

REVIEWS OF PARISHES AND RELATED MATTERS - LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Terms of Reference

INTRODUCTION

St. Helens Borough Council has resolved to undertake a Community Governance Review (CGR) of the whole of the borough of St Helens.

In undertaking the Review, the Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act')
- 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 ('the Guidance') and
- the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI 2008/626)

Section 81 of the 2007 Act requires the Council to publish its Terms of Reference for the review which clearly sets out the focus of the review. The guidance issued by the Secretary of the State for Communities and Local Government on Community Governance Reviews has been carefully considered in the drafting of this Terms of Reference.

This Terms of Reference is being published on the Council's website, and copies are being sent to all existing Parish Councils as well as the Town Hall reception, Victoria Square, St Helens and all libraries. Copies of the Terms of Reference will be made available on request.

Why is the Council undertaking the Review?

The review is being undertaken following the Boundary Commission review of warding patterns for the borough.

The Council is also in receipt of a petition from electors in the ward areas of Newton-le-Willows West (previously Earlestown) and Newton-le-Willows East (previously Newton). The area subject to review has 18,788 local government elections and as such would need to be signed by at least 1,409 (7.5%) of those electors. The petition includes 1834 signatories who are local government electors within the petition area.

The recommendations within the petition are:

- A new parish be constituted under section 87 of the Local Government and Public Involvement in Health Act 2007
- That the new parish should be known as Newton-le-Willows Town Council;
- That the area in which the petition relates to is defined as Newton and Earlestown wards;
- The initial precept be set at 96 pence per week for a Band D house and scaled accordingly for other bands.

As the petition was found to be valid, the Council will also consider this proposal within the wider borough review and in accordance with the Local Government and Public Involvement in Health Act 2007.

The Council has the power to periodically conduct a review of part or all of the borough of St. Helens under the 2007 Act and good practice is to conduct a review every 10-15 years.

A CGR also provides an opportunity for the Council to make changes to community governance arrangements within their area and ensure that such arrangements continue to be effective and reflect the identities and interests of the community.

The Council believes that Town and Parish Councils play an integral part in community empowerment at a local level and wants to ensure that local governance and representation within the district is robust and enabled to meet future challenges.

Since the 2007 Act came into force, significant changes and developments have taken place in the borough with further development planned in accordance with the St Helens Borough Local Plan 2020 – 2037.

What is a Community Governance Review?

It is a review of the whole or part of the borough 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 new or existing Parishes under a common Parish Council or de-grouping existing Parishes.

Parish governance in our area

At present, there are seven parish councils in St Helens. Of these, five are divided into parish wards. A map of the district showing the areas which are currently in a Parish is attached at Annex A.

The Council wants to ensure that there is clarity and transparency to the areas that Parish Councils represent and that the electoral arrangements of Parishes are appropriate, equitable and easily understood by their electorate.

One of the overriding aims of the Terms of Reference is to set out a clear framework which will ensure that the electors across the whole district will be treated equitably and fairly and to bring about improved community engagement and better local democracy.

Who undertakes the Review?

St Helens Council through the Electoral Services Team is responsible for conducting the review. The Director of Legal & Governance will oversee the consultation and a cross party Community Governance Review Working Group of members supported by officers will be responsible for making both draft and final recommendations to Council for final decision making during the review process.

A comprehensive consultation process will form part of the Review to take account of the views of those living and working within the borough.

A resolution of the Council will be required to approve the final recommendations before any Community Governance Order is made.

THE CONSULTATION PROCESS

How does the Council propose to conduct consultations during the Review?

In coming to its Recommendations in a Review, the Council will need to take account of the views of local people. The Act requires the Council to:

- consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review; and
- take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult widely on the review including but not limited to:

- Local government electors / St. Helens Council residents
- Parish Councils
- Councillors
- Members of Parliament

The Council has drawn up and now publishes this Terms of Reference document to set out the aims of the review and the legislation that guides it.

