

# Community Governance Reviews

## Protocol for consideration of requests

### 1. Introduction

A community governance review is a legal process under the Local Government & Public Involvement in Health Act 2007 (LG&PIHA 2007) that provides an opportunity for North Yorkshire Council as a principal authority to review and make changes to community governance within its area.

A community governance review can be used for the following:

- the creation of a parish
- establishing a council for a parish
- naming a parish
- the alteration of boundaries of existing parishes
- the abolition of a parish
- the dissolution of a parish council
- changes to the electoral arrangements of a parish council
- grouping a parish under a common parish council or de-grouping it.

The process involves consulting those living in the area and other interested parties and making sure they have a say in how their local communities are represented.

It can be initiated in one of the following four ways:

- 1) A community governance petition
- 2) A community governance application from a neighbourhood forum
- 3) A request
- 4) The council's own initiative

The process for carrying out a review is outlined in the LG&PIHA 2007 and guidelines. In summary the process is:

- terms of reference and a timetable for the review is published
- initial proposals are published and consultation on these takes place
- feedback and any counter proposals are invited from all interested parties
- the feedback is considered and initial recommendations are drafted
- further consultation on the initial recommendations take place
- feedback is considered and final recommendations are prepared and published
- the final recommendations are considered for approval by North Yorkshire Council
- if approved, a Reorganisation Order is made to put the recommendations into effect.

Further details in relation to each mechanism for initiating a review are in the appendix.

The purpose of this protocol is to set out how the council will approach requests for CGRs. The protocol covers the period up until the scheduled May 2027 North Yorkshire Council elections and proposes the following activity:

## **2. Considering requests for CGRs**

### **2.1 Making a Request**

Requests for CGRs should be submitted to the Democratic Services team and can be made by

- Parish councils – requests from parish councils should be accompanied by a copy of the minute detailing the resolution of the parish council to request a CGR. Such requests will be considered favourably and a written response will be provided detailing how the council intends to respond to the request.
- Division councillors – requests for CGRs should be provided in writing.
- Local electors – requests for CGRs should be provided in writing.

### **2.2 Context in which requests are received**

Following local government reorganisation the Local Government Boundary Commission for England (LGBCE) has indicated that a review of divisions will commence in 2024. It is anticipated that this review will finish in 2025, for implementation at the next NYC elections in 2027.

Once division boundaries have been agreed there may be consequential matters to be dealt with before 2027 and any CGRs in relation to consequential matters will take place in 2025/26. Consequential matters might include amendments to warding patterns in parish/town councils which cover areas greater than a single division, or amendments to parish boundaries where division boundaries have changed.

The council receives requests for CGRs from time to time. The request will be reviewed in the context of the planned North Yorkshire Council division boundary review.

The government and LGBCE guidance on CGRs explains that in the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of two or three areas. Furthermore careful consideration is required when looking at changes to parish boundaries as these can have consequential effects on the boundaries for other tiers of local government. For that reason it is often preferable to carry out a review of parish boundaries after the review of Division boundaries for the principal council.

## 2.3 Timetable

This protocol covers the period up until the scheduled May 2027 North Yorkshire Council elections and proposes the following activity:

<b>Timeframe</b>	<b>CGR's undertaken</b>
May 2023 to commencement of LGBCE review (expected mid-2024)	Petitions Applications from neighbourhood forums Urgent requests ( <i>see below</i> )
Period of LGBCE review (2024-25)	Petitions Applications from neighbourhood forums
Post LGBCE review (2025 – December 2026)	CGRs in relation to consequential matters following the LGBCE review Whole area CGR by locality Non-urgent requests dealt with at this time
May 2027 elections	Implementation of CGRs

## 2.4 Urgent requests

There may be requests where it will be considered expedient to undertake a CGR in advance of the whole area CGR in 2025/26. In determining whether a request should be expedited as an urgent request, the council will consider:

1. Is a parish council / parish meeting able to function? In cases where parish councils are dormant, are persistently inquorate and meetings are not taking place a CGR may be the only way to ensure effective and convenient local governance. If all parish councils within the area covered by a request are functioning correctly the presumption will be that any review can be held over until after the LGBCE review.
2. Is the request in response to a large scale change in population or housing development? If there are issues of electoral inequality across a parish a review might be needed to improve representation across the parish. Preparatory work would need to be undertaken to determine the extent of any inequality to determine how urgently a review might be needed. The outcome could then be taken into account in the LGBCE review.
3. Has a CGR been undertaken within the last two years? The council would not be expected to carry out a review where a CGR covering part or all of the area in question within the previous two years, although it may carry out a further review if it chose
4. Is the request reasonable? A request will be considered unreasonable if it disrupts community cohesion or does not result in effective and convenient local government arrangements

## 2.5 Assessment of requests

The Assistant Chief Executive (Legal & Democratic Services) in consultation with the Executive Member for Corporate Services will assess each request and determine whether a request is an urgent request. If it is an urgent request then a report will be taken to the Council's Standards and Governance Committee to propose terms of reference for the review.

If the Assistant Chief Executive (Legal & Democratic Services) in consultation with the Executive Member for Corporate Services determines that a request is not urgent then it will be carried forward for consideration when the whole area CGRs take place after the LGBCE boundary review.

A written response should be provided to the individual or body making the request stating when it is proposed to consider the request.

## Appendix

### Mechanisms For Initiating a Community Governance Review

#### 1) Community Governance Petition

Principal councils must undertake a review when presented with a valid community governance petition by local government electors.

To be valid, a petition must be signed by the following number of local government electors from the petition area:

Petition area	Required	Number of signatories
Less than 500 electors		At least 37.5% of the electors
500 – 2,499 electors		At least 187 electors
More than 2,500 electors		At least 7.5% of the electors

The petition needs to define the area for the review, ideally by way of a map. The petition needs to specify one or more recommendations for review.

Petitions must be signed by the required number of local government electors, staff are permitted to use the council's copy of the register for checking signatures. The petition must be signed by way of handwritten signatures, there is no provision in the Act for electronic signatures. The petition should also include names and addresses so that the electoral register can be checked.

#### 2) Community Governance Application

Principal councils must undertake a review when presented with a valid community governance application.

A community governance application may only be made by an organisation or body designated as a neighbourhood forum under section 61F of the town and Country Planning Act 1990(b).

The application must relate to the whole or any part of an area specified in a neighbourhood development plan made under section 38A of the Planning and Compulsory Purchase Act 2004.

The application must define the area for the review, ideally by way of a map. The application needs to specify one or more recommendations for review.

If a petition or application is received within two years of a previous CGR, the principal council is not required to carry out a review, although it may carry out a further review if it decides to.

If a petition or application is received it must be validated before a review can commence.

### **3) General duty**

There is a general “may undertake” power to conduct a CGR of any part of the council’s area at any time (LG&PIHA 2007 section 82). A CGR can only be carried out by resolution of Council.

The council may wish to undertake a review:

1. As part of a general duty to keep an area under review - Government guidance states it is good practice to conduct a review every 10-15 years, except in areas with very low populations.
2. In response to significant changes in population
3. In response to changes recommended following a Local Government Boundary Commission review

### **4) Request**

This general power also enables the council to carry out a review in response to a reasonable request. If the council receives a request it is empowered, but not obliged, to undertake a review. This protocol sets out how the council will approach requests for CGRs.