

LOCAL GOVERNMENT BOUNDARY COMMISSION
FOR ENGLAND



LOCAL GOVERNMENT
BOUNDARY COMMISSION
FOR ENGLAND
REPORT No. 286

Parish of ...
Parish of ...

LONDON

HER MAJESTY'S STATIONERY OFFICE 1978

45p net

LOCAL GOVERNMENT BOUNDARY COMMISSION
FOR ENGLAND

LOCAL GOVERNMENT
BOUNDARY COMMISSION
FOR ENGLAND
REPORT No. 286

LONDON
HER MAJESTY'S STATIONERY OFFICE 1978

© *Crown Copyright 1978*
First Published 1978

ISBN 0 11 751322 9

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

CHAIRMAN

Sir Edmund Compton, GCB, KBE

DEPUTY CHAIRMAN

Mr J M Rankin, QC

MEMBERS

Lady Bowden

Mr J T Brockbank

Professor Michael Chisholm

Mr R R Thornton, CB, DL

Mr D P Harrison



To:—

The Rt Hon Peter Shore, MP
Secretary of State for the Environment

LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND

PARISH BOUNDARY REVIEWS

PROCEDURES AND PROGRAMMES

Paragraph 30 of DOE Circular No 121/77 states that "As soon as this circular has been issued, the Commission will initiate consultations with the Association of District Councils, the Association of Metropolitan Authorities, the Association of County Councils and the National Association of Local Councils on full procedures and programmes consistent with the provisions of the Act."

This we have done. We are grateful to these bodies for their expert assistance, and in formulating the procedures and programmes that we propose should be followed, we have taken full account of the advice that they have been good enough to give us.

The following is a summary of the Report.

ACTION BY DISTRICT COUNCILS (paragraphs 1 to 6)

The starting point for any substantive consideration by the Commission of changes in parish arrangements is the receipt by the Commission of a Parish Boundary Review Report and Recommendations (if any) from the district council concerned.

Paragraphs 1 to 6 describe the procedure proposed for the formulation by district councils, after due publicity and local consultation, of Review Reports and Recommendations, with provision for electoral consequential and supporting maps. The procedure to be followed by district councils and the Commission is governed by section 60 of the Local Government Act 1972.

ACTION BY THE COMMISSION (paragraphs 7 to 12)

Paragraphs 7 to 12 describe the procedure that the Commission then expect to follow in arriving at Proposals for submission to the Secretary of State to put into effect. Normally, if the Commission accept the Recommendations as submitted by the district council, they will make the Proposals to the Secretary of State, publishing them at the same time. If they are minded to make modifications, the Commission will publish them and consider comments on them before making Proposals.

FOOTNOTE

Department of the Environment Circular No 121/77
Local Government Act 1972
Parish Reviews

Exceptionally, the Commission may decide that there is a case to consider for parish changes outside the scope of the District Council Review. In that event, the Commission themselves will undertake a review of the area affected within the district.

TIMETABLE AND PROGRAMMING (paragraphs 13 to 15)

The Commission will endeavour to organise their work so that it is evenly spread, but see no alternative to a programme building up from Review Reports and Recommendations as and when received from district councils, subject to the spread of work resulting from

- (i) Parish Boundary Reviews awaiting the completion of district and county electoral reviews
- (ii) Priority for interim Parish Boundary Reviews and Recommendations to deal with demonstrable anomalies
- (iii) Provision for a Parish Boundary Review Report covering the district area to leave proposals for difficult cases to be covered by a further Review Report or Reports at a later date.

