

Local Government and Public Involvement in Health Act 2007

COMMUNITY GOVERNANCE REVIEW OF DISHFORTH

TERMS OF REFERENCE

1 Introduction

1.1 North Yorkshire Council has been asked by Dishforth Parish Council to undertake a Community Governance Review of the parish of Dishforth.

1.2 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 Community Governance Reviews issued in accordance with Section 100(4) of the 2007 Act by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

The review will comply with the legislative requirements, have regard for the associated statutory guidance and will be conducted in accordance with these terms of reference.

1.3 This document is being published on the North Yorkshire Council website and will set out what the review will focus on.

2 Reason for a Community Governance Review

2.1 The Council is undertaking a community governance review following a request from Dishforth Parish Council. On 25 July 2023 the parish council resolved to contact North Yorkshire Council to request an increase in the number of parish councillors from 5 to 8. The request arose from concerns that the parish council may struggle to be quorate at times of holidays or illness and an increase in the number of parish councillors would ensure meetings could continue to take place. An increase was also felt appropriate as the number of residents had increased following a number of housing developments in the village.

3 What is a community governance review?

3.1 A community governance review is the process used to consider parish arrangements. It is a review of the whole or part of the county area 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 the Council and parish warding); and
- Grouping parishes under a common Parish Council or de-grouping parishes

3.2 The Council wants to ensure that parish governance in the county continues to be robust, representative and enabled to meet challenges that lie before it. Furthermore, it wants to ensure that there is clarity and transparency to the areas that parish councils represent and that the electoral arrangements of parishes are appropriate, equitable and readily understood by the electorate.

4 What will the Review consider?

4.1 Where existing parishes are under review a Community Governance Review is obliged under legislation to make recommendations as detailed below:

- (a) Recommendations as to whether a parish should be abolished – the council will be making a firm recommendation to retain Dishforth Parish and that its external boundaries should not be altered
- (b) Recommendations as to whether the name of a parish should be changed – the council will be making a firm recommendation to retain the name of Dishforth
- (c) Recommendations whether a parish with a council should continue to have a council – the council will be making a firm recommendation to retain the parish council of Dishforth Parish Council

4.2 Where a Review recommends to retain a parish council, the Review must also make recommendations as to what changes (if any) should be made to the electoral arrangements that apply to the Council. The electoral arrangements are:

1. The ordinary year in which elections will be held
2. The number of councillors to be elected to the council
3. The division of the parish into wards
4. The number and boundaries of such wards
5. The number of councillors to be elected for any such wards
6. The names of any such wards

4.3 The review 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

4.4 The legislation requires that the Council must 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;
- Is effective and convenient; and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

5 Who undertakes the Review?

- 5.1 North Yorkshire Council is statutorily responsible for carrying out the review. The Standards and Governance Committee will make recommendations in respect of the review to Council following the review for its consideration and approval. This includes approval of the terms of reference and the final recommendations before a community governance order is made.
- 5.2 The lead officer with regard to this review is Barry Khan, Assistant Chief Executive (Legal and Democratic Services) at North Yorkshire Council.

6 Consultation

- 6.1 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 area under review and any other person or body who appears to have an interest in the review. The Council must take the representations into account by judging them against the criteria in the 2007 Act.
- 6.2 The review will be guided by best practice in relation to consultation and engagement. The information provided will be clear and concise and use plain English and will be available in different formats where requested.
- 6.3 The review will include two stages of consultation. At Stage 1 initial submissions will be sought in relation to the request by the parish council, which will be considered and used to formulate draft recommendations. The second phase of consultation will seek views on the draft recommendations to allow final recommendations to be developed.
- 6.4 The Council will:
- Consult the Parish Council
 - Consult the Division Councillor
 - Publish a Notice and these Terms of Reference on the council's website and arrange for copies to be available for public inspection at the Council's offices
 - send a copy of the Notice and these Terms of Reference to the parish clerk
 - seek to arrange for the notice to be published on parish council websites and notice boards
 - send a copy of the Notice and these Terms of Reference to the local Member of Parliament
 - Welcome comments from any other person or body that wishes to make representation
 - Take into account any representations received in connection with the review
- 6.5 Information relating to the review will be available on the Council's website under the 'Your Council' tab.

- 6.6 The Council will provide feedback to the community after each stage and will notify consultees by publishing the outcome on the website and paper copies will be available at the Dishforth Village Hall. Decisions made and the reasons for those decisions will also be published following the review.

7 Timetable for the review

Stage	Action	Timescale
Commencement	Terms of Reference approved by full Council	21 February 2024
Stage 1	Initial submissions invited at phase 1 consultation	26 February – 22 March 2024
Stage 2	Initial Submissions considered and draft recommendations prepared for consultation	April 2024 (Council on 15 May)
Stage 3	Draft recommendations published and phase 2 consultation takes place	10 June – 19 July 2024
Stage 4	Consideration of submissions received and preparation of final recommendations	August – September 2024
	Council resolves to give effect to the final recommendations	13 November 2024
	Reorganisation Order	January 2025
	First elections under new arrangements	1 May 2025

Please note the timetable is subject to minor alteration.

8 Electorate Forecasts

- 8.1 On 1 November 2023 the electoral register shows the following number of electors within the areas subject to the review:

	<i>1 November 2023</i>		<i>2028 forecast</i>
Area	No. of electors	No. of households	No. of electors
Dishforth parish	758	436	443

- 8.2 When the Council comes to consider the electoral arrangements of the parishes in its area, it is good practice to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the

day when the review starts. This means that any proposals should remain fit for purpose for future years.

- 8.3 The electorate forecast has been prepared using current planning permissions.

9 Electoral arrangements

- 9.1 Dishforth parish comprises a single ward. The current number of parish councillors is 5. Ordinarily it has elections every 4 years, the next scheduled elections will be held in 2027 and every four years thereafter.

- 9.2 A copy of a map showing the extent of the parish is attached at Appendix A.

- 9.3 Dishforth Parish Council has resolved to request an increase to the number of parish councillors from 5 to 8. This constitutes a review of the 'electoral arrangements' of the parish, and as such this review will consider and make recommendations as below.

9.4 **The ordinary year in which elections are held:**

If the review concludes that there will be changes to the electoral arrangements of the parish a by-election will be held in 2025. The government has indicated that it would want parish electoral cycles to coincide with the cycle for the principal council so the costs of elections can be shared. The election in 2025 would be for a reduced term of 2 years to enable the electoral cycle to revert to the normal cycle in 2027 at the next ordinary elections.

9.5 **The number of councillors to be elected to the council:**

The 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 between parish wards. Research conducted by the Aston Business School and published in 1992 found the following pattern of council size to electorate in England:

Electorate	Councillor allocation
Less than 500	5 – 8
501-2,500	6 – 12
2,501 – 10,000	9 – 16
10,001 – 20,000	13 – 27
Greater than 20,000	13 - 31

- 9.6 The National Association of Local Councils published guidance in 1998 which suggested that the minimum number of councillors for a parish with less than 900 electors should be 7.

- 9.7 The Yorkshire Local Councils Association published guidance in 2010 which stated that “no council should ever be composed of an even number of councillors, as this increases the risk of matters having to be constantly decided by casting vote.”
- 9.8 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 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.
- 9.9 In parishes where there has been a history of uncontested elections and/or the need to co-opt members to fill vacancies, the Council will consider whether the present levels of representation are appropriate or whether there is a “democratic surplus” in the parish. The government has stated that the conduct of parish council business does not usually require a large body of councillors.
- 9.10 By law, the principal council must have regard to the following factors when considering the number of councillors to be elected for the parish:
- The number of local government electors for the parish
 - Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts
 - To ensure that the allocation of councillors to parishes is broadly equitable across the district / borough, while acknowledging that local circumstances may occasionally merit variation
- 9.11 **Parish Warding:**
The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the following should be considered:
- Whether the number or distribution of the local government electors would make a single election of councillors impracticable or inconvenient
 - Whether it is desirable that any areas should be separately represented on the parish council
- 9.12 Government guidance states that the warding of parishes in largely rural areas that are based predominantly on a single centrally located village may not be justified.

10 Reorganisation of Community Governance Orders

- 10.1 The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this order, the maps that show the effects of the order in detail, and the documents which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a review) will be deposited at the Dishforth Village Hall and on the Council’s website.
- 10.2 In accordance with the guidance the Council will also issue maps to illustrate each recommendation which will be deposited with the Secretary of State at the

Department of Levelling Up, Housing and Communities and also at the Dishforth Village Hall.

11 How to contact us

11.1 Contact details at the Council for the duration of the review are as follows:-

Elizabeth Jackson
01423 556409
cgr@northyorks.gov.uk

12 How to submit your views

11.2 Once the Consultation commences you can submit your views online at www.northyorks.gov.uk (by searching for “current consultations”) or in writing to:

Elizabeth Jackson
North Yorkshire Council
County Hall
Northallerton
DL7 8AD

Or by email cgr@northyorks.gov.uk

12 Publication of terms of reference

The Terms of Reference will be published on the Council’s website www.northyorks.gov.uk and will be available for public inspection at the Council’s Offices.

Date of publication: 22 February 2024

Appendix A – map of parish of Dishforth

