



**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

**COMMUNITY GOVERNANCE REVIEW**

**PARISH OF HAMPTON IN ARDEN**

**TERMS OF REFERENCE**

**COMMENTS ON THE REVIEW SHOULD BE MADE BY**

**31<sup>st</sup> December 2017**

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## **Community Governance Review – Parish of Hampton in Arden**

### **Introduction**

1. On 12<sup>th</sup> October 2017, Hampton in Arden Parish Council and Catherine de Barnes Residents' Association submitted a petition, bearing 253 signatures, requesting that Solihull Metropolitan Borough Council undertake a Community Governance Review. The petition was submitted in accordance with Section 80 of the Local Government and Public Involvement in Health Act 2007 and it proposes that the boundary of Hampton in Arden Parish Council be extended by incorporating the currently unparished area (polling district BH07) into the parish.
2. In undertaking the Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007), the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100 (4) of the LGPIHA 2007 by the Department for Local Communities and Local Government and the Local Government Boundary Commission for England (LGBCE) in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). (The 2007 Act has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England).
3. The Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government and the LGBCE in 2010.
4. Section 81 of the LGPIHA 2007 requires the Council to publish its Terms of Reference in a Review. This Terms of Reference will clearly set out the matters on which the Community Governance Review is to focus<sup>1</sup>.

### **What does a Parish Council do?**

5. Parish Councils are the most local form of government. They collect money from Council tax payers known as a "precept" and this is used to invest in the area to improve services or facilities. Parish Councils can take different forms but usually are 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 and work to improve the quality of life in the area.

### **Background**

6. On 6th April 2017, Hampton in Arden Parish Council submitted a written request to the Council to undertake a Community Governance Review. The request was to include the currently unparished area of Catherine de Barnes (polling district BH-07) within the Hampton in Arden Parish Council boundary (BH-06) – which is the same request as the current petition. The request was presented to the Council's Governance Committee on 20 April 2017. After careful consideration of the request, Committee Members were not satisfied that there was sufficient evidence in support from the local community for the Parish Council's proposal, and the request to conduct a Review was declined.<sup>2</sup>

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<sup>1</sup> Section 81 (5); DCLG and LGBCE, Guidance on Community Governance Reviews (revised edition, March 2010) para 21

<sup>2</sup> Governance Committee 20.04.17 -

<http://eservices.solihull.gov.uk/mgInternet/ieListDocuments.aspx?CId=126&Mid=5654&Ver=4>

## Why is Solihull Council undertaking the review now?

7. In accordance with Section 83 (2) of the LGPHIA 2007, where a valid petition is received the Council must undertake a Community Governance Review that has terms of reference that allow for the petition to be considered.
8. The petition meets the following criteria under Section 80 of the LGPHIA 2007 (as amended) -
  - (3) The petition must be signed as follows—
    - (a) if the petition area has fewer than 500 local government electors, the petition must be signed by at least 37.5% of the electors;
    - (b) if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 187 of the electors;
    - (c) if the petition area has more than 2,500 local government electors, the petition must be signed by at least 7.5% of the electors.
  - (4) The petition must—
    - (a) define the area to which the review is to relate (whether on a map or otherwise), and
    - (b) specify one or more recommendations which the petitioners wish a community governance review to consider making.
9. The area subject to the review currently has 2,202 local government electors and as such would require at least 187 signatories. The petition has been signed by 253 local government electors within the petition area. The petition wording is below -

*“Hampton in Arden Parish Council has agreed to a request from Catherine de Barnes Residents Association to incorporate the ward known as BH07 (that is the area of Catherine de Barnes west of the Grand Union Canal) into the Parish of Hampton in Arden (Ward BH06). This requires a Petition signed by electors to trigger a Review under the Local Government and Public Involvement in Health Act 2007. This proposal is supported because:*

- a. Only Catherine de Barnes east of the canal is currently within the parish, that part west of the canal is unparished. The proposal will unify the village and its representation through Hampton in Arden Parish Council. The Parish Council is a statutory consultee on all planning and development matters with the local community.*
- b. Increased devolution of powers and responsibilities for some services falls to Parish Councils and this is reflected in the recently adopted Hampton in Arden Neighbourhood Plan, within which only part of Catherine de Barnes is included. The proposal seeks to rectify this.”*

The petition was submitted with a corresponding leaflet and a map, which was sent to all households in the review area. The map can be found in Annex One. The leaflet has suggested that if adopted, they would like to see the new parish council warded with an additional councillor elected to represent a new Catherine de Barnes ward.

## **What is a Community Governance Review (CGR)?**

10. A Community Governance Review is a legal process whereby Councils can 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)
  - Grouping parishes under a common parish council or de-grouping parishes.

## **Parish governance in our area**

11. Solihull Metropolitan Borough Council believes that parish councils play a very important role in terms of community empowerment at the local level and wants to ensure that parish governance in the Borough continues to be robust, representative and enabled to meet the challenges that lie before it. The commitment set out in the Solihull MBC Parish and Town Councils Charter is evidence of this.<sup>3</sup> 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 – the warding arrangements and the allocations of councillors – are appropriate, equitable and readily understood by their electorate.
12. Ultimately, the recommendations made in a community governance review should bring about improved community engagement, more cohesive communities, better local democracy and they should result in more effective and convenient delivery of local services.
13. Parish councils within the borough spend a considerable amount of public money; their combined total precept request for 2017/18 was £1,240,426<sup>4</sup> and many parishes increase their spending in their areas by adding to the precept request from their reserves.

