

Appendix 2 (v 3)

NORTH EAST DERBYSHIRE DISTRICT COUNCIL
COMMUNITY GOVERNANCE REVIEW OF SHIRLAND AND HIGHAM
TERMS OF REFERENCE

Introduction

North East Derbyshire is carrying out a Community Governance Review (CGR) in the Shirland and Higham Parish in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

The Council has received a valid Petition from residents of Stonebroom requesting a CGR to consider a separate Parish for Stonebroom. This could remove Stonebroom from the Parish of Shirland and Higham, making 2 Parish Councils. The Petition contained 187 valid signatures from people indicating that they were electors of the Stonebroom area. The Council must therefore undertake a CGR in accordance with Section 83(2) of the Local Government and Involvement in Public Health Act 2007 (LGIPHA 2007) as amended.

The petition was accompanied by a map showing the area to be considered. These are attached at Appendix 1.

The Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government in 2010. This guidance has and will be carefully considered during the CGR.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a CGR. These Terms of Reference will be published on the Council's website and that of Shirland and Higham Parish Council.

The matters the CGR is to consider are set out later in these Terms of Reference.

What is a Community Governance Review?

The Community Governance Review is the process used by the District Council to consider whether Shirland and Higham Parish Council should be replaced with 2 separate Parish Councils, one to cover Stonebroom, the other the remaining parts of Shirland and Higham.

There are a number of options with regards the outcome of the review depending on the results of the consultation. The CGR could recommend to Council that:

- a there should be no change to the existing arrangements
- b the existing parish should be replace with 2 separate parishes

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c a parish council should be established for one or both of the new parishes and if so, the boundary, names and the electoral arrangements for each i.e. how many councillors on each and the election cycle

d an 'alternative style' for one or both of the areas should be established

Note - The Local Government and Public Involvement in Health Act 2007 enables a parish council to be alternatively styled as a "village council", "neighbourhood council" or "community council".

Under Section 93 of the Local Government and Public Involvement in Health Act 2007 a CGR has to ensure that community governance within the area under review will:

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

In accordance with the Secretary of State's 2010 guidance, a CGR has to take into account the following factors:

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

It must also take into account any existing arrangements such as community or residents associations or neighbourhood councils.

There are 2 stages to a CGR.

The first will gather opinions on whether Shirland and Higham Parish Council should be divided into 2 separate parishes, one for Shirland and Higham and one for Stonebroom.

The second will be the Council's recommendation on the way forward. The public will be able to comment on this.

Parish governance in our area

The Council believes that parish councils play an important role in terms of community empowerment at the local level. 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."

Who undertakes the CGR?

North East Derbyshire District Council is responsible for undertaking the CGR. The District has decided to set up a working party of councillors to carry out the CGR and report back to the Council. The decision on the CGR outcome will be taken by North East Derbyshire District Council at one of its meetings.

A full consultation exercise will form part of the CGR so that full account of the views of local people can be taken. The Act requires the Council to consult the local

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government electors for the area under review and any other person or body who appears to have an interest in the CGR and to take the representations into account by judging them against the criteria in the legislation.

The consultation will include:

- The publication of a notice and these terms of reference on the Council's website and copies available for inspection at the Council's main offices.
- A copy of the Terms of Reference being sent to the Parish Clerk at Shirland and Higham Parish Council.
- Shirland and Higham Parish Council to be asked to display the terms of reference on their website and placed on their notice board if they have one.
- The Petitioner organisation be asked to display the Terms of Reference on their website and/or notice board (if they have one).
- Sending a copy to the relevant County Councillors
- Sending a copy to the Member of Parliament for the area.

Before making any recommendations, we will take account of any representations received. The Council will publish recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them.

The Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the Review.

The Council has notified Derbyshire County Council that a CGR is to be undertaken and that these are the terms of reference for the CGR.

How to contact us

You can submit your views online at www.xxxxxxxxxxxx or by writing to

YYY Officer
North East Derbyshire District Council
2012 Mill Lane
Wingerworth
Chesterfield
Derbyshire
S42 6NG

A timetable for the Review

Stage	What happens	Timescales	Date
Commencement	A Community Governance Petition received		
Preparation	The Petition is validated; desk research and information gathering; local briefings and meetings; Terms of References for the review are prepared and approved.		
	Terms of References for the review are published		
Stage One	Initial Submissions are invited		
Stage Two	Consideration of submissions received – Draft recommendations are prepared.		
Stage 3	Draft recommendations are published – consultations on the draft recommendations is carried out.		
Stage 4	Consideration of submissions received – final recommendations are prepared		
	Final recommendations are published – concluding the review		
	Council resolves to make a	1 month later	

	Reorganisation Order		
	If required, an Organisation of Community Governance Order		

What area is being reviewed?

The area being reviewed is the area on which the petition was based. This is Stonebroom in Shirland and Higham Parish Council area. This is shown on the map attached which was submitted with the petition.

In proposing any parish arrangements for this area, the Council is not bound by the area referred to in the petition or shown on the map accompanying the petition.

As part of the CGR the Council has to provide the number of electors in the area. If the Council recommends that a parish council should be set up, this information will be used to decide on the electoral arrangements, e.g. how many councillors on each parish council.

The Council has used the current Register of Electors in providing the existing electorate figures. These are:

	Current number of electors
Stonebroom	1477
Shirland and Higham (without Stonebroom)	2572

Will there be any additional costs to residents of the area?

It is recognised that there are potential additional costs associated with the establishment of a parish council. The level and detail of these costs are something that would be determined by each parish council at the time a decision was made on the establishment. It will be the responsibility of each parish council to determine the nature and level of its costs which will be linked to its activities and the level of support required to deliver these e.g. associated salaries, premises and any assets that might be transferred.

Reorganisation of Community Governance Orders and commencement

The CGR will be completed when the Council adopts the Reorganisation of Community Governance Order (the Order). Copies of this Order, the map that shows the effects of the Order in detail and the documents which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a CGR) are deposited at the Council's Offices, on the Council's website and at any contact points.

In accordance with the Guidance issued by 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 for Levelling Up, Housing and Communities and at the Council's Offices at Mill Lane. 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 1st April in the designated year.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council. These might be the next ordinary elections. However, where the next ordinary elections are not for some time, the Council might resolve to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year, with councillors serving a shortened first term to allow the parish electoral cycle to return to that of the District.

Consequential Matters

General principles

The Council notes that an 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 LGIPHA 2007. 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.

District Ward and County Electoral Division boundaries

The Council is mindful that it may be necessary for it to recommend to the Local Government Boundary Commission to make alterations to the boundaries of wards of the District or Electoral Divisions of the County Council to reflect the changes made at parish level. The Council notes that it will be for the Local

Government Boundary Commission to decide if related alterations should be made and when they should be implemented and that the Commission may find it appropriate to conduct an electoral review of affected areas.

The council notes that the Local Government Boundary Commission will require evidence that the Council has consulted on any such recommendations for alterations to the boundaries of District Wards or County Electoral Divisions as part of the review. Of course, such recommendations for alterations may only become apparent during the course of the review. Even so, the Council will endeavour to include any such draft recommendations for alterations at the earliest possible opportunity for consideration that will arise after they become apparent.

Where any such consequential matters affect the Derbyshire County Council, the Council will also seek the views of that Council with regards to alterations to Electoral Division boundaries in accordance with the government's guidance

Date of publication of these Terms of Reference

13th September 2022

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Matters to be considered as part of the terms of reference

Appendix 1

Letter and map accompanying Petition.