

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

Terms of Reference

INTRODUCTION

The Council has received a petition from the residents of Crossens requesting the creation of a Parish Council. The requisite number of signatures for each Parish has been obtained; therefore, the Council must undertake a Community Governance Review in accordance with Section 83(2) Local Government and Public Involvement in Health Act 2007.

In undertaking the Review, the Council will be guided by the Local Government and Public Involvement in Health Act 2007 and other relevant legislation.

The Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. The Guidance published in April 2008 has been carefully considered

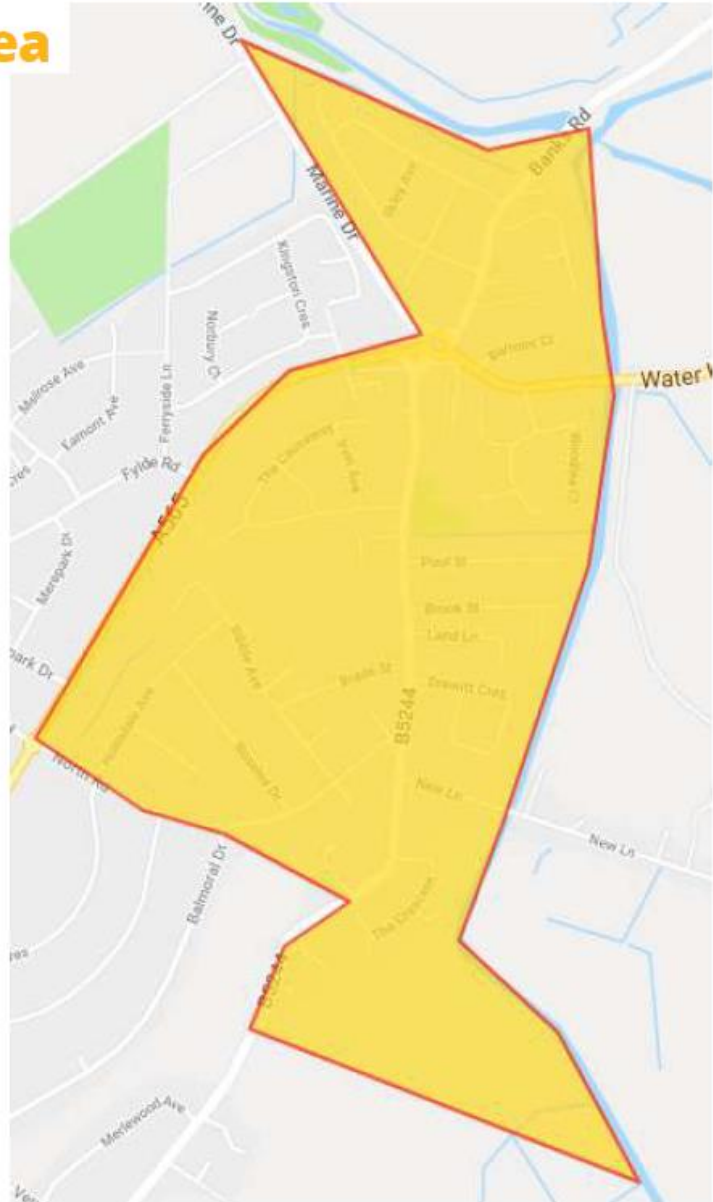
Section 81 of the 2007 Act requires the Council to publish its Terms of Reference in a Review.

The Petition

The proposed boundaries contained within the petition for the Parish of Crossens are:

The Proposed Area

The proposed area to be covered is shown on the right. The boundaries of the proposed area would run from the bottom of The Mallards up Rufford Road to the cut through past Slackey's Lane onto North Road, then along North Road to Preston New Road and northwards to the plough roundabout, west onto Marine Drive and then along the northern and eastern border with West Lancashire.



What is a Community Governance Review?

It is a review of the whole or part of the district to consider:

- 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)
- grouping parishes under a common parish council or de-grouping parishes.

Parish governance in our area

Under Section 2 Local Democracy, Economic Development and Construction Act 2009, the principal Council has a duty to promote understanding among local people, which extends to parish councils and parish meetings.

