

EAST HERTFORDSHIRE DISTRICT COUNCIL

COMMUNITY GOVERNANCE REVIEW OF BUNTINGFORD TOWN COUNCIL

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 East Hertfordshire District Council ('the Council') has resolved to undertake a Community Governance Review ('the review') of Buntingford Town Council (including its town boundary).
- 1.2 The review will have regard to existing and planned developments adjacent to the area served by Buntingford Town Council and will consider whether to recommend any alteration to the existing parish boundaries and any consequent changes to the electoral arrangements for any parish.
- 1.3 In undertaking this review the Council has considered the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and 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 and associated regulations.
- 1.4 These terms of reference set out the aims of the review, the matters on which it will focus and policies that the Council considers relevant to the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the District Council offices and at other venues within the area under review.

Reasons for the review

- 1.5 The Council is undertaking the review at this time in response to a request from Buntingford Town Council. The Town Council identified three areas of current or planned development that are outside the existing town boundary but which the Town Council considers are, or will be, seen as part of Buntingford. The Town Council suggested that the parish boundaries should be revised accordingly. The three areas are:-
 - Development taking place north of the Buntingford parish boundary within Cottered parish;
 - Parkside – an existing development to the north of the site above, also currently falling within the Cottered parish; and
 - The existing Buntingford Business Park, Baldock Road, currently within Aspenden parish.

Community Governance Reviews

- 1.6 A Community Governance Review 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/or
 - Grouping parishes under a common parish council or de-grouping parishes.

The aims of the review

- 1.7 In accordance with the 2007 Act the Council will have regard to the need to secure community governance within the area under review which:-
- Is reflective of the identities and interests of the community in that area;
 - Provides for effective and convenient local government; and
 - Takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.8 When considering the above criteria, Government guidance states that the Council should take into account:-
- The impact of community governance arrangements on community cohesion; and
 - The size, population and boundaries of a local community or parish.
- 1.9 The guidance emphasises that ‘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’.

2. CONSULTATION

- 2.1 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation 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 to take the representations that are received into account by judging them against the criteria in the 2007 Act.
- 2.2 The Council wishes to promote community engagement and transparency in decision-making. In relation to the review the Council will:
- Publish these terms of reference and accept submissions by post or via e-mail or the Council’s website;

- Publicise the review by providing information to the relevant town and parish councils and by other printed and electronic means;
- Consult residents, local organisations and elected representatives in the areas under review.
- Make key documents available at the District Council offices and at other venues in the parishes affected;
- Consider all submissions received; and
- Publicise the outcome of the review.

2.3 The Council will notify Hertfordshire County Council that a review is to be undertaken; the County Council is a formal consultee of this process.

2.4 The Council will consider each case on its merits and on the basis of the information and evidence provided during the course of the review. The Council is 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.

3. THE TIMETABLE FOR THE REVIEW

3.1 Publication of these terms of reference formally begins the review, which must then be completed within twelve months.

Timetable for Community Governance Review of Buntingford Town Council	
Stage of process	Proposed dates
Publication of terms of reference	Tuesday 13 February 2018
Initial submissions	
Initial submissions invited/ publicity campaign	Tuesday 13 February – Friday 6 April 2018
Deadline for initial submissions	Friday 6 April 2018
Consideration of submissions/ preparation of draft recommendations	April – May 2018
Consultation on draft recommendations	
Publication of draft recommendations	May 2018
Consultation on draft recommendations/publicity campaign	May – July 2018
Deadline for consultation responses	Friday 20 July 2018
Consideration of responses/ preparation of final recommendations	July – September 2018

Decisions & implementation	
Publication of final recommendations	September 2018
Council meeting to make Reorganisation Order	Wednesday 17 October 2018
Revised electoral register published incorporating any amendments	1 December 2018
Implementation of any changes for financial/administrative purposes	1 April 2019
Parish council ordinary elections	2 May 2019

4. ISSUES FOR CONSIDERATION IN THE REVIEW

- 4.1 The review will consider current and projected patterns of population, development, community identify and linkages in the area under review; and whether these give rise to the need for any changes to parish boundaries and/or electoral arrangements.
- 4.2 Plans showing the existing parish and ward boundaries in the area under consideration; and the areas identified in the request from Buntingford Town Council at paragraph 1.5 above are attached at Appendix 'A' to these terms of reference.
- 4.3 In reviewing the community governance arrangements of any parish in its area, the Council is required to consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.
- 4.4 The table below shows the current electorate of each of the parishes affected by this review:-

Parish	Current electorate (February 2018)
Aspenden	196
Buntingford	4,579
Cottered	557

- 4.5 Electorate forecasts for February 2023, taking into account information on developments underway or planned based on planning permissions granted and the draft District Plan will be published to inform the consultation process during the review and provided to the town and parish councils concerned.

