

# Community Governance Reviews and Community Governance Applications

## Frequently Asked Questions (FAQ's)

### What is Community Governance?

In essence it is the way in which local communities are represented and governed at local authority level and through the involvement of other statutory and voluntary agencies and community groups and by the efforts of local people themselves. It is also about the way in which individuals and groups within the community are listened to and able to influence decisions that affect them.

### What is a Community Governance Review?

A Community Governance Review enables a principal council such as Telford & Wrekin Council to review and put in place or make changes to community governance systems and structures e.g. by creating, merging, abolishing or changing parish or town councils in the review area.

A Community Governance Review 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 local governance;
- 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

### Who can undertake a Community Governance Review?

Telford & Wrekin Council has the responsibility for undertaking community governance reviews within its electoral area and deciding whether to implement the recommendations made in those reviews. In making that decision, the Council must take account of the views of local people. It must also have regard to the [guidance](#) on undertaking community governance reviews published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission.

Telford & Wrekin Council is responsible for undertaking a Community Governance Review in its electoral area. The Boundary Review Committee is responsible for overseeing this process and for agreeing draft and final recommendations before a Community Governance Order is made.

## Why undertake a Community Governance Review?

A Community Governance Review can be undertaken for a variety of reasons including, for example, in response to demographic changes such as a rise in population as a result of significant new housing development. A review may also be triggered by national considerations, e.g. the provision of new rights to communities through the Localism Act 2011. A review can also be triggered if a petition is presented to the council asking for a review to be undertaken, and the [Local Government and Public Involvement in Health Act 2007](#) places a duty on principal councils to respond to such a petition. The Act set out prescriptive criteria, which the petition must meet in order to be legally valid. The objective of undertaking a Community Governance Review is to ensure that local governance will continue to be effective and convenient, and will reflect the identities and interests of local communities.

## How can a Community Governance Review Be Instigated?

Community Governance Reviews can be instigated in two ways:

- by a resolution passed by the principal council, such as Telford & Wrekin Council – other than in exceptional circumstances Telford & Wrekin Council would not ordinarily do this
- by a petition signed by local electors as follows:
  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 2,500 local electors, the petition must be signed by at least 187 of the electors
  3. for an area with more than 2,500 local electors, the petition must be signed by at least 7.5% of them.

## How long does a Community Governance Review take?

Legislation requires Community Governance Reviews to be completed within 12 months of the Terms of Reference being published.

## Who determines the Terms of Reference for Community Governance Reviews?

The 2007 Act requires Telford & Wrekin Council to determine and publish the terms of reference under which a Community Governance Review is to be undertaken. It also requires that the terms of reference specify the area under review. If any modifications are made to the terms of reference, these must also be published.

[Here is a link](#) to a set of Terms of Reference for an earlier Community Governance Review undertaken by Telford & Wrekin Council published 02 October 2013

## **When does a Review start?**

A review is deemed to have started once the terms of reference have been adopted by Telford & Wrekin Council at a meeting of the Boundary Review Committee.

## **When would any changes come into force?**

Any changes resulting from a Community Governance Review will usually come into force on the same day as the next scheduled normal parish and town council elections. For Telford & Wrekin that is currently May 2019.

## **Who decides the outcome?**

Telford & Wrekin Council following consultation with local people and local groups.

## **How often are Community Governance Reviews carried out?**

They can be held in response to particular issues e.g. new developments or if a valid petition is received. However they cannot be held if a review of the same area has been undertaken within the preceding two years.

## **How can residents have their say?**

All interested groups and residents will be invited to give their views. There are two opportunities during the process for consultation responses to be made.

## **What must Telford & Wrekin Council take into account when undertaking a Community Governance Review?**

Telford & Wrekin Council is required to take into account:

- the impact of existing community governance arrangements on community cohesion and
- the size, population and boundaries of any local community or proposed parish or town Council.

