

LANCASTER

CITY COUNCIL

Promoting City, Coast & Countryside

COMMUNITY GOVERNANCE REVIEW

**PROPOSED MERGER OF
YEALAND CONYERS AND YEALAND REDMAYNE PARISH COUNCILS
INTO
THE YEALANDS PARISH COUNCIL**

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

DRAFT TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 Lancaster City Council has resolved to undertake a Community Governance Review following receipt of a petition for the merging of Yealand Conyers and Yealand Redmayne Parish Councils into The Yealands Parish Council.
- 1.2 The review will be conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Department of Communities and Local Government (now the Department for Levelling Up, Housing and Communities) and the Local Government Boundary Commission for England in March 2010.
- 1.3 Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a Review.
- 1.4 The Terms of Reference must specify the area under review and set out clearly the matters on which the review is to focus. The terms must be appropriate to local people and their circumstances and reflect the specific needs of their communities. The terms of reference should assist Lancaster City Council to prepare draft proposals.

2. What is a community Governance Review?

- 2.1 A Community Governance review can consider a range of topics affecting the community governance of the area under Review. These include the creation, merging, altering or abolishing of parish areas, the naming of parishes, the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding) and consequential matters such as resulting effects on the city wards or the setting of the commencement dates for any new arrangements.

3. Why is the council undertaking the review?

- 3.1 The Council is undertaking this Community Governance Review as a petition has been received requesting that Yealand Conyers and Yealand Redmayne Parish Councils are merged into one Parish Council to be called The Yealands Parish Council.
- 3.2 The area of the proposed parish council is defined in the map at Appendix A to these Terms of Reference.
- 3.3 In particular the review will consider
 - a) Whether or not to merge Yealand Conyers and Yealand Redmayne Parish Councils into a new The Yealands Parish Council.
 - b) Whether to create an alternative form of community governance for that area.

4. Who is undertaking the Review?

- 4.1 Lancaster City Council is responsible for undertaking any review within its electoral area. The Council is responsible for agreeing the Terms of Reference for the review and agreeing the draft and final recommendations prior to any Community Governance Order being made.
- 4.2 The lead officer for this review is Mrs Lisa Vines, Election Manager, Lancaster City Council.

5. Matters on which the review is to focus

- 5.1 The Review will focus on:
 - a. The area of the proposed parish council
 - b. Whether or not to merge Yealand Conyers and Yealand Redmayne Parish Councils into a new The Yealands Parish Council.
 - c. Whether to create an alternative form of community governance for that area.
 - d. The setting of a parish precept
 - e. The electoral arrangements for the new Parish Council

6. How the Review will take place

- 6.1 The Council shall prepare a proposal dealing with the issues at paragraph 5.1 above. Following this the Authority shall carry out a consultation exercise (as detailed below) with the local government electors for the area under review and any other person or body who appears to have an interest in the review on proposals.
- 6.2 The Council shall take representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007 (Section 93). This provides that “a principal council must have regard to the need to secure that community governance within an area under review:
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient
- 6.3 The Council will then prepare and publish its final proposal. This will be put to Full Council for consideration. The Council will then consider the proposal and make recommendations.
- 6.4 In deciding what recommendations to make the Council must take into account any other arrangements (apart from those relating to parishes and their institutions) –
 - (a) That have already been made, or
 - (b) That could be made,

For the purpose of community representation or community engagement in respect of the area under review.

- 6.5 As soon as practicable after making any recommendations, the Council will:
- (a) Publish the recommendations; and
 - (b) Take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of the recommendations.
- 6.6 If the Council's recommends the creation of a new The Yealands Parish Council the Authority (subject to its full recommendations) will make reorganisational order.
- 6.7 The order, if approved, would come into force on 1 April 2024.

CONSULTATION

7. How the Council proposes to conduct consultations during the review

- 7.1 The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.
- 7.2 In forming its recommendations during the review, the Council will seek the views of local people. The Act 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 and to take representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007 (Section 93).
- 7.3 The Council intends to publish all correspondence received in the review and all decisions that it takes in the Review, giving its reasons for taking those decisions. The Council is mindful of government guidance that "community governance reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind those decisions".
- 7.4 The Council will endeavour to ensure that local government electors and any other person or body with an interest in the Review has every opportunity to express their views. The Council recognises the importance of ensuring full consultation and encouraging stakeholders to contribute to the Review.
- 7.5 The Council proposes to use general press releases, its website, the placing of key documents on deposit at the Town Halls in the Customer Contact Centres, relevant parish council contacts and direct personal communication with all registered electors in the area covered by the review to achieve these objectives. The Council is mindful of the costs of a Review, and it will endeavour to ensure that the consultation process is cost effective and that only reasonable costs are incurred.