In 2014 the Council created a Charter for Parish and Town Councils in Sefton. The aim of this Charter is *"to create a framework for Sefton Council and parish/town councils to work in partnership to improve the economic, social and environmental well-being of the area"*.

For more information please see:

https://www.sefton.gov.uk/media/519242/parish_and_town_council_charter.pdf

The government has also emphasised *"ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services."* (*Strong and Prosperous Communities* (Local Government White Paper, October 2006).

Who undertakes the Review?

The Council's Audit and Governance committee has established a Working Group to undertake the Review. The Working Group will then make a recommendation to the Audit and Governance Committee and the Audit and Governance committee will then make a recommendation to Full Council.

The working group consists of the following Councillors:

Audit & Governance Committee Members:

- Cllr Dave Robinson (Chair of A&G)
- Cllr John Sayers
- Cllr John Pugh
- Cllr Sir Ron Watson
- Cllr Daniel Lewis

Lead Officer: David McCullough, Chief Legal and Democratic Officer
David.McCullough@sefton.gov.uk

CONSULTATION

How the Council proposes to conduct consultations during the Review?

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

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 electors of the area under review and any other person or body who appears to have an interest in the Review. The Council must then 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.

Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:

- reflective of the identities and interests of the community in that area;
- effective and convenient

When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:

- the impact of community governance arrangements on community cohesion and;
- the size, population and boundaries of a local community or parish

Community governance reviews should be conducted transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.

In accordance with the Act, representations received in connection with the review will be taken into account, and steps will be taken to notify consultees.

During the consultation periods, The Council will use an online consultation system called the 'Your Sefton Your Say Consultation Hub' as one of the ways to consult with members of the Public or stakeholders.

The Sefton Public Engagement and Consultation Panel includes representatives from the Council who decide how to ensure the consultation is effective. For example, they will give regard to any local residents' associations, community forums, area committees, etc., that make a distinct contribution to the community.

The timetable for the Review

Publication of this Terms of Reference formally begins the review, and the review must be completed within twelve months. See the indicative timetable below:

<i>Stage</i>	<i>What happens?</i>	<i>Timescales</i>
Commencement	Terms of Reference Published	
Stage One	Initial consultation	Two months
Stage Two	Considerations of submissions received – draft recommendations are prepared	Two months
Stage Three	Draft Recommendations are published – consultation on them	Two months
Stage Four	Consideration of submissions received – final recommendations are prepared	Two months
Stage Five	Final recommendations published, concluding the review.	
Stage Six	Final recommendations to Audit and Governance Committee	
Stage Seven	Full Council decision following final recommendations.	One month later

ELECTORATE FORECASTS

The electorate and electorate forecasts for the borough

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of electors which is likely to occur in the period of five years beginning with the day when the review starts.

There are currently 217,112 electors across Sefton. This follows a number of high profile elections which triggered increased registration of electors. It is predicted that there will not be a significant increase in electors within the next 5 years, save for the new developments referred to below.

Demographic trends and influences in our area

There are currently plans for two new residential developments in the locality of the proposed Parish:

- Bartons Close – development of 30 homes
- Balmoral Drive, Bankfield Lane – Development of 370 homes, it is likely development will commence on site next year.

Further, there may be some smaller developments including schemes of 10 homes or less.

The increased number of electors as a result of these developments will need to be considered by the Council when determining the appropriate number of wards and councillors for the proposed Parish.

THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structures of parish governance in our area

This is the current structure of Parish Councils within Sefton. This should be used as the Working Group’s starting point when considering the number of wards and parish councillors for Crossens.

Table 1

Parishes	Wards	Parish Councillors	Electorate
Aintree	2	12	5,504
Formby	2	15	18,516
Hightown	1	7	1,793
Ince Blundell	5	5	405
Little Altcar	1	7	820
Lydiate	3	9	5,124
Maghull	4	16	16,760
Melling	1	11	2,535
Sefton	2	7	792
Thornton	1	7	1823

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 engagement 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 are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

The Council will be mindful of such other forms of community governance in its consideration of 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. They have directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

PARISH AREAS

Introduction

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.

