

BARROW BOROUGH COUNCIL
COMMUNITY GOVERNANCE REVIEW
TERMS OF REFERENCE

Introduction

Barrow Borough Council currently has 2 Parish and 1 Town Council and would like to consider whether to create any more, particularly for the town of Barrow. This is in the context of the decision of the Secretary of State to create two new unitary authorities within Cumbria. To create a new Town or Parish Council the Borough Council must undertake a Community Governance Review (CGR).

Barrow Borough Council has resolved to undertake a CGR for the unparished area of the Borough.

In undertaking the Review, the Council 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, Guidance on CGRs, issued in accordance with section 100(4) of the 2007 Act, by the Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010 and any other relevant statutory provisions.

Section 81 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires the Council to publish its Terms of Reference in 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 Borough 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 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 of 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.

It is intended that the review will look at the unparished area of the Borough of Barrow-in-Furness as identified on the attached plan with a view to the whole of the Borough being parished.

In conducting a CGR, principal councils must consider other forms of community governance as alternatives or stages towards establishing parish councils.

Who will undertake the Community Governance Review

As a principal council, the Borough Council is responsible for undertaking any CGR in its electoral area. The Shadow/new Westmorland and Furness Council will approve final recommendations before a Community Governance Order is made.

Who to contact in respect of the Review?

Main contacts in respect of the CGR are Jon Huck, Democratic Services Manager who can be contacted on 01229 876312 or by email, jwhuck@barrowbc.gov.uk.

CONSULTATION

How the Council proposes to conduct consultations during the Review

The Council has drawn up and published this Terms of Reference document, which provides the aims of the review, the legislation that guides the process, and the points that the Council views as important in this process.

Before making any recommendations or publishing final proposals, the Council will take full account of the views of the local people and will comply with the statutory consultative requirements by:

- Consulting local government electors for the area;
- Consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review;
- Notifying and consulting with Cumbria County Council and the new Westmorland and Furness Shadow Authority;
- 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 each stage of the review will be published on the Council's website with key documents available to view at www.barrowbc.gov.uk and at Barrow Town Hall, Duke Street, Barrow LA14 2LD.

We will also publicise the review on our website, through our internal communication channels and on our social media platforms to engage residents, community groups and stakeholders.

Review Timetable

A CGR must generally 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.

The provisional timetable is attached as Appendix 1.

ELECTORAL FORECASTS

The electorate and electorate forecasts for Barrow Borough Council

The Council has used the Register of Electors as at 1 October 2021 to provide existing parish and parish ward electorate figures (Appendix 2)

In considering the electoral arrangements of the parishes in the area, the Council must consider any likely future change in the number or distribution of electors within five years from the date the review commences.

Electorate forecasts have been prepared using all available information including current planning permissions and the Local Plan (Appendix 3).

PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structure of parish governance in Barrow-in-Furness

There are currently two parishes and one town council within the Borough. The majority of the Borough is currently unparished. Appendix 2 to this document shows the existing parish structure including parishes, parish wards, current electorate, number of councillors, ratios of electors to councils and borough wards.

We will consult on plans to create a new Town Council for Barrow and any other new parish council which emerges from the consultation process. The consultation will not be looking to change any existing parish/town council boundaries.

PARISH AREAS

This part of a review covers the creation of new parishes, the alteration of parish boundaries and the abolition of existing parishes.

Legislation requires that the Council must ensure that community governance with the area:

- Reflects the identities and interests of the communities in the area;
- Is effective and convenient; and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

Parishes

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity, ensuring that electors are able to clearly identify with the parish in which they are resident, creating a common interest in parish affairs which will, in turn, encourage participation in parish elections.

The Government expects the creation rather than the abolition of parishes and this Council is intent on retaining the parishes within Barrow-in-Furness, and will look at the potential for creating new parishes.

Boundaries

It is considered by this Council that the current parish boundaries best reflect the areas between communities within the Borough.

The pattern of community representation and community engagement

During the review, the Council will have regard to any local residents' associations, community forums or area committees, or such other community representation or engagement, that exist who make a distinct contribution to the community of that area.

Viability

The Council wishes to ensure that parishes are viable and that their precept enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner. Parishes outside of the main urban areas may have limited capacity to facilitate service provision and effective local government but may have a strong sense of community even in large, sparsely populated areas and arrangements in those areas which are supported by the residents of the parish can provide convenient local government.

This review aims to ensure that the parishes within Barrow reflect community identity and interest and are viable as administrative units.

Names and Styles

The naming of parishes

With regards to the names of parishes, the Council will endeavour to reflect existing local and historic place-names and will consider any ward names proposed by local interested parties.

The Council will be mindful of section 76 of the Local Government Act 1972 with regard to the naming of parishes and subsequent notification along with sections 87 and 88 of the 2007 Act and relevant guidance.

Alternative styles

Alternative styles for parishes were introduced by the 2007 Act which could replace the “parish” style. However, only one of three styles can be adopted, i.e. community, neighbourhood or village. In addition, the style of “town” is still available to a parish but for as long as a parish has an alternative style it will not be able to also have the status of a town and vice versa.

