

NORTH LINCOLNSHIRE COUNCIL
COMMUNITY GOVERNANCE REVIEW 2023

Terms of Reference

A review of the parishes stated below under the Local Government and Public Involvement in Health Act 2007.

1. INTRODUCTION

Background

North Lincolnshire Council has resolved to undertake a Community Governance Review (CGR) of the following parished areas of the district (the 'Parishes'):

Alkborough and Walcot Parish Council
Amcotts Parish Council
Appleby Parish Council
Ashby Parkland Parish Council
Barnetby-le-Wold Parish Council
Barrow upon Humber Parish Council
Belton Parish Council
Bonby Parish Council
Burringham Parish Council
Burton upon Stather Parish Council
Cadney cum Howsham Parish Council
East Butterwick Parish Council
East Halton Parish Council
Eastoft Parish Council
Elsham Parish Council
Flixborough Parish Council
Garthorpe and Fockerby Parish Council
Goxhill Parish Council
Gunness Parish Council
Haxey Parish Council
Hibaldstow Parish Council
Horkstow Parish Meeting
Keadby with Althorpe Parish Council
Kirmington and Croxton Parish Council
Luddington and Haldenby Parish Council
Manton Parish Meeting
Melton Ross Parish Council
Messingham Parish Council
New Holland Parish Council
North Killingholme Parish Council
Owston Ferry Parish Council
Redbourne Parish Council

Roxby cum Risby Parish Council
Saxby All Saints Parish Council
Scawby Parish Council
South Ferriby Parish Council
South Killingholme Parish Council
Thornton Curtis Parish Council
Ulceby Parish Council
West Butterwick Parish Council
West Halton and Coleby Parish Council
Whitton Parish Meeting
Winteringham Parish Council
Wootton Parish Council
Worlaby Parish Council
Wrawby Parish Council
Wroot Parish Council

In undertaking the review, the council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (referred to as “the 2007 Act”), the relevant parts of the Local Government Act 1972, Guidance on CGRs 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 (LGBCE) in March 2010, together with any other relevant legislation and guidance.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the council to publish its terms of reference for a review, clearly setting out the focus of the review. This document will fulfil this requirement.

What is a Community Governance Review?

A CGR can be 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 any new parishes.
- The electoral arrangements for parishes, i.e. the ordinary year of election, council size, the number of councillors to be elected to the council and parish warding, and
- Grouping of parishes under a common parish council or de-grouping parishes.

A CGR must –

- Reflect the identities and interests of the communities in that area, and
- Be effective and convenient.

Consequently, a CGR must take into account –

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

Aim of a Community Governance Review

The aim of a review is to consider and bring about improved community engagement, better local democracy and efficient, more effective and convenient delivery of local services and ensures electors across these Parishes are treated equitably and fairly.

The review will consider –

- The electoral arrangements for the parishes of Alkborough and Walcot Parish Council, Amcotts Parish Council, Appleby Parish Council, Ashby Parkland Parish Council, Barnetby-le-Wold Parish Council, Barrow upon Humber Parish Council, Belton Parish Council, Bonby Parish Council, Burringham Parish Council, Burton upon Stather Parish Council, Cadney cum Howsham Parish Council, East Butterwick Parish Council, East Halton Parish Council, Eastoft Parish Council, Elsham Parish Council, Flixborough Parish Council, Garthorpe and Fockerby Parish Council, Goxhill Parish Council, Gunness Parish Council, Haxey Parish Council, Hibaldstow Parish Council, Horkstow Parish Meeting, Keadby with Althorpe Parish Council, Kirmington and Croxton Parish Council, Luddington and Haldenby Parish Council, Manton Parish Meeting, Melton Ross Parish Council, Messingham Parish Council, New Holland Parish Council, North Killingholme Parish Council, Owston Ferry Parish Council, Redbourne Parish Council, Roxby cum Risby Parish Council, Saxby All Saints Parish Council, Scawby Parish Council, South Ferriby Parish Council, South Killingholme Parish Council, Thornton Curtis Parish Council, Ulceby Parish Council, West Butterwick Parish Council, West Halton and Coleby Parish Council, Whitton Parish Meeting, Winteringham Parish Council, Wootton Parish Council, Worlaby Parish Council, Wrawby Parish Council and Wroot Parish Council including the number of councillors elected to the parishes and parish warding, and apply suggested ratios of the number of councillors to electorate given within statutory guidance (paragraph 4, page 6 of these Terms of Reference refers).
- Any other relevant issues that are submitted in response to the review consultation process.

Why undertake a Community Governance Review?

A CGR provides an opportunity for Principal Councils to review and make changes to community governance in their areas. 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 reflects the identities and interests of the communities involved.

The government has emphasised that any recommendations made in a CGR should bring about improved community engagement, more cohesive communities, better local democracy and effective and convenient delivery of local services, and this council will take all these factors into account as part of this review.