These Terms of Reference and supporting documents throughout the Review will be available:

- at www.sthelens.gov.uk/elections/cgr
- in all St Helens Council libraries

- in the Town Hall reception, Victoria Square, St Helens
- at Parish Council meetings via the Clerk to those Councils

Representations will be welcomed by the following methods:

- by email to cgr@sthelens.gov.uk
- by completing an electronic form on www.sthelens.gov.uk/elections/cgr or
- by letter to Community Governance Review, Electoral Services, Town Hall, Victoria Square, St Helens, WA10 1HP

An overriding aim of the Review is to be transparent so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken and the reasons behind these decisions. Those decisions and the reasons for them will be published in the same way as this Terms of Reference.

All representations received will be made available for inspection on request and as part of the recommendations made by the Council but will be anonymised before being made available.

Consultation for the Petition to create a new Town Council for Newton & Earlestown

In addition to the above consultation methods for all stakeholders, a referendum style ballot paper will also be issued to all registered electors in the Newton East and West wards.

A timetable for the Review

Publication of these Terms of Reference formally begins the Review on 1st August 2022 and it is envisaged that it will be completed by January 2024.

The timetable for the Review is set out in Table 1.

Table 1 – Indicative timetable for the Review

What happens?	Timescales	Date(s) CGR for Borough	Date(s) Petition Proposal for Newton East & Newton West
Terms of Reference published		1 August 2022	1 August 2022
Initial submissions are invited and considered	Three months	3 October 2022 – 30 December 2022	3 October 2022 – 30 December 2022 Distribution and return of postal ballot packs will take place for a defined period during this consultation period
Drafting of initial recommendations	Three months	4 January - March 2023	4 January - March 2023
Draft recommendations to Council		July 2023	19 April 2023
Draft recommendations are published		July 2023	April 2023
Submissions on draft recommendations are invited and considered	Three months	July – October 2023	April – July
Drafting of final recommendations and report to Council for a decision	Two months	October – December 2023	July - August 2023
Council decision is made on final recommendations and final recommendations are published		January 2024	November 2023

Council resolves to make a Reorganisation Order (in relation to the petition for Newton & Earlestown)		N/A	November 2023 - January 2024
Council Parish precepts Set at Council (for the creation of a new Parish Council)		Thereafter to take effect at the next ordinary year of election for the affected parish	Jan/Mar 2024
Council resolves to make a Reorganisation Order		January 2024	N/A
Post-review parish arrangements come into force (in relation to the petition)		N/A	By 1 April 2024
Elections are Held (in relation to the petition)		N/A	2 May 2024
Post-review parish arrangements come into force		Thereafter to take effect at the next ordinary year of election for the affected parish	N/A
Elections are held on the post-review parish arrangements		7 May 2026	7 May 2026

It is envisaged that any changes to or abolition of existing Parishes, or creation of new Parishes will not take effect until 7 May 2026. The first elections under any new electoral arrangements will take place in the regular cycle of Parish Council elections after the conclusion of the Review, currently scheduled to be held in May 2026.

Following the review in relation to the petition, if the Council resolves to create a new parish council for Newton East and Newton West wards, the first elections to appoint new parish councillors will be at the elections held on 2 May 2024.

Electorate forecasts for the borough

When the Council considers the electoral arrangements of any Parish in its area (whether new or existing), it must 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 Council will therefore use a projection of such change to the period ending 1 December 2027 as this is the date by which the revised register of electors must be published in that year.

The Council will of course take into account the development, both completed and planned until December 2027, when considering submissions and making recommendations during the review.

THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structures of Parish governance in our area

The map at Annex A shows the extent of Parishes in the borough.

Table 2 below contains current Parish electorates, numbers of councillors and the current ratio of councillors to electors.

All Parishes in the borough have a council and none of them are grouped to form a council.

Table 2 – current Parishes and structures

Parish	Electorate at 1 April 2022	No. of councillors	Ratio of councillors to electors
Billinge Chapel End	4,855	9	1:539
Bold	2,730	12	1:227
Eccleston	8,333	12	1:694
Rainford	6,460	15	1:430
Rainhill	8,911	14	1:636
Seneley Green	3,637	8	1:454
Windle	2,054	9	1:228

Within the current structure there are Parishes which are divided into wards. A more detailed picture of those Parishes is set out in Table 3 below which shows the electorates in each ward, the number of councillors serving those electors and the ratio of councillors in those wards.

