

AYLESBURY VALE DISTRICT COUNCIL
COMMUNITY GOVERNANCE REVIEW 2019

TERMS OF REFERENCE

**Creation of a parish council for the Kingsbrook Ward of
Bierton with Broughton Parish Council**

Local Government and Public Involvement in Health Act 2007

Introduction

On 2 July 2019, Aylesbury Vale District Council was presented with a petition for the creation of a parish council for the Kingsbrook Ward of the Bierton with Broughton Parish Council. Any review will necessarily need to consider the impact on the whole of the Bierton with Broughton Parish area which is currently divided into four Wards: Bierton, Kingsbrook, Oldhams Meadow and Broughton Hamlet.

In undertaking the review, the council will be guided by part 4 of the Local Government and Public Involvement in Health Act 2007, 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 the 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 (Parished and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

The Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This Guidance was published in March 2010 and it has been considered when drawing up the Terms of Reference (TOR).

The Terms of Reference document (ToR)

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

The Terms of Reference of the review will be published on the Council's website.

Why is the Council Undertaking the Review?

In accordance with section 83 (2) of the LGPHIA 2007, where a valid petition is received the council must undertake a CGR that has terms of reference that allow for the petition to be considered.

The petition must be signed as follows:

- (a) if the petition area has fewer than 500 local government electors, the petition must be signed by at least 37.5% of the electors;
- (b) if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 250 of the electors;

- (c) if the petition area has more than 2,500 local government electors, the petition must be signed by at least 7.5% of the electors.

The petition must—

- (a) define the area to which the review is to relate (whether on a map or otherwise), and
- (b) specify one or more recommendations which the petitioners wish a community governance review to consider making.

The electorate of Bierton with Broughton stands at 2,109 therefore would require 250 signatures. The petition had been signed by 388 electors within the petition area.

The wording of the petition was that a Local Governance Review be conducted with the objective of establishing Kingsbrook as a new Civil Parish separate from Bierton with Broughton, with its own Parish Council, in time for the next Parish Council elections. “Bierton with Broughton Parish” would be renamed “Bierton Parish” (consisting of two wards – Bierton and Oldhams Meadow), and Broughton Hamlet would become a “Parish Meeting”.

The petition was submitted to the General Purposes Committee on 31 July 2019.

In any of the following cases, where a principal council receives a community governance application or petition, it is for the council to decide what action (if any) to take under Section 82 (power to undertake review) or 81(4)(b) (power to modify terms of reference for a review) in response to that application or petition:

- No review is currently being undertaken, but the receipt of the application or petition is during the relevant two-year period;
- A review is being undertaken of part of the council’s area when the application or petition is received and the application or petition area lies wholly outside the area under review, but the receipt of the application or petition is during the relevant two year period;
- A review is being undertaken of part of the council’s area when an application or petition is received (relating to part of the council’s area) and the application or petition area is not wholly outside the area under review;
- A review is being undertaken of part of the council’s area when an application or petition is received relating to the whole of the council’s area;
- A review is being undertaken of the whole of the council’s area when an application or petition is received relating to the whole or part of the council’s area.

What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district 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 the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

In doing so the CGR 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.

Parish Governance in our area

All areas within Aylesbury Vale are parished, with there currently being 85 Town and Parish Councils and 29 Parish meetings.

Who undertakes the review?

Aylesbury Vale District Council will be undertaking the review. As the Structural Changes Order to establish the new Buckinghamshire Council has come into force, implementation will fall to the Shadow Authority during this transition period.

The committee responsible for overseeing this process is the General Purposes Committee. The General Purposes Committee will oversee the CGR and produce draft and final recommendations. The Shadow Authority will approve the final recommendations before a Community Governance Order is made.

Consultation

The Council has now drawn up and publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

Before making any recommendations or publishing final proposals, the District Council will take full account of the views of local people. The District Council will comply with the statutory consultative requirements by:

- Consulting local government electors for areas under review.
- Consulting any other person or body (including a local authority) which appears to the District Council to have an interest in the review.
- Notifying and consulting the county council and the Shadow Authority and provide a copy of the Terms of Reference
- Taking into account any representations received in connection with the review.

Information relating to the CGR will be available on the Council's website and key documents will be on deposit at the District Council's offices at The Gateway, Gatehouse Road, Aylesbury HP19 8FF.

When taking account of written representations the District Council is bound to have regard to the need to secure that community governance within the areas under review will be:

- Reflective of the identities and interests of the community in that area; and
- Effective and convenient.

The District 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 CGR are informed of the recommendations and the reasons behind them.

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

Timetable for the CGR

Publication of the review formally begins the process. The Review must be completed with 12 months of receipt of the petition.

The timetable for the review can be found below. This timetable is indicative and may be amended at any time.

