

Community Governance Review 2017
Terms of Reference

What is a Community Governance Review?

Swale Borough Council is carrying out a Community Governance Review, which is a review of the whole or part of the borough area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes (in the case of this review – creating);
- 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);
- Grouping parishes under a common parish council or de-grouping parishes.

What does a parish or town council do?

Parish councils are the most local form of government. These can also be known as town councils. They collect money from council tax payers via the borough council, which is known as a 'precept' and this is used to invest in the area to improve services or facilities. Parish councils are usually made up of local people who stand for election as parish councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services.

Legislation

Principal councils are required, by section 100(4) of the Local Governance and Public Involvement in Health Act 2007 to have regard to the guidance on Community Governance Reviews which is issued by the Secretary of State, under section 100(1) and (3) and the Local Government Boundary Commission for England (LGBCE) under section 100(2).

The 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient, in terms of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.

Relevant considerations which influence judgments against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

The guidance states that:

- A parish should be based on an area which reflects community identity and interest and is of a size which is viable as an administrative unit of local government.
- Boundaries should be, and be likely to remain, easily identifiable.
- The recommendations made in the Community Governance Review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
- Parishes must fall within the boundaries of a single principal council's area.

- Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.
- The review must be completed within 12 months of the receipt of a petition.

Why are we carrying out a Community Governance Review?

A campaign group in Sheerness submitted a valid petition to Swale Borough Council on 17 August 2017, calling for the creation of a new town council for Sheerness. This means Swale Borough Council is required under the Local Government and Public Involvement in Health Act 2007 to carry out a Community Governance Review to decide whether or not it should be created. The review must take place within 12 months of receipt of the petition by 16 August 2018. A map of the proposed town council area is attached.

The petition states:

We the undersigned, agree that Sheerness would benefit from its own Town Council. We recognise the important work by Swale Borough Council but would like more say in how our council tax is spent locally.

We recognise that any Town Council must raise its own funds by asking residents for a contribution to costs.

The guidance states:

For a petition to be valid, it must meet certain conditions. The first of these conditions is that the petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds, as amended by the Legislative Reform (Community Governance Reviews) Order 2015 are:

1. For an area with less than 500 local electors, the petition must be signed by at least 37.5% of them.
2. For an area with between 500 and 2500 local electors, the petition must be signed by at least 187 of them.
3. For an area with more than 2500 local electors, the petition must be signed by at least 7.5% of them.

The number of electors in Sheerness as of 1 August 2017 was 7937, so a minimum of 595 valid signatures were needed. There were a total of 635 valid signatures.

Areas included in the review and covered by these terms of reference

The review will consider the creation of a new town council to be known as Sheerness Town Council and we will consult all electors and stakeholders with an interest in the review, based on the area identified in the attached map.

The review will need to consider the electoral arrangements including the number of councillors to be elected and the warding arrangements.

Who carries out the Community Governance Review?

Swale Borough Council is responsible for carrying out the review. Full council will be responsible for overseeing the process and agreeing the terms of reference and the recommendations from the review.

Council officers will lead on the review, consulting with ward members and Group Leaders, to oversee the implementation of the Community Governance Review and to report back to full council with recommendations based on the responses to the consultation. The review will need to be carried out impartially and objectively.

If the Community Governance Review concludes that changes should be made, that the new town council should be created and this is approved by full council, then Swale Borough Council will make and publish a Reorganisation Order to put changes into effect. The order may cover any matters that appear to the Council to be necessary to give effect to the order. These may include the transfer and management or custody of property, functions, rights and liabilities and the setting of a precept if the new town council is to be created.

How will the Council consult on the review?

Before making or publicising the recommendations, the council will take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the council to consult the local government electors for the areas under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

The Council will:

- Write to all electors in the area under review;
- Consult other interested stakeholders (local residents associations, friends of groups, schools, the voluntary and community sector and local businesses);
- Consult ward councillors, adjacent ward councillors and parish councils;
- Welcome comments from any other person or body that wishes to make representation;
- Notify Kent County Council that a review is to be undertaken and consult them on the matters under review and;
- Take into account any representations received in connection with the review.

Information about the review will be available on the council's website and documents will be available from Swale Borough Council offices and Sheerness Gateway.

Any decisions made and the reasons for those decisions will be published following the review.

Event	Timeline
Terms of reference, consultation plan and timetable agreed by Council	Council – 13 December 2017
First stage consultation	January – February 2018
Report back to Council on consultation and suggest draft recommendations	21 March 2017
Further consultation on draft recommendations	April – May 2017
Report to Council to agree final recommendation	June 2018 (Draft Council meeting date 27 June 2018 to be confirmed)
Recommendations published (if approved)	June 2018
Reorganisation Order made (if approved)	July 2018
Precept for new Town Council included in	February 2019 (Draft Council

Council budget	meeting date 21 February 2019 to be confirmed)
Implementation – first elections	May 2019

Electorate forecast

The current electorate in Sheerness is 7870 and we are not expecting any significant increase in the number of households in Sheerness.

