



Hampshire ALC Key Topic Note – Community Governance Reviews

Under the [Local Government and Public Involvement in Health Act 2007 S.82](#), the constitutional overseeing of local councils in England is generally exercised by the unitary, district or borough council. Parishes are created, dissolved or altered (i.e. change number of Councillors, or area) by the initiation of a process called a community governance review (CGR) and subsequent adoption (with or without amendment) of the recommendation made by the CGR.

The CGR is the process discovering all the facts and opinions required to draw up a recommendation on which changes can be implemented by way of a reorganisation order.

Procedure

The CGR is undertaken by the principal council, either by its own resolution or upon receipt of a community governance petition.

When undertaking a community governance review the principal council determines and must publicise the terms of reference. Under the [Local Government and Public Involvement in Health Act 2007 s. 93](#) the procedure to be adopted is decided by the principal council but they must comply with the following duties.

The principal council must consult the following:

- a. local government electors for the area under review, and
- b. any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

The principal council must have regard to the need to ensure that community governance within the area under review:

- a. reflects the identities and interests of the communities, and
- b. is effective and convenient.

In deciding what recommendations to make, the principal council must take into account

- a. any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or engagement in respect of the area under review, and
- b. any representations received in connection with the review.

As soon as practicable after making recommendations, the principal council must:

- a. publish recommendations, and
- b. take such steps as it deems sufficient to secure that persons who may be interested in the review are informed of those recommendations.

The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.

Petitions

A community governance petition is a petition for a community governance review to be undertaken. [Local Government and Public Involvement in Health Act 2007 s. 80](#)

A petition is not a valid community governance petition unless the conditions below are met (so far as they are applicable).

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 them;
- b. between 500 and 2,500 such electors, but a least 187 of them;
- c. has more than 2,500 such electors, by at least 7.5% of them.

The petition must:

- a. define the area for review; and
- b. specify the recommendation(s) which the petitioners wish the review to consider making.

If the specified recommendations include the constitution of a new parish, the petition must define the area of the new parish (whether on a map or otherwise)

If the specified recommendations include the alteration of the area of an existing parish, the petition must define the area of the parish as it would be after alteration (whether on a map or otherwise)

Constitution of a new parish

Under the [Local Government and Public Involvement in Health Act 2007 S.87](#) a review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. A new parish can be constituted in any of the following ways:

- a. by establishing an unparished area as a parish
- b. by aggregating one or more unparished areas with one or more parished areas
- c. by aggregating parts of parishes
- d. by amalgamating two or more parishes
- e. by separating part of a parish.

If a review recommends the constitution of a new parish, it must also recommend a name for the new parish, whether it is to have a parish council and whether it is to have one of the alternative styles (see relevant paragraph later in the guidance note).

Existing parishes under review

In accordance with the [Local Government and Public Involvement in Health Act 2007 S.88](#) if there is an existing parish council in the area of review, the review must make one of the following recommendations:

- a. that the parish should not be abolished, or its area should not be altered
- b. that the area of the parish should be altered
- c. that the parish should be abolished.

The review must also make recommendations as to whether the name of the parish should be changed.

The review must make one of the following recommendations:

- a. if the parish does not have a council: recommendations as to whether the parish should have a council
- b. if the parish has a council: recommendations as to whether the parish should continue to have a council.

Where a review recommends the creation of a new local council, it must also make recommendations about electoral arrangements. If the review recommends the continuation of a local council, it must also make recommendations as to what changes (if any) should be made to that council's electoral arrangements.

Grouping (or de-grouping) of Parishes

It is possible to alter the area administered by a local council without altering the status of a parish or the extent of a parish. Parishes can be grouped together under a joint council or by dissolving such a group. The reorganisation of localities by means of grouping orders has certain advantages, for the units concerned retain their identity and their electors' meeting, and such orders can be made by the principal council without the formalities of review.

Under the [Local Government and Public Involvement in Health Act 2007 S.91](#), if a community governance review makes recommendations as to whether group or de-grouping provision should be made those recommendations must in particular include recommendations as to what changes (if any) should be made to the electoral arrangements that apply to any council affected by the provision

Recommendation to create parish councils.

The [Local Government and Public Involvement in Health Act 2007 S.94](#) applies where a review is required to make recommendations under S.87 (6) as to whether a new parish should have a parish council or recommendations under section S.88 (4) as to whether an existing parish should have a parish council.

Where a governance review recommends whether a new parish should have a parish council, or whether an existing parish should have a parish council:

- a. If the parish has 1,000 or more electors, the review must recommend that the parish should have a council
- b. If the parish has 150 or fewer electors, the review must recommend that the parish should not have a council, unless the parish already has a council or part of such a parish, the above does not apply.