Table 3 – details of warded Parishes

Parish or Town ward	Electorate at 1 April 2022	No. of councillors	Ratio of councillors to electors
Bold - East	712	3	1:237
Bold - North	1,108	4	1:277
Bold - South	251	1	1:251
Bold - West	659	4	1:164
Eccleston - East	1,884	3	1:628
Eccleston - Eccleston Park	2,112	3	1:704
Eccleston - Ellerslie	249	1	1:249
Eccleston - Foxwood	657	1	1:657
Eccleston - West	3,431	4	1:857
Rainford - Crank	784	3	1:261
Rainford - Junction	1,026	3	1:342
Rainford - Mosboro	1,116	3	1:372
Rainford - Muncaster	2,317	3	1:772
Rainford - Randle	1,217	3	1:405
Rainhill - North	3,409	6	1:568
Rainhill - South	3,343	4	1:835
Rainhill - West	2,159	4	1:539
Windle - North	117	1	1:117
Windle - South	1,937	8	1:242

Previously unparished areas

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing Parish Councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than Parish Councils, or may provide stages building towards the creation of a Parish Council, which could create opportunities for engagement, empowerment and co-ordination in local communities.

Suggestions as to alternative forms of representation and engagement are welcomed as part of the Review and the Council will consider other forms of community governance when deciding whether Parish governance is most appropriate in certain areas. However, the Council also notes that what sets Parish Councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

PARISH AREAS

Introduction

This Review looks not only at the possibility of creating new Parishes but also altering the boundaries of and abolishing existing Parishes.

In all cases, the Council will 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.

Creating new or amending existing Parishes

In addition, the following factors will be considered when the Council considers the creation of new Parishes and changes to existing Parishes.

The Council:

- wants to ensure that electors should be able to identify clearly with any Parish in which they live because it considers that a sense of identity and community strengthens the Parish structure; fosters interest in Parish matters; encourages participation in elections to a Parish Council, making councillors both more representative and accountable and therefore likely to represent the community more effectively; and generates a strong, inclusive community with a sense of civic values, responsibility and pride
- believes that a Parish should reflect a distinctive and recognisable community and that the wishes of local inhabitants are primary considerations in this Review
- is anxious to carefully consider the changes that have happened over time, for example through population shifts or additional development and that have led to a community identity which differs from the historic traditions in its area
- notes the government's guidance that the abolition of Parishes should not be undertaken unless clearly justified.

Boundaries

When setting a Parish boundary for a new Parish or when changing an existing boundary the Council:

- intends that the Parish boundaries will normally reflect the 'no-man's land' between communities represented by areas of low population or

pronounced physical barriers, whether natural or man-made and which will be those barriers that mean the residents one area have little in common with another

- considers that 'natural' settlements or settlements as they are defined in the Local Development Framework should not in normal circumstances be partitioned by Parish boundaries
- will try to set boundaries that are now and are likely to remain easily identifiable
- will seek to amend existing boundaries which no longer match historical features on the ground (e.g. watercourses) to match the present features on the ground - for example where development has meant the removal of historical features

The pattern of community representation and community engagement

In some areas there may be local residents' associations, community forums, area committees, or other locally representative bodies that make a distinct contribution to the community. The Council will respect these local forums for community representation and engagement in the Review. In such areas, the Council will be mindful of existing representation as a possible indication of a suitable area on which to base proposals for a new or altered Parish.

Viability

The Council is keen to ensure that Parishes should be viable, meaning that:

- all Parishes 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;
- all Parishes have electoral arrangements that enable them to effectively represent the community and to contribute to the district;
- the Council recognises that in rural areas, a strong sense of community can be felt over an extensive geographical area which is sparsely populated. Parishes in these areas may have limited capacity to provide effective services and local government. Arrangements in these areas, when they match the wishes of the residents of the Parish, will at least represent convenient local government.

The Council is committed to ensuring the Review leads to Parishes that are based on areas which reflect community identity and interest whilst being viable as administrative units.

THE GROUPING OF PARISHES

A grouping order of Parishes may be considered as a working alliance of small Parishes that have come together under a common Parish Council. The electors of each of the grouped Parishes elect a designated number of councillors to the council. It is an effective way of ensuring Parish government for small Parishes that might otherwise not be viable as separate units, while allowing each Parish their separate community identity.