In carrying out a Community Governance Review, Telford & Wrekin Council must also consider the wider picture of community governance. This includes taking account of well-established forms of community governance such as local residents associations and community forums. These can be considered as either alternatives to or stages towards establishing parish or town councils. Guidance does, however, indicate that parish and town councils are set apart from these other kinds of governance by the fact that they are a democratically elected tier of local government and can set a budget and possess specific powers.

## **What will the Community Governance Review consider?**

- Should an unparished area have a parish council created?
- Should the number of parish councillors on an existing parish council be changed?
- Should a parish council boundary be altered to better reflect the local community?
- Should a parish council be warded or existing parish wards be altered to reflect changes in the local community?
- Should the name of a parish council be changed?

## What are the criteria by which options for the future will be judged?

Government guidance indicates that characteristics of good community governance to be considered in assessing the options when undertaking such a review include:

- a sense of civic pride and civic values
- a strong, inclusive community and voluntary sector
- a sense of place - with a positive feeling for people and local distinctiveness
- effective engagement with the local community at neighbourhood level
- strong leadership
- the ability of local authorities to deliver quality services economically and efficiently an area that is of a size that is viable as an administrative unit of local government.
- Local people might consider these characteristics when submitting their views.

## Who will Telford & Wrekin Council consult with?

Before making any recommendations or publishing final proposals, the Council will take full account of the views of local people. The Council will comply with the statutory consultative requirements by:

- consulting local government electors within the area under review
- consulting any other person or body (including a local authority) which appears to the Council to have an interest in the Community Governance Review. This may include other community groups and local organisations.
- taking into account any representations received in connection with the Community Governance Review.

## What is a Community Governance Application?

A Community Governance Application is a request – which must be made by a designated neighbourhood forum - for a Community Governance Review to be undertaken. There is no requirement for a petition.

Legislation was revised in March 2015 which sets out specific requirements under which a Community Governance **application** (as opposed to a petition) can be made.

To be classed as an application, it must be requested by an organisation or body designated as a neighbourhood forum under section 61F of the Town and Country Planning Act 1990

## What is a Town or Parish council?

A town or parish council is an elected body made up of local people representing the interests of their community.

## Is the creation of new parish/town councils the only option in areas which don't currently have one?

No. A review can also explore whether alternative forms of local governance would be more suitable for an area including:

- area committees
- neighbourhood management programmes
- tenant management organisations
- area or community forums
- residents and tenants associations
- community associations.

## Is there a difference between a town and parish council?

No, they both have the same statutory powers and can provide the same services. The only differences are that a town council has decided that it should be known as a town council instead of a parish council, and a town council usually has a Mayor. Parish Council have a Chairperson.

## What does a town or parish council do?

A town or parish council has statutory powers which could include the following services, over and above those already provided by Telford & Wrekin Council:

Service or Facility	What can a town or parish council do?
Allotments	Acquire, maintain and provide burial grounds, cemeteries and crematoria. Maintain monuments and memorials and contribute towards the expenses of cemeteries
Burial grounds, cemeteries and crematoria	Acquire, maintain and provide burial grounds, cemeteries and crematoria. Maintain monuments and memorials and contribute towards the expenses of cemeteries
Bylaws	Make bylaws for pleasure grounds, cycle parks, baths and washhouses, open spaces, burial grounds,

	mortuaries and post-mortem rooms
Commons and common pastures	Enclose, regulate and manage commons and provide common pasture
Community Centres	Provide and equip buildings for use by athletic, social or educational clubs
Crime Prevention	Spend money on various crime prevention measures
Entertainment and the arts	Provide entertainment and support for the arts
Highways	Repair and maintain public footpaths and bridleways. Light roads and public places. Provide litter bins, parking places for vehicles, bicycles and motor-cycles, roadside seats and shelters, bus shelters, traffic signs and other notices. Plant trees and maintain roadside verges
Litter	Provide litter bins
Mortuaries and post mortem rooms	Provide mortuaries and post mortem rooms
Open Spaces	Acquire and maintain land used for open spaces
Public conveniences	Provide public conveniences
Recreation	Acquire land for and provide recreation grounds, public walks, pleasure grounds and manage and control them. Provide gymnasiums, playing fields, holiday camps and boating pools
Town and country planning	Be notified of planning applications and submit comments on them to the local planning authority
Tourism	Contribute to organisations encouraging tourism
Traffic calming	Spend money on community transport schemes
Transport	Spend money on community transport schemes
War memorials	Maintain, repair, protect and adapt war memorials

