

EAST HERTFORDSHIRE DISTRICT COUNCIL

COMMUNITY GOVERNANCE REVIEW OF WARE AND PARTS OF WARESIDE AND THUNDRIDGE

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 East Hertfordshire District Council ('the Council') has resolved to undertake a Community Governance Review ('the review') of the area of Ware Town Council and that covered by the proposed North and East Ware housing development designated in the East Herts Local Plan (2018) as WARE2 and currently within Ware, Wareside and Thundridge parishes.
- 1.2 The review will have regard to existing and planned developments and will consider whether to recommend any alteration to the existing parish boundaries and any consequent changes to the electoral arrangements for any parish. The review will also consider whether any changes should be made to any of the ward boundaries within the Ware Town Council area.
- 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 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 Ware Town Council and to a suggestion from the Local Government Boundary Commission for England (LGBCE).
- 1.6 The Town Council stated that 'it has been recognised from the outset of the District Plan that the [WARE2] is an extension of Ware and looks towards the town for many of its services and facilities' and requested 'that East Herts District Council should undertake a Community Governance Review (CGR) of Ware and the immediately surrounding area, as soon as possible, with the principal aim being to expand the Ware town boundary to include the whole of the designated area for WARE2'. Ware Town Council also identified a number of other places within the town where it considers the existing

town/ward boundaries are anomalous and suggested amendments to address each of these.

- 1.7 The LGBCE, in the final recommendations of its Electoral Review of East Hertfordshire (2022) addressed the WARE2 issue by extending the northern boundary of Ware Trinity district ward to include most of the new development within the ward, with a new single-councillor Ware Rural ward composed of the parishes of Thundridge, Widford and part of Wareside. The new boundary near Moles Farm and the A10 does not follow the entirety of the residential development however, because the LGBCE decided to follow the existing parish and county division boundary and suggested that a community governance review would be the most effective way to make parish boundary changes in this area, with a subsequent request to the Commission for related alterations to update the district ward and county division boundaries accordingly.

Community Governance Reviews

- 1.8 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

- 1.9 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.
- 1.10 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.
- 1.11 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.

Timetable for Community Governance Review of Ware and parts of Wareside and Thundridge.	
Stage of process	Proposed dates
Publication of terms of reference	4 September 2023
Initial submissions	
Initial submissions invited/ publicity campaign	4 September to 27 October 2023
Deadline for initial submissions	27 October 2023

Consideration of submissions/ preparation of draft recommendations	November 2023 (report to Council meeting 13 December 2023)
Consultation on draft recommendations	
Publication of draft recommendations	22 January 2024
Consultation on draft recommendations/publicity campaign	22 January to 15 March 2024
Deadline for consultation responses	15 March 2024
Consideration of responses/ preparation of final recommendations	April/May 2024 (report to Council meeting June/July 2024 (date TBC))
Decisions & implementation	
Publication of final recommendations	July 2024
Council meeting to make any Reorganisation Order	September/October 2024 (date TBC)
Effective date for any revised electoral arrangements	6 May 2027 (next ordinary town/parish council elections)

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 town/parish boundaries and/or electoral arrangements.
- 4.2 Plans showing the existing town/parish and ward boundaries in the area under consideration; and the area identified in the request from Ware Town Council at paragraph 1.6 above are attached at Appendix 'A' to these terms of reference.
- 4.3 In reviewing the community governance arrangements of any town/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 Electorate forecasts for September 2028, 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.
- 4.5 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 towns/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 town/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 town/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 towns/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 towns/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 District Plan should not in normal circumstances be partitioned by town/parish boundaries.
- 5.6 Should a reorganisation of town/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 town/parish electoral arrangements will come into effect at the next scheduled ordinary town/parish elections. Town/parish elections will take place in East Hertfordshire in May 2027 and every four years thereafter.

The number of parish councillors

- 6.2 Legislation provides that the number of councillors for each town/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 town/parish the Council will, as required by the 2007 Act, have regard to the number of local government electors for the town/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.

Town/parish warding

- 6.4 The Council may also consider whether a town/parish should be, or should continue to be, divided into wards for the purposes of elections to the town/parish council and the number and boundaries of town/parish wards, taking account of population distribution and community identity and interests in the area.
- 6.5 Where a town/parish is warded and continues to be so, the Council will give consideration to the number of councillors to be elected from each ward and the number of electors they represent. The Council notes that the Local Government Boundary Commission for England (LGBCE) believes 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.

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 may make 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 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 of the year specified in 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 under 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 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 to 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: (to insert)

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:

**The Electoral Services Manager,
East Hertfordshire District Council,
Wallfields,
Pegs Lane,
Hertford,
SG13 8EQ**

E-mail: electors@eastherts.gov.uk

Telephone: (to insert)

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APPENDIX 'A'

The map below shows the area that is subject to the community governance review and the existing town/parish and town/parish ward boundaries within that area.

(to insert map)

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