

CHESHIRE WEST AND CHESTER COUNCIL

COMMUNITY GOVERNANCE REVIEW OF INCE parish conducted under the Local Government and Public Involvement in Health Act 2007

TERMS OF REFERENCE

Published February 2018

1 INTRODUCTION

In response to a review of its relationship with Local Councils across the borough (i.e. town and parish), Cheshire West and Chester Council resolved to undertake a borough-wide Community Governance Review through a series of geographically focused individual reviews in 2013-2015.

In undertaking these reviews, the Council is at all times guided by:

1. Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"),
2. the relevant parts of the Local Government Act 1972,
3. 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,
4. 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)
5. other relevant legislation and published guidance.

*** Further information on the 2007 Act – please refer to the end of this document*

The Council has had regard to the Guidance on Community Governance Reviews and other statutory provisions in undertaking this review and drawing up these terms of reference.

Following an initial Community Governance Review of Ince parish in 2013-2014, Full Council on 17 October 2013 approved the below recommendations:

- (1) the parish of Ince should not be abolished and that its area should not be altered;
- (2) the name of the parish should not be altered;
- (3) the parish should continue to have a parish council; and
- (4) the area of the parish of Ince be re-visited under the terms of reference for the future community governance review of the Ellesmere Port unparished area.

Recommendation 4 (above) was agreed because the area which surrounds the parish of Ince comes under the unparished area of Ellesmere Port. The Community Governance Review for the unparished area of Ellesmere Port was completed in December 2017 and it was agreed that there would be no Town Council or new governance arrangements created in the area. Full Council on 14 December 2017 agreed that once the community governance review of the unparished area of Ellesmere Port was completed, the governance arrangements for Ince parish be revisited again. Ince Parish Council has now approached the Council and requested that their boundaries be reviewed.

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 2011) 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 provides the opportunity for councils to review 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?

Under the provisions of the 2007 Act, Cheshire West and Chester Council is responsible for undertaking any Community Governance Review within its area, as the principal authority. 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 parish of Ince and parts of the unparished area of Ellesmere Port i.e. Ince Marshes.

The attached map identifies the area to be covered by this review – see Appendix 1.

This Community Governance Review will consider:

- The boundary of Ince parish and parts of the unparished area of Ellesmere Port ie: Ince Marshes.

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.

As part of the consultation, every dwelling in the area under review will receive details outlining the opportunity for them to contribute to the review.

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 deposited at relevant Council offices
- 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. 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	
Stage 1	Community Governance Review Committee meets to agree Terms of Reference	Community Governance Review Committee – 14 February 2018	CWAC
	Publish Terms of Reference	February 2018	CWAC
	Develop initial public consultation	February 2018	CWAC
	<u>Initial Public Consultation</u> – 8 weeks	March 2018 – May 2018	CWAC
Stage 2	Receive and consider submissions from the initial consultation Prepare draft recommendations and consultation	Community Governance Review Committee – May/June 2018	CWAC

	Consultation - Draft Recommendations – consultation – 6 weeks	July – August 2018	CWAC
	Review consultation responses from draft proposals	August 2018 – September 2018	CWAC
Stage 3	Develop Final recommendations	September 2018 – October 2018	CWAC
Stage 4	Council resolves to agree the final recommendations	November 2018	CWAC
	Order laid	December 2018 - March 2019	CWAC
	Elector Register amendments	February 2019 – March 2019	CWAC
Stage 5	Implementation of any approved change	May 2019	CWAC

8 BACKGROUND INFORMATION

a) ELECTORATE AND DEMOGRAPHIC FORECASTS

The Council has used the latest update to the Register of Electors as at 1 December 2017 in providing the following parish/parish ward electorate figures. The area under review covers Ince.

Current electorate and property statistics for the review area taken from the 1 December 2017 Electoral Register

Polling District	Properties with registered electors	Electors	Electors per property (on average)
LB1 Ince	97	172	1.77

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 is mindful that additional new housing developments could be built in the next five years. 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 could 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 current boundaries of the existing parish of Ince are shown in the map at Appendix 1.

The parish electoral arrangements

Parish of Ince

Parish Ward	Polling District	Electors	Councillors	Ratio of Electors to Councillors
Ince	LB1	172	5	34:1

(Figures above based on the Electoral Register as at 1 December 2017)

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	Precept Required 2017/18	Council Tax Base 2017/18	Council Tax Band D Payable
Ince	96	£2,100	60	£35.00

(Figures above provided by Council Tax November 2016)

The relationship with the borough wards

The area under review sits within the borough ward of Ince.

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.

There will be several opportunities throughout the review for residents to contribute and have their say. The consultation will involve on-line questionnaires, however hard copies will be available upon request.

10 STAKEHOLDERS

The Council will ensure that everyone is given an opportunity to engage with the review and it will consult with stakeholders as well as residents. Below is an example list of stakeholders who will be consulted:

Ince Parish	<ul style="list-style-type: none">• Residents of Ince• Local Ward Councillors• Ward Councillors for the unparished area of Ellesmere Port• Businesses in the Ince Marshes area• Ellesmere Port Charter Trustees
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11 HOW TO CONTACT US

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

Andrea Thwaite
Cheshire West and Chester Council,
4 Civic Way,
Ellesmere Port,
CH65 0BE

Alternatively, your submission may be emailed to:

democraticservices@cheshirewestandchester.gov.uk

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

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

Andrea Thwaite
Email: andrea.thwaite@cheshirewestandchester.gov.uk
Tel: 01244 972283

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: February 2018

** 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.

Appendix 1 – Map of Ince Parish existing