

Duties and Powers of Principal Councils in conducting Community Governance Reviews

| General duties and powers leading up to a CGR | LG&PIHA 2007 – Sections | Guidance – supporting paragraphs |
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| General powers of a principal council to undertake a CGR | 82 | 26-29 |
| Duty to respond to a valid petition and to undertake a CGR with Terms of Reference that allow for the petition to be considered <ul style="list-style-type: none"> • the requirements of a valid petition are in Section 80(3-8) • a two-year moratorium period is allowed in Section 83(3) • other qualifiers about moratoriums or where reviews are already in progress are in Sections 84-85 | 83(1-2) | 39-44, 95-97 |
| Duty to conduct a CGR in accordance with the Act | 79(2)(a) | |
| Duty to conduct a CGR in accordance with Terms of Reference | 79(2)(b) | |
| Duty to have regard to guidance issued by Secretary of State and LGBCE | 100 | |
| Duty to consult electors and other persons or bodies which appear to have an interest in the review | 93(3) | 34, 38 |
| Powers to decide how to undertake a CGR, subject to Section 93 | 93(2) | 32 |
| Powers to vary or revoke previous orders | 86(5) | |
| Duty to conclude the review within 12 months of commencement – ‘begins’ is defined as when council publishes terms of reference; ‘concludes’ is defined as when council publishes the recommendations in the review | 93(8) 102(3-4) | 37 |
| Limitations with regard to protected parish electoral arrangements made by LGBCE (five-year moratoriums) | 86(1-3, 6) | 172-176 |
| Powers to make recommendations to LGBCE for related alterations to boundaries of principal council wards; LGBCE may make an order giving effect to the recommendations but have not powers of review in these cases | 92 | |

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| Terms of reference | | |
| General powers to decide and modify Terms of Reference | 81(4) | 19-23 |
| Duty whereby Terms of Reference must specify the area under review | 81(2) | |
| Duty to publish Terms of Reference as soon as practicable after deciding them | 81(5-6) | |
| Duty to notify and supply terms of reference to a county council (in two-tier areas) | 79(3) | |
| Community governance - principles | | |
| Duty to have regard to the need to secure that community governance reflects identities and interests of the community in that area | 93(4)(a) | 55-61, 77-85 |
| Duty to have regard to the need to secure that community governance is effective and convenient | 93(4)(b) | 62-65, 77-85 |
| Duty to take into account other arrangements of community representation or engagement | 93(5) | 35-36, 136-146 |
| Guidance to be mindful of community cohesion, engagement and participation | | 67-76 |
| Guidance's strong presumptions against abolishing parishes and parish councils and in favour of parish creation <ul style="list-style-type: none"> • generally (paras.117-124) • in rural areas (paras.125-127) • in London and other urban areas (paras.128-133) • in Charter Trust areas (paras.134-135) | | 117-135 |
| Parish areas, names, styles and groups | | |
| Duty to make recommendations as to what new parishes are to be constituted | 87(1-2) | 92 |
| Duty to make recommendations as to whether to abolish or alter existing parishes | 88(1-2) | 92 |
| Powers with regard to name, council and style of a new parish | 87(4-7) | 107-112 |
| Powers with regard to name and council (but not styles) of existing parishes | 88(3-5) | |
| Powers to group or de-group in a CGR in an order equivalent to an order under Section 11, LGA 1972 | 91 | 93, 113-116 |

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| Parish electoral arrangements | | |
| <p>What is the definition of parish electoral arrangements?</p> <ul style="list-style-type: none"> • the year in which ordinary elections are held (Guidance paras.149-152) • the number of councillors to be elected to a council (Guidance paras.153-157) • the division or not of the parish into wards (Guidance paras.158-161) • the number and boundaries of wards (Guidance paras.162-164) • the number of councillors to be elected for any ward (Guidance para.165-168) • the name of the ward (Guidance para.169) | 102(2) | 148-169 |
| Duties, where a parish council is created or retained, to make recommendations with regard to electoral arrangements | 89-90 | |
| <p>Duties with regard to parish council formation (new or existing parishes under review):</p> <ul style="list-style-type: none"> • 1,000+ local government electors – must recommend; • 151-999 – may recommend; • 150 or less – must not recommend | 94 | 86-90, 153-157 |
| <p>Considerations with regard to electoral arrangements: creating parish wards</p> <ul style="list-style-type: none"> • number or distribution of electors would make a single election impracticable or inconvenient • desirable for areas to be separately represented • size and boundaries of wards • number of councillors per ward <ul style="list-style-type: none"> ○ number of local government electors in parish ○ change in number or distribution over five years from review start ○ boundaries which are and will remain easily identifiable ○ local ties which may be broken | 95(1-5) | 158-169, 170-171 |
| <p>Considerations with regard to electoral arrangements: parishes without wards</p> <ul style="list-style-type: none"> • number of local government electors • change in number over five years from review start | 95(6-7) | 170-171 |

