

**HAMBLETON DISTRICT COUNCIL
COMMUNITY GOVERNANCE REVIEW
BRAFFERTON AND HELPERBY PARISHES 2018
TERMS OF REFERENCE**

INTRODUCTION

Aims of the review

Hambleton District Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The CGR shall comply with the legislative requirements and have regard to the associated statutory guidance and will be conducted in accordance with these terms of reference.

Why undertake a Community Governance Review?

The Council is undertaking this Community Governance Review in response to a petition which was submitted to Hambleton District Council.

A CGR provides an opportunity for principal authorities 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 recommendations made through 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.

Parish Matters to be considered

As a consequence of receiving the petition the District Council is consulting on the following two options:

OPTION 1: THE PETITION PROPOSAL

The petition proposes the merging of Brafferton parish and Helperby parish to form a new parish. The petition also proposes that both Brafferton Parish Council and Helperby Parish Council be abolished and a new parish council created for the new parish.

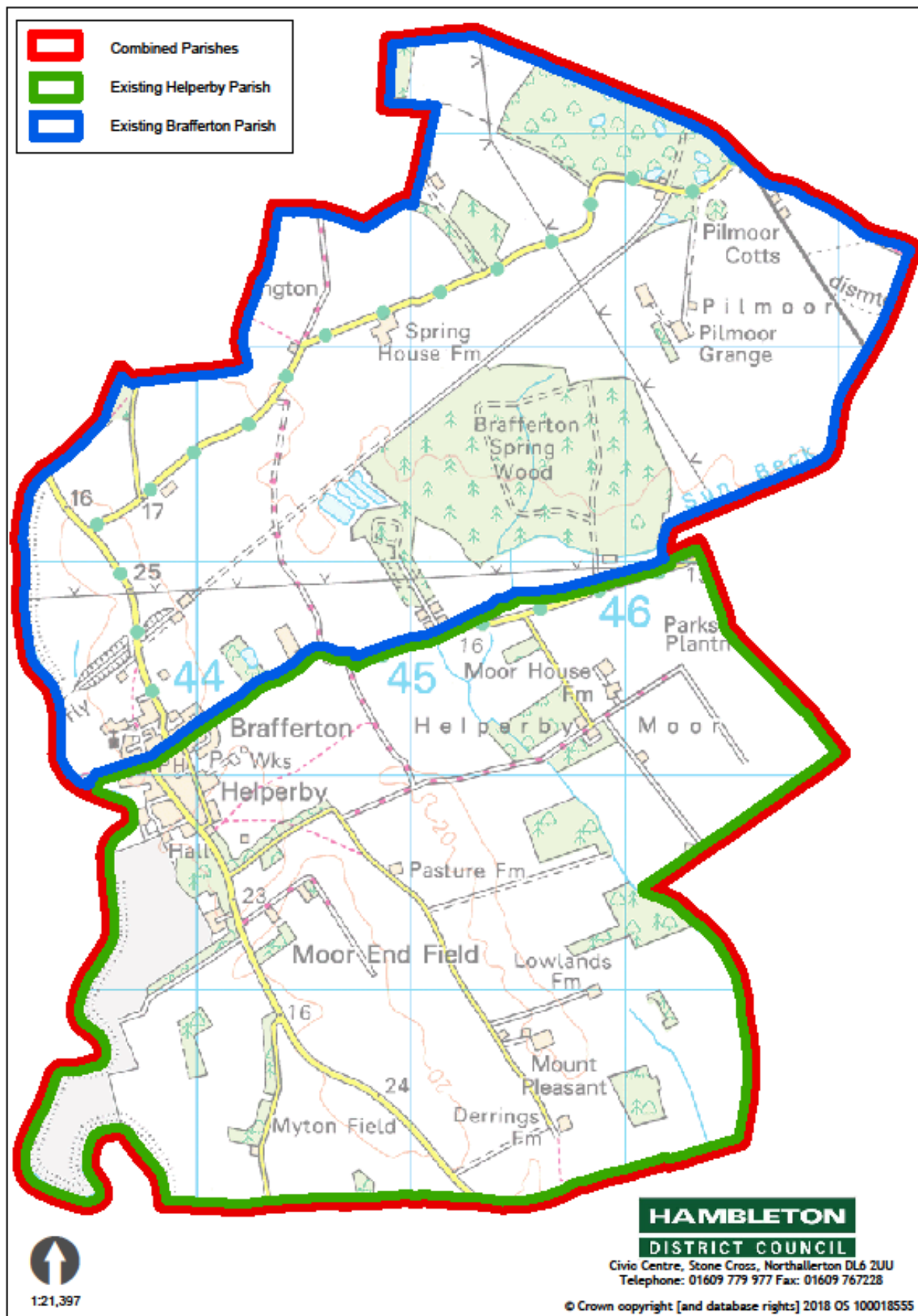
The proposed new parish and parish council would cover the area shown edged red on the plan overleaf.