Action	Timetable	Outline of action
Terms of Reference (TOR)	31 July 2019	District Council's General Purposes Committee authorises the Democratic and Electoral Manager to approve the TOR defining extent of the CGR
Terms of Reference (TOR) are published	9 August 2019	District Council publishes TOR and notifies stakeholders of the review
Introductory stage – submissions are invited	Four week period ending 6 September 2019	District Council invites proposals from stakeholders on future arrangements under the TOR
Draft Proposals are prepared	By 20 September 2019	Draft proposals to be considered by General Purposes Committee W/C 30 September 2019
Draft Proposals are published	By 11 October 2019	District Council publishes Draft Proposals and notifies stakeholders.
Consultation	Four week month period ending 8 November 2019	Consultation with stakeholders.
Final Proposals are prepared	By 22 November 2019	Results of consultation considered and Final Proposals prepared. General Purposes Committee meet w/c 2 December 2019 to consider representations and agree and publish Final Recommendations
Final Recommendations published	By 13 December 2019	Submissions considered and final recommendations produced following General Purposes Committee
Final Recommendations are published and decision by Council	December 2019 – January 2020	Shadow Executive meet to consider the Final Recommendations and decide on implementation of the recommendations
Order made	Thereafter	Reorganisation Order to be published

ELECTORATE FORECASTS

In considering the electoral arrangements of the parishes stated within these Terms of Reference the District Council is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

The District Council will use the Register of Electors 2019 published on 1 December to provide existing local government electorate figures.

Electorate forecasts will be prepared using all available information.

PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Parish Areas

This Review relates only to the current Bierton with Broughton Parish area and its four Wards (Bierton, Kingsbrook, Oldhams Meadow and Broughton Hamlet). The legislation requires that the Council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in that area, and
- is effective and convenient, and
- takes into account any other arrangements for the purposes of community representation or community engagement in the area.

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council(s);
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward;
- The name of any such ward.

Ordinary year of election

The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter. However, district and parishes election in Aylesbury Vale have been postponed until 2020. If the LGR proceeds it is likely that the four year cycle will take place in 2020, 2025 and every fourth year thereafter. The government has indicated that it would want the parish electoral cycle to coincide with the cycle for the new unitary council, so that the costs of elections can be shared.

If the Review finds that it is appropriate to create the new Kingsbrook Parish Council then it will come in to effect at the next ordinary day of election i.e. 7 May 2020.

A council for a parish

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish:

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of parish governance;
- Where the number of electors is 150 or fewer – a parish council is not created.

What considerations cover the number of parish councillors?

The government has advised, and this Council concurs, that "it is an important demographic principle that each person's vote should be of equal weight so far as possible, having regard to

other legitimated competing factors, when it comes to the elections of councillors”. Likewise, the Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. However, in dealing with a requests the following guidelines, which are based on recommendations from the National Association of Local Councils, will be followed..

Number of Parish Councillors - Guidelines

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		

The government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities,” and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

By law, the Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Parish warding

The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the Council should consider the following:

- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
- Whether it is desirable that any area or areas of the parish should be separately represented on the council.

The government’s guidance is that “the warding of parishes in largely rural areas that are based predominately on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish.”

The Council will be mindful of all this guidance, noting further that “each case should be considered on its merits and on the basis of the information and evidence provided during the course of the review.”

The Council notes that warding arrangements should be clearly and readily understood by and should have relevance for the electorate of the parish; they should reflect clear physical and social differences within a parish; one parish but comprising different parts.

The Council recognises that ward elections should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. They should not be wasteful of a parish's resources.

District Warding and County Division Boundaries

It is not envisaged that the issues which are the subject of this review will require any alterations to the boundaries of District Wards or County Divisions.

Naming of Parish and Town Wards

If required, the Council will endeavour to reflect existing local or historic place-names, and will give strong presumption in favour of names proposed by local interested parties. Notwithstanding this, in the interest of effective and convenient local government and for the avoidance of voter confusion, the Council will look for different ward names to those used for principal Council areas.

Reorganisation of Community Governance Orders and Commencement

The Review will be completed when a Reorganisation of Community Governance Order is made. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for any decisions taken (including where it has decided to make no change following a Review) will be deposited at the Council's Offices and published on its' website.

In accordance with the Guidance issued by the Government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's offices at The Gateway, Gatehouse Road, Aylesbury HP19 8FF. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Local Government Boundary Commission for England and the Electoral Commission.

It is proposed that the Order will take effect for financial and administrative purposes on 1 April 2020.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council which will be on 7 May 2020.

CONSEQUENTIAL MATTERS

General principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

How to contact us

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

Electoral Services
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
HP19 8FF

Alternatively your submission may be emailed to:

ereg@aylesburyvaledc.gov.uk

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

Jo Hart
Electoral Specialist
Telephone: 01296 585051
Email: jhart@aylesburyvaledc.gov.uk

Craig Saunders
Democratic Specialist
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Publication of Terms of Reference

These Terms of Reference will be published on the District Council web site <http://www.aylesburyvaledc.gov.uk> and will be available for inspection at the offices at The Gateway, Gatehouse Road, Aylesbury HP19 8FF

Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within the Parish.

Date of publication

9 August 2019 (subject to approval)