This council believes that town and parish councils play an important role in terms of community empowerment at local level and wishes to ensure that parish governance in these areas continues to be robust, representative and able to meet any future challenges. Furthermore, it wishes to ensure that clarity and transparency exists at this level of governance and that the electoral arrangements of these parishes are appropriate, equitable and understood by their electorate.

This council previously completed a review of this type in September 2017, whereby it considered -

- The electoral arrangements for the parishes of Barton, Bottesford, Brigg, Broughton, Crowle and Ealand, Epworth, Kirton in Lindsey and Winterton including the number of councillors elected to the parishes and parish warding;
- What the appropriate community governance arrangements are for Holme including (but not limited to) whether the parish should be abolished, merged or grouped with another parish, and
- Any other relevant issues that are submitted in response to the review consultation process

During this review the council will consider the relevant guidance and legislation and will consider each case on its merits and on the basis of information and evidence provided during the course of the review.

Who will undertake the Community Governance Review?

As a principal council, North Lincolnshire Council is responsible for undertaking any CGR in its electoral area. It is proposed, following a delegation from council, that the Governance Scrutiny Panel be constituted to conduct the review and to make recommendations to full council thereon. Council will be required to approve the final recommendations prior to the making of any community Governance Order. A full consultation process will form part of the review to take full account of the views of local people.

Who to contact in respect of the Review?

Main contacts in respect of the CGR are the Head of Democracy (and/or his representative).

2. CONSULTATION

How the Council proposes to conduct consultations during the Review

The council has drawn up and published these terms of reference which provides the aims of the review, the legislation that guides the process, and the points that the council views as important in the process.

Before making any recommendations or publishing final proposals, the council will take full account of the views of local people in the Parishes being reviewed and will comply with the statutory consultative requirements by –

- Consulting local government electors in the Parishes.
- Consulting any other person or body (including other relevant local authorities and parish councils) which appears to the council to have an interest in the review.
- Taking into account any representations received in connection with the review.
- Notifying consultees of the outcome of the review and,
- Publishing all decisions taken and the reasons for such decisions.

Information about stages of the review will be published on the council's website with key documents available to view at Church Square House, Scunthorpe (by appointment). Press releases or adverts will be published where appropriate. The council will also make use of the on-line consultation database to enable comments to be made on-line as well as in writing. It is likely that consultations will take place over approximately a 12-week period.

Review Timetable

A CGR must, by statute, be completed within a 12-month period from the day on which it commences. The CGR begins when the council publishes its terms of reference and concludes when it publishes the recommendations made in the review.

3. ELECTORATE FORECASTS

The Electorate and Electorate Forecasts for North Lincolnshire Council

This council has used the Register of Electors 2022-2023 published on 1 December, 2022 to provide existing parish and parish ward electorate figures (with the figures correct as at 1 September 2023). Details are attached as an Appendix A. For completeness, electorate figures for the town councils in North Lincolnshire are also included.

In considering the electoral arrangements of the Parishes in the area, the council must consider any likely future changes in the number or distribution of electors within five years from the day the review commences, together with associated current and projected ratios of electors to councillors.

Electorate forecasts will be prepared (using available information including current significant planning permissions and the local plan) and be made available to interested parties as early as possible in the review process.

4. PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structure of Parish Governance in North Lincolnshire

The vast majority of North Lincolnshire is already parished. The only unparished area is Scunthorpe which consists of six district council wards. Appendix B to this document shows the existing structure of the parishes included in this review, and associated district wards.

PARISH MEETINGS

Part of the review will consider what the appropriate community governance arrangements are for those areas serviced by a parish meeting including (but not limited to) whether the parish should be abolished, merged or grouped with another parish.

Areas serviced by a parish meeting include –

- Horkstow
- Manton
- Whitton

Legislation requires that the council must ensure that community governance within the area -

- reflects the identities and interests of the communities in the area.
- is effective and convenient.
- takes into account any other arrangements for the purpose of community representation or community engagement in the area.

ELECTORAL ARRANGEMENTS

What are Electoral Arrangements?

Electoral arrangements are the way in which a council is constituted for the parish and they are an important part of the review. They comprise –

- 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, and
- the name of any such ward.

Ordinary year of Election

The ordinary year of election is every four years as stated in the Local Government Act 1972, i.e. 2019, 2023, 2027 etc. If the review recommends, and it is approved, that more/less councillors are required for a particular parish, these will then come into effect at that parishes next ordinary elections in line with the four yearly cycle in North Lincolnshire.

Parish Council or Parish Meeting?

The council has a duty to create, or not, a parish council and must follow the guidance laid down in legislation as follows –

- where the number of electors is 1,000 or more a parish council must be created.
- where the number of electors is 151 – 999 a parish council may be created, with a parish meeting being the alternative form of governance, and
- where the number of electors is 150 or fewer a parish council is not created.