The District Council is also seeking the views of local residents and stakeholders on the specific details for such an arrangement, such as the name of the parish, the style of the parish, the number of parish councillors and warding arrangements.

OPTION 2: CONTINUE WITH THE EXISTING ARRANGEMENTS

To make no changes to the existing arrangements, namely, retain the existing parishes of Brafferton and Helperby and retain the existing Brafferton Parish Council and Helperby Parish Council.

The existing parish boundaries are set out on the plan below which shows Brafferton parish edged blue and Helperby parish edged green.



What is a Community Governance Review (CGR)?

A CGR provides an opportunity for principal authorities 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.

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 District 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
- 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.

Who will undertake the Community Governance Review (CGR)?

As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area. The body responsible for overseeing this process is the full Council. It will oversee the CGR and produce draft recommendations. Final recommendations will be for consideration and approval by full Council before a Community Governance Order is made.

In undertaking the Review, the District 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 in March 2010. Also the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

CONSULTATION

How does the District Council propose to conduct consultations during the Review?

Before making any recommendations the District Council will consider the views of local people. The District Council will comply with the statutory consultative requirements by:

- Consulting local households for the 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 North Yorkshire County Council; and
- Taking into account any representations received in connection with the review.

Consultation process

The District Council will carry out the Review through consultation on the two options (as set out above).

Information relating to the CGR will be available on the District Council's website and key documents will be on deposit at the District Council's offices at Civic Centre, Stone Cross, Northallerton DL6 2UU and Easingwold Area Office, The Police Station, Church Hill, Easingwold, York YO61 3JX.

When taking account of written representations the District Council must ensure that community governance within the areas 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 in accordance with the timetable below 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.

TIMETABLE FOR THE COMMUNITY GOVERNANCE REVIEW

Stage	Action	Timescale
Commencement	Terms of Reference approved by full Council	15 May 2018
Stage 1 - First Consultation Stage	Submissions are invited on the two options set out in the Terms of Reference. The District Council invites feedback from local residents and interested stakeholders on future arrangements under the Terms of Reference.	15 May - 29 June 2018
	Results of the first consultation stage considered and preparation of draft recommendations to full Council.	July - August 2018
Stage 2 - Draft recommendations published	Results of the first consultation stage considered by full Council and draft recommendations made setting out the proposed future arrangements for Brafferton and Helperby parishes and their respective parish councils.	18 September 2018
Stage 3 - Second Consultation Stage	Submissions are invited on the draft recommendations. Local residents and stakeholders will be consulted on the draft proposals.	18 September - 21 October 2018
	Consideration of the results to the second consultation stage followed by preparation of final recommendations to full Council.	October - November 2018

Stage	Action	Timescale
Stage 4 - Final Recommendations	Results of the second consultation stage considered by full Council and final recommendations made setting out the proposed future arrangements for Brafferton and Helperby parishes and their respective parish councils.	11 December 2018
Stage 5 - Reorganisation Order	Subject to the outcome of Stage 5 the District Council (if applicable) publishes a Reorganisation Order and requests the Electoral Commission approves any consequential changes.	January 2019
	First election under new arrangements (if applicable)	2 May 2019

ELECTORATE FORECASTS

The latest Register of Electors published on 1 March 2018 shows the following number of electors within the area subject to the Review: 665. There are currently 369 properties.