## **Who will undertake the CGR?**

14. Solihull Metropolitan Borough Council is responsible for undertaking a CGR within its electoral area. The Council's Governance Committee is responsible for overseeing this process and will consider draft and final recommendations for consideration before a Community Governance Order is made.
15. The Committee may decide to appoint a Steering Group of Councillors to work with the Head of Legal and Democratic Services and the Electoral Services Manager to produce draft and final recommendations for consideration before a Community Governance Order is made.

## **Consultation**

16. The Council has now drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

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<sup>3</sup> Charter for Better Working Between Solihull Metropolitan Borough Council and Parish and Town Councils - <http://eservices.solihull.gov.uk/mgInternet/documents/s11616/Parish%20and%20Town%20Councils%20Charter.pdf>

<sup>4</sup> Meeting of Council 01.03.2017 – Budget Framework and Medium Term Financial Strategy and Efficiency Plan 2017/18 – 2019/20 – Council Tax Resolution (item 9b) - <http://eservices.solihull.gov.uk/mgInternet/documents/s45914/9%20b%20Council%20Tax.pdf>

17. In coming to its recommendations in a Review, the Council will need to take account of the views of local people. The Act requires the Council to consult with local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take representations that are received into account by judging them against the criteria in the LGPIHA 2007.<sup>5</sup>
18. The Council will consult in an appropriate manner within the review area ensuring that those affected are given the opportunity to respond. In accordance with the LGPIHA 2007, representations received in connection with the Review will be taken into account and consultees will be informed of the outcome of the Review.
19. The Council will consider all the representations and then publish draft proposals and the reasons behind them. There will then be a further period of time for people to comment on the draft proposals before the final proposals are agreed.
20. Before making any final proposals, the Borough Council will take full account of the views of local people. The Borough Council will:
  - consult local government electors for the areas under review by distributing information to households, this may be from publishing a notice in the parish newsletter, to invite responses.
  - publish information on the Council's website.
  - consult any other person or body which appears to the Borough Council to have an interest in the review
  - inform Hampton in Arden Parish Council, Catherine de Barnes Residents Association, relevant Borough Councillors and Member of Parliament for the Meriden constituency
  - take into account any representations received in connection with the review.
21. There will then be a further period of time for people to comment on the draft proposals before the final proposals are agreed.

### **How to contact us or make a representation**

22. Comments should be submitted to the Democratic Services Section of the Council's Resources Directorate. They can be submitted either by letter or e-mail, or by using the online reply form on the Solihull MBC website. A range of consultation questions are included throughout this document and summarised on page 19 in this document. These are intended to be of assistance and provide a suggested structure for your comments, but these questions are not intended to be prescriptive and all views submitted will be taken into consideration.

You can send your comments to:

Matthew Rossi  
Electoral Services Manager  
Solihull MBC  
Council House  
Manor Square  
Solihull  
B91 9QS

Email – [matthew.rossi@solihull.gov.uk](mailto:matthew.rossi@solihull.gov.uk)  
Tel. 0121 704 8303

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<sup>5</sup> Section 93, LGPIHA 2007

**The review will not automatically mean there will be changes but it will see if there is a case for change. Solihull Council is not seeking a particular solution at this stage. It wishes to see what your views are and what solutions you feel are right.**

The deadline for sending your views at this stage of the review is **31 December 2017**.

### **Timetable for the Review**

23. A Community Governance Review must, by law, be concluded within a twelve month period. The twelve months start when the Borough Council receives a petition calling for a Community Governance Review and the review concludes when the Borough Council makes its final decision on the proposals.

**Table 1**

<b>Action</b>	<b>Relevant Date</b>
Petition received	12 <sup>th</sup> October 2017
Report to Governance Committee. Terms of reference and timetable for review to be approved.	28 <sup>th</sup> November 2017
Terms of Reference published and consultation period starts	29 <sup>th</sup> November 2017
Last date for representations	31 <sup>st</sup> December 2017
Draft Proposals are prepared	Governance Committee held on 18 <sup>th</sup> January 2018
Draft Proposals are published for consultation	By 31 <sup>st</sup> January 2018
Last date for submissions	15 <sup>th</sup> April 2018
Final Proposals are prepared	Governance Committee 21 <sup>st</sup> June 2018
Final Proposals are published	July 2018
Consultation on final proposals	August 2018
Governance Committee makes final recommendation on the review	To Governance Committee 24 <sup>th</sup> September 2018
Governance Committee recommendation considered by Council	9th October 2018
Council publishes the Reorganisation Order	31 <sup>st</sup> October 2018
Any changes become effective	1 <sup>st</sup> April 2019

Please note that the timetable is subject to minor alteration.

