

# Terms of Reference



## For a Community Governance Review

### Harrogate unparished area

**July 2022**

### Introduction

North Yorkshire County Council, in cooperation with Harrogate Borough Council, has decided to undertake a Community Governance Review (CGR) under the provisions of the Local Government and Public Involvement in Health Act 2007, to consider the parishing of currently unparished areas of Harrogate.

This is consequential of Local Government Reorganisation which sees the formation of a single unitary authority for North Yorkshire, and the abolition of the existing seven district councils within North Yorkshire County. Elections to the new authority took place in May 2022, and those elected will serve as councillors on NYCC for one year, followed by four years as councillors on the new single unitary authority for North Yorkshire.

### What is a Community Governance Review?

A CGR is a review of the whole or part of the Harrogate Borough to consider one of 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
- Grouping parishes under a common parish council or de-grouping

### 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.

Once the new single unitary North Yorkshire Council is formed on 1 April 2023, those areas within the Borough of Harrogate which are not parished, will have no lower tier of local government, below that of the unitary.

The unparished areas of Harrogate lie within the more urban centre area which currently has Borough status. In order to preserve the historic property, privileges, rights and traditions presently enjoyed by the residents of the town, the new arrangements establish Charter Trustee areas in the unparished parts of the town with effect from 1 April 2023. The trustees have the power to carry out ceremonial functions but they are not intended to act as administrative units and will have no power in respect of general functions or services.

Within the ‘case for change’ setting out North Yorkshire County Council’s proposals for a unitary authority was a commitment in relation to “double devolution” which would see greater powers and funding passed to parish and town councils. An undertaking was given to conduct a CGR for all unparished areas within North Yorkshire to establish the appetite, desire and suitability for potential parish council formation.

## Considerations of a Community Governance Review

Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:

- 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.

## Scope of this Review

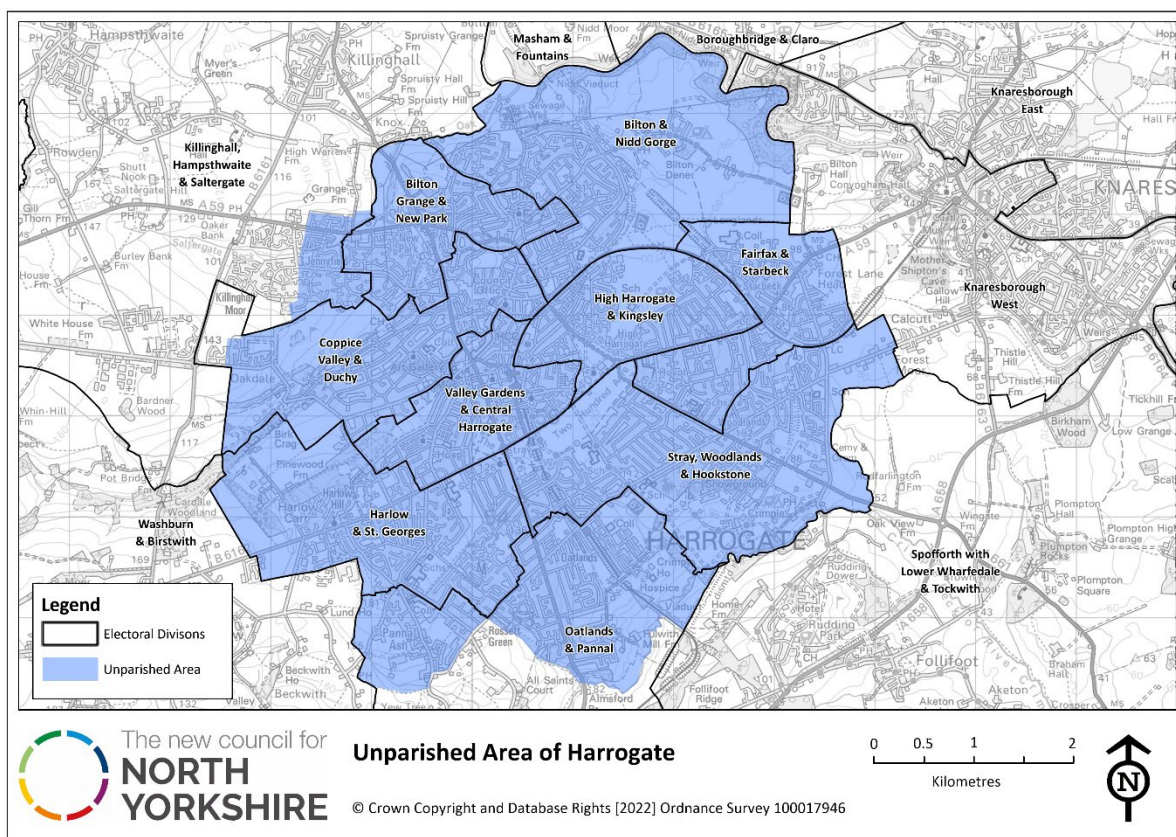
North Yorkshire County Council has resolved to undertake a CGR to consider whether there is a desire and need to create a parish council for the currently unparished areas of Harrogate.

This review seeks to ascertain the most appropriate boundary alignment and governance arrangements for all unparished areas within Harrogate Borough.