If a new parish is to be created, the Council would make recommendations as to the geographical name of the new parish and whether or not it should have one of the alternative styles.

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 purposes 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. 2015, 2019 etc. Parish elections have coincided with the Borough Council elections so the costs of the elections can be shared.

As a result of the establishment of the new Westmorland and Furness Council the elections to a Shadow Authority will take place in May 2022, with the next ordinary elections being 2027. Elections for Parish Councils are currently expected to take place in May 2023.

Regard will be had to the structural changes order and potential changes to dates for elections.

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 the principle and will take this into account during the review also having regard to the 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.

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.

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 and separate identities of 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 to benefit from warding where community identity

focuses on an area such as a housing estate 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. They 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 take into account 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.

The number of councillors to be elected for parish wards

The Council will take into account 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 the 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 would result from any proposals.

Naming of parish wards

With regards 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.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

Whilst the Borough Council is initiating the review the new shadow authority would be responsible for its implementation through adoption of a 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 not change, will be deposited and published in the same manner as at each stage of the review, i.e. at, Barrow Town Hall, Duke Street, Barrow LA14 2LD and on its website at www.barrowbc.gov.uk.

In accordance with the Government's guidance, the Council will issue maps to illustrate each recommendation at a scale not less than 1:10,000 wherever possible.

The Order will take effect on a date determined by the new shadow or new unitary authority as appropriate and any changes to electoral arrangements for existing parishes will come into force at the next ordinary elections for the parish council.

A review is required to be concluded within twelve months of its commencement. The review commences when the Council publishes its Terms of Reference and concludes when the recommendations which are made in the review are published. There will have to be reasonable periods for the consultation with electors and stakeholders, for the consideration of any evidence which is presented in the representations and for the decision making.

Any order to establish a Town Council should take effect on 1 April, following the date upon which the order is made. The electoral arrangements for any new Town Council will come into force at the first elections following the making of the order. An order should be made sufficiently far in advance to allow preparations for the conduct of the elections. There may need to be interim arrangements for any Town Council which is created and this may involve the Councillors who sit on the Borough Council for the Barrow wards.

Parish Council elections for Askam and Lindal and Town Council Elections for Dalton with Newton normally take place every four years at the same time as the elections for the Borough Council. The next elections for the Council would have been in 2023. The earliest time upon which a Town Council in Barrow could be established would be 1 April 2023.

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 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
- 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 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.

The Council may recommend that the Local Government Boundary Commission for England makes alterations to ward boundaries to reflect any changes made at a parish level. The Council notes that it will be for the Local Government Boundary Commission for England to decide if related alterations should be made as there will be a review of boundaries in connection with the creation of the new Unitary Council

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

These Terms of Reference will be published on 7th February, 2022.

APPENDIX 1 - PROPOSED TIMETABLE

Stage	Action	Timescales	Approximate Planned date
Commencement	Council to consider Terms of Reference		Tuesday 7 December 2021
	Terms of Reference are published, and stakeholders notified with clear definition of remit of Review		7 February 2022
Preliminary Stage	Local briefings and meetings	One month	February 2022
Stage One	Consultation period including questionnaires to the electorate on future arrangements under the Terms of Reference	Three months	February to April 2022
Stage Two	Consideration of submissions received – draft recommendations prepared	Two months	April - May 2022
	Council meeting to consider initial draft recommendations		July 2022
Stage Three	draft recommendations are published and stakeholders notified. Further consultation with stakeholders	Three months	July – Sept 2022
Stage Four	Consideration of final submission received Final recommendations prepared Final Recommendations considered by Council and published concluding the review	Two months	Sept to Oct 2022 Nov 2022
Stage Four	Publication of the Re-organisation Order according to the statutory guidelines		

APPENDIX 2

Parish and Parish ward electorate figures

<u>Parish</u>	<u>Seats</u>	<u>Electors</u>	<u>Per Seat</u>
DALTON WITH NEWTON TOWN COUNCIL - DOWDALES WARD	3	1515	505
DALTON WITH NEWTON TOWN COUNCIL - BECKSIDE WARD	3	2014	671
DALTON WITH NEWTON TOWN COUNCIL - ANTY CROSS AND NEWTON WARD	4	2647	661
ASKAM AND IRELETH PARISH COUNCIL	8	2784	348
LINDAL AND MARTON PARISH COUNCIL	5	568	113

Unparished Area of Barrow

<u>Ward</u>	<u>Seats</u>	<u>Electors</u>	<u>Per Seat</u>
WALNEY NORTH	3	4260	1420
WALNEY SOUTH	3	4041	1347
BARROW ISLAND	1	1664	1664
HINDPOOL	3	4228	1409
CENTRAL	2	2755	1377
ORMSGILL	3	4233	1411
PARKSIDE	3	4155	1385
RISEDALE	3	4467	1489
HAWCOAT	3	4144	1381
NEWBARNES	3	4629	1543
ROOSECOTE	3	3902	1300

APPENDIX 3

Subnational population projections for Barrow-in-Furness

Area	Age Group	2021	2022	2023	2024	2025	2026
Barrow-in-Furness	All Ages	66,504	66,290	66,076	65,848	65,617	65,392

Parish Council Areas (Barrow Borough Council)