## Consultees in this Review

24. A range of community organisations operate within the Hampton in Arden and Catherine de Barnes area, and many of these will be interested in the Review. The current Parish Council will have a clear interest along with any groups specific to the Hampton in Arden and Catherine de Barnes areas. These include the Catherine de Barnes Residents Association, the Borough Council Ward Councillors for Bickenhill Ward and the Member of Parliament for the Meriden Constituency.
25. A list has been compiled of interested organisations and individuals who it is proposed will be consulted at the various stages of the Review and these are contained in Annex 2.
26. Copies of this Terms of Reference document, our Draft and our Final Proposals will be sent to all organisations or individuals included in Annex 2. Printed copies of any of these documents will be available to anyone who requests a copy, and copies will be available on the Solihull Council website, Hampton in Arden Library, Solihull Connect at Theatre Square and at the Council House reception, Manor Square.

## Electorate and Demographic Forecasts

### **Electorate Forecasts**

27. The latest register of electors, published on 1st September 2017 show the following number of local government electors within the area subject to review –

<b>Polling District</b>	<b>Properties</b>	<b>Electors</b>	<b>Electors per property</b>
Bickenhill BH/06	860	1558	1.81
Bickenhill BH/07	318	644	2.03

28. When the Council comes to consider electoral arrangements of parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning the day when the review starts.
29. Electorate forecasts have been prepared by the Managed Growth Directorate using extant planning permissions, the Solihull Local Plan and the Draft Local Plan to project the five-year electorate forecast. It is the government's guidance that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencement of the review so that they are available to all who may wish to make representations.<sup>6</sup>
30. The Solihull Local Plan is a document that sets out the long-term spatial vision for how towns, villages and countryside will develop and change over the plan period (2011-2028). The Solihull Local Plan has highlighted an area off Meriden Road in Hampton in Arden (polling district BH06) for an additional 110 properties (site 24 in the local plan)<sup>7</sup>. A planning application could be made at any time for this development.
31. The Solihull Local Plan is currently under review (the Local Plan Review), with the intention to publish the replacement plan early 2019. The latest stage of the Local Plan Review is the publication of the Draft Local Plan. The Draft Local Plan proposes two allocations in the Review area. One of which is a further site off Meriden Road in Hampton in Arden (polling district BH06) for an additional 100 properties (site 6 in the

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<sup>6</sup> Guidance, para 171

<sup>7</sup> Solihull Local Plan 2013 -

[http://www.solihull.gov.uk/Portals/0/StrategiesPlansPolicies/Solihull\\_Local\\_Plan\\_2013.pdf](http://www.solihull.gov.uk/Portals/0/StrategiesPlansPolicies/Solihull_Local_Plan_2013.pdf)

plan)<sup>8</sup>. The second site is an area known as “East of Solihull”, which lies to the rear of Hampton in Arden between Lugtrout Lane and Hampton Lane (polling district BH07). This site proposes a further 650 properties (site 16 in the plan)<sup>9</sup>. However, both sites identified in the Draft Local Plan are currently in the Green Belt, so no applications would be expected until the Plan has reached a more advanced stage.

**Projected new dwellings and electoral change statistics for the Review area  
2017/18 – 2022/23**

Parish/Ward	Projected new dwellings	Electors per property	Projected additional electors	Electorate forecast
BH06	210	1.81	380	1,938
BH07	650	2.03	1320	1,964

32. However, the modest increase in the overall electorate of the polling districts in the next five years shown in these statistics requires a cautionary note. Current financial and housing market conditions would suggest that the number of house completions and occupations may be below the total of projected new dwellings during the next five years. It is therefore difficult to give a realistic assessment of the actual numbers of new dwellings that will be completed to occupation.

**The present structure of parishes and their electoral arrangements in the review area**

**Present structure of parish governance in the area**

33. Currently polling district BH07 is an unparished area that is located west to the Grand Union Canal in the Bickenhill Ward. Polling district BH06 lies to the east of the Canal and also lies within the Bickenhall Ward. Hampton in Arden Parish Council is contained within BH06, but not BH07. Catherine de Barnes is a small village which straddles the boundary of BH06 and BH07. Full details can be seen on the map shown in Annex 1.
34. Hampton in Arden Parish Council currently has nine elected Councillors, serving an electorate of 1,558. This equates to a ratio of 173 electors to one Councillor.

**The relationship with the borough wards**

35. The Borough of Solihull (Electoral Changes) Order 2003 uses the parish wards as the building blocks for the Borough wards. The whole of the Parish of Hampton in Arden is within the Bickenhill Ward of Solihull Metropolitan Borough Council (polling district BH06). Catherine de Barnes is contained in polling district BH07 and is currently unparished. The relationship between the boundaries is shown in the map in Annex 1.
36. Borough wards cannot be altered by the Council in a Community Governance Review; they are the responsibility of the Local Government Boundary Commission for England. However, the Council can make recommendations to the Commission as to what related alterations should be made to the boundaries of the Borough wards, and the Commission may give effect to those recommendations by order. In considering any such recommendations, the Commission will expect that they have been consulted upon and will expect them to be accompanied by electorate forecasts and maps.