Any Council which has qualified for an award under the 'Local Council Award Scheme' may have additional or wider powers and responsibilities. Further information about this scheme can be found at <http://www.nalc.gov.uk/our-work/improvement-and-development/local-council-award-scheme>

Any town or parish council created as a result of the Community Governance Review would work with Telford & Wrekin Council to agree which of the above services it would like to be involved in delivering. Further details on parish, town or community councils can be found at [www.createacouncil.nalc.gov.uk](http://www.createacouncil.nalc.gov.uk)

## **How are town and parish councils funded?**

Town and parish councils are funded through a sum of money called a 'precept' – this is a separate charge which is added to, and collected along with, your existing Council Tax. The town or parish council will decide what it will need for the coming year and that depends on what services and facilities are needed by the local community.

Town and parish councils can also apply for grants and loans. As the precept will depend on the size of the town or parish council, the services it provides and the number of properties across which it is spread, it is not possible to say how much a precept would be for an area which does not currently have a town or parish council.

## **How many town or parish councillors would there be?**

If it is agreed to establish a new town or parish council, one of the issues that will need to be decided is how many councillors will be elected. The law sets out a legal minimum of 5 councillors, but there is no maximum.

Town or parish councillors can be elected to represent the whole of the parish area or smaller neighbourhoods within the area, called wards. Any councillors elected to the town or parish council would be in addition to the existing local ward councillors who are members of Telford & Wrekin Council. It is possible for the same people to be elected to the borough council and a town or parish council.

## **Are town or parish councillors paid an allowance?**

Parish and Town councillors are not usually paid an allowance, but may incur costs which can be reimbursed.

## **Should I express an opinion about the area to be included in a town or parish council in my area?**

Yes, it is important that the size, population and boundaries of any local community or proposed parish or town council ensure a sense of place - with a positive feeling for people and local distinctiveness.

## **What are Residents' / Tenants' Associations?**

Residents' or Tenants' Associations or Management Committees are usually organised to cover specific estates or buildings and will tend to concentrate mainly on issues affecting their members in that area or building. There are a number of active associations across Telford & Wrekin. They are independent from the council but may work in partnership with it or other agencies such as Amicus Horizon housing association. They do not have powers to raise money through a precept or the Council Tax.

## **What are Area, Community or Neighbourhood Forums?**

These are sometimes set up and run by local authorities to give communities a say on local issues.

## What are Community Associations?

Community Associations are set up locally by members of a community. They usually have a democratically - elected management committee and they may include local councillors. They can influence the way local authorities and other organisations provide services in their area. They usually cover either a specific geographical area or a particular interest such as a sport or hobby. They do not have powers to raise money through a precept or the Council Tax, are often run by volunteers, and may be set up as a charity.

## Additional Information

**Guidance:** ‘*Guidance on Community Governance Reviews*’ was published in updated form by the Department for Communities & Local Government and the Local Government Boundary Commission for England in 2010. Aimed largely at principal authorities, it offers advice about undertaking a review and implementing its recommendations. It can be accessed at:

<http://www.communities.gov.uk/publications/localgovernment/guidancecommunitygovernance2010>

Also available on the Department’s website is a model reorganisation order – the statutory instrument principal authorities must use to implement changes from a Community Governance Review. It can be accessed at:

<http://www.communities.gov.uk/publications/localgovernment/modelreorganisationorder>