Parishes

The Council will ensure that electors can identify clearly with the Parish in which they are resident. The Council considers that this sense of identity and community lends strength and legitimacy to the Parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this Review.

The Council will balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area.

The Council notes the government's Guidance that community cohesion should be taken into account in this Review. As part of Sefton's 2030 Vision *"the Council will be less about doing things to and for residents and communities and more about creating the capacity and motivation for people to get involved, do it for themselves and help one another. We will create an environment in which residents are less reliant on public sector support and which have well developed and effective social support"*

The Council notes the government's stated Guidance that it *"expects to see a trend in the creation, rather than the abolition, of Parishes."*

It is envisaged that the initial phase of consultation will allow residents to provide opinions on the proposed boundaries which should give the Working Group a view of the local consensus. For example, will residents identify as living in Crossens but fall within the proposed boundaries of Churchtown or surrounding areas?

Boundaries

Having consulted with the Planning Department and Electoral Services the proposed boundaries exclude some of the planned development at Bankfield Lane. Some of the development falls within the proposed boundary for Crossens Parish, and some of the development falls within the proposed boundary of Churchtown Parish. It is difficult to predict at this pre-development stage whether the proposed boundary would follow the development fence lines. Please see the two plans at Annex1 which detail the proposed boundaries and the proposed developments. It could be the case that the proposed boundaries run through streets or even houses on the proposed development.

The boundaries should be easily identifiable. The Council considers that the boundaries between parishes will normally reflect the 'no-man's land' between communities represented by areas of low population or pronounced physical barriers. These barriers will be either natural or man-made: they might include coastal features, rivers, marshland, moorland and mountain or man-made features such as parks, canals, railways, major road and motorways – those barriers that oblige the residents of an affected area to have little in common with the remainder of the parish to which they may have been allotted;

The Council 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.

The Working Group will need to consider whether the proposed boundaries require alteration and if so set these out as part of their draft recommendations.

Functions

Parish councils have a variety of powers and duties, all of which impact directly on the community. Parish councils vary considerably in size and their duties and powers will reflect this. Generally, a Parish council's duties can include the following:-

- Allotments
- Burial Grounds, Cemeteries, Churchyards and Crematoria
- Bus Shelters
- Bye-laws – the power to make bye-laws concerning: baths and washhouses (swimming pools), cycle parks, mortuaries and pleasure grounds
- Clocks – public clocks can be provided and must be maintained
- Community Centres, Conference Centres, Halls, Public Buildings
- Drainage – of ditches and ponds
- Entertainment and the Arts
- Footpaths
- General Spending – parish councils can spend a limited amount of money on anything they deem of benefit to the community that is not covered by the other specific responsibilities described in this list
- Highways – lighting, parking places, right to enter into discussions about new roads and road widening, consent of parish council required for diversion or discontinuation of highway, traffic signs and other notices, tree planting and verge maintenance
- Land – acquisition and sale of
- Legal proceedings – power to prosecute and defend any legal proceedings in the interests of the community, power to take part in any public enquiry
- Litter - provision of litter-bins and support for any anti-litter campaigns
- Planning – parish councils may be notified of any planning applications for the area
- Public conveniences – provision and maintenance of public toilets
- Recreation – provision of recreation grounds, public walkways, pleasure grounds, open spaces, village greens, gymnasiums, playing fields, holiday camps and boating ponds
- Rights of Way – footpath and bridleway maintenance
- Seats (public)
- Signs – danger signs, place names and bus stops signs

- Tourism – financial contributions to any local tourist organisations allowed
- Traffic Calming
- War Memorials

Viability

The Council should ensure that parishes are viable and 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.

The table below sets out the current precepts of existing Parish Councils in the Sefton area.