<sup>8</sup> Solihull Local Plan Review – Draft Local Plan November 2016 - [http://www.solihull.gov.uk/Portals/0/Planning/LPR/Draft\\_Local\\_Plan\\_05.12.16.pdf](http://www.solihull.gov.uk/Portals/0/Planning/LPR/Draft_Local_Plan_05.12.16.pdf)

<sup>9</sup> Solihull Local Plan Review – Draft Local Plan November 2016 - [http://www.solihull.gov.uk/Portals/0/Planning/LPR/Draft\\_Local\\_Plan\\_05.12.16.pdf](http://www.solihull.gov.uk/Portals/0/Planning/LPR/Draft_Local_Plan_05.12.16.pdf)

## Contact Details

### Hampton in Arden Parish Contact Details

The Parish Office  
Fentham Hall  
Marsh Lane  
Hampton in Arden  
Solihull  
B92 0AH

Tel. 01675 442017

Email. [clerk@hamptoninarden.org.uk](mailto:clerk@hamptoninarden.org.uk)

### Catherine de Barnes Residents Association Contact Details

Catherine de Barnes Residents Association  
97 Hampton Lane  
Solihull  
B91 2QD

Tel. 07768 502039

Email. [secretary@catney.co.uk](mailto:secretary@catney.co.uk)

## Current Parish Precepts 2017/18

37. Hampton in Arden Parish Council's precept for 2017/18 is £27,953.<sup>10</sup>

### Parish Budget

38. Details of the Hampton in Arden budget for 2016/17 year end is included in Annex 4. The budget for Hampton in Arden shows that the parish council's total expenditure for 2016/17 year at £43,272.

### Parish staff

39. Hampton in Arden Parish Council currently has one part-time Clerk.

### Previously unparished areas

40. The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than parish council or may provide stages building towards the creation of a parish council, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.<sup>11</sup>
41. The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

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<sup>10</sup> Meeting of Council 01.03.2017 – Budget Framework and Medium Term Financial Strategy and Efficiency Plan 2017/18 – 2019/20 – Council Tax Resolution (item 9b) -

<http://eservices.solihull.gov.uk/mqInternet/documents/s45914/9%20b%20Council%20Tax.pdf>

<sup>11</sup> Guidance, paras 136 - 146

## Parish Areas

### Introduction

42. Section 93 of the LGPIHA 2007 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, non-parish, arrangements for the purposes of community representation or community engagement in the area.<sup>12</sup>
43. It is possible to think of the first 'test', (a), as the 'community of identity' test: do the areas within the review constitute the present parish of Hampton in Arden, or any of the settlements within them, represent distinctive communities of identity, deserving of separate parish status and individual parish representation?
44. However, this test cannot be considered in isolation from the second test, (b), which may be thought of as the 'viability' test: would these settlements have the viability to stand alone, not dependent one on another, in the funding and provision of services that would compare with current service levels?
45. The final test, (c), requires the Council to take into account other organisations in the area that promote representation and engagement for its inhabitants and that thereby serve to reinforce the community of identity test.

### **"Communities of Identity"**

46. The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity, and, therefore, the feeling of local community and the wishes of local inhabitants and other interested bodies are primary considerations in this Review.
47. The Council is anxious to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representatives and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.
48. The Council considers that an adequate infrastructure should exist to support that community of identity which in turn justifies parish governance. We envisage this infrastructure as comprising an amalgam of meeting points, community halls, local schools, neighbourhood stores, community organisations, voluntary groups, etc., through which the community of identity gains its expression. There may well be areas that, although they possess some degree of community of interest, simply do not possess the infrastructure to support a strong sense of community of identity and a move to full and separate parish status.

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<sup>12</sup> Section 93 (5), LGPIHA 2007

49. In considering the future of areas that do not have an adequate infrastructure to support separate parish governance, the Council will not lightly make a recommendation to cut off one area from another area on which it has a traditional and long-standing dependence. The government has emphasised in its Guidance that the interests of community cohesion should be taken into account in a Review.

#### **Question 1**

The petition proposes to unify the parished and unparished parts of Catherine de Barnes and to secure its representation within Hampton in Arden Parish Council. Parishes should –

- reflect the identities and interests of the community in that area;
- be effective and convenient, and
- take into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.

Do you consider that this proposal satisfies the above criteria? Yes/No

Any additional comments -

#### **The relevance of the present warding arrangements in these parishes to the debate**

50. The paragraphs below consider the warding arrangements of the present parishes. The existing parish of Hampton in Arden does not have warding arrangements. The warding of parishes is appropriate where it is felt that particular areas of a parish should be separately represented on a parish council.
51. A warding arrangement is appropriate where there is one parish with an overall community of identity but that also comprises different parts. It is not so appropriate where a parish comprises wholly separate communities of identity, each of which could be viable in itself as a separate parish.

#### **The 'viability' test**

52. The Council is anxious to ensure that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the provision of services in their areas in an economic and efficient manner.
53. In the Solihull Borough, some parishes have expressed an interest in taking on the power of well-being provided in the Local Government and Public Involvement in Health Act 2007 and others hold or are seeking Quality Parish status. The Council sees these initiatives as important measures of effective and convenient local government and will respect them in this Review.