8. Timetable for the Review

- 8.1 The review must be completed within twelve months, with publication of the terms of reference as the starting point.
- 8.2
- 8.3 The timetable for the Community Governance Review to consider the creation of The Yealands Parish Council is as follows:

| Action | Date |
|--|---|
| Report to Council | July 2022 |
| Preparation of Terms of Reference | August/September 2022 |
| Consultation on draft proposals | October/November 2022 |
| Preparation of final proposals | November 2022 |
| Publication of final proposals | December 2022 |
| Agreement of final proposals by Council and publication of recommendations | January 2023 |
| Publication of a reorganisation order | Before July 2023 (to come into effect on 1 April 2024). |

CONSULTATION

9. Receipt of Petition

- 9.1 Those signing the petition to start a review must be local government electors on the most recently published register.
- 9.2 The petition was received on 16 June 2022 and the electors were checked against the electoral register published on 01 July 2022.
- 9.3 There were 456 electors registered as at 01 July 2022. In order to be valid, for an area with less than 500 electors the petition has to have been signed by at least 37.5% of the electors registered in that area. The petition contains 227 valid signatures which represents 49.78% of the registered electors in that area.
- 9.4 The petition provides a valid indication that there is sufficient support amongst the registered electors in the area for the creation of The Yealands Parish Council.

10. Proposed Electoral Arrangements

- 10.1 The proposed area covered by The Yealands Parish Council covers two polling Districts. Yealand Conyers Parish Council sits within the Warton Ward and is identified as polling district WARB and represented by 5 Parish Councillors. Yealand Redmayne Parish Council sits within the Silverdale Ward and is identified as polling district SILB and is also represented by 5 Parish Councillors.
- 10.2 It is proposed that The Yealands Parish Council will have a total number of 7 Councillors and be divided along the existing parish boundaries into two parish wards to be named Conyers Ward and Redmayne Ward. Conyers Ward would be represented by 3 Councillors and Redmayne Ward would be represented by 4 Councillors to reflect the population of the two wards.
- 10.3 Due to the timing of the review, elections will take place in May 2023 to Yealand Conyers and Yealand Redmayne Parish Councils with a term of office of 1 year. Elections to The Yealands Parish Council would take place in May 2024 with an initial term of office for those elected of 3 years. Elections would then take place in May 2027 (the next scheduled parish elections for the Lancaster District) allowing the electoral cycle to return to the four year term of office, in line with all other parishes in the district.
- 10.4 From 01 April 2024 until the election of Councillors, the City Council would operate a shadow parish council, comprising the serving Councillors of the current Yealand Conyers and Yealand Redmayne Parish Councils as well as the Ward Councillors for the Silverdale and Warton Wards. An interim Clerk would be provided by the City Council until the new Parish is able to make its own appointment.

11. Parish Precept

- 11.1 Any parish council may raise funding through issuing a precept notice to the local billing authority (i.e. the City Council).
- 11.2 Generally, a parish council forecasts the amount of funding it will require for the following year and requests this funding from its local district council in the form of a precept. The billing authority generates this income by increasing the council tax for every property (chargeable for council tax) within the relevant parish area. Council tax rates must be set by 11 March each year.
- 11.3 The total number of chargeable properties is known as the council tax base. This takes account of:
- a. The number of properties in each band during the year (i.e. including the results of changes and appeals)
 - b. Disabled relief
 - c. Discounts and exemptions
 - d. Provision for bad or doubtful debts
 - e. Allowance for growth

- 11.4 The tax base figures are expressed as Band D equivalents in accordance with the relevant regulations. The council tax base should be set by 31 December each year.
- 11.5 The timescales for completing the community governance review make provision for this, on the basis that:
- a. A provisional tax base would be calculated by 31 December 2023; and
 - b. The City Council would calculate and publish by 31 January 2024 the first precept for The Yealands Parish Council. Precepts in subsequent years would be set by the Parish Council and may be higher or lower.

What would the parish precept be for 2024?

Yealand Conyers and Yealand Redmayne Parish Councils have given consideration to the budget that would be required by The Yealands Parish Council. They have considered the population of each of Yealand Conyers and Yealand Redmayne Parish Councils, the current assets and where savings will be made once the two Councils merge. Once the parish is established and a plan for the future is agreed, the parish council will decide what level of funding is needed in future years and will request a precept to be levied which reflects those plans. That precept (or income requirement) is then raised by charging a parish council tax rate to households within the parished area.

Some parishes have very small tax bases, and therefore if they decide on specific spending plans this can result in comparatively large tax rates. It should be noted that parish councils currently fall outside of the local referendum thresholds. The current Government has stated that it still remains an option for thresholds to be set for parishes in future years, but if this was the case, then it is still considered likely that a de minimis limit would be set to exclude the majority of smaller spending parishes.

The tax base in the proposed parish area is currently 263.39. It is proposed that the precept for 2024 should be £36 (based on a band D property) which would result in a total precept of £9,482.04 (£36 x 263.39). The level of precept for 2025 and future years would be decided by the Parish Council once it has been established.

