

CHESHIRE WEST AND CHESTER COUNCIL

COMMUNITY GOVERNANCE REVIEW OF KELSALL, DELAMERE, OAKMERE, UTKINTON AND WILLINGTON PARISHES conducted under the Local Government and Public Involvement in Health Act 2007

TERMS OF REFERENCE

Published on 2 August 2012

Submissions and comments required by 25 October 2012

1 INTRODUCTION

In response to a review of its relationship with Local (i.e. town and parish) Councils across the borough, Cheshire West and Chester Council has resolved to undertake a borough-wide Community Governance Review through a series of geographically focused individual reviews.

In undertaking these reviews, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), 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 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 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

The 2007 Act transferred powers to principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England. The Council is required to have regard to Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and Local Government Boundary Commission for England in March 2010. This Guidance has been considered in drawing up the Terms of Reference.

2 WHAT IS COMMUNITY GOVERNANCE?

In the context of Community Governance Reviews, the provisions of the 2007 Act are intended to improve the development and co-ordination of support for citizens and community groups so that they can make the best use of empowerment opportunities. The government (through the 2007 Act and the more recent Localism Act) and the Council (through its corporate plan and agenda for locality working) recognise the important role that parish councils play in their local area both in terms of community empowerment and engagement and the delivery of local services.

- *Parish Councils* – Parish councils are the most local tier of government in England and are responsible for areas known as civil parishes. They are

elected bodies with discretionary powers and rights laid down by Parliament to represent their communities and provide services for them, including a right to raise money by precept. Under the Local Government Act 1972 (“the 1972 Act”) and by passing a resolution, a parish council may be renamed a “town council”. Furthermore, under the provisions of the 2007 Act, a parish council may be known alternatively as a “community”, “village” or “neighbourhood” council. There are certain obligations which, by law, a parish council must fulfil including a requirement to hold an annual meeting (known as the ‘parish meeting’) and at least three other meetings a year. Larger parish councils may be warded. A parish with a small electorate may share a council with one or more neighbouring parishes, such an arrangement being variously known as a *joint parish council*, *grouped parish council*, *common parish council* or *combined parish council*.

- *Parish Meetings* - Not every civil parish has a parish council. However, under the 1972 Act all parishes, whether or not they have a parish council, must have a parish meeting. The parish meeting of a parish consists of the local government electors for the parish. They have a number of functions, powers and rights of notification and consultation. The trustees of a parish meeting hold property and act on its behalf. The determination of whether a parish should have a parish council or not is dependent on the number of local government electors in the parish.
- *Other (non parish) forms of community governance* – In conducting a community governance review, principal councils must consider other forms of community governance as alternatives to or stages towards establishing parish councils. These include arrangements such as area committees, neighbourhood management, tenant management organisations, area/community forums, residents and tenants associations and community associations.

3 WHAT IS A COMMUNITY GOVERNANCE REVIEW?

A Community Governance Review is a review of the whole or part of an area to consider one or more of the following:

- the creation, merger, alteration or abolition of parishes;
- the naming of parishes and the style of new parishes (i.e. parish, community, neighbourhood or village);
- 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
- the grouping parishes under a common parish council or de-grouping of parishes.

4 WHY UNDERTAKE A COMMUNITY GOVERNANCE REVIEW?

A Community Governance review 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 reflects the identities and interests of the community. It is acknowledged that there can be a degree of tension between these two overarching objectives.

The government has emphasised that recommendations made in Community Governance Reviews ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services.

Government guidance further states that it is good practice to conduct a full Community Governance Review at least every 10 to 15 years and to keep the area under review in the interim.

5 WHO WILL UNDERTAKE THIS REVIEW?

As the principal authority and under the provisions of the 2007 Act, Cheshire West and Chester Council is responsible for undertaking any Community Governance Review within its area. The Council has established a Community Governance Review Committee with delegated authority to make recommendations to the Council on the outcomes of each Community Governance Review. Council will be required to approve the final recommendations before a Community Governance Order is made.

In addition, the Committee will:

- (i) Agree the terms of reference for each Community Governance Review;
- (ii) Determine a detailed timetable and consultation programme for each Community Governance Review;
- (iii) Progress each review in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 and the 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;
- (iv) Consider all options for future community governance of the area under review, taking into account current community representation and community engagement arrangements and electorate and demographic forecasts;
- (v) Determine appropriate electoral arrangements for the area under review, where necessary; and
- (vi) Consider any consequential matters arising from the review which are required to give effect to any subsequent Community Governance Order, e.g. the transfer and management or custody of property, the setting of precepts for new parishes, provision for the transfer of any functions, rights, liabilities, staff, etc.