## Question 2

The petition proposes to extend the Hampton in Arden Parish to include the whole of Catherine de Barnes and to create two wards; known as Hampton in Arden Ward and Catherine de Barnes Ward.

Do you agree with the above proposal? Yes/No.

If yes, what boundary do you suggest for the two wards? *(please feel free to use the map in Annex 1 to show your suggestions)*

If no -

- How many wards do you suggest ?
- What name(s) would you suggest for these wards?
- What boundaries would you suggest for the wards?  
*(please feel free to use the map in Annex 1 to show your suggestions)*

Additional comments -

## Names and Styles

### The naming of new parishes

54. With regard to the names of any new parishes, the Council would endeavour to reflect existing local or historic place-names, and would give a strong presumption in favour of names proposed by local interested parties.
55. The Council considers that lengthy composite names of parishes are rarely in the interests of effective and convenient local government, and the Council would wish to avoid composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names.
56. There are legal requirements, particularly with regard to subsequent notifications to various national organisations, with regard to the naming of parishes, and the Council will be mindful of these requirements.<sup>13</sup>

## Question 3

The petition proposes that Hampton in Arden Parish Council will **not** be renamed. Do you agree?

Yes/No

If No, what name do you suggest?

Any additional comments -

## Current Boundaries

<sup>13</sup> Section 76, The Local Government Act 1972

57. The Council considers that the boundaries between parishes will normally reflect the “no man’s land” between communities represented by areas of low population or pronounced physical barriers. These barriers might include rivers, marshland, moorland or man-made features such as parks, canals, railways or motorways.<sup>14</sup>
58. Although the current boundary for the Hampton in Arden Parish Council is the Grand Union Canal, it also lies through the heart of Catherine de Barnes, which is not of low population and is therefore not considered “no man’s land”.

### **Electoral Arrangements**

#### **What does Electoral Arrangements mean?**

59. An important part of our Review will comprise giving consideration to electoral arrangements. The term covers the way in which a Council is constituted for the parish. It covers:
- 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 purpose 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**

60. The Local Government Act 1972 states that ordinary elections of parish councillors shall take place in 1976, 1979 and every fourth year thereafter (i.e. 2015, 2019, 2023 etc).<sup>15</sup> Therefore the first election under any new arrangements will be May 2019.

#### **What considerations cover the number of parish councillors?**

61. The Council notes that the number of parish councillors for each parish council shall not be less than five.<sup>16</sup> There is no maximum number and there are no rules relating to the allocation of councillors. Government guidance is that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.
62. The Aston Business School found the following levels of representation<sup>17</sup> -

<b>Electorate</b>	<b>Councillor Allocation</b>
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

63. The National Association of Local Councils has suggested that the minimum number of councillors should be seven and the maximum 25.<sup>18</sup> Comparative information about the councillor numbers in other parishes in Solihull Borough is included in Annex 5.

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<sup>14</sup> Guidance, para 83

<sup>15</sup> Section 16 (3), Local Government Act 1972

<sup>16</sup> Section 16 (1), Local Government Act 1972

<sup>17</sup> Guidance, para 154

<sup>18</sup> Guidance, para 155

64. The government has advised that it is an important democratic principle that each person's vote should be of equal weight so far as possible having regard to other legitimate competing factors, when it comes to the elections of councillors. However, the government's guidance is also that "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities,"<sup>19</sup> and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes that have stood the test of time and the take-up of seats at elections in its consideration of this matter.
65. The Act requires the Council to have regard to any change in the number of local government electors which is likely to occur in the period of five years beginning with the day when the review starts. Estimates of change in the number of electors in the Review area are set out above. However, it is difficult in the current financial and housing market conditions to estimate whether land allocated for the development of new houses will see new homes completed to occupation in the next five years.
66. By law the 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.<sup>20</sup>

### **Parish warding**

67. The LGPIHA 2007 requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the Council should consider the following –
- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient.
  - Whether it is desirable that any area or areas of the parish should be separately represented on the council.<sup>21</sup>
68. Should the Council decide to divide the Parish into wards, the Council will have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected to each ward -
- The number of local government electors for the parish
  - 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 when the review starts.
  - The desirability of fixing boundaries which are, and will remain, easily identifiable.
  - Any local ties which will be broken by the fixing of any particular boundaries.<sup>22</sup>
69. The government's guidance is that "the warding of parishes in largely rural areas that are based on a predominantly single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish."<sup>23</sup>
70. Warding arrangements should be clearly and readily understood by and should have relevance for the electorate in a parish. Furthermore, the Council considers that

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<sup>19</sup> Guidance, para 156

<sup>20</sup> Section 95 (6-7), LGPIHA 2007

<sup>21</sup> Section 95 (3), LGPIHA 2007

<sup>22</sup> Section 95 (4-5), LGPIHA 2007

<sup>23</sup> Guidance, para 160

separate ward elections for parish councils should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. The higher costs of separate ward elections should not be wasteful of a parish's resources.

