



**WARRINGTON**  
Borough Council

# **COMMUNITY GOVERNANCE REVIEW**

## **PARISH OF PENKETH**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

**TERMS OF REFERENCE**

## **1.0 INTRODUCTION**

- 1.1 Warrington Borough Council is carrying out a Community Governance Review of the Parish of Penketh under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the 2017 Act”)
- 1.2 The Council is required to have regard for the Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England; this is to ensure that the review reflects the identities and interests of the community in that area and is effective and convenient. The guidance has been considered in drawing up these terms of reference.
- 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 is a prompt to local consideration, initial discussions and the exchange of ideas in a Review, which will in turn assist Warrington Borough Council to prepare draft proposals.

### **What is a Community Governance Review?**

- 1.5 Community Governance Review (CGR) provide the opportunity for Councils to review and make changes to community governance within their areas. The Review considers one or more of the following:
  - Creating, merging, altering or abolishing of town or parish councils;
  - The naming of and the style of new town or parish councils;
  - The electoral arrangements for town or parish councils (the ordinary year of election; the council size; the number of councillors to be elected to the council and warding);
  - Grouping or de-grouping town or parish councils.
- 1.6 In this case, the review is the process used to consider whether Penketh Parish Council should be abolished. When carrying out the Community Governance Review, the options of the continued delivery of services locally must be taken into account in determining what to recommend.
- 1.7 The recommendations made in a community governance review have two main objectives.
  - To improve community engagement and better local democracy;
  - More effective and convenient delivery of local services.

## **Why is the Council undertaking the Review?**

- 1.8 Warrington Borough Council has received a valid petition from local residents requesting that Penketh Parish Council be abolished under the 2007 Act, as detailed below:

“Petition by the people of Penketh for the abolition of Penketh Parish Council”

The petition was submitted on 27 October 2020. The petition was signed by the required number of local government electors for the area, as required by Section 80(3) of the Local Government and Public Involvement Health Act 2007.

## **2.0 CONSULTATION**

- 2.1 How the Council proposes to conduct consultations during the Review.
- 2.2 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.
- 2.3 In coming to its recommendations in the review, the Council will need to take account of the views of local people and other consultees. 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).
- 2.4 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 the governments 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’ The Council will endeavour to ensure that local government electors and any other person or body that appears to have an interest in the Review have every opportunity to express their views. The Council recognises the importance of ensuring full consultation and that more effective proposals will be developed if stakeholders have a full opportunity to contribute to the Review.
- 2.5 The Council will:
- Publish these terms of reference and take submissions via its website
  - Promote the process via the website and on social media; and within the Parish
  - ½ page notices in Warrington Guardian

- Publish relevant statutory notices on the Councils website and Parish council website and Parish notice boards
  - Posters to be displayed in community areas/buildings within the Parish area
  - Individual letters to Penketh Parish Council and the Cheshire Association of Local Councils
- 2.6 In addition paper copies of the documentation will be issued upon request. The Borough Council will ensure that the consultation process is cost effective and that only reasonable costs are incurred.

### **How to submit your views?**

- 2.7 Complete an online survey via [smartsurvey.co.uk/s/wbcpenkethpcreview](https://smartsurvey.co.uk/s/wbcpenkethpcreview)

Scan the QR code below:



Email comments to – [elections@warrington.gov.uk](mailto:elections@warrington.gov.uk)

Write to: Electoral Services, Warrington Borough Council, Town Hall,  
Warrington WA1 1UH

## Timetable for the Review

2.8 Publication of these Terms of Reference formally begins the Review, which must be completed within twelve months.

2.9 The timetable for the Penketh Parish Review is as follows:

Action	Timetable	Indicative Date
Publication of Terms of Reference		9 January 2023
Introductory Stage – submissions are invited	6 weeks	9 January – 19 February 2023
Preparation of draft proposals	One month	February – March 2023
Publication of draft proposals		20 March 2023
Consultation on draft proposals	One month	20 March -24 April 2023
Preparation of final proposals	One month	May – June 2023
Publication of final proposals	Audit & Corporate Governance	21 September 2023
Publication of Recommendations	Full Council	30 October 2023
Publication of any Reorganisation Order		November 2023

## 3.0 ELECTORATE FORECASTS

3.1 The Council has used the Register of Electors as at 1 November 2022 in providing the existing parish electorate figures.

3.2 When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period beginning with the day when the review starts.

3.3 The voting population of Penketh Parish Council has remained fairly static over the last five years. Also there are no major developments proposed in the Penketh Parish area over the next five years which would indicate very little change in the population.

3.4 As it is not anticipated that there will be any significant increases in development and subsequently the number of electors in the area over the next five years, it is therefore not anticipated that there will be any significant

change in the demographics of the area including the number or distribution of electors.

- 3.5 The Council is required by law to consider other forms of community governance as alternatives to parish councils. There may be other arrangements for community representation or community engagement in an area, including area management committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents and tenants associations or community associations, which may be more appropriate to some areas than parish councils.
- 3.6 The Council will be mindful of such other forms of community governance in its consideration of whether continued parish governance is most appropriate in certain areas. However the Council also notes that what sets parish councils apart from other forms of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

#### **4.0 ORDER AND COMMENCEMENT**

- 4.1 The Review will be completed when the Council publishes its final recommendations.
- 4.2 In the event of a Reorganisation of Community Governance order being required the provisions of such an order would take effect as soon as possible in accordance with the relevant legislation. The electoral arrangements for any grouped parish council would normally come into force at the time of the next local and town council elections.
- 4.3 The Council might resolve to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year, with councillors serving a shortened first term to allow the parish electoral cycle to match that of the Borough.

#### **5.0 CONSEQUENTIAL MATTERS**

##### General Principles

The 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 transfer and management or custody of property;
- The setting of precepts for new parishes;

- Provision with respect to the transfer of functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

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