



Council
12 July 2022

Report Title:	Community Governance Review – Terms of Reference
Cabinet Portfolio	Finance and Governance
Cabinet Member	Councillor Martin Bond
Exempt Report	No
Reason for Exemption	N/A
Key Decision	No
Public Notice issued	N/A
Wards Affected	All
Report of	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk
Contact Officer	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk

Borough priorities	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

1. Summary

1.1 To present to Council the Terms of Reference for the Community Governance Review.

2. Recommendations for Decision

Council is invited to:

- i. Approve the Terms of Reference for a Community Governance Review at Appendix 1;
- ii. Agree the proposed consultation in respect of the Community Governance Review for the borough;
- iii. Agree the proposed consultation for the proposal in the petition to create a new Town Council for Newton East and Newton West wards;
- iv. Agree to establish a cross-party Community Governance Review Working Group to make recommendations to Council in relation to the Review and the proposal in the petition supported by officers;
- v. Authorise the Monitoring Officer, in consultation with the Portfolio Holder for Finance & Governance, to take all necessary steps in relation to the Review and the proposal in the petition.

3. Purpose of this Report

3.1 To set out the Terms of Reference for approval by Council, which will commence the Community Governance Review (“CGR”) process once published.

4. Background /Reasons for the recommendations

4.1 Parish councils can, when operating effectively, play an important role in terms of community empowerment at the local level. CGRs provide the opportunity for principal councils (district and unitary councils) to review and make changes to community governance within their areas. They may be undertaken in circumstances such as where there have been changes in

population, following a Boundary Commission review of warding patterns (as is the case for St. Helens) or in response to specific or local new issues.

- 4.2 A CGR may also be triggered by local people presenting public petitions to the principal council. A principal council is under a duty to carry out a CGR if it receives a valid community governance petition for the whole or part of the council's area. Principal authorities are still able to refuse a review if one was held within the last 2 years or they are currently running a full review of their area.
- 4.3 It is good practice for a principal council to consider conducting a review every 10 to 15 years. In the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of a few areas
- 4.4 At its meeting on 3 November 2021, Council agreed to undertake a CGR for the borough following the local and parish elections in 2022. Council also noted the petition received from Newton & Earlestown Community Group in 2020 in relation to a proposal to create a new Town Council for Newton and Earlestown (now known as Newton East and Newton West wards).
- 4.5 Council was advised a further report would be brought to Council in due course with a timetable and proposed terms of reference for the CGR for formal adoption.
- 4.6 The Terms of Reference are set out at Appendix 1, which include an indicative timetable and details of the consultation process for both the borough-wide Review and the petition. Consultation should be reasonable and proportionate to the type of review.
- 4.7 The Act requires principal authorities to take account of certain criteria when conducting a review, namely:
 - the identities and interests of the community in an area; and
 - the effective and convenient governance of the area.

They are also advised to consider factors such as:

- what impact proposed community governance arrangements might have on community cohesion; and
- whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.

The guidance refers to people's sense of place and their historic attachment to areas.

- 4.8 Following a review, should the Council decide to approve any recommendations creating new parishes, abolishing parishes or altering their area, it will be required to make a Reorganisation Order, which is the statutory instrument principal authorities must use to implement changes from a CGR. These can be made at any time but for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1st April following the date on which it is made.
- 4.9 Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made. Where a new parish is to be created, it may be necessary to alter the date of the next parish election, particularly if the next elections are not scheduled to take place for some time.

The first election to the new parish council could be held in an earlier year. This would result in councillors serving either a shortened or lengthened first term to allow to allow the parish council's electoral cycle to return to that of the Borough at the next election.