6 SCOPE OF THIS COMMUNITY GOVERNANCE REVIEW

The area to be included in this review is the parishes of Kelsall, Delamere, Oakmere, Utkinton and Willington. The attached map (Appendix A) identifies the area to be covered by this review.

This Community Governance Review will consider:

- the merger, alteration or abolition of the parishes listed above;
- the grouping of any of the parishes listed above under a new common parish council with any of their surrounding parishes;
- the naming and style of any new or revised parish formed as a consequence of this review; and
- the electoral arrangements of any new or revised parish formed as a consequence of this review.

The Community Governance Review will not consider:

- The boundaries of UK parliamentary constituencies; and
- The boundaries and names of Cheshire West and Chester Council wards.

7 CONSULTATION

In considering and making recommendations within these Terms of Reference the Council will take account of the views of local people. The 2007 Act requires that the Council consults the local government electors for the area under review and any other person or body who appears to have an interest in the review. The Council must take representations into account by judging them against criteria laid out in the Act.

The timetable for the Review below provides for a number of periods for comment and submissions by the public. Specifically these are:

- Three months after the publication of the Terms of Reference; and
- Three months after the publication of the Draft Recommendations.

The Council, through the Community Governance Review Committee, will conduct the review transparently with decisions being made in public and reasons given for those decisions. This is in line with Government guidance on conducting Community Governance Reviews. Meetings of the Community Governance Review Committee will take place in public and information will be available on the Council's website. The Council is keen to conduct meaningful consultation that leads to effective proposals.

The Council proposes to use the following mechanisms to keep consultees informed:

- General press releases
- Council website
- Key documents on deposit at relevant Council offices
- Briefings/public meetings with relevant stakeholders
- Direct personal communication

The Council will be mindful of the cost of consultation and will endeavour to ensure that consultation processes are cost effective.

The Community Governance Review Committee has agreed the following timeframe for the conduct of this review. The Committee will endeavour to keep to these dates and will not reduce the length of any consultation periods. However, if changes to dates are required, these will be published on the Council's website. A Community Governance Review is a lengthy process but the regulations require that they are concluded within a 12 month period following publication of the terms of reference.

Stage	Action	Dates
Start of review	Community Governance Committee meets to agree Terms of Reference	Community Governance Review Committee – 13 June 2012
	Publish Terms of Reference (ToR) and invite submissions – three months	2 August 2012 – 25 October 2012
Preliminary stage	Offer briefings to inform key interested parties and invite submissions	From 2 August 2012
Stage 1	Receive submissions over three month period and develop Draft Recommendations	Community Governance Review Committee – 14 November 2012 Consider submissions received and agree Draft Recommendations
Stage 2	Publish Draft Recommendations and start three month consultation period.	29 November 2012 – 24 February 2013
		Community Governance Review Committee – 13 March 2013 Consider responses and agree Final Proposals for consideration by full Council
Stage 3	Council resolves to agree the Final Proposals and to make a Reorganisation Order (if required).	Full Council Meeting – May 2013
Stage 4	Implementation of any change.	

A range of organisations operate within the parishes affected and may be interested in the Review. The existing parish councils will have a clear interest along with any

group specific to the area. A list has been compiled of interested organisations and individuals who it is proposed will be consulted at the various stages of the Review. These are listed in Appendix B.

The schedule below sets out our strategy for consulting on the Review to ensure that those affected are aware of the proposals and their potential impact.

Date	Action	Follow up
2 August 2012	Publish Terms of Reference and invite submissions by 25 October 2012	<ol style="list-style-type: none"> 1. Article on Council website 2. Press releases to local press 3. Inform all Borough Ward Councillors 4. Briefings/attend public meetings with key interested parties 5. Write to organisations as indicated in Appendix B with ToR document 6. ToR available on deposit at Council offices, libraries, etc.
29 November 2012	Publish Draft Recommendations and invite comments by 24 February 2013	<ol style="list-style-type: none"> 1. Update Council website 2. Press releases to local press 3. Inform all Borough Ward Councillors 4. Write to organisations as indicated in Appendix B with Draft Recommendations document or summary information as indicated, offer drop in sessions for public where appropriate 5. Information leaflets about the draft recommendations to all residents in

		<p>the areas affected</p> <p>6. Publicise with remaining residents in unaffected areas</p> <p>7. Draft Recommendations available on deposit at Council offices, libraries, etc.</p>
May 2013	Council make final decision and agree implementation dates	1. Press releases, website updates and formal correspondence with key parties affected.

