

Community Governance Review 2019

Local Government and Public Involvement in Health Act 2007

Terms of Reference

1. Introduction

1.1 What is a community governance review?

A community governance review is a review of the whole or part of the Council's area 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 council and parish warding); and,
- grouping parishes under a common parish council or de-grouping parishes.

A community governance review 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.

If the Council is satisfied that the recommendations from a community governance review would ensure that community governance within the area under review will reflect the identities and interests of the community in that area; and is effective and convenient, the Council makes a community governance order.

1.2 Scope of the review

The review, which is being undertaken in response to a petition received from electors, will consider whether a new parish and parish council should be created for the Sayers Common area shown on the map at Appendix 2. Assuming a parish council is proposed the review will consider the electoral arrangements for the new parish council. This includes:

- (a) The name of any new parish
- (b) Ordinary year of election – the year in which ordinary elections will be held
- (c) Council size – the number of councillors to be elected to the parish council
- (d) Parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering 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

Other related matters which may arise during the course of the review in response to representations received will be considered as appropriate.

2. Consultation

2.1 How the Council proposes to conduct consultations during the Review

Before making any recommendations or publishing final proposals, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Council to have an interest in the review. The Council will therefore:

- publish a notice and the Terms of Reference (ToR) on the council's website (www.midsussex.gov.uk) and arrange for copies to be available for public inspection at Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS during normal office hours;
- send a copy of the notice and the ToR to the Hurstpierpoint & Sayers Common Parish Council, Mid Sussex Association of Local Councils, Ward Members, Members of West Sussex County Council whose electoral divisions encompass the area concerned and the MP for Arundel & South Downs
- write to all households in the area concerned
- publicise the review and the notice in the council's residents' magazine, and
- send a copy of the notice and the Community Governance Review (CGR) ToR to the Local Government Boundary Commission for England (LGBCE) and to the relevant officers of West Sussex County Council.

Before making any recommendations, the Council will take account of any representations received. The 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 community governance review are informed of the recommendations and the reasons behind them.

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

3. Timetable for the community governance review

- 3.1 The Council must complete a community governance review within twelve months from the day on which the Council publishes the terms of reference. A community governance review is concluded on the day on which the Council publishes the recommendations made by the community governance review.

The table below sets out the timetable for the review.

Action	Timetable	Outline of Action
Start Date	1 October 2019	Council publishes the terms of reference
Consultation	Two month period starting with publication of terms of reference	Council invites representations from interested parties on the application
Draft proposals are prepared	By 23 January 2020	Draft proposals to be considered by relevant Committee (05/02/2020)
Draft proposals are published	By 10 February 2020	Council publishes draft proposals
Consultation	Two month period starting with publication of draft proposals	Council invites representations from interested parties on the draft proposals
Final recommendations are prepared	July 2020 (date: TBC)	Results of consultation considered by the relevant committee who shall determine the extent to which the Council should give effect to the recommendations and make recommendations to Full Council
Final recommendations considered	July 2020 (date: TBC)	Full Council considers and determines the extent to which the Council shall give effect to the recommendations
Order made	By 25 September 2020	Council makes and publishes the community governance order
Order takes effect	At next ordinary local government elections (May 2023)	Dependant on the outcome and recommendations

4. Background information

4.1 The Local Government Act 1972 provides that any parish council must have at least five councillors. No maximum number is prescribed.

4.2 When considering the number of councillors to be elected for a parish the Council must have regard to the number of local government electors for the parish and any change to that number that is likely to occur within five years of the date on which these terms of reference are published.

4.3 Joint guidance issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in 2010 provides further information on community governance reviews and the factors influencing size and membership of parish councils. On size, the guidance says:

154. In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.

155. The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

156. In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.

157. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size."

4.4 The National Association of Local Councils Circular 1126 recommends:

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

4.5 The electoral cycle for parish councils is for elections every four years.

5. The Petition

5.1 The Petition is lodged in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007, Section 80 and prevails upon Mid Sussex District Council as the Principal Authority, to conduct a CGR.

5.2 The Petition has been validated as having been duly signed by 348 registered electors of the Sayers Common Electoral ward. This exceeds the 250 signature requirement.

6. Making representations

6.1 If you want to make a written comment about the community governance review please send them to:

Community Governance Review
Electoral Services
Mid Sussex District Council
Oaklands, Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

E-mail: elections@midsussex.gov.uk

6.2 Should you require any further information regarding the review, please contact Terry Stanley, Business Unit Leader – Democratic Services, at the email / postal address above or by phone (01444) 477415.