General principles

Under the Act, smaller new Parishes of fewer than 150 electors are unable to establish their own Parish Council. The Council notes Government guidance that it may be preferable to group together Parishes so as to allow a common Parish Council to be formed. The Council believes that such arrangements are worth considering as a way to avoid the need for changes to Parish boundaries, or the abolition of very small Parishes where, despite their size, they still reflect community identity.

The Council recognises that the grouping of Parishes should be compatible with the retention of community interests, and believes that it is inappropriate to build artificially large units under single Parish Councils.

Grouped Parish styles and numbers of councillors

The Council welcomes comments on the style by which a Parish Council wishes to be known while part of a group but where a Parish is removed from a group it must retain the style it had in the group. The de-grouped Parish Council or Parish meeting must resolve to adopt an alternative style outside of the Review if it so wishes.

Where changes to Parishes form a group, add a Parish to an existing group or de-group a Parish or group of Parishes, the Council, when considering the number of councillors to be elected to the common Parish Council by each of the individual Parishes, will consider the need to be equitable in the same way as when considering the allocation of councillors in warded Parishes. This is dealt with below.

NAMES AND STYLES

The naming of Parishes

The Council will where possible reflect existing local or historic place-names when considering the name of Parishes and will give a strong presumption in favour of names proposed by local interested parties.

There are legal requirements with regard to the naming of Parishes and the Council will be mindful of these.

Alternative styles

The 2007 Act has introduced 'alternative styles' for Parishes. The 'alternative style' can replace the style "Parish". However, only one of three styles can be adopted: "community", "neighbourhood" or "village". Examples of Parishes with alternative styles would be: The Community of Greenfield; Whitewell Neighbourhood Council, or The Village Councillors for the Village of Redstone.

It is still possible for a Parish to be known by the style of "town" except where the Parish is known by one of the three alternative styles and vice versa.

Where a new Parish is created the Council can and will make recommendations as to the geographical name of the new Parish and as to whether or not it should have one of the alternative styles.

In existing Parishes the Council can only make recommendations as to whether the geographical name of the Parish should be changed, but only the Parish Council or Parish meeting can decide whether the Parish should have one of the alternative styles.

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

An important part of the Review will involve the consideration of 'Electoral Arrangements'. These are the way in which a council is constituted for the Parish and cover:

- the ordinary year in which elections are held;
- the number of councillors to be elected to the council;
- 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 set the ordinary election of Parish Councillors for 1976, 1979 and every fourth year thereafter (i.e. 2019 and 2023, etc.). This Review has been timed to allow any changes to existing Parishes will take effect in 2026 so as to coincide with the next ordinary year of the next Parish elections.

A council for a Parish

The Council will comply with legislation with regard to the creation of a council for a new Parish:

- Where the number of electors is 1,000 or more – the Council must recommend that a Parish Council should be created;
- Where the number of electors is 151-999 – the Council can recommend that a Parish Council may be created, or that a Parish meeting is a more appropriate form of Parish governance;
- Where the number of electors is 150 or fewer and there is no current council – the Council must recommend that a Parish Council is not created and governance will be by way of Parish meeting;
- Where the number of electors is fewer than 150 and currently has a council or is part of a Parish that had a council – the Council can recommend either that the Parish Council remains or is replaced by a Parish meeting

Subject to the above the Council will consider whether other, non-Parish forms of community governance are in place in the Parish, which might make a Parish Council unnecessary in an area but realises that this is more likely to affect a new

Parish in a previously un-Parished area.

What considerations cover the number of Parish Councillors?

The Council notes that the number of Parish Councillors for each Parish Council cannot be lower than five but that there is no maximum number. There are no rules relating to the allocations of councillors. However, each Parish grouped under a common Parish Council must be allocated at least one Parish Councillor.

The Council will also be guided in the review by the suggestion made by the National Association of Local Councils (the 'NALC') that the minimum practical number of councillors should be seven and the maximum 25. NALC suggested levels of councillors are set out in Table 4 below.

