

**Maidstone Borough Council**  
**Whole Borough Community Governance Review 2022/23**  
**Terms of reference**

**1. Introduction**

- 1.1 Maidstone Borough Council is carrying out a Borough-wide Community Governance Review (CGR) in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).
- 1.2 The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Secretary of State for Levelling Up, Housing and Communities and the Local Government Boundary Commission for England. This guidance has been considered when drawing up these Terms of Reference.

**2. What is a Community Governance Review?**

- 2.1 A CGR provides an opportunity to put in place strong, clearly defined boundaries, which reflect local identities and facilitate effective and convenient local government.

It can take place for the whole or part of the Borough to consider one or more of the following:

- a. Creating, merging, altering or abolishing Parishes/Town Councils;
  - b. The naming of Parishes and the style of new Parishes/Town Councils;
  - c. The electoral arrangements for Parishes/Town Councils including:
    - the ordinary year of election;
    - the number of Councillors to be elected; and
    - the warding (if any) of the Parish/Town Councils.
  - d. Grouping Parishes under a common Parish Council or degrouping Parishes.
- 2.2 The Council is required to ensure that community governance within the area under review will be:
- a. Reflective of the identities and interests of the community in that area; and
  - b. Effective and convenient.
- 2.3 In doing so, the CGR is required to take into account:
- a) The impact of community governance arrangements on community cohesion; and

b) The size, population and boundaries of a local community or Parish Council.

2.4 These requirements have been taken into account in defining the objectives and questions proposals will be assessed against.

### **3. Why undertake a Community Governance Review**

3.1 Following a Local Government Boundary review of Maidstone Borough Council Wards by the Local Government Boundary Commission for England, a number of changes are proposed to ward boundaries (<https://consultation.lgbce.org.uk/node/32722>).

3.2 In some instances the changes proposed by the Commission will alter Borough Ward Boundaries that had been shared with Parish Council (Ward) Boundaries. One of the aims of this CGR is to consider the impacts of those changes and whether to bring Parish Council Boundaries into line with the new Borough Ward Boundaries.

3.3 In addition the Council wishes to undertake a CGR for the whole of the Borough to ensure that all localities have an opportunity to express a view on community governance. It may be that existing Parishes Councils have matters to bring to our attention and this Review will allow them to do so. The Review will also pay regard to population changes and shifts in 'natural settlements' caused by new development.

3.4 Maidstone Borough Council recognises that Parish Councils play an important part in community empowerment at a local level and wishes to ensure the parish governance in the Borough continues to be robust, representative of the locality and able to meet future challenges. It is also important that electoral arrangements are appropriate, equitable and understood by the local electorate.

3.5 Government guidance states that it is good practice to conduct a full CGR at least every 10 to 15 years. The Council has not undertaken a full CGR in that time and not since that guidance was issued. so therefore wishes to review the community governance of the Borough to ensure that there is clarity and transparency to the areas that Parish Councils represent and that the electoral arrangements of Parishes Councils (the warding arrangements and the allocations of Councillors) are appropriate, equitable and understood by their electorate.

#### **4. What do Parish Councils do?**

- 4.1 Parish Councils represent the most local form of government and can own land and assets, employ staff and provide services at a local level, this can include open space and recreation, cemeteries, grass cutting, street lighting etc. They can raise funds to meet the costs of administration and provision of services through setting a precept which forms part of council tax bills levied on council taxpayers in the parish. Parish Councils can also provide a local voice for the community responding to consultations and raising concerns with the relevant organisations.
- 4.2 A Parish Council is made up of parish councillors elected by the local government electors in the parish with elections taking place every four years. Vacancies within the four-year term are filled by co-option or by election if 10 local government electors request it.

#### **5. Who will undertake the Review?**

- 5.1 As the relevant principal authority, Maidstone Borough Council is responsible for conducting any CGR within its electoral area. The Democracy and General Purposes Committee will oversee the Review and produce draft and final recommendations; Council will approve the final recommendations which will be implemented by the making of an appropriate Order.
- 5.2 The Democratic and Electoral Services team within the Council will be engaged in work on the Review and they can be contacted at [electoralservices@maidstone.gov.uk](mailto:electoralservices@maidstone.gov.uk) for any further information on this Review.

#### **6. Areas under Review**

- 6.1 The whole of the Maidstone Borough Council area will be included in the CGR. A map of the Borough showing all of the existing Parish Councils is attached at Appendix A. Appendix B sets out further information for each Parish. The Review will not automatically mean there will be changes but it will examine whether there is a case for change. The Council is not seeking a particular solution, rather it wishes to test views and assess what solutions are the right ones to pursue with each individual Parish Council.

