

Tonbridge & Malling Borough Council

Community Governance Review 2016 : Terms of Reference

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

Introduction

Tonbridge & Malling Borough Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the parish boundaries between Kings Hill and East Malling & Larkfield, and Kings Hill and Wateringbury parishes.

Why undertake a Community Governance Review?

A CGR provides an opportunity for principal authorities 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. The most recent similar reviews were;

- Tonbridge and Malling (Parishes) Order 2000, coming into force on 1 April 2002.
- Tonbridge and Malling (Electoral Changes) Order 2001, coming into force 1 May 2003.
- The Tonbridge and Malling Borough Council (Reorganisation of Community Governance) Order 2009, coming into force 1 April 2010.
- The Tonbridge and Malling Borough Council (Reorganisation of Community Governance) Order 2014, coming into force 1 April 2015.

The parish of Kings Hill was created in 1999 through The Tonbridge and Malling (Parishes) Order 1999. Since then the community has grown considerably and new residential, commercial and recreational facilities have been and continue to be built. The majority of this development has taken place within the boundary of the parish. However, some recent development has extended beyond the current Kings Hill parish boundary.

KHPC have requested this review of boundaries to ensure the parish boundary reflects the interests and identities of the local communities. The ongoing development of Kings Hill has, until relatively recently, meant that clear boundaries of the extent of local development have not been available. Those boundaries are now clearer, allowing for a more definitive review to take place.

Score of the review

Tonbridge & Malling Borough Council has resolved to undertake a CGR to consider whether governance arrangements for the parish of Kings Hill 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.

Specifically, the review will consider the parish boundaries between Kings Hill and East Malling & Larkfield, and Kings Hill and Wateringbury parishes.

Who will undertake the community governance review

As the principal authority, the Borough Council are responsible for undertaking any CGR within its electoral area.

The committee responsible for overseeing this process is the "General Purposes Committee" (GP). The council's "Electoral Review Working Group" (ERWG) will conduct the review and make recommendations to GP for adoption and creation of a Reorganisation of Community Governance Order.

A timetable for the review

A CGR must, by statute, be concluded within a twelve month period from the day on which the review commences. A CGR commences when the Borough Council publishes its Terms of Reference and it concludes when the Borough Council publishes the recommendations made in the review.

Action	Timetable	Outline of action
Terms of Reference (ToR) are published	Start Date 2 February 2016	Borough Council publishes ToR and notifies stakeholders, clearly defining extent of the review and consequential matters.
Publish Draft Proposals	2 February 2016	Borough Council publishes Draft Proposals and commences formal consultation upon them.
Consultation	2 February 2016 to 9 May 2016	Borough Council undertakes a full consultation requesting support for the Draft Proposals, or alternative proposals.
Final Proposals are prepared	During May 2016	Borough Council considers results of consultation and prepares Final Proposals.
Final Proposals are determined	June 2016	Borough Council (General Purposes Committee) determines Final Proposals
Council publishes the reorganisation order	thereafter	Borough Council publishes a reorganisation order concerning Parish matters.

PRINCIPLES GUIDING THE REVIEW

Relevant legislation

In undertaking a CGR, the Borough Council will apply the guiding principles as appropriate from the following legislation and guidance;

- The Local Government and Public Involvement in Health Act 2007
- The Local Government Act 1972
- Guidance on Community Governance Reviews (DCLG/EC)
- Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625)
- Local Government Finance (New Parishes) Regulations 2008 (SI2008/626)

Electorate forecasts for the borough

In considering the electoral arrangements of the parishes stated within these Terms of Reference the Borough Council is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. In the affected areas there are no registered electors and no residential properties. Electorate forecasting is therefore not relevant in this review.

Consultation

Before making or publishing Final Proposals, in line with legislative requirements, the Borough Council will take full account of the views of local people. The Borough 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) which appears to the principal council to have an interest in the review;
- c) consulting the county council; and
- d) taking into account any representations received in connection with the review.

When taking account of written representations the Borough 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 Borough 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 Borough Council will also notify each consultee and any other persons or bodies who have made written representations, of the outcome of the review.

LOCAL COUNCILS

The value of local councils

The Borough 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.

The Parish Charter sets out a series of principles which characterise and underpin working relationships between the Borough Council and parish/town councils. The Charter recognises the importance of effective joint working between all tiers of local government including county, borough and parish and town councils as a fundamental part of local democracy.

Furthermore, it recognises that parish/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 Borough Council prior to any decisions taken which might affect local circumstances

Parish boundaries

The Borough 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 Borough 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 pronounced physical barriers. Pronounced 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 Borough 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 Borough 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 Borough 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.

The Electoral Commission has suggested that a relevant consideration for the Borough Council when undertaking a CGR is that the borough wards / county electoral divisions should not spilt an unwarded parish and that no parish ward should be split by such a boundary.

Parish and Town Council level of membership

The Borough 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.

The government has advised, and the Borough Council agrees, that 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 Borough Council to provide an equality of representation across the borough as far as possible.

To ensure that there is an equitable level of representation at parish level on a borough wide basis the Borough Council has adopted the general policy that;

The number of councillors for each parish council should be at least equal to the levels of representation specified within the National Association of Local Councils (NALC) Guidelines.

However, whilst the Borough Council is keen to ensure that the allocation of councillors to parish councils is equitable across the borough, it acknowledges that local circumstances may occasionally merit variation. Therefore, in exceptional circumstances, or in the case of parish warding, the Borough 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 Borough 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.

How to contact us

If you would like to say how you view potential future arrangements under these Terms of Reference please submit your written comments to:

Julie Beilby
Chief Executive
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Alternatively, your submission may be emailed to voting@tmbc.gov.uk

Should you require any further information or need clarification on the review process please contact:

Richard Beesley
Elections & Special Projects Manager

Telephone 01732 876022
Email voting@tmbc.gov.uk

Publication of Terms of Reference

These Terms of Reference will be published on the Borough Council web site www.tmbc.gov.uk and will be available for public inspection at the offices in Kings Hill, West Malling and at Tonbridge Castle, Tonbridge.

Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within each relevant Parish.

Date of publication

2 February 2016