The Band D parish tax rates currently range from £0 - £118 with the average parish tax rate of £35.49.

CONSEQUENTIAL MATTERS

General principles

Lancaster City Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order.

These may include:

The dissolution of the current parishes of Yealand Conyers and Yealand Redmayne;

The transfer and management or custody of property to The Yealands Parish Council;

The setting of precepts for the new parish;

Provision with respect to the transfer of functions, property, rights and liabilities.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area estimated by the proper officers of the council as an appropriate proportion.

HOW TO RESPOND TO THIS CONSULTATION

Comments should be submitted to the Council's Elections Team. They can be submitted by letter or by email to:

Election Office

Lancaster City Council

Town Hall

Lancaster

LA1 1PJ

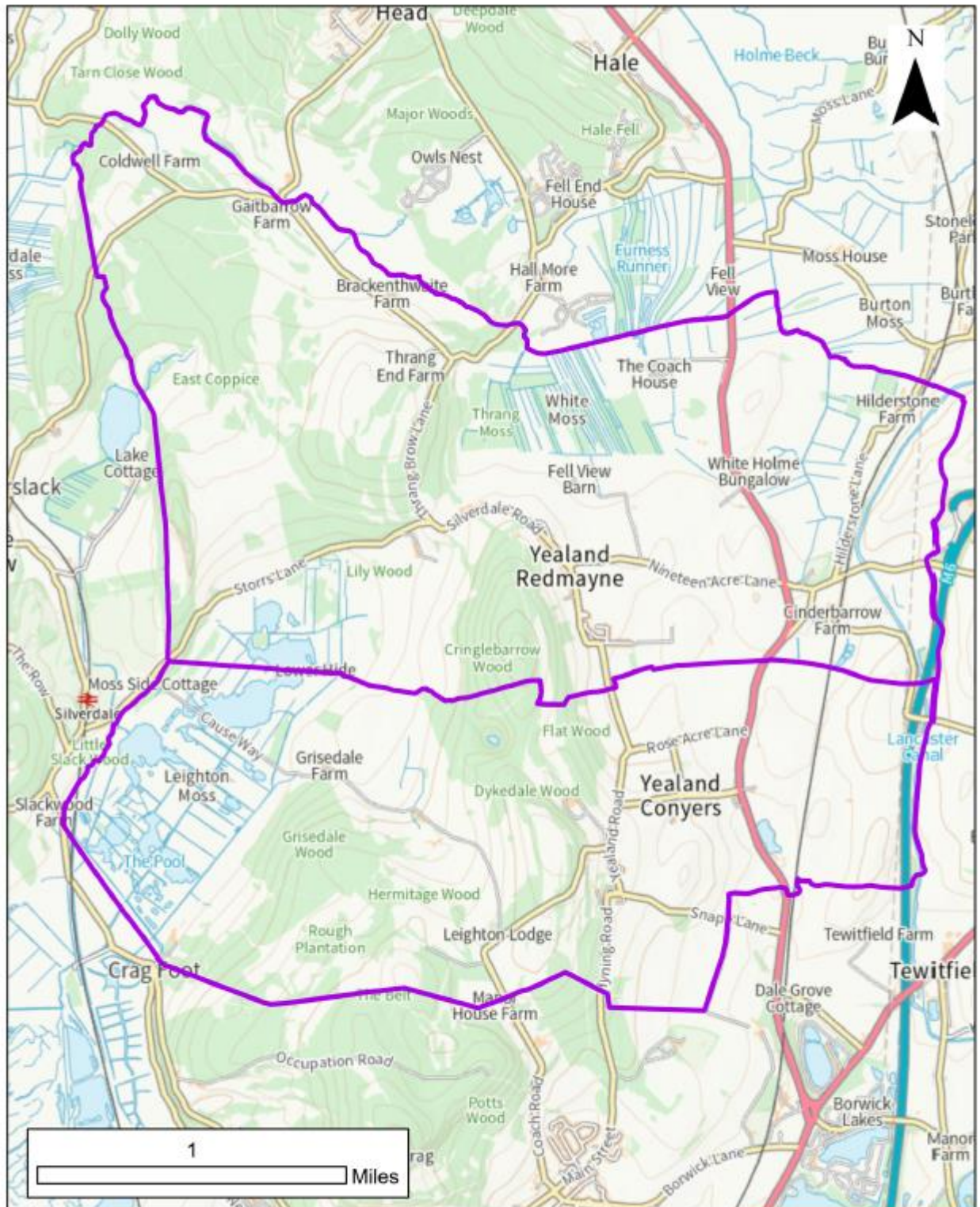
Email: elections@lancaster.gov.uk

The closing date for comments is: Friday 18 November 2022.

TERMS OF REFERENCE PUBLISHED ON 01 NOVEMBER 2022

Appendix A

The Parishes of Yealand Redmayne and Yealand Conyers



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