

COMMUNITY GOVERNANCE REVIEW KIDDERMINSTER

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

TERMS OF REFERENCE, February 2015

INTRODUCTION

Why undertake a community governance review?

1. The Local Government and Public Involvement in Health Act 2007 (LGPIH) devolved the power to take decisions relating to the creation or abolition of parishes, the boundaries of parishes and the electoral arrangements of parish councils from the Secretary of State and the Electoral Commission to principal councils. From 2008, district councils have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to the recommendations made in those reviews. In making that decision, Councillors need to take into account the views of local people and to have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England.
2. Wyre Forest District Council has resolved to undertake a Community Governance Review (CGR), pursuant to Part 4, Chapter 3 of LGPIH, with a view to asking the public whether they support creating a Town Council for Kidderminster. In order to create a Town Council for Kidderminster, the review will consider creating Kidderminster as a parish for the purposes of local government legislation (this is known as “parishing”) and the establishment of a council for Kidderminster that would be known as Kidderminster Town Council.
3. A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area.
4. A CGR is 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 new parishes
 - The electoral arrangements for parishes (the ordinary year of election: council size, the number of councillors to be elected to council, and parish warding) and
 - Grouping parishes under a common parish council or de-grouping parishes.
5. The Government has emphasised that, ultimately, recommendations made in a CGR ought to improve community engagement, result in more cohesive communities, yield better local democracy and result in more effective and convenient delivery of local services.

6. Parish councils are a democratically elected tier of local government with their own Councillors, which provide a range of local services for a locally defined area. In towns, a parish council is usually known as the town council and elects a Mayor who performs civic duties. In many respects they mirror the structure and decision-making processes of the district council but on a smaller scale. Councillors would be elected by local residents.

Scope of the review

7. The District Council has resolved to undertake a CGR to consider whether governance arrangements within Kidderminster are:
 - a) Reflective of the identities and interests of the community in that area:
 - 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 parish
8. The area that is the subject of the review and would be created as a parish for local government purposes comprises the current district wards of Broadwaters, Greenhill, Offmore and Comberton, Aggborough and Spennells, Oldington and Foley Park, Sutton Park, Habberley and Blakebrook and Franche. Together, these wards make up the town of Kidderminster, and are identical with the area served by the Kidderminster Charter Trustees. A map of the area is attached to the terms of reference. The wards are being replaced with effect from 7 May 2015 by the new district council wards of Broadwaters, Offmore & Comberton, Aggborough & Spennells, Foley Park & Hoobrook, Blakebrook & Habberley South and Franche & Habberley North. The second map shows these new wards.

Who will undertake the community governance review?

9. As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area.
10. Draft recommendations will be made to Full Council for consideration and, depending on the outcome of the consultation, this would include making of a reorganisation order.

CONSULTATION

11. Before making any recommendations or publishing final proposals, in line with legislative requirements, the District Council will take full account of the views of local people. The District Council will comply with legislative requirements by:
 - Consulting all local government electors for the area under review. Each elector will be asked formally whether or not they support the creation of a

town council for Kidderminster. This will be achieved through a local advisory poll under section 116 of the Local Government Act 2003. In addition, electors are welcome to submit written responses to the proposals if they wish;

- Consulting any other person or body (including Worcestershire County Council and other local authorities) which appears to the principal council to have an interest in the review;
 - Taking into account any representations received in connection with the review.
12. When taking account of representations, the District Council is bound to have regard to the need to secure that community governance within the area under review:
- Reflects the identities and interests of the community in that area, and
 - Is effective and convenient
13. In order to ensure that this review is conducted transparently, as soon as practicable, the District 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.
14. The District Council will also notify the outcome of the review to any persons or bodies who submit written representations.

Timetable for the review

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

Action	Dates
Report to Council to approve the Terms of Reference for the review	10 December 2014
Commencement of review and publication of Terms of Reference	1 February 2015
Undertake formal consultation with other interested bodies in accordance with section 93 of the Local Government and Public Involvement in Health Act 2007	February - June 2015
Undertake formal consultation with local electors by means of local advisory poll	7 May 2015
Full Council considers result of poll and other responses to consultation	29 July 2015
If there is positive support for the creation of a town council	

Action	Dates
Recommendation to full Council to consider and approve publication of draft proposals for reorganisation order including electoral arrangements etc.	29 July 2015
Consultation on draft proposals for reorganisation order	August – September 2015
Approval of reorganisation order by full Council	September 2015 or November 2015 (depending on how long is allowed for consultation on the draft reorganisation order)
Effective date of order	1 December 2015
Town council created in temporary form from existing district councillors (this is necessary, among other things, so that a precept can be set for 2016-17)	December 2015
Elections to Kidderminster Town Council	5 May 2016
If there is <u>not</u> positive support for the creation of a town council	
Recommendation to full Council to end the community governance review and take no further action	29 July 2015

PRINCIPLES GUIDING THE REVIEW

Relevant legislation

16. In undertaking a CGR, the District 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 (SI 2008/625)

Electorate

17. In considering the electoral arrangements of the area proposed to be created as a parish within these Terms of Reference the District Council is required to consider any change in the number or distribution of the electors.

