

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