### **The number and boundaries of parish wards**

71. In reaching conclusions on the boundaries between parish wards, the Council will take into account community identity and interests in an area and will consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Equally, the Council during its consultations in this Review is mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.<sup>24</sup>
72. The Council has noted the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which might be broken by fixing any particular boundaries.<sup>25</sup> The Council may also wish to emphasise that ward boundaries should be clearly understood; they should represent the most appropriate parting of local attachments within a parish that comprises different parts.
73. The guidance has suggested that a relevant consideration for the Council when undertaking a Review is that the Borough wards should not split an un-warded parish and that no parish ward should be split by such a boundary. The relevant legal provisions do not apply to reviews of parish electoral arrangements, but the Local Government Boundary Commission has requested the Council to bear this in mind, which the Council will do.<sup>26</sup>
74. In the naming of parish wards, the Council will be mindful of existing local or historic place names, and there will be a presumption in favour of ward names proposed by local interested parties.<sup>27</sup>

### **The number of Councillors to be elected for parish wards**

75. The Council has noted that it is required to have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected for each ward:
  - The number of local government electors for the parish
  - 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 when the review starts
76. The Government has advised, and this Council concurs that "it is an important democratic principle that 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 elections of councillors".<sup>28</sup> While there is no provision in legislation that each parish councillor should represent, as nearly as may be, 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.

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<sup>24</sup> Guidance, para 162

<sup>25</sup> Section 95 (5), LGPIHA 2007

<sup>26</sup> Guidance, para 163

<sup>27</sup> Guidance, para 169

<sup>28</sup> Guidance, para 166

77. The Council is likewise anxious 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. During the review process and in its consultations, the Council is committed to consistently showing the ratios of electors to councillors that would result from its proposals.

### **How does the review proceed from here?**

78. The Council is keen for the outcome of this Review to encompass the broadly held views of the residents of the affected areas. If you have a clear interest in this review or are impacted by its outcome as a resident, the Council would like to hear your views and we invite submissions and comments in response to the questions posed by the deadline of 31<sup>st</sup> December 2017.
79. The guidance on undertaking Community Governance Reviews dictates that community governance should reflect the identities and interests of our communities and that it should be effective and convenient.
80. The Council will then consider all responses and will draw up draft recommendations on parish governance arrangements for the area. In its draft proposals, the Council will balance the submissions that it has received against the legal tests and policies that have been outlined in this Terms of Reference document. The draft proposals will give our initial proposals for the future of community governance in Hampton in Arden and Catherine de Barnes; our proposals may be for no change; they may be for modifications to the existing structure, or they may be for a completely new structure. There will then be a period of ten weeks, in accordance with the timetable at Table 1 above, for consultations on the proposals.
81. The final proposals will be made in response to the outcome of those consultations. They may significantly change the draft proposals, because the Council will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies.
82. There will then be a two-month period before the Council publishes its recommendations in this Review, and this period allows time for any final submissions and arguments to be made covering matters which may not have arisen earlier in the review.
83. If changes to the existing structure of community governance in the affected areas are being recommended, the Review will be completed when the Council adopts a Reorganisation of Community Governance Order.

## **Reorganisation of Community Governance Orders and Commencement**

84. The review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following the review) will be deposited at the Council's offices, website and in the local area.
85. In accordance with the Guidance issued by the government, the council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's office at Manor Square, Solihull, B91 3QB. Prints will also be supplied, in accordance with regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.
86. If approved by the Council the Order will take effect on 1 April 2019. The new electoral arrangements will come into force at the next elections to the parish council, which will be May 2019.

### **Date of publication of these terms of reference**

87. These terms of reference were published on Wednesday 29th November 2017.

## **Summary of the questions on which we would welcome comment**

The Council invites initial submissions in this Review, particularly on any or all the following questions. The deadline for initial submissions is **31 December 2017**.

### **Question 1**

The petition proposes to unify the parished and unparished parts of Catherine de Barnes and to secure its representation within Hampton in Arden Parish Council. Parishes should –

- reflect the identities and interests of the community in that area;
- be effective and convenient, and
- take into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.

Do you consider that this proposal satisfies the above criteria? Yes/No

Any additional comments -

### **Question 2**

The petition proposes to extend the Hampton in Arden Parish to include the whole of Catherine de Barnes and to create two wards; known as Hampton in Arden Ward and Catherine de Barnes Ward.

Do you agree with the above proposal? Yes/No.

If yes, what boundary do you suggest for the two wards? *(please feel free to use the map in Annex 1 to show your suggestions)*

If no -

- How many wards do you suggest ?
- What name(s) would you suggest for these wards?
- What boundaries would you suggest for the wards?  
*(please feel free to use the map in Annex 1 to show your suggestions)*

Additional comments -

### **Question 3**

The petition proposes that Hampton in Arden Parish Council will **not** be renamed. Do you agree?

Yes/No

If No, what name do you suggest?