The unparished areas of Harrogate include the following current County Council divisions:

Division	Electorate (as at 1 May 22)	Households (as at 1 May 22)
Bilton and Nidd Gorge	5,959	3663
Bilton Grange and New Park	5,943	3747
Coppice Valley and Duchy (PART)	5,576	3776
Fairfax and Starbeck	6,036	3806
Harlow and St Georges	6,524	3863
High Harrogate and Kingsley	6,466	4356
Killinghall, Hampsthwaite and Saltergate (PART)	1,686	1191
Oatlands and Pannal (PART)	4,224	2436
The Stray and Hookstone	6,155	3530
Valley Gardens and Central Harrogate	6,300	5154
<b>Total electorate</b>	<b>54,869</b>	<b>35,522</b>

The only tier of local government that those electors will be represented by will be the new single new single unitary authority for North Yorkshire, whereas all other areas across the Borough are parished and are represented by local parish councillors also.



Minor boundary changes to parish council areas which lie adjacent to the unparished areas will be considered where appropriate. During the course of the review, boundary anomalies may come to light where, for example, it may seem more appropriate for a small unparished area to be included within a neighbouring parish rather than either remaining within the unparished area or becoming part of any new parish which may be created for the unparished area. In any such case, affected residents and parish councils will be specifically consulted.

If any apparent anomaly should come to light during the initial consultation period, proposals to rectify will be consulted upon at draft recommendation stage.

## Who will undertake the community governance review

The North Yorkshire Structural Changes Order 2022 provides for North Yorkshire County Council to undertake this review, working in close collaboration with Harrogate Borough Council, as until 31<sup>st</sup> March 2023, both authorities still remain in place over the unparished areas. After 31<sup>st</sup> March, the North Yorkshire single unitary council will continue with the review till its completion.

The review will comply with the legislative and procedural requirements set out in the 2007 Act, as well as statutory guidance and best practice models. This includes guidance produced jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England (LGBCE). This review will follow the approach set out in these Terms of Reference, including the indicative timetable.

## Timetable for the review

<b>Date</b>	<b>Action</b>
19 July 2022	North Yorkshire County Council Executive to approve Terms of Reference for the Community Governance Review *
August to September 2022	Formal initial Community Governance Review consultation
October to December 2022	Consideration of responses and drafting of recommendations
February to April 2023	Further public consultation on Draft Recommendations
April to June 2023	Formulation of final recommendations
July 2023	Final recommendations to be considered by Full Council.
By Summer 2023	Reorganisation Order made
May 2024	Parish council elections to be held under any new arrangements that may be decided.

\*The SCO provides at article 11 (2) that the discharge of the article 7 functions shall during the second transitional period be an executive function of NYC

## Consultation

Before making or publishing Final Proposals, in line with legislative requirements, North Yorkshire County Council will take full account of the views of local people. The County Council (and Borough Council whilst still in existence) 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 or elected representative) which appears to the principal (County and Borough) council to have an interest in the review;
- c) taking into account any representations received in connection with the review.

When taking account of written representations the County 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 County 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. This will consist of two phases of consultation. The first will seek initial views and desires of local residents, groups and stakeholders, and will form the basis of the draft recommendations. The second phase will seek views upon those draft recommendations, to allow final recommendations to be formed.

Consultation and awareness raising will consist of various communication methods, such as direct mailings, media posts (digital and printed), on the ground workshops where viable, and each will explain how residents and stakeholders can submit their views.

## The value of local councils

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.

Parish and town councils have a key role to play in representing the views and 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 County Council prior to any decisions taken which might affect local circumstances.

## Other (non-parish) forms of community governance

The County Council is required by law to consider other forms of community governance. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than parish councils.

The County Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate. However, the County Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

## Charter Trustee Areas

The County Council will be mindful of guidance issued by Government that proposals to create a parish council covering all or any part of a Charter Trustee area need to be judged in particular against the following considerations:

- a) The effect on the cohesiveness of the area
- b) What are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the Charter Trustee area? Are there smaller areas within it which have a demonstrable community identity and would be viable as administrative units?

## Parish boundaries

The County 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 County 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 identifiable physical barriers. These physical barriers might include natural boundaries such as rivers or man-made features such as railways or roads.

In any event the County 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.

## Electoral arrangements and councillor representation

An important part of the Review will be to consider the 'Electoral Arrangements' and will cover the how a council is constituted for the parish comprising the following:

- 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.

The Local Government Act 1972 states that ordinary election of Parish Councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2007, 2011, 2015, etc) However, parish elections may be held in other years to coincide with the cycle for the principal Council, so that the costs of elections can be shared. If the Review finds that it will be appropriate to hold an election for Parish Councillors, for a newly formed parish, at an earlier date than the next scheduled ordinary elections, the terms of office of any newly elected Parish Councillors will be so reduced as to enable the electoral cycle to revert to the normal cycle in the district at the next ordinary elections.

The County Council notes that the number of Parish Councillors for each parish council shall not be less than five. There is no maximum number and there are no rules relating to the allocation of Councillors. There are, however, guidelines produced both by the National Association of Local Councils and by the Aston Business School and the Council will be mindful of these during the

review. The Government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.” Therefore the County Council is prepared to pay attention to existing levels of representation, the broad pattern of existing council sizes and the take up of seats at election time.

### How to contact us

If you would like to say how you view potential future arrangements under these Terms of Reference please respond to the online consultations on the North Yorkshire County Council Website: [www.northyorks.gov.uk/cgr](http://www.northyorks.gov.uk/cgr) The survey will also be available in other formats, please contact Email: [CGR@northyorks.gov.uk](mailto:CGR@northyorks.gov.uk) or 01609 780 780.