Signed

LS

EDMUND COMPTON (Chairman)

JOHN M RANKIN (Deputy Chairman)

PHYLLIS BOWDEN

J T BROCKBANK

MICHAEL CHISHOLM

D P HARRISON

R R THORNTON

N DIGNEY (Secretary)

9 March 1978

REPORT

DISTRICT ACTION

1. Paragraph 27 of DOE Circular No 121/77 states that "The procedure to be followed by district councils which undertake reviews is in section 60 of the Act, which is reproduced in Annex A. In view of the need for communities to be accurately identified it is most important that the inhabitants of the area to be reviewed should have adequate opportunities to express their views. In areas which are already parished this could be achieved by calling the parish meeting, first to consider whether there should be a change and if so what form it should take and later to consider formulated proposals. In unparished areas informal local meetings could be called. In both parished and unparished areas reviews, and proposals as they are formulated, should be advertised in the local press. Charter trustees should be consulted on reviews and proposals affecting charter trustee towns."

INITIATION OF A FULL DISTRICT COUNCIL PARISH BOUNDARY REVIEW

2. Section 48(8) of the Act lays the responsibility for initiating a Review on the district council. The procedure is laid down in section 60. The district council should make a public announcement, through the local press and by public notices, of their intention to undertake a Parish Boundary Review for the district. Each parish and town council, and the Chairman of a parish meeting where there is no council, should be notified of the review. The announcement and notification should invite formal Requests from parish authorities, and the submission of comments from local residents and local organisations. The bodies specified in section 60(2) should be consulted at all stages of the review procedure. At least three months should be allowed for responding to the invitation; a final date for receipt of requests and comments should be specified. No doubt in parished areas existing machinery will provide for the expression of local opinion. In unparished areas the district council may wish to call a local meeting in order to discover local opinion.

PREPARATION OF DISTRICT COUNCIL PARISH BOUNDARY REVIEW REPORT AND RECOMMENDATIONS FOR INTENDED CHANGES

3. With proper regard for local interests, to the statutory requirements and to the guidelines in DOE Circular No 121/77, the district council should then hold any necessary consultation with parishes and any organisation or person making representations and prepare and publish in the local press and by public notice Draft Recommendations for intended changes (or where they have none in mind, a statement to that effect).

Opportunity should be given to any person who may be interested in the review to enable them to have access to the relevant documents and maps at a public office as specified in section 60(2)(c). Six weeks should be allowed for the receipt of comments, after which the Draft Recommendations should be considered again by the district council. As a result of local reaction, the district

council may wish to modify their Draft Recommendations or to hold a local meeting before deciding whether to modify them before submitting them to the Commission.

4. The submission of the district council's Recommendations to the Commission should take the form of a Report containing:—

- (a) a statement of the procedures carried out by the district council in the formulation of the Report.
- (b) a description of the recommended changes with reasons for suggesting them or, if no change is considered necessary, the reasons for this view. For parished areas the Report should record the views of each parish authority and relevant opinions which may have been expressed by any person or group of people concerned. The Report should also record opinions received by the district council from persons and bodies in unparished areas. In each case the Report should include the district council's comments and decisions thereon.
- (c) a description of proposed arrangements for the election of parish councils and suggested consequential modifications to district and county electoral arrangements (see paragraph 5 below).
- (d) maps of the appropriate scale (see paragraph 6) with the proposed changes clearly delineated.

The district council should announce the publication of the Review Report containing their Recommendations in the local press and by public notice and by sending copies of the announcement to all parties which have taken part in the review, when they submit their Report to the Commission.

CONSEQUENTIAL ELECTORAL ARRANGEMENTS

5. Changes in parish boundaries will have consequential effects on electoral arrangements at parish level and may also have effects at district and county level, and such changes must take effect substantially at the same time as the boundary changes. At parish level the district council will need to decide in respect of the new parishes which they recommend, what should be the size of the council and whether it should be elected by parish wards. Where district ward boundaries or county electoral division boundaries follow parish boundaries or parish ward boundaries which it is proposed to change, the alterations to the district wards and county electoral divisions concerned will need to be specified. In the case of minor changes, it will usually be appropriate for the district ward boundary or electoral division boundary to follow the new parish boundary. In the case of major changes it may be necessary for whole parishes, or parish wards, to be transferred to different district wards or county electoral divisions to maintain so far as possible the balance of electoral equality. Such changes may entail changing the number of councillors representing district wards. Responsibility for proposing changes to district and county electoral arrangements lies with the Commission, but district councils should include with their Report on parish boundary changes suggestions for electoral consequentials, including, where appropriate, the views of the County Council, giving the

number of electors living in the affected areas and any projected changes over the five years immediately following.