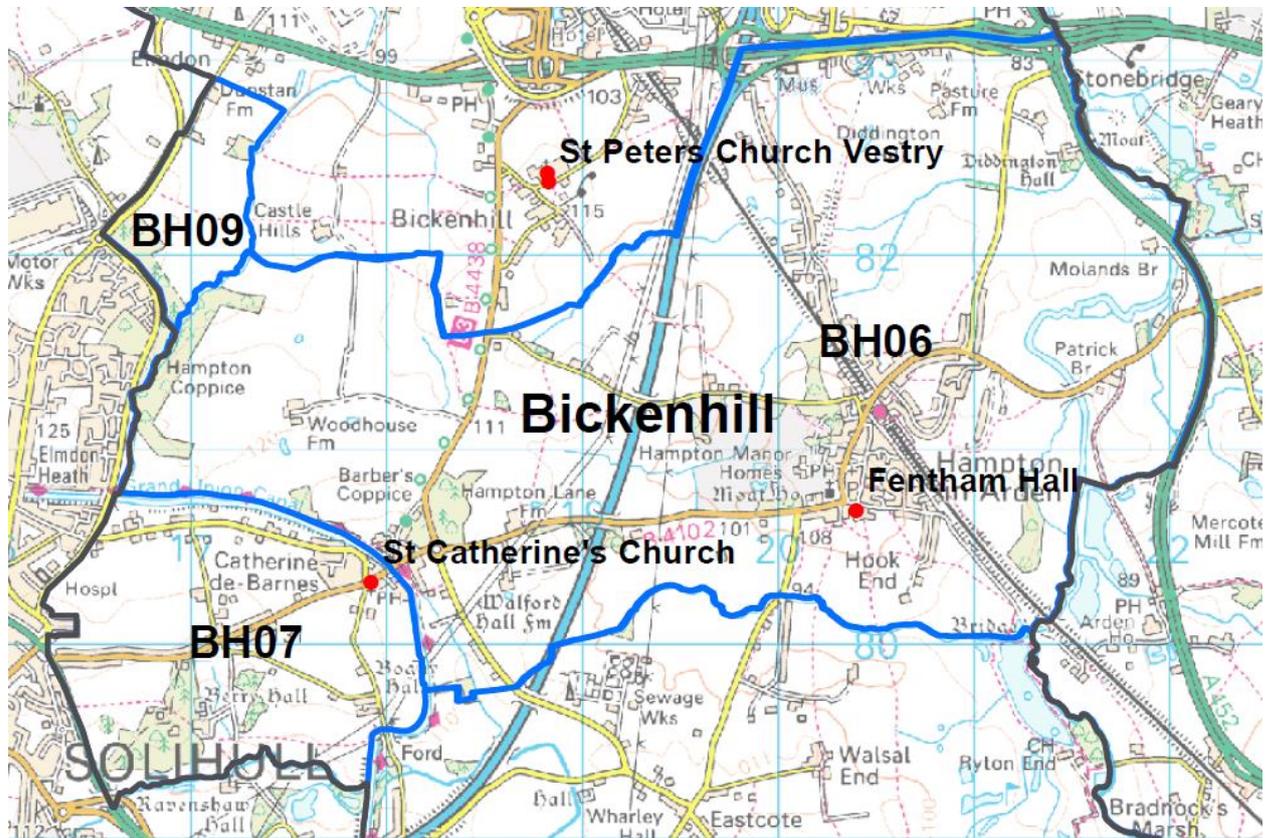
Any additional comments -

### **List of Annexes**

1. Maps showing the relationship of the parish boundary
2. Consultation and Publicity
3. Statistics of properties and electors in the parishes listed by streets
4. Parish Budget
5. Comparative Parish Data – Electorates & Councillors

**Map showing the relationship of the parish boundary.**

The Hampton in Arden Parish Council is contained with BH06. The petition requests that the boundary be extended to include BH07.



## ANNEX 2

### Consultation and Publicity

Webpage on SMBC website and link to Consultations Page, together with online response form.	Live from 29 November 2017
Write to Hampton in Arden Parish Council, Bickenhill Ward Members and the Member of Parliament for Meriden constituency	29 November 2017
Issue press release to local media and on SMBC website	29 November 2017
Notice Boards	Catherine de Barnes exterior notice boards (one outside SPAR store and the other outside the Village Hall) and inside Village Hall.  Hampton in Arden Parish notice boards (including Fentham Hall)
Include item in Parish newsletters delivered to all households	Catney News – delivered to households in Hampton in Arden  Hampton News – delivered to households in Hampton in Arden
Invite representations from local businesses, schools, community groups and voluntary organisations that operate in Hampton in Arden and Catherine de Barnes.	Write to all from 29 November 2017.
Links/coverage on Parish Council web pages	Catherine de Barnes Residents Association website - <a href="http://catney.co.uk/">http://catney.co.uk/</a>  Hampton in Arden Parish Council website - <a href="http://hamptoninarden.org.uk/">http://hamptoninarden.org.uk/</a>
SMBC Twitter feed	From 29 November 2017. Further tweets to follow as the closing date for responses approaches.
Facebook	SMBC and Hampton in Arden

**1. Preliminary Stage** - Invite submissions and any comments on the terms of reference

Copies of the full Terms of Reference document to:

- Hampton in Arden Parish Council
- Catherine de Barnes Residents Association
- Hampton Library
- Bickenhill Ward Councillors
- Caroline Spelman, Member of Parliament for Meriden Constituency
- SMBC website
- Any business, school, voluntary group and any other person or body who may have an interest in the review, as necessary