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| Making recommendations and consultation | | 91-95 |
| Duty to consult electors and other persons or bodies which appear to have an interest in the review | 93(3) | |
| Duty to take into account any representations received | 93(6) | |
| Duty to publish the recommendations and inform those that may be interested | 93(7) | 98 |
| Duty of council to publish a decision on recommendations and reasons for the decision and to inform persons who may be interested | 96(2) | 98, 100 |
| Power to make an order to give effect to the recommendations made in the CGR, subject to limitations with regard to protected parish electoral arrangements made by LGBCE (five-year moratoriums) | 86(1-3, 6) | 172-176 |
| Powers to make recommendations to LGBCE for related alterations to boundaries of principal council wards; LGBCE may make an order giving effect to the recommendations but have not powers of review in these cases | 92 | 93, 177-189 |
| Making the Community Governance Order | | |
| Power to make an order to give effect to the recommendations made in the CGR, subject to limitations with regard to protected parish electoral arrangements made by LGBCE (five-year moratoriums) | 86(1-3, 6) | 30-31, 172-176 |
| Duty to include a map showing in general outline the area affected by an order Mapping conventions area outlined in the Guidance, paras.105-106 | 86(4) | 105-106 |
| Duty to deposit a copy of reorganisation order, with a map and a map in greater detail, to publicise the deposit and make the order and maps available for public inspection | 96(4-6) | 100-101 |
| Duty to notify following that an order has been made: <ul style="list-style-type: none"> • Secretary of State • LGBCE • Office of National Statistics • Director General Ordnance Survey – and to supply any map referred to in the order • Any principal council that the order relates to – and to supply any map referred to in the order • Audit Commission (added in Guidance, para.102) | 96(7) Reg 6(SI2008/625) | 101-102 |
| Duty to supply copies of order to <ul style="list-style-type: none"> • Secretary of State – two copies, together with any map referred to in the order • LGBCE – two copies | 98(1) Reg 6(SI2008/625) | |
| Duty to supply any map referred to in the order to | Reg 6(SI2008/625) | |

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| <ul style="list-style-type: none"> • Registrar General • Land Registry • Valuation Office Agency • Boundary Commission for England • Electoral Commission | | |
| Powers whereby an order may include incidental, consequential, transitional or supplementary provision | 98(3) | |
| Powers in an order to include provision with respect to transfer and management or custody of property or transfer of functions, property, rights and liabilities, including legal proceedings (Reg.7), transfer of staff (Reg.12), balances (balances are apportioned by population in Reg. 7(6)), charitable trusts (Reg.8), allotments (Reg.9) | 98(4-5) Reg 7-9, 12 (SI2008/625) | |
| Powers in an order to modify or exclude Sections 16(3) and 90 LGA 1972 or the LEPCR 2006 to hold the first election to a parish council in an earlier year with councillors serving a lengthened or shortened first term to allow the parish council's electoral cycle to return to that of the principal council ward at the next elections – this is qualified in Reg.10 | 98(6) Reg10(SI2008/625) | 31, 149-152 |
| Powers for the billing authority to anticipate a precept for the first year of the new parish council/ parish meeting to an estimate which is included in the order. Thereafter, the parish council/ chairman of the meeting precept in that first year for the following year | Reg3(SI2008/626) | |
| Powers to make agreements with respect to property, income, rights, liabilities, expenses and financial relations | 99 | 104 |
| Duty to make rearrangements or adaptations to the register of electors in consequence of an order | Reg11(SI2008/625) | |