MAPS

6. Each Report to the Commission containing Recommendations should be supported by an Ordnance Survey Administrative Area map at a scale of 1:100,000 which covers the whole district, showing existing parishes and recommended changes.

In addition, details of changes in urban areas should be depicted on maps at a scale of 1:10,000 (or 6" to 1 mile). For rural areas, maps at a scale of at least 1:25,000 (or 2½" to 1 mile) should be provided. As existing civil parish boundaries are shown by a fine red line on 1:100,000 mapping, the same colour should be used in a similar way at 1:10,000 or 1:25,000, ie civil parish in thin red and district and county boundary in thicker red lines. All parts of parishes suggested for transfer should be depicted by light blue colouring or hatching; proposed civil parish boundaries should be drawn in fine blue lines of a darker colour than the hatching. The use of braces  across the boundary to show where parts are to be transferred may be helpful. Where considered desirable the areas transferred could be numbered and so referred to in the Report and descriptions.

Small areas should be clearly indicated and if necessary illustrated on a larger scale map inset. All colours should be common between the maps. Portions of different parishes being transferred to the same parish should be given the same hatching or tint. Where possible a single colour (blue) should be used for area changes. Care should be taken to ensure that printed detail on the map remains visible. All marginal notes should be retained. These include the scale of the map, the date of the survey on which the map is based, the dates of latest revision of the map and the dates to which boundaries on the map are revised.

A key to all additional material, including development relevant to proposed changes, should be provided for each set of maps.

COMMISSION ACTION

7. The range of action provided for the Commission by the Act is stated in paragraph 4 of the DOE Circular as follows:

"The Commission may under section 48(9) make to the Secretary of State proposals as recommended to them by the district council with or without modification. They may also themselves review the whole or part of a district where they have received a report from the district council and either:—

- a. they do not accept the district council's recommendations, even with modifications; or
- b. the district council have reported that they would not recommend changes."

CONSIDERATION OF A REPORT FROM A DISTRICT COUNCIL

8. The Act lays the primary duty to review parishes on the district council. Therefore a Report from the district council will be the starting point for any

casework action by the Commission. The Commission will no doubt receive applications and representations direct from parish authorities and other interested bodies, but will forward them to the district council concerned and will not give substantive consideration to them before the district council has had an opportunity of preparing a Report covering the area to which they relate.

ACTION BY COMMISSION ON A REPORT FROM A DISTRICT COUNCIL

9. The Commission, after considering the Report, and if necessary making further enquiries, will proceed in one of the following ways:

- (a) The Commission may form the view that in their Proposals to the Secretary of State they should adopt the Recommendations in the district council's Report without modification. If they so decide, they will make the Proposals to the Secretary of State, publishing them at the same time.
- (b) Alternatively, the Commission may form the view that they should adopt the district council's Recommendations, with modifications. This would be to endorse the general pattern of Recommendations in the district council's Report, both for changes and against changes, but to introduce some modification into the delineation of the pattern in one or a few instances of its detailed application. The Commission will publish their draft modifications and test them locally before making modified Proposals to the Secretary of State.