**2. Draft Recommendations Stage** - Consultation on the Draft Recommendations of the Review

Copies of the full Draft Recommendations Document to:

- Hampton in Arden Parish Council
- Catherine de Barnes Residents Association
- Hampton Library
- Bickenhill Ward Councillors
- Caroline Spelman, Member of Parliament for Meriden Constituency
- SMBC website
- Any business, school, voluntary group and any other person or body who may have an interest in the review, as necessary

**3. Final Proposals Stage** - Consultation on the Final Proposals for the Review to be published in the Bugle

Copies of the full Final Proposals Document to:

- Hampton in Arden Parish Council
- Catherine de Barnes Residents Association
- Hampton Library
- Bickenhill Ward Councillors
- Caroline Spelman, Member of Parliament for Meriden Constituency
- SMBC website
- Any business, school, voluntary group and any other person or body who may have an interest in the review, as necessary

## Statistics of properties and electors in the parish listed by streets

BH06			BH07		
Street	Prop	Electors	Street	Prop	Electors
Barbers Lane	5	9	Appletree Close	4	12
Belle Vue Terrace	18	30	Bransford Rise	13	26
Bellemere Road	34	91	Catherines Close	22	41
Bickenhill Lane	30	48	Field Lane	1	3
Butchers Road	9	12	Foxley Drive	41	65
Catherine de Barnes Lane	3	6	Hampton Lane	110	253
Corbetts Close	17	21	Henwood Lane	2	4
Coventry Road	4	6	Lugtrout Lane	81	147
Diddington Lane	34	64	Oakfields Way	36	74
Diddington Lane	1	0	Ravenshaw Lane	7	12
Elm Tree Rise	22	38	Yew Tree Lane	1	2
Engine Mews	14	24			
Fentham Close	11	20			
Fentham Green	15	20			
Fentham Road	84	117			
Fiddlers Green	5	8			
Friday Lane	4	6			
Hampton Lane	6	12			
High Street	48	72			
Kenilworth Road	3	6			
Lapwing Drive	41	78			
Marsh Lane	65	101			
Meadow Drive	44	69			
Meriden Road	72	150			
Meriden Road	2	2			
Nesfield Grove	10	19			
Old Station Road	96	212			
Parish Mews	7	15			
Peace Court	5	4			
Peel Close	36	62			
Shadowbrook Lane	16	26			
Solihull Road	23	34			
Station Road	12	26			
The Crescent	42	94			
The Grove	16	32			
Wellmeadow Grove	6	9			

## Parish Budget

## Hampton in Arden Parish Council

<b>Parish Budget – 2016/17</b>	<b>£99,605.11</b>
Precept 2016/17	£26,463.00
Total Other receipts ended 31 March 2017	£8,929.85
<b>Total Receipts ended 31 March 2017</b>	<b>£35,392.85</b>
<b>Total payments ended 31 March 2017</b>	<b>-£38,272.87</b>
Transfer to reserves	-£5,000
Total expenditure	<b>£43,272.87</b>
Total	£96,725.09

## Parish Councillor and Electorate Information

Parish or Town Council	Ward (if warded)	Polling District	Seats	Electorate (as at 01.09.17)	Electors per Cllr
Balsall	-	ME03 and ME04	10	4705	471
Barston	-	BH08	5	476	95
Berkswell	-	ME02	7	2668	381
Bickenhill and Marston Green	Bickenhill	BH05	2	168	84
Bickenhill and Marston Green	Blackfirs	BH04	2	609	305
Bickenhill and Marston Green	Marston Green	BH03	6	2676	446
Bickenhill and Marston Green	Merstone	BH02	2	2179	1090
Castle Bromwich	Beechcroft	CB02	4	2480	620
Castle Bromwich	Bradford	CB01	3	2272	757
Castle Bromwich	Park Hall	CB03	2	1259	630
Castle Bromwich	Timberley	CB05	3	1773	591
Castle Bromwich	Whateley	CB04	3	1630	543
Chadwick End	-	KN03	5	572	114
Chelmsley Wood	Alcott Wood	CW05	2	1138	569
Chelmsley Wood	Arbor	CW03	3	2082	694
Chelmsley Wood	Chelmsley Ward	CW04	4	2370	593
Chelmsley Wood	Hall	BH01	3	1343	448
Chelmsley Wood	Heath	CW02	3	1906	635
Cheswick Green	-	BL03	7	2004	286
Dickens Heath	-	BL01	7	3232	462
Fortbridge	Bennett's Well	KF03, KF06	6	2618	436
Fortbridge	Cole	CW01	3	1150	383
Fortbridge	Hatchford	KF04	5	1874	375
Hampton in Arden	-	BH06	9	1558	173
Hockley Heath	-	DH04	5	1408	282
Kingshurst	Kingshurst North	SM05	4	1300	325
Kingshurst	Kingshurst South	KF01, KF02, KF05	8	4052	507
Meriden		ME01	8	2540	318
Smith's Wood	Bosworth	SM01	3	1984	661
Smith's Wood	Burton	SM02	3	1651	550
Smith's Wood	Chester	SM03	3	1846	615
Smith's Wood	Smith's Wood	SM04	3	1559	520
Tidbury Green		BL04	5	803	161