Table 4

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	Over 23,000	25
9,000	16		

Whilst bearing the NALC's suggestions in mind the Council is mindful of the government's guidance that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. As a result, the Council will pay particular attention to existing levels of representation, the existing council sizes which have worked well in the past and the take-up of seats at elections when considering this matter. Tables 2 and 3 above shows the current allocation of councillors in existing Parishes across the borough.

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.

The Council also:

- wants to ensure that the allocation of councillors to Parishes is broadly equitable across the district, but realises that local circumstances may occasionally merit variation;

- appreciates that there are different demands and consequently different levels of representation which are appropriate between the urban and the rural Parishes in the district;
- intends to investigate and where appropriate address the discrepancies that exist in levels of representation among Parishes.

The Council realises that there may be exceptions to the above policies, where the following considerations will inform its recommendations:

- a high precept and high levels of service provision;
- where representation may be required to meet the challenges of population sparsity;
- the traditional scale of representation in a particular Parish;
- supporting a warding arrangement in a particular Parish and achieving a good parity of representation between wards.

Parish warding

When considering whether a Parish should be divided into wards for the purposes of elections of the Parish Council the Council must always 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.

When considering the division of a rural Parish into wards the Council will be less likely to ward a Parish which is based on a single centrally located community but more likely to ward a Parish containing a number of communities with separate identities or where there has been overspill into a Parish from a neighbouring urban area.

When considering the division of an urban Parish into wards the Council will consider that there is a stronger case for creating wards when community identity is focused for example on housing estates or community facilities.

The Council will treat each case on its own merits and on the basis of the information and evidence provided during the Review.

Any warding arrangements will be capable of being clearly and readily understood by and be relevant to the electorate in each affected Parish.

The number and boundaries of Parish wards

In considering recommendations on the boundaries between Parish wards, the Council will take into account community identity and interests in an area and will be mindful of avoiding breaking any particular ties or links between communities by the drawing of particular ward boundaries.

The Council, will recommend ward boundaries which are, and will remain, easily identifiable and understood.

Where possible the district ward boundaries should not split an unwarded Parish and no Parish ward will be split by such a boundary.

The number of councillors to be elected for Parish wards

The Council must consider the following when deciding the size and boundaries of the wards and the number of councillors to be elected for each ward:

- the number of local government electors for the Parish;
- any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts.

The Council intends that each Parish Councillor should represent, as near as possible to the same number of electors because it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different wards within the same Parish.

The Council wishes to avoid the perception that, where one or more wards of a Parish are over-represented by councillors, the residents of those wards (and their councillors) could be perceived as having more influence than others on the Parish Council. During the Review process and in its consultations, the Council will consistently show the ratios of electors to councillors that would result from its proposals. The current ratios are shown in Table 3 above.

Naming of Parish wards

The Council will where possible reflect existing local or historic place-names when considering the names of Parish wards and will give a strong presumption in favour of names proposed by local interested parties.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. 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 the decisions that the Council has taken (including where it has decided to make no change following a Review) will be made available on the Council's website, at the reception area of the Town Hall in St Helens and at libraries.

In accordance with the Guidance issued by the government, the Council will issue maps to illustrate each recommendation at a scale normally no 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 Town Hall in St Helens. Prints will also be supplied, as required by legislation, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

The provisions of the Order for financial and administrative purposes will take effect as soon as practicable

The electoral arrangements for the creation of a Parish Council in relation to the Newton and Earlestown petition, will come into force at the elections due to be held in May 2024.

Any changes to the electoral arrangements for existing Parish Councils will come into force at the elections due to be held in May 2026.

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.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

The Council also notes the Regulations regarding the establishment of a precept for a new Parish and their requirements.

District ward boundaries

During the Review it may become clear that it may be desirable to change boundaries of district wards to reflect the changes recommended at Parish level. While the Council can recommend changes to district wards, those changes can only be made by the Local Government Boundary Commission for England ('LGBCE').

The LGBCE will require evidence that the Council has consulted on any such recommendations for alterations to the boundaries of district wards and so the Council will consult on any such draft recommendations as soon as is practicable after the desired change becomes clear.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

These Terms of Reference, if approved, will be published on 1st August 2022.