Table 2

Proportion of Band D	Property Valuation Band							
	A 6/9 £	B 7/9 £	C 8/9 £	D 9/9 £	E 11/9 £	F 13/9 £	G 15/9 £	H 18/9 £
<u>Parish</u>								
Aintree Village	36.80	42.94	49.07	55.20	67.46	79.73	92.00	110.40
Formby	6.64	7.75	8.86	9.96	12.17	14.39	16.60	19.92
Hightown	4.18	4.88	5.58	6.27	7.66	9.06	10.45	12.54
Ince Blundell	8.01	9.35	10.69	12.02	14.69	17.36	20.03	24.04
Little Altcar	6.64	7.75	8.86	9.96	12.17	14.39	16.60	19.92
Lydiate	50.55	58.98	67.41	75.83	92.68	109.53	126.38	151.66
Maghull	65.48	76.41	87.32	98.23	120.05	141.89	163.71	196.46
Melling	23.13	26.99	30.85	34.70	42.41	50.12	57.83	69.40
Sefton	19.46	22.72	25.96	29.20	35.68	42.18	48.66	58.40
Thornton	4.32	5.05	5.77	6.49	7.93	9.38	10.81	12.98
<u>All Other Parts of the Council's Area</u>	1,046.87	1,221.34	1,395.82	1,570.30	1,919.26	2,268.21	2,617.17	3,140.60

The Council recognises that, in its rural area, a strong sense of

community can prevail over an extensive but otherwise sparsely populated area. Parishes in these areas may have limited capacity to facilitate service provision and effective local government; even so, arrangements in these areas, when they accord with the wishes of the inhabitants of the parish, will at least represent convenient local government.

Parishes are based on areas which reflect community identity and interest and which are viable as an administrative unit.

NAMES AND STYLES

The naming of parishes

Should the Council grant the petition, The Council will endeavour to ensure that the names of the Parishes reflect existing local or historic place-names, and will give a strong presumption in favour of names proposed by local interested parties.

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

The Local Government Act 1972 states that ordinary election of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc.) However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the borough council, so that the costs of elections can be shared.

If the Review finds that it will be appropriate to hold an election for parish councillors, for example to a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected parish councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the borough at the next ordinary elections.

The last parish elections were held in May 2019, the next scheduled parish elections will take place in May 2023. If the Council recommends the creation a parish council, it will be necessary for the Parish to hold an election to elect Councillors who will hold a period of office (shorter than the usual) until the next scheduled Parish election.

What considerations cover the number of parish councillors?

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.

The Aston Business School found the following levels of representation

Electorate Councillor Allocation

less than 500:	5 – 8
501 – 2,500:	6 – 12
2,501 – 10,000:	9 – 16
10,001 – 20,000:	13 – 27
greater than 20,000:	13 – 31

There are approximately 2806 electors in the Crossens area.

National Association of Local Councils suggested that the minimum number of councillors should be seven and the maximum 25. 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 principal 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 start;
- to ensure that the allocation of councillors to parishes is broadly equitable across the borough, while acknowledging that local circumstances may occasionally merit variation;
- to appreciate that there are different demands and consequently different levels of representation are appropriate between the urban and the rural parishes in the borough;
- to investigate and where appropriate to address the inequalities that exist in levels of representation among the Borough’s rural parishes, using a sliding scale as a guide to the allocation of councillors.

In considering the allocation of Councillors, the Working Group should consider table 1 in conjunction with the above.

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 predominantly 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 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."

Warding arrangements should be clearly and readily understood by and should have relevance for the electorate in a parish; they should reflect clear physical and social differences within a parish: one parish but comprising different parts.

The government has advised *"it is an important democratic 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."* While there is no provision in legislation that each parish councillor should represent, as nearly as may be, the same number of electors; 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 parish wards.

Likewise, 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 council.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

Should the Council decide to grant the petition, 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 deposited at the Council's offices, website, libraries, contact points.

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 office at Bootle Town Hall, Oriel Road, Bootle, Liverpool L20 7AE. Prints will also be supplied, in accordance with regulations, 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. An indication of when the provisions of the Order would take effect should be given. For financial and administrative purposes this will be on 1 April in the designated year.

CONSEQUENTIAL MATTERS

General principles

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.

Furthermore, the Council notes the Regulations regarding the establishment of a precept for a new parish and their requirements.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

It will be appropriate to provide this formal date here.

Annex 1:

- Map of proposed boundary of Churchtown Parish
- Map of proposed boundary of Crossens Parish