

Terms of Reference - Community Governance Review

A review of parish electoral arrangements under the Local Government and Public Involvement in Health Act 2007

Introduction

North Hertfordshire District Council has decided to undertake a Community Governance Review (CGR) under the provisions of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), to consider parish boundaries, parish ward boundaries, parish election dates and councillor representation throughout the local authority area.

Why undertake a Community Governance review?

A CGR provides an opportunity for district councils to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local, new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that ultimately recommendations made in a CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Government guidance further states that it is good practice to conduct a full review at least every 10– 15 years and keep the area under review in the interim. Given the level of development and residential growth, and the recent review of District Wards since the last review, it is now timely to formally review the parish governance arrangements throughout the area.

Scope of the review

North Hertfordshire District Council has decided to undertake a CGR to consider whether governance arrangements across the **whole** of the local authority area are:

- a) reflective of the identities and interests of the community in that area; and
- b) effective and convenient to the community in that area.

In doing so the review is required to take into account:

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

The review will also consider whether it is appropriate to parish unparished wards, including whether to create new parish council(s) or make changes to existing parish arrangements, and whether election dates should be amended for parish councils, with the potential outcomes of the review that are covered and any recommendations as set out under sections 87-92 of Act [[Local Government and Public Involvement in Health Act 2007 \(legislation.gov.uk\)](http://legislation.gov.uk)]

Who will undertake the community governance review

As the principal authority, North Hertfordshire District Council (as principal council) is responsible for undertaking any CGR within its electoral area.

The review will comply with the legislative and procedural requirements set out in the 2007 Act, as well as statutory guidance and best practice models. This includes guidance produced jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England (LGBCE). This review will follow the approach set out in these Terms of Reference, including the indicative timetable.

A timetable for the review

The indicative timetable for the review is as follows. Depending on local circumstances some dates may change, although implementation ahead of May 2026 is anticipated.

Date	Action
11 July 2024	Full Council approves the Terms of Reference, signifying the start of the CGR.
19 July to 7 October 2024	First public consultation, lasting 11 weeks.
November 2024 to December 2024	Review by Officers and development of Draft Recommendations. CGR Working Group meetings will be held as appropriate to discuss, prior to consideration by Council.
23 January 2025	Draft Recommendations to be considered by Council and approved for second round of consultation.
31 January 2025 to 28 March 2025	Second public consultation, on Draft Recommendations.
	Review by Officers and development of Final Recommendations. CGR Working Group meetings will be held as appropriate to discuss, prior to consideration by Council.
July 2025	Full Council discuss and agree Final Recommendations.
July 2025	Reorganisation Order made.

Consultation

Before making or publishing Final Proposals, in line with legislative requirements, the Council will take full account of the views of local people. The Council will comply with legislative requirements by;

- a) consulting local government electors for areas under review;
- b) consulting any other person or body (including a local authority or elected representative) which appears to the principal council to have an interest in the review; and
- c) taking into account any representations received in connection with the review.

When taking account of written representations, the Council is bound to have regard to the need to secure that community governance within the area under review is;

- a) reflective of the identities and interests of the community in that area; and

b) effective and convenient to the community in that area.

In order to ensure that this review is conducted transparently, as soon as practicable the Council will publish its recommendations and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.

The value of local councils

The Council believes that local parish and town councils play an important role in terms of community empowerment at a local level and want to ensure that local governance in the areas subject to this review continue to be robust, representative and enabled to meet the challenges that lie before it.

Parish and town councils have a key role to play in representing the views, promoting the needs, of the borough's local communities and neighbourhoods and that every opportunity should be afforded to them to express such views to the Council prior to any decisions taken which might affect local circumstances.

Parish boundaries

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 Council considers that the boundaries between parishes should where possible either reflect the 'no-man's land' between communities represented by areas of low population or by identifiable physical barriers. These physical barriers might include natural boundaries such as rivers or man-made features such as railways or roads.

In reaching conclusions on the boundaries between parishes, the Council will take into account community identity and interests in an area and will consider whether any particular ties or linkages might be broken by the drawing of particular boundaries. Equally, the Council, during its consultations will be mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

In any event the Council will endeavour to select boundaries that are, and are likely to remain, easily identifiable as well as taking into account any local ties which might be broken by the fixing of any particular boundaries.

Parish and Town Council level of membership

The Council notes that legally the number of parish councillors for each parish council shall not be less than five and that there is no maximum number. In the instance of parish wards, any warded parish must have at least one parish councillor per ward. Furthermore, each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

It is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors.

Whilst it will not be possible, nor desirable, to create absolute uniformity in councillor representation at a parish level it is the policy of the Council to provide an equality of representation across the area as far as possible.

Whilst the Council is keen to ensure that the allocation of councillors to parish councils is equitable across the borough using NALC guidelines, it acknowledges that local circumstances may occasionally merit variation. Therefore, in exceptional circumstances, or in the case of parish warding, the Council accepts that it may be appropriate to increase or decrease the allocation of councillors to a parish council to reflect local circumstances.

Whilst the Council has discretion in this matter and will be mindful to apply the NALC guidelines it will, wherever possible, fully consider and take into account the wishes of the local area and the existing levels of representation which have stood the test of time before arriving at a decision.

Parish election dates

North Hertfordshire District Council previously elected 'by thirds', with elections taking place in three out of every four years. In line with these arrangements, scheduled parish elections also took place in three out of every four years, with some parish councils electing in each of those three years. The Council now elects all District Councillors in one scheduled election every four years, following a resolution by Council.

It may be prudent for scheduled elections for parish councils to be aligned with the District Council election dates. This can save considerable money for parish councils, who will then all share their election dates, and makes the democratic process easier and more accessible for electors. If election dates change for any parish council, the term of office for parish councillors in affected parishes will be shorter or longer than four years in the first scheduled election after the completion of the Review. Full details will be prepared and shared alongside any Draft Recommendations for consultation.

How to contact us

If you would like to say how you view potential future arrangements under these Terms of Reference please respond to the online consultations on the North Hertfordshire District Council website, www.north-herts.gov.uk/community-governance-review