What considerations cover the number of parish councillors?

The government's advice is that, as an important demographic principle, each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when electing parish councillors. This council agrees with this principle and will take it into account during the review also having regard to current and historical factors, along with the fact that there should be not less than five councillors for each parish council. There is no maximum number and no rules relating to the allocation of councillors. However, each parish grouped under a common parish council must have at least one parish councillor.

Legislation dictates that the council must have regard to the following factors when considering the number of councillors to be elected for a parish –

- The number of local government electors for the parish, and
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Research in 1992 found the following levels of representation which are not likely to have changed greatly since –

| Electorate | Councillor Allocation |
|---------------------|------------------------------|
| Less than 500 | 5 - 8 |
| 501 - 2500 | 6 - 12 |
| 2501 – 10,000 | 9 - 16 |
| 10,001 – 20,000 | 13 - 27 |
| Greater than 20,000 | 13 - 31 |

The National Association of Local Councils (NALC) published guidance in 1988 which gave a minimum of 7 and a maximum of 25 councillors for a parish council.

The government’s guidance is that each area should be considered on its own merits, having regard to population, geography and the pattern of communities. Therefore, this council will pay particular attention to existing levels of representation, the overall pattern of existing council sizes and the take up of seats at elections when considering these aspects.

However, the council acknowledges that there are exceptions to every “rule” and each area will be considered individually.

Parish Warding

The council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections.

- 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.

The government’s guidance is that warding of parishes may not be justified for largely rural areas based predominantly on a single centrally located village. Conversely, warding may be appropriate where a parish encompasses a number of villages with separate identities or where there has been urban overspill at the edge of a town into a parish.

The council will be mindful of community identities in both rural and urban parishes, with the latter possibly more likely dependant for its warding where community identity focuses on a specific area, and will endeavour to ensure that any warding arrangements reflect local circumstances and are clearly and readily understood by the electorate.

It should be noted that ward elections should have merit, not only should they meet the two tests given above but should also be in the interests of effective and convenient local government. This should not be wasteful of a parish's resources.

The number and boundaries of parish wards

In respect of the number and boundaries of any parish wards, the council will consider the criteria stated above, in particular the community identity and interests in an area, but also whether any particular ties or links might be broken by the drawing of particular ward boundaries. Parish wards must be easily identifiable and remain so in the future.

Any recommendations which are intended to reflect community identities and links will be supported by relevant evidence.

Although the government's guidance is that district wards and county electoral divisions should not split an unwarded parish and that no parish ward should be split by such a boundary, the relevant legal provisions do not apply to reviews of parish electoral arrangements. However, the council will bear this in mind as requested by the LGBCE.

The number of councillors to be elected for parish wards

The council will consider the following when considering the size and boundaries of any parish wards and the number of councillors to be elected for each ward –

- The number of local government electors for a parish, and
- 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 the review commences.

The guidance advises that, as an important democratic principle, 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 election of councillors. Although there is no provision in legislation that each parish councillor should represent, as near as possible, the same number of electors, the council considers that 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, the council wishes to avoid the risk 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 council. Consequently, during the review, the council will show the ratios of electors to councillors that will result from any proposals.

The same principle of equitability will apply when consideration is given to the number of councillors to be elected to a common parish council by each parish within a grouping arrangement.

Naming of parish wards

With regard to the names of parish wards, the council will endeavour to reflect existing local or historic place names and will consider any ward names proposed by local interested parties.

5. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The review will be completed when the council adopts the reorganisation of Community Governance Order. Copies of the Order, maps detailing the effects of the Order, and the documents setting out the reasons for all decisions made whether for change or no change will be deposited and published in the same manner as at each stage of the review, i.e. at Church Square House, Scunthorpe and on the council's website.

In accordance with the government's guidance, the council will issue maps to illustrate each recommendation at an appropriate scale wherever possible. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the council's offices at Church Square House, Scunthorpe. 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.

The Order can be made at any time following a review, but any changes to electorate arrangements for existing parishes will come into force at the next ordinary elections for the parish council. However, if these elections are not for some time, the council may resolve to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for an early election with councillors serving a shortened term of office to allow the parish electoral cycle to return to that of the district.

6. 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, including –

- the transfer and management of custody of property.
- the setting of precepts for new parishes.
- provision with respect to the transfer of any functions, property, rights and liabilities, and
- 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 had been issued following the 2007 Act including those regarding the transfer of property, rights and liabilities which 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 Regulation 3 of the Local Government Finance (New Parishes) Regulations 2008 regarding the establishment of a precept for a new parish and their requirements.

7. DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

These terms of reference to be published formally (following approval by council) prior to the first meeting of the Governance Scrutiny Panel at which the CGR business is to be considered.