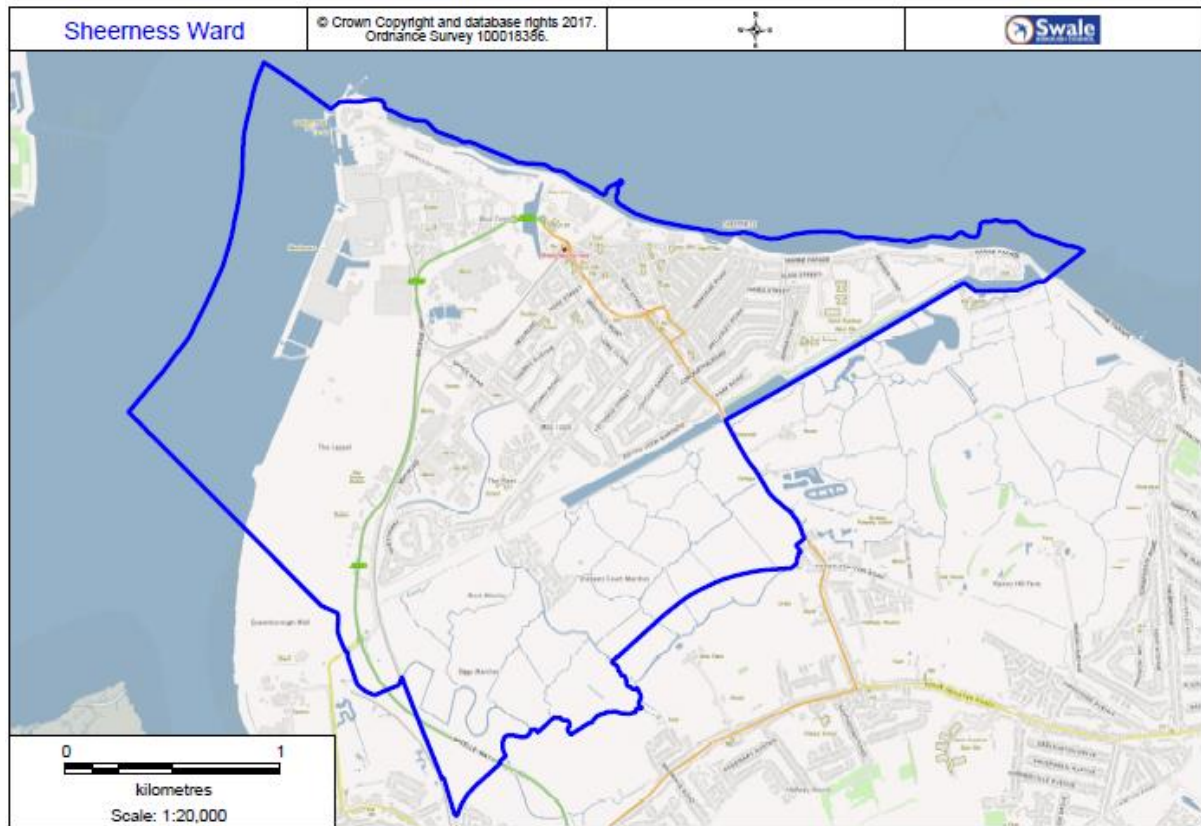
What will it cost residents in the area under review if it becomes parished?

Residents within parished areas pay a parish precept, which is determined by the parish council and is linked to its activities and the level of support needed to deliver these, for example associated salaries, premises and any assets that might be transferred to its possession.

The annual precept for 2017/18 of the existing parish councils is detailed in the below table as an example:

Parish/Town Council	Additional Council Tax for Band D 2017/18 (£)
Bapchild	23.81
Bobbing	19.95
Borden	47.81
Boughton-under-Blean	72.29
Bredgar	33.59
Doddington	37.96
Dunkirk	23.80
Eastchurch	40.94
Eastling	35.00
Faversham Town Council	53.06
Goodnestone & Graveney	33.20
Hartlip	20.74
Hernhill	31.71
Iwade	35.43
Leysdown	23.08
Lower Halstow	76.00
Luddenham	0
Lynsted	36.87
Milstead	60.25
Minster	27.61
Newington	52.53
Newnham	35.54
Norton & Buckland	32.00
Oare	50.93
Ospringe	26.05
Queenborough Town Council	83.54
Rodmersham	32.20
Selling	29.95
Sheldwich, Leaveland & Badlesmere	24.69
Stalisfield	26.01
Teynham	54.67
Throwley	22.64
Tonge	15.65

Tunstall	24.98
Upchurch	30.26
Warden	30.95



Date of publication of the terms of reference: after approval by Full Council 13 December 2017