10. The Commission hesitate to say what the scope of such modifications might be in advance of experience of the casework. They would feel justified in proposing modifications where they seemed to be necessary in order that the district council's scheme should comply with the Commission's understanding of the Department of the Environment's guidelines. They have it in mind, however, that a modification should not be so drastic, in terms of the area and population affected, as to result in a substantial change in the parish pattern proposed for the district by the district council, or such as would involve a significant departure from the district council's judgement of what is apt for effective and convenient local government in the area covered by the district council's Review. In particular, the Commission are not disposed to regard the creation of a parish out of a hitherto unparished area, if not recommended by the district council, as a modification of the Proposals made by the district council. Changes on this scale would not normally be considered as modifications of Recommendations made in consequence of a review conducted by the district council; if they are to be considered, they should proceed from a review conducted by the Commission.

ACTION PROCEEDING FROM A REVIEW BY THE COMMISSION

11. The Act places upon the district councils the primary responsibility for the parish arrangements in their areas. In exercising that responsibility it will be their statutory duty to make proposals which the Commission can adopt as "apt for securing effective and convenient local government" (section 48(9)). When a district council make a Report, after a review made in full compliance with the Department of the Environment's guidelines, that changes in parishes or the

creation of parishes in a part of the district area are not proposed because they would not be apt for that purpose, the Commission will be reluctant to question the judgement of the district council. But the terms of the Act make it plain that the judgement of the district council is not conclusive. In most cases the Commission expect that they will endorse the district council's decisions either to make Recommendations or to make no change, subject to modification as described in sub-paragraph 9(b) above. There may, however, be exceptional cases where the Commission, after studying the district council's Report and other local evidence, decide that further consideration needs to be given to the case for certain parish changes which cannot be treated as modifications of the district scheme and which the district council have decided not to recommend.

12. In such cases, the Commission will conduct a Review of part of the district concerned. They will then follow the requirements of section 60 as regards announcing the Review, seeking comments and requests, preparing and publishing Draft Proposals, and considering responses, before making, or deciding not to make, Proposals to the Secretary of State. In such a case the Commission will look to the district council concerned to take an active part in the process of consultation, and the Commission will take full account of the views of the council on the case for Proposals for change as well as on the form that a change might take.

TIMETABLE AND PROGRAMMING

13. DOE Circular No 121/77 paragraph 28, states that:

“The Commission will deal with district council recommendations relating to parishes as soon as they can from 1978 onwards in the light of their programme for considering major boundary changes between 1984 and 1989. They will need an even spread of work, and district councils who wish to make recommendations to the Commission for changes in parish boundaries should therefore submit them well in advance of the date by which they wish them to be implemented. This would afford the Commission flexibility in their programme and the best chance of their avoiding unnecessary delays. The Commission will issue information as to their programme from time to time, as necessary. They will aim to give priority to demonstrable anomalies.”

14. The Commission “will need an even spread of work”. This is indeed true if the Commission are to make optimum use of their resources. It is clear, however, and confirmed by consultation with the Association of District Councils and other local authority associations, that there is no way in which the input of work can be phased by a “batting-order” of districts, whether arranged by counties or otherwise, according to an a priori judgement of the comparative urgency of their requirements and the time each will take to complete their respective Reviews and formulate their Parish Proposals. As stated at the outset of this paper the starting point for any parish action by the Commission is the receipt from district councils of Review Reports and Recommendations. The Commission can see no alternative to a programme of work that is built up by District Council Reviews and Recommendations as and when these are received. The volume of work and the time taken by the Commission will depend in large

measure upon the character of the Recommendations submitted by the district councils—upon the extent, for example, to which the Commission feel obliged to make modifications, and still more, to supplement the District Council Parish Boundary Review with their own Review.

15. The Commission's aim is to deal with all parish Recommendations with reasonable despatch, subject always to the full co-operation of the district councils which will be essential for the progress of the work through all its stages.

In the meantime, the Commission suggest that the organisation of the work will be facilitated and better related to the requirements of local government, if district councils observe the following priorities in the conduct of their Parish Boundary Reviews and submission of Recommendations.

(i) PARISH BOUNDARY REVIEW TO COME AFTER ELECTORAL REVIEW

While preliