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Mid Devon District Council

Electoral Review Committee

Tuesday, 9 November 2021 at 6.00 pm
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting
To be arranged

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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Membership

Cllr R J Chesterton

Cllr S J Clist

Cllr Mrs F J Colthorpe

Cllr D R Coren

Cllr C J Eginton

Cllr Mrs E J Lloyd

Cllr R F Radford

Cllr Mrs E J Slade

Cllr L D Taylor

Cllr A Wilce

Cllr Mrs N Woollatt

Cllr J Wright

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Election of a Chairman**
To elect a Chairman of the Committee.
- 2 **Election of a Vice Chairman**
To elect a Vice Chairman for the Committee.
- 3 **Apologies**
To receive any apologies for absence.
- 4 **Public Question Time**
To receive any questions relating to items on the agenda from members of the public and replies thereto.
- 5 **Terms of Reference** (*Pages 3 - 18*)
The Terms of Reference (ToR) sets out both an overview of those matters that can be considered in carrying out a Community Governance Review, and the scope of the review that the Electoral Review Committee will be recommending to the Council.

The Committee will also be asked to agree on the timetable for the Review, which is set out in the Draft ToR.

Stephen Walford
Chief Executive
Monday, 1 November 2021

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here:
<https://democracy.middevon.gov.uk/documents/s23135/MeetingProtocolUpdateOct2021nextreviewFeb2022.pdf>

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

E-Mail: sgabriel@middevon.gov.uk

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ELECTORAL REVIEW COMMITTEE

9 NOVEMBER 2021

COMMUNITY GOVERNANCE REVIEW – TERMS OF REFERENCE

Cabinet Member(s): Leader of the Council, Cllr Bob Deed

Responsible Officer: Jill May, Returning Officer

Reason for Report: To provide the Electoral Review Committee with an opportunity to review a draft Terms of Reference in order to start the process of a Community Governance Review.

Recommendation: That the Electoral Review Committee asks the approval of Council for a Terms of Reference to be published in respect of the commencement of a Community Governance Review process.

Financial Implications: £45k has been set aside in the budget to undertake this review.

Budget and Policy Framework: None arising directly from this report.

Legal Implications: Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

Risk Assessment: Local democracy and representation is impeded.

Equality Impact Assessment: No equality issues have been highlighted in this report.

Relationship to Corporate Plan: A Community Governance Review supports and facilitates local democracy and local representation.

Impact on Climate Change: No climate change issues have been highlighted in this report.

1.0 Introduction/Background

- 1.1 At the meeting of the Council held on 25 August 2021 it was agreed that a Community Governance Review would be undertaken. It was further agreed that a cross-party politically balanced group of twelve elected Members would be formed and this group would become the Electoral Review Committee.
- 1.2 The Electoral Review Committee would undertake the process of a CGR with the assistance of an external contractor.
- 1.3 The first step in the process of a CGR is the formulation and publishing of Terms of Reference which outlines what a review will look at and gives an outline timetable. Once published, consultees are invited to make comments on any changes they feel should take place in respect of parish boundaries or indeed reasons why they feel changes should not occur.

2.0 First Committee Meeting

- 2.1 The first meeting of the ERC will look at the draft Terms of Reference Appendix 1 and the List of Consultees Appendix 2 to consider the scope of the review.

Contact for more Information: Jill May, Returning Officer
(jmay@middevon.gov.uk)

Circulation of the Report: Electoral Review Committee, Leadership Team, Cabinet

List of Background Papers:

Mid Devon District Council
Community Governance Review (CGR) 2022
Local Government and Public Involvement in Health Act 2007
DRAFT 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 will consider:

- (a) The existing electoral arrangements and boundaries of all parishes
- (b) 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

All other matters that may be considered as part of a community governance review are out of the scope of this review and will therefore not be considered

2. Consultation

2.1 How the Council proposes to conduct consultations during the CGR.

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 these terms of reference on the Council's website (www.middevon.gov.uk) and arrange for copies to be available for public inspection at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP during normal office hours;
- send a copy of the Notice and these terms of reference to all existing town and parish councils in the district, the Devon Association of Local Councils and Ward Members;
- seek to arrange for the Notice to be published on each town and parish council's website and notice board; and
- send a copy of the notice and these terms of reference to Devon 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 this community governance review

- 3.1 The community governance review will be concluded on the day on which the Council approves its final recommendations, in order for any changes to be implemented in preparation of the District/Parish elections in May 2023.

The table below sets out the timetable for the review.

Action	Timetable	Outline of Action
Start Date	15 December 2021	Council publishes the terms of reference in accordance with full Council decision on 15 December 2021
Consultation	Two-month period starting with publication of terms of reference	Council invites representations from interested parties on the application
Draft proposals are prepared	March to June 2022	Draft proposals to be considered by the Electoral Review Committee

Draft proposals are published	By 31 July 2022	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	September to December 2022	Results of consultation considered by the Electoral Review Committee, who shall recommend the extent to which the Council will give effect to the recommendations
Order made	By 28 February 2023	Council makes and publishes the community governance order
Order takes effect	March 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. Making representations

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

Community Governance Review
Electoral Services, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, EX16 6PP

E-mail: ParishReview@middevon.gov.uk

5.2 Written comments must be received by end of February 2022.

5.3 Should you require any further information regarding the review, please contact James Stevens: ParishReview@middevon.gov.uk or on 01884 234214

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Proposed consultees

Mid Devon Parish Clerks

Mid Devon District Councillors

Devon County Councillors

Local MPs

Email subscribers to Mid Devon District Council news service via Gov Delivery service

Social media pages and local groups (as per tables below)

MDDC website

Link staff newsletter

Local press

Mid Devon Gazette

Crediton Courier

BBC Radio Devon

BBC Spotlight

Radio Exe

Tiverton Community Radio

Business groups

Tiverton Town Centre Partnership	Zoe Lentell	zlentell@middevon.gov.uk
Crediton Chamber of Commerce		info@creditoncc.co.uk
Mid Devon Business Forum	Andrew Lathwell	contact@bfmd.org.uk
Blackdown Hills Business Association	Gemma Sparks	info@bhba.org.uk
Federation of Small Businesses (Mid Devon)	Vanessa Gale	vanessa.gale@fsb.org.uk
Explore Tiverton - Tiverton Traders Association	Sue Griggs	info@exploretiverton.co.uk.
Mid Devon Network	Andy Oliver	andy.oliver@fmiconsulting.co.uk
Cully Online Traders Association		info@cullyonline.co.uk

Public bodies

NHS DevonCCG	d-ccg.corporateservices@nhs.net
Devon and Cornwall Police	101@devonandcornwall.pnn.police.uk
Office of the Police and Crime Commissioner	opcc@devonandcornwall.pnn.police.uk

Special interest groups

Friends of Great Western Canal	info@friendsgrandwesterncanal.org.uk
Devon Community Foundation	info@devoncf.com
Devon Communities Together	info@devoncommunitites.org.uk
Boniface Link Association	boniface.link@yahoo.co.uk

Local charities

Age UK Mid Devon	office@intercomtrust.org.uk
Devon Young Carers	info@devoncarers.org.uk
Plymouth and Devon Racial Equality Council	enquiries@plymouthrec.org
Crediton and District Community Transport	kevin@creditoncommunitytransport.org.uk
Tiverton and District CTA	faye.ashton@tdcta.org.uk
Devon in Sight	enquiries@devoninsight.org.uk

Housing Associations

Cornerstone Housing	mail@cornerstonehousing.net
Devon and Cornwall Housing Group (LIVERTY)(Tor Homes manages Devon Stock)	
Falcon Rural Housing	julie@falconhousing.co.uk
Guinness Hermitage	media@guinness.org.uk
Hastoe Housing	customerservices@hastoe.com
Housing 21	enquiries@housing21.org.uk
Magna West Somerset Housing Association	customerservices@magna.org.uk
Sanctuary Housing	ContactUs@sanctuary-housing.co.uk
South Western Housing Society	customerservices@swhs.org.uk

Mid Devon

Facebook Group:

- Active Devon – Mid Devon
- Allies Mid Devon
- Mid Devon Children's Centres – Culm Valley, Tiverton, Crediton
- Mid Devon Work and Play
- Mid Devon Freegle

Community & Business Groups:

- Grand Western Canal Country Park
- South West Rotary Youth Games
- TCR Radio Mid Devon
- Mid Devon Show
- Community Action Groups (CAG Devon)
- Mid Devon Leisure

Partner Organisations:

- MP Mel Stride
- MP Neil Parish
- Devon County Council
- Devon Early Years & Childcare Service
- Devon & Cornwall Police
- Devon and Somerset Fire and Rescue
- Devon Strategic Partnership
- East & Mid Devon Community Safety Partnership
- Citizens Advice Bureau
- UNISON
- VOYC Devon
- Involve – Voluntary Action in Mid Devon
- Action for Children
- Devon Voluntary Action (DeVA)
- Mid Devon Gazette
- Devon Live
- Recycle Devon

Charities:

- Age UK Mid Devon
- Campaign to Protect Rural England
- Churches Housing Action Team (CHAT)
- Devon Communities Together
- Devon Community Foundation
- Devon in Sight
- Samaritans of Exeter, Mid & East Devon
- Intercom Trust
- Marie Curie Cancer Care
- Devon Young Carers
- Devon People First
- UNITE - Carers in Mid Devon
- Living Options Devon
- Tiverton & District CTA
- Crediton & District Community Transport

Crediton

Facebook Group:

- Crediton Mums
- What's on Crediton
- Crediton Community
- Crediton Journey to Zero Waste
- Sustainable Crediton

Partner Organisations:

- Crediton Town Council
- Crediton Police (Devon & Cornwall Police)
- Crediton Library
- QE Academy Trust
- Age Concern Crediton
- Crediton Congregational Church
- Crediton Fire Station (Devon & Somerset Fire and Rescue)
- Crediton Courier Newspaper

Community & Business Groups:

- Crediton Chamber of Commerce
- Crediton Farmers Market
- Crediton Food Festival
- Crediton Museum

Cullompton

Facebook Group:

- Positive Cullompton
- Cullompton Nose
- Cullompton Allotment Association
- Cullompton Family Centre
- Cullompton Youth Voice
- What's on Cullompton
- Culm Garden Village

Partner Organisation:

- Cullompton Town Council
- Cullompton Community College
- Cullompton Police (Devon and Cornwall Police)
- Cullompton Fire Station (Devon and Somerset Fire and Rescue)
- College Surgery

Community & Business Groups:

- Cullompton Town Market
- Cullompton Community Association (CCA)

Tiverton

Facebook Group:

- What's on Tiverton
- Active Families Tiverton
- Active Parents Tiverton
- Tiverton Zero Waste
- Tiverton BMX Club
- Tiverton Adventure Playground
- Tiverton Gateway Club
- Tiverton Pride
- Tiverton Zero Waste

Partner Organisations:

- Tiverton Police (Devon and Cornwall Police)
- Tiverton Fire Station (Devon and Somerset Fire and Rescue)
- Tiverton Library
- Tiverton Town Council
- Tiverton High School
- Petroc Mid Devon
- Blundell's School
- Tiverton Market Centre – Youth Drop In
- Tiverton Youth Centre – DYS Space

Community & Business Groups:

- Tiverton Pannier Market / Electric Nights
- Tiverton Canal Co.
- The Tiverton Museum of Mid Devon Life
- Tiverton Portas Company / Tiverton Trade Association
- Abbeyfield Tiverton Society Ltd
- Old Heathcoat School Community Centre
- Soroptimist International of Tiverton & District
- Sunningmead Community Centre
- Tiverton District Scouts

Surrounding Areas

Facebook Group:

- The Silverton Community
- Bampton Beam
- Cheriton Matters
- Bampton Charter Fair
- Bickleigh Pre-School
- Blackdown Support Group
- Bow & District Historical Society
- Chawleigh Post Office/Shop Fundraising committee
- Cheriton Fitzpaine Welcome Club
- Coldharbour Mill Trust
- Cruwys Morchard Parish Hall
- Sampford Peverell & District Garden Club
- Sandford Heritage Group

Partner Organisations:

- Town & Parish Councils
- Schools & Colleges
- Libraries

Community & Business Groups:

- Town Markets

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