4.10 A CGR is a resource intensive project for the Council, involving a statutory duty to consult across the Borough with electors and other persons or bodies with an interest, including the existing parish councils. The Council must take account of the representations received and ensure interested parties or persons are informed of recommendations. A cross-party working group will need to be convened in due course once the CGR commences after the publication of the terms of reference for the review. The working group will be the mechanism to consider proposals and make recommendations to Council for consideration. This will involve a cross-departmental project management approach involving Legal & Governance support, electoral services, communications, mapping conventions for GIS staff, amongst others.

4.11 The main steps involved in a CGR are broadly listed below as a non-exhaustive list.

Trigger for a review	<ul style="list-style-type: none"> • A valid community petition; or • A principal authority's own decision.
Decision to hold a review	<ul style="list-style-type: none"> • A principal authority takes a formal decision; • Which can be to review all or a part of its area; • Though it must have valid grounds for refusal if there has been a petition.
Terms of reference	<ul style="list-style-type: none"> • A principal authority must draw up and publish terms of reference; • Stating the matters and the geographic area to be covered; • Notifying other local authorities which have an interest.
Undertaking a review	<ul style="list-style-type: none"> • A principal authority must consult electors in affected area(s); • It should consult other bodies with an interest, including any affected local councils; • It must then consider any representations received.
Making recommendations	<ul style="list-style-type: none"> • Bearing in mind representations, the criteria and other factors; • Including alternative forms of governance in the area e.g. residents associations, neighbourhood forums; • The principal authority formally recommends an outcome from the review; • It must publish its recommendations and the reasons for them, informing those with an interest.
Implementing a review	<ul style="list-style-type: none"> • A principal authority makes a Reorganisation Order to put into effect any changes; • Which must include a detailed map of the boundaries; • It publishes the Order and map for public inspection; • It must inform specified bodies e.g. Ordnance Survey; • It should include in the Order any agreed incidental

	issues e.g. the transfer of assets.
Next steps	<ul style="list-style-type: none"> • An Order is often written to come into force the following April; • Typically any new local councils are then elected from May.

4.12 The 2007 Act also introduced another important change to enable local communities to cause a principal authority to undertake a CGR, if they can organise a petition demonstrating sufficient support among the electorate for certain changes. For a petition to be valid it must meet certain conditions. The first of these is signed by the requisite number of electors. Sufficient support is based on three thresholds, namely at least 50% signing in an area with fewer than 500 electors or at least 250 signing in an area with between 500 and 2,500 electors or at least 7.5% signing in an area with more than 2,500 electors.

4.13 The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters including the creation of a parish, the name of a parish, the establishment of a separate parish council for an existing parish, the alteration of boundaries of existing parishes, the abolition of a parish, the dissolution of a parish council, changes to the electoral arrangements of a parish council etc.

Petition from Newton & Earlestown Community Group for a CGR to establish Newton-le-Willows Town Council

4.14 On 6 July 2020, the Council received a petition from Newton & Earlestown Community Group (“NECG”) to create a new Town Council to cover Newton-le-Willows, namely the two former electoral wards of Newton and Earlestown (now known as Newton East and Newton West wards). The petition proposes:

- *“a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007*
- *That the new parish should have a council to be known as Newton-le-Willows Town Council*
- *That the area to which the review is to relate is the entire electoral wards of Newton and Earlestown*
- *The initial precept to be set at 96 pence per week for a Band D house and scaled accordingly for other bands.”*

4.15 A CGR in response to a petition, once commenced, is time limited. The Council would ordinarily have 12 months from petition receipt to end to deal with a review in response to a petition, as expected by the 2010 Guidance. Due to the Boundary Commission review of warding patterns at the time, it was subsequently agreed with NECG to await the final recommendations of the Boundary Commission in relation to warding patterns which were received on 29 June 2021. Due to limited resources and capacity with a very busy year preparing for the Council’s first all-out elections in May 2022 and the Review of Polling Places Districts, Polling Places and Polling Stations, it was agreed to defer dealing with the petition until after the recent local and parish elections. The municipal year 2022/23 does not have any scheduled elections and so it is considered timely to commence the Review this year. This would enable the petition to be considered as part of the Borough wide CGR rather than use resources to deal with it in isolation for Newton and Earlestown wards only.

4.16 It is proposed that the consultation in relation to the petition would take the form of a ballot paper style question posted to all registered electors, to be returned either by post or via a

hosted website. Other stakeholders (including listed local businesses and empty properties) will have the opportunity to respond to the proposal via general consultation channels.

- 4.17 It is proposed to commence consultation in October 2022 for a 3-month period for both the CGR and the proposal in the petition. This will enable time for the cross-party working group to meet and consider the design and content of the consultation and the postal ballot paper pack. The distribution and return of the postal ballot packs will take place for a defined period during this consultation period to be agreed with the Council's electoral printers.

5. Consideration of Alternatives

- 5.1 None. Council has already taken a decision to undertake the Review and the petition in respect of Newton & Earlestown (now known as Newton East & West wards) has been accepted as valid. It is considered that a full Review is the best means of establishing the case for change for local Councils and Parishes across the Borough.

6. Conclusions

- 6.1 To approve the Terms of Reference which are required to be published to commence the process for a CGR.

7. Legal Implications

- 7.1 Sections 79 to 102 of the Local Government and Public Involvement in Health Act 2007 set out a range of duties and powers and the process for a CGR. This covers the terms of reference for a review, consultation on recommendations, open decision making and publishing the outcome. Section 79 states the review must comply with the Act, have regard to the Guidance and comply with the terms of reference that the Council has adopted for the review.
- 7.2 In addition, the following legislation applies, namely the Local Government Act 1972 (as amended), the Local Government (Parishes and Parish Councils) (England) Regulations 2008, the Local Government Finance (New Parishes) Regulations 2008 and the Legislative Reform (Community Governance Reviews) Order 2015.
- 7.3 Guidance has been issued jointly by the Secretary of State for MHCLG and Local Government Boundary Commission for England (2010 version), which the Council must have regard to.

8. Community Impact Assessment (CIA) Implications

- 8.1 None.

9. Social Value

- 9.1 None.

10. Sustainability and Environment

- 10.1 None.

11. Health and Wellbeing

- 11.1 None.

12. Equality and Human Rights

12.1 Equalities implications will be considered in the consultation methods and information will be made available in alternative methods.

13. Customer and Resident

13.1 Consultation will be undertaken to ensure there is maximum coverage.

14. Asset and Property

14.1 None.

15. Staffing and Human Resources

15.1 There will be staff resource involved in undertaking the Review and various teams across the Council will contribute to the work of the Review. However, the extra workload will not incur any additional staffing resources.

16. Risks

16.1 None.

17. Finance

17.1 With regard to the petition for Newton & Earlestown, the estimated costs for the ballot paper consultation to every household in those wards are in the region of £20,000.00. This includes ballot paper printing, a royal mail response licence and design costs for a leaflet to empty households and other stakeholders.

17.2 The estimated costs of the CGR review for the Borough will include design content for public notices, a CGR consultation page on the Council's website, a hard copy consultation proforma for residents and stakeholders without access to the internet, editorial content in a local newspaper. There may be a requirement for consultancy support from the Association of Electoral Administrators (AEA) during the project. Depending on the final recommendations approved by Council, there may be consequential costs to the Council including a charge for software licence alterations to deal with any new or changes to existing parish council precepts as part of council tax setting.

17.4 The total estimated costs of around £35,000.00 for both the petition and the CGR are to be met within cash limits for the Corporate Services Directorate for 2022/23 and 2023/24.

18. Policy Framework Implications

18.1 None.

19. Impact and Opportunities on Localities

19.1 None.

20. Background Documents

20.1 Guidance on community governance reviews – March 2020, Local Government Boundary Commission for England

Council Report: 3 November 2021

21. Appendices

Appendix 1: Community Governance Review Terms of Reference