#### **7. Scope of Review and Factors to be Considered**

- 7.1 The scope of the review will include: -
- the creation of a Parish Council;
  - the name of a Parish Council;

- the establishment of a separate Parish Council for an existing Parish;
- the alteration of boundaries of existing Parishes Councils;
- the abolition of a Parish Council;
- the dissolution of a Parish Council;
- changes to the electoral arrangements of a Parish Council;
- whether a Parish should be grouped under a common Parish Council or degrouped.

7.2 Proposals will be assessed against the following objectives and questions: -

### Objective 1

Support the Identities and Interests of Communities

- To recognise parishes as coming from the community, belonging to the community and requiring community support
- To listen and respond to the needs and concerns of communities
- To create fair boundaries that represent communities and avoid arbitrary differences between neighbours

*Key Questions:*

*Does the community want a parish council and is it able to support one?*

*Does/would this parish represent a community or coherent communities?*

### Objective 2

Support Effective and Convenient Local Government

- To identify existing issues with parish boundaries and seek resolutions to them
- To respond to the Local Government Boundary Review and Parliamentary Boundary Review to create effective and efficient parish boundaries
- To minimise disruption to existing parishes through effective warding

*Key Questions:*

*Is a parish council, or change to a parish boundary the most effective resolution to the community's needs?*

*Is this parish boundary practical and reasonable?*

## **8. Consultation**

- 8.1 The Council is required 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 the representations that are received into account. The Council will also identify any other person who, or body that, it feels may have an interest in the Review and write to them inviting them to submit their views at all stages of the consultation.
- 8.2 Before making any recommendations or publishing final proposals, a full consultation process will form part of the Review to take full account of the views of local people and other stakeholders. The Council will comply with the statutory consultative requirements by:
- a) Consulting local government electors for the area under review;
  - b) Consulting any other person or body (including a local authority) which appears to the Council to have an interest in the Review;
  - c) Notifying and consulting Kent County Council; and
  - d) Taking into account any representations received in connection with the Review.
- 8.3 The Council will publicise the Review by displaying a notice at the Council Offices and creating a dedicated page on the Council's website. The Council will also write to all Parish Councils or any other community or resident groups of which the Council is aware, Borough Councillors and the relevant County Councillors, and the MPs.
- 8.4 Information about each stage of the Review will be published on the Council's website. It will also be possible to view Review documents at: Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ.

## 9. Indicative timetable for the Community Governance Review

<b>Event</b>	<b>Date</b>
Consideration of Terms of Reference by Democracy and General Purposes Committee	21 September 2022
Approval of Terms of Reference by Council	28 September 2022
Terms of Reference Published	3 October 2022
First Consultation Stage	7 November 2022 – 29 January 2023
Approval of draft recommendations by Democracy and General Purposes Committee	29 March 2023
Second Consultation Stage – Draft Recommendations	3 April 2023 – 25 June 2023
Final Recommendations considered by Democracy and General Purposes Committee	September 2023
Final recommendations approved by Council	September 2023
Community Governance Order(s) made	October 2023

## 10. Electorate Forecasts

- 10.1 When considering the electoral arrangements of the Parishes in the area the Council must consider any likely future changes in the number or distribution of electors within five years (2027 forecast).
- 10.2 The Review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings within the five year period taken from the Council's most recent forecast.

## **11. The present structure of Parish Councils and their electoral arrangements**

11.1 The following information on Parish/Town Councils is detailed in Appendix B

- a) Name of Parish Council;
- b) Number of electors as of December 2021;
- c) Current number of Parish Councillors;
- d) Ratio of current Councillors to electorate;
- e) (Current) Borough Ward.

## **12. Consequential Matters**

12.1 When the required consultation has been undertaken, and the Review completed, the Council may make an Order to bring into effect any decision that it may make taking account of the role of the Local Government Boundary Commission for England. If the Council decides to take no action, then it will not be necessary to make an Order.

12.2 If an Order is made it may be necessary to cover certain consequential matters in that Order. These may include:

- a) The transfer and management or custody of any property;
- b) The setting of a precept (Council tax levy) for the new Parish Council;
- c) Provision with respect to the transfer of any functions, property, rights and
- d) Liabilities;
- e) Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

12.3 It may also be necessary as a consequence of this review, in cases where Ward boundaries need to change to match Parish boundaries, for the Council to submit a Requested Alteration(s) to the Local Government Boundary Commission for England in order to request a change. Further, where certain changes are required to parish wards it may be necessary to seek consent from the Local Government Boundary Commission for England as they will have just completed Maidstone's Local Government Boundary Review.

12.4 The Council will also take into account the requirements of the Local Government Finance (New Parishes) Regulations 2008 when calculating the budget requirement of any new Parish Councils when setting the Council tax levy to be charged.

### **13. Representations**

13.1 Maidstone Borough Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included within the Review.

13.2 Representations may be made in the following ways:

By Email: [ElectoralServices@maidstone.gov.uk](mailto:ElectoralServices@maidstone.gov.uk)

By post:

Democratic and Electoral Services (CGR),  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6SE