When the District Council comes to consider the electoral arrangements of the parishes in its area, it 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. Election forecasts have been made and are detailed below. These are based on the most recent electoral register, planning assumptions and likely growth within the area based on the number of planning permissions granted and the Council's Local Development Framework to provide a five year electorate forecast.

	Households		Electors	
	2018	2023	2018	2023
Electorate*	369	383 ⁽¹⁾	665	689 ⁽²⁾

1. Calculated on the number of additional dwellings due from outstanding granted planning permissions and allocation sites under the Local Development Framework in the areas under review.
2. Calculated on the average rate of 1.8 electorate per household for the areas under review.

NB * Elections information is based on numbers on register so will not reflect total population.

Parish Areas

This Review considers merging the parishes of Brafferton and Helperby. The legislation requires that the District 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;
- Is effective and convenient; and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Viability of any new Parish

The District Council recognises that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. The District Council is committed to ensuring that the outcome of the Review leads to a parish that is based on the area which reflects community identity and interests and which is viable as an administrative unit.

Name of any new Parish

If the District Council resolves to implement the petition proposal, it will need to consider the name of the new parish. The District Council will consult on the name for the new parish as part of the first consultation stage.

A Council for a Parish

The legislation lays down the different duties that the District Council has with regard to the creation of a council for a parish:

- 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 of parish governance; and
- where the number of electors is 150 or fewer a parish council is not created.

Electoral arrangements

If the District Council resolves to implement the petition proposal, it will need to consider the future electoral arrangements of any new parish and parish council. The District Council will consult on electoral arrangements as part of the first consultation stage which will include the following:

- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- 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.

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc). Parish elections can be held in other years, for instance to coincide with the cycle for the principal authority. However, the District Council and Parish Council elections are already held on the same cycle. If, as a result of the Review, amendments are made to the arrangements of the parishes the next election for the parish councillors will be held in May 2019 (in accordance with the current election cycle). In accordance with the timetable for the Review there would be no justification to hold the next parish council election any earlier.

The District Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of councillors. There are, however, guidelines that have been published by the Aston Business School which found the following levels of representation:

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

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.” Therefore the District Council will consider the existing levels of representation, the broad pattern of existing council sizes and the take up of seats at election time.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

Following the Review the District Council may adopt a 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 decisions that the District Council has taken will be deposited at the District Council’s Offices, website and Community Offices.

In accordance with the Guidance issued by the government, the District 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 District Council’s office at Civic Centre, Stone Cross, Northallerton 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.

It is proposed that any Order will take effect for financial and administrative purposes as soon as practicable.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council which will be on Thursday 2 May 2019.

CONSEQUENTIAL MATTERS

General principles

The District Council notes that a Reorganisation Order may cover any consequential matters that appear to the District 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; and/or
- Electoral arrangements of any new parish created by the merging of the previous two parishes, including number of councillors, warding structure.

In these matters, the District Council will be guided by Regulations that have been issued following the 2007 Act.

How to submit your views

You can submit your views using the online questionnaire at www.hambleton.gov.uk/survey/cgr or by completing the paper questionnaire.

Any queries contact by email at cgr@hambleton.gov.uk or Hambleton District Council, Civic Centre, Stone Cross, Northallerton DL6 2UU or telephone (01609) 779977.

Publication of Terms of Reference

These Terms of Reference will be published on the District Council web site www.hambleton.gov.uk and will be available for inspection at the offices at Civic Centre, Stone Cross, Northallerton DL6 2UU or Easingwold Area Office, The Police Station, Church Hill, Easingwold, York YO61 3JX.

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