarification on the Review process, please contact:

Martyn Richards  
Head of Legal Services  
Telephone (01609) 767010  
Email: [martyn.richards@hambleton.gov.uk](mailto:martyn.richards@hambleton.gov.uk)

Diane Henry  
Electoral Services Manager

Telephone: (01609) 767131

Email: [diane.henry@hambleton.gov.uk](mailto:diane.henry@hambleton.gov.uk)

### **Publication of Terms of Reference**

These Terms of Reference will be published on the District Council website [www.hambleton.gov.uk](http://www.hambleton.gov.uk) and will be available for inspection at the offices at the Civic Centre, Stone Cross, Northallerton, North Yorkshire DL6 2UU.

Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within the Parish.

### **Date of Publication**

27 July 2010