18. Kidderminster has 42,894 electors. The District Council has used the Register of Electors published on 1 December 2014 to provide existing local government electorate figures.

Consultation – How to take part and how to contact us

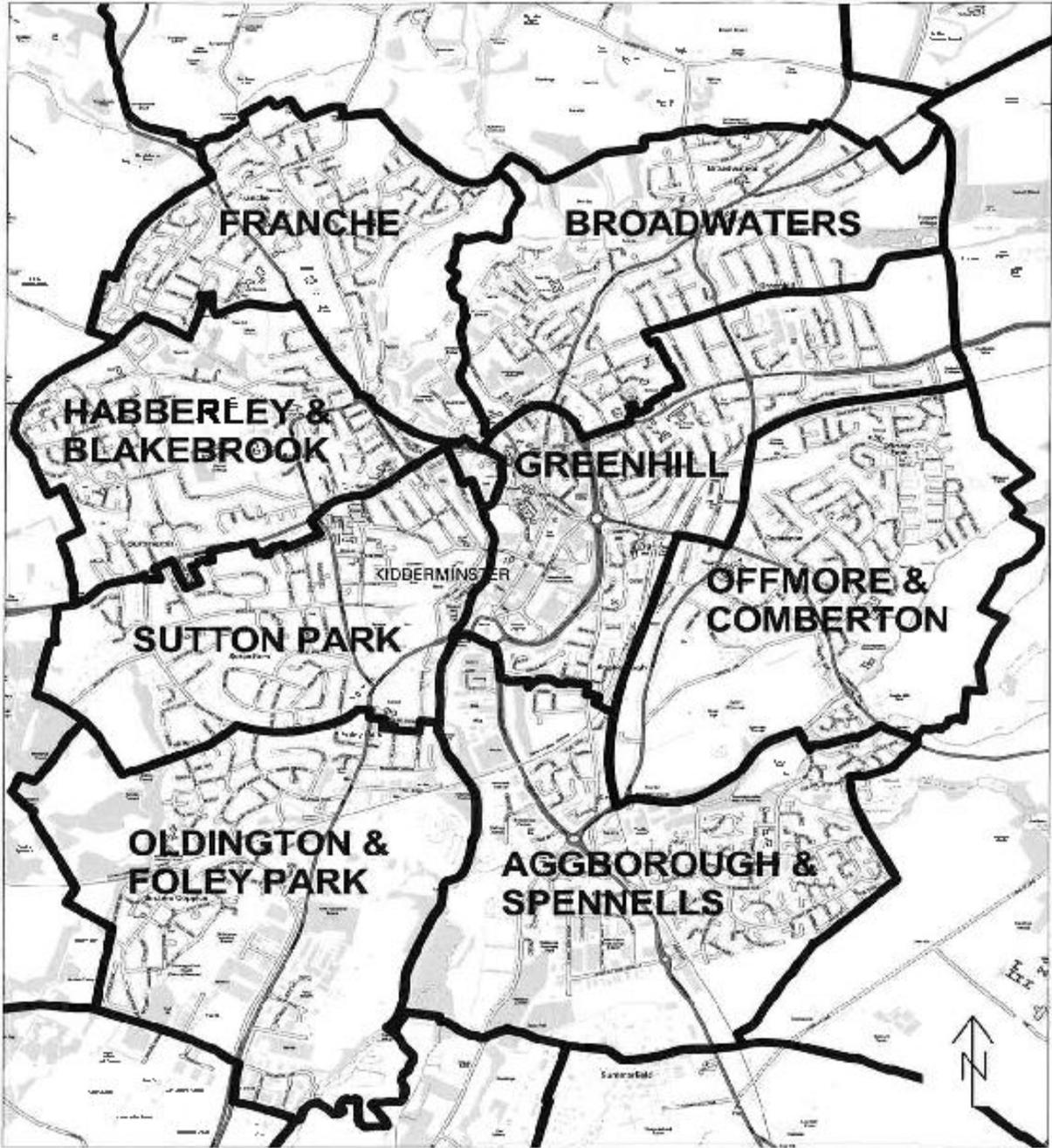
19. Every local government elector in Kidderminster will be able to take part in the local advisory poll which will be held on 7 May 2015. They will be able to vote in the same way as they have registered to do for the local government elections on that day i.e. they will be able to vote in person at a polling station unless they have registered for a postal or proxy vote for the local government elections.
20. If you have additional written comments that you would like to submit about how you view potential future arrangements under these Terms of Reference, please send them to arrive no later than 30 June 2015 by email to:
communitygovernancereview@wyreforestdc.gov.uk

or by post to:

C S Newlands
Solicitor to the Council
Wyre Forest District Council, Wyre Forest House
Finepoint Way, Kidderminster, DY11 7WF

Publication of Terms of Reference

21. These Terms of Reference will be published on the District Council's web site: www.wyreforestdc.gov.uk and will be available for public inspection at The Worcestershire Hub, Vicar Street, Kidderminster DY10 1DB.