8 BACKGROUND INFORMATION

a) ELECTORATE AND DEMOGRAPHIC FORECASTS

The Council has used the latest update to the 2011 Register of Electors published on 1 December 2011 in providing the following parish/parish ward electorate figures. The area under review forms parts of Kelsall, Delamere, Oakmere, Utkinton and Willington and includes Polling Districts KG1, KG2, KG3, KG13, KF1 AND KF2.

Current electorate and property statistics for the review area

Polling District	Properties with registered electors	Electors	Electors per property (on average)
KG3	1119	2131	1.9
KG2	469	901	1.9
KG1	278	502	1.8
KF1	111	207	1.9
KF2	193	361	1.9
KG13	42	78	1.9

The Review will consider any change in the number or distribution of the electors which is likely to occur in the next five years beginning with the day when the Review starts (Section 95 of the 2007 Act).

The Council notes that the following numbers of new residential dwellings could be built in the existing parish wards during the period (to be inserted).

Projected new dwellings and electoral change statistics for the review area (timeframe to be inserted)

Polling District	Projected new dwellings	Electors per property	Projected additional electors	Electorate forecast

XX	XX	XX	XX	XX
XX	XX	XX	XX	XX

However, due to current financial and housing market conditions it is difficult to give a realistic assessment of the actual numbers of new dwellings that will be completed to occupation within these timescales.

Government guidance indicates that these forecasts should be made available to all interested parties as early as possible in the review process to inform the responses of those who wish to make representations.

b) THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS IN THE REVIEW AREA

The parish areas

The current boundaries of the existing parishes of Kelsall, Delamere, Oakmere, Utkinton and Willington are shown in the map at Appendix A.

The parish electoral arrangements

Parish of Kelsall

Parish Ward	Polling District	Electors	Councillors	Ratio of Electors to Councillors
	KG3	2131	9	237

Parish of Delamere

Parish Ward	Polling District	Electors	Councillors	Ratio of Electors to Councillors
	KG2	901	11	82

Parish of Oakmere

Parish Ward	Polling District	Electors	Councillors	Ratio of Electors to Councillors
	KG1	502	7	72

Parish of Utkinton

Parish Ward	Polling District	Electors	Councillors	Ratio of Electors to Councillors
	KF1 / KF2	568	9	63

Parish of Willington

Parish Ward	Polling District	Electors	Councillors	Ratio of Electors to Councillors
	KG13	78	0	0

Parish Precepting Arrangements

The Government is anxious to ensure 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.

Parish	Total number of dwellings (2010 estimates)	Precept Amount Required 2012/13	Council Tax Base 2012/13	Council Tax Band D Payable
Kelsall	1100	£28,298.00	1160	£24.39
Delamere	480	£6,500.00	512	£12.70
Oakmere	290	£5,000.00	291	£17.18
Utkinton	320	£5,450.00	361	£15.10

The relationship with the borough wards

The area under review sits within the borough ward of Tarvin and Kelsall.

Parish Information

Appendices C to F detail core information relating to the parishes under review including parish precepts, budgets, assets, etc.

9 PROGRESSING THE REVIEW

If you have a clear interest in this review or are impacted by its outcome as a resident, the Council would like to hear your views. We are particularly interested in your thoughts as to whether any changes to the current parish arrangements are needed.

An initial consultation form for phase one of the review has been devised to capture views though submissions in any format (e.g. submission form, letter or email) are welcome.

Consultation responses must be in writing, whether by submission form, letter or email, and must contain the name and residential address of the person submitting their views. All responses will be acknowledged.

10 HOW TO CONTACT US

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

Emma Stevens,
Cheshire West and Chester Council,
Goldsmith House,
Hamilton Place,
Chester,
CH1 1SE

Alternatively, your submission may be emailed to:

partnershipsandareaworking@cheshirewestandchester.gov.uk

quoting 'Community Governance Review – Kelsall' in the Subject field.

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

Emma Stevens, Parish Liaison Officer
Email: emma.stevens@cheshirewestandchester.gov.uk
Tel: 01244 972671

These terms of reference will be published on the Cheshire West and Chester Council website (www.cheshirewestandchester.gov.uk/communitygovernance) and will be available for inspection at the address above.

Date of Publication: 2 August 2012

LIST OF KEY STAKEHOLDERS / CONSULTEES

Residents of Kelsall parish
Residents of Delamere parish
Residents of Oakmere parish
Residents of Utkinton parish
Residents of Willington parish
Kelsall Parish Council
Delamere Parish Council
Oakmere Parish Council
Utkinton Parish Council
Cheshire West and Chester Borough Councillors for wards affected
Cheshire Association of Local Councils