- 4.6 As part of the consultation process the Council will also make available information on the Council Tax precept (Band D equivalent) currently applicable in each of the parishes under review.

5. POLICIES THAT WILL GUIDE THE REVIEW

Parishes

- 5.1 The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. The feeling of local community and the wishes of local inhabitants are therefore important considerations in the review.
- 5.2 The Council will give careful consideration both to traditional community identities and historic parish arrangements; and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in an area.
- 5.3 The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their areas.

Boundaries

- 5.4 The Council considers that the boundaries between parishes will normally reflect the distinct community identities of the respective areas. Boundaries will often follow areas of low population between settlements or pronounced physical barriers (either natural or built) such as watercourses, marshland or moorland; parks, canals, railways or major roads.
- 5.5 The Council considers that 'natural' settlements or settlements as they are defined in the draft District Plan should not in normal circumstances be partitioned by parish boundaries.
- 5.6 Should a reorganisation of parish boundaries occur as a result of the review, the Council will aim to select boundaries that are and are likely to remain easily identifiable.

6. ELECTORAL ARRANGEMENTS

Electoral cycle

- 6.1 Any changes to parish electoral arrangements will come into effect at the next scheduled ordinary parish elections. Parish elections will take place in East Hertfordshire in May 2019 and every four years thereafter.

The number of parish councillors

- 6.2 Legislation provides that the number of parish councillors for each parish council shall not be fewer than five. There is no maximum number. Government guidance is that 'each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.
- 6.3 When considering the number of councillors to be elected for a parish the Council will, as required by the 2007 Act, have regard to the number of local government electors for the parish; and any change in that number which is likely to occur in the next five years. The Council will also have regard 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.

Parish warding

- 6.4 The Council may also consider whether a parish should be divided into wards for the purposes of elections to the parish council, and when doing so must take into account:-
- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - Whether it is desirable that any area or areas of the parish should be separately represented on the council.

7. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

- 7.1 The review will be completed when the Council agrees its final recommendations. At the conclusion of the review the Council will adopt a 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 Council's decisions (including where it has decided to make no change following a review) will be deposited at the Council's offices and copies provided to the clerk of each town or parish council affected. The information will also be published on the Council's website.
- 7.2 In accordance with Government guidance the Council will issue maps to illustrate each recommendation at a scale not smaller than 1:10,000. These maps will be deposited with the Secretary of State for Communities and Local Government and 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, the Local Government Boundary Commission for England and Hertfordshire County Council.

- 7.3 The provisions of any order will take effect for financial and administrative purposes on 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing parish council will come into effect at the next ordinary parish council elections.

8. CONSEQUENTIAL MATTERS

- 8.1 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 and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- 8.2 In these matters, the Council will be guided by the relevant regulations 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 portion.
- 8.3 In the event that the review results in proposals to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission or the Local Government Boundary Commission for England (LGBCE), the consent of the LGBCE will be required.

Principal area boundaries

- 8.4 Any changes made to parish boundaries as a result of this review will not automatically change the corresponding district ward or county division boundaries. In the event of a reorganisation order making such a change the Council may recommend the LGBCE that the district and county boundaries are realigned along the revised parish boundary and it would be for the LGBCE to decide if related alterations should be made.
- 8.5 The LGBCE would require evidence that the Council has consulted on the recommendations as part of the review. The Council will therefore seek to include any such draft recommendations for consultation at the earliest possible opportunity should they appear desirable.
- 8.6 Where such consequential matters affect Hertfordshire County Council, the Council will also seek the views of that council with regard to alterations to electoral division boundaries in accordance with Government guidance.

Date of publication of these terms of reference: 13 February 2018

How to contact us

Enquiries regarding the review process and/or comments on the matters set out in these terms of reference should be directed to:

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APPENDIX 'A'

The map below shows the current boundary of Buntingford Town Council with Cotteder Parish Council and Aspenden Parish Council. The areas identified by the town council for consideration in the review are shaded on the map.