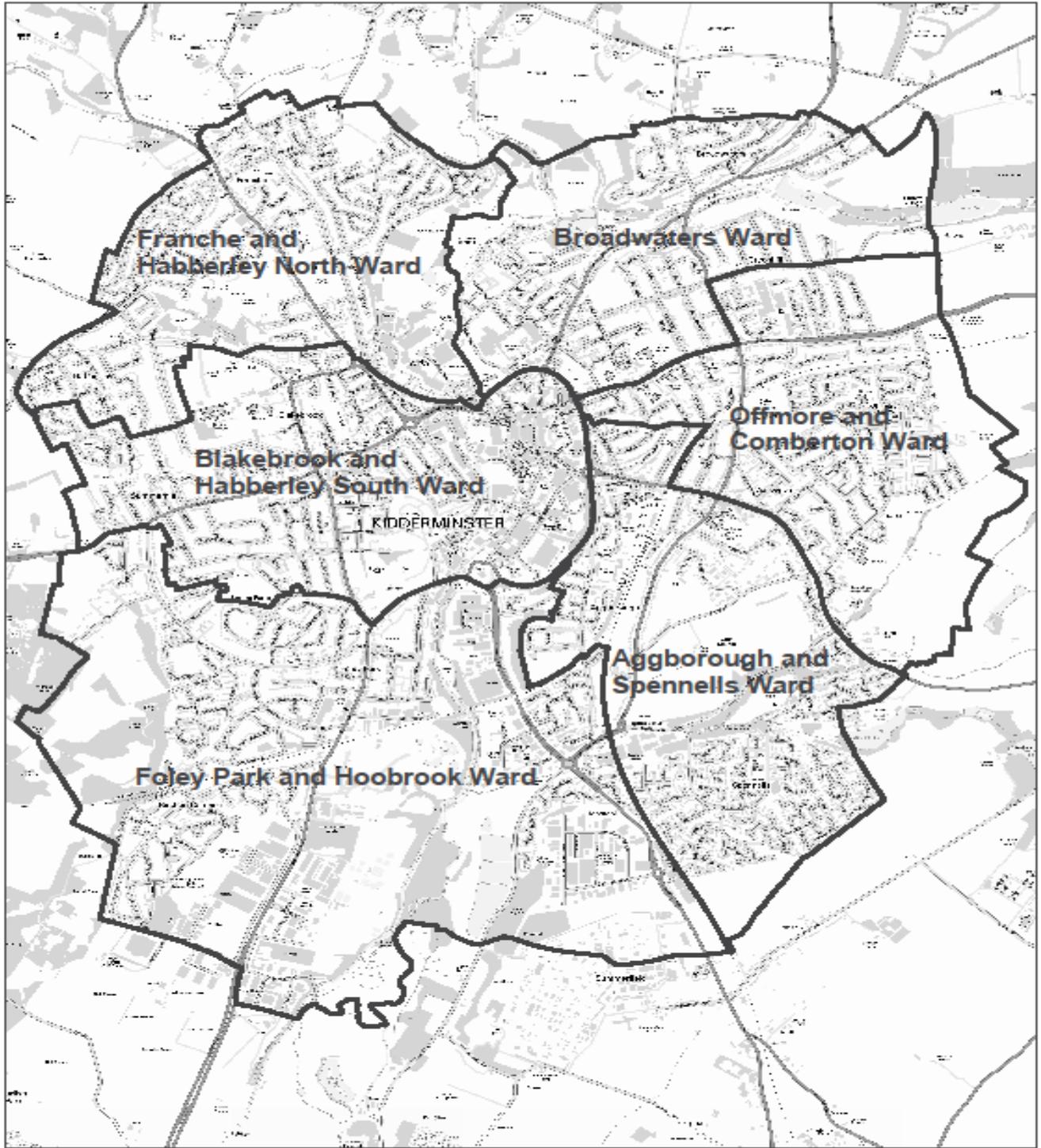
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF



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Ordnance Survey 100018317

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Map showing present electoral wards, February 2015



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Map showing new electoral wards, May 2015