If neither of the above applies, it is for the principal council to decide whether the parish should have a council.

Electoral Recommendations: general considerations

Under the [Local Government and Public Involvement in Health Act 2007 S.95](#), a principal council when deciding a recommendation what electoral arrangements should apply to a new parish council, or what changes (if any) which apply to a parish council, must consider the questions below when deciding whether to recommend that a parish should, or should not, be or continue to be divided into wards for the purpose of electing councillors.

- a. Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impractical or inconvenient
- b. Whether it is desirable that any area or areas of the parish should be separately represented on the council.

If the principal council decides to recommend that a parish should be divided into wards, when considering the size and boundaries of the wards, and the number of councillors to be elected for each ward, the principal council must have regard to the factors below:

- a. The number of local government electors for the parish
- b. 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
- c. The desirability of fixing boundaries which are, and will remain, easily identifiable
- d. Any local ties which will be broken by the fixing of any boundaries.

If the principal council decides to recommend that a parish should not be divided into wards, when considering the number of councillors to be elected for the parish, the principal council must have regard to the factors below:

- a. The number of government electors for the parish
- b. Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Publicising outcome

In accordance with the [Local Government and Public Involvement in Health Act 2007 S.96](#) as soon as practicable, after a principal council has decided to what extent it will give effect to the recommendations made in a community governance review, and the council must:

- a. Publish that decision, and the reasons for making it
- b. Take such steps as the council considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons.

If the council makes a reorganisation order, as soon as practicable after making that order, it must deposit at its principal office:

- a. A copy of the reorganisation order, and
- b. A map which shows the effects of the order in greater details than the map included in the order.

The council must make the copy of the order and the map available for public inspection at all reasonable times and publicise the fact.

As soon as practicable after the making of the order, the principal council must inform all the following that the order has been made:

- a. The Secretary of State
- b. The Local Government Boundary Commission
- c. The Office for National Statistics
- d. The Director General of the Ordnance Survey; and
- e. Any other principal council whose area the order relates to.

Implementation

Once an order has been made, the principal council must send two copies to the Secretary of State and the Electoral Commission, and the Secretary of State must send two copies of any regulations they make to the Commission.

A reorganisation order, or general regulations may:

- a. Provide for the transfer and management of both real and personal property and with respect to the transfer of property rights and liabilities
- b. Provide for the transfer of legal proceedings and staff and for legal succession between existing bodies and new or altered bodies
- c. Make appropriate electoral arrangements.

Any public bodies (including local councils) affected by an order may make agreements about property, income, rights, liabilities, expenses and financial arrangements. [Local Government and Public Involvement in Health Act 2007 S.99.](#)

Community Governance Application

Under [Section 80A of the Local Government and Public Involvement in Health Act 2007](#), a community governance application can be applied for by a body designated a neighbourhood forum in accordance with [Section 61F of the Town and Country Planning Act 1990](#). It must relate to all, or any part of, an area specified in a neighbourhood development plan.

Changes not requiring a Community Governance Review

Changes of name

At the request of the parish council, or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish. The notice must be sent by the district council to the Secretary of State, the Director-General of the Ordnance Survey and Registrar general and publish it in the parish or community and elsewhere. [Local Government Act 1972 S.75](#)

Changes of Styles (alternative styles)

A local council and a parish meeting in a parish without a council may resolve to adopt the alternative style of 'community', 'neighbourhood' or 'village'. On the other hand, either body may resolve to drop an alternative style and revert to being called a parish. [Local Government Act 1972 s.12A, s.12B and s.17A](#)

As soon as practicable after adopting an alternative style, the local council or parish meeting must give notice of the change to the Secretary of State, the Electoral Comm, the Office for National Statistics, the Director-General of the Ordnance Survey, and the principal council in which the parish lies.

City and Town Status

A local council which is not part of a group can resolve that its area shall have the status of a town. Such a resolution continues in the effect until either area ceases to exist, or it is resolved to the contrary by the local council, or by the electors meeting, if the council has been dissolved. [Local Government Act 1972 s.245 \(6\) – \(9\)](#)

Essential Resources

[Local Government and Public Involvement in Health Act 2007](#)

[The Local Government Boundary Commission for England – Guidance on community governance reviews](#)

Other useful information relating to this subject can be found in the Hampshire ALC Member Area:

Hampshire ALC Key Topic: Creation of a Parish Council

This document reflects our advice based on our understanding of the current legislation and guidance and our knowledge of the sector. It is not however intended to be formal legal advice.

For more complex issues we are able to obtain initial specialist advice on legal, employment, financial and planning matters as part of your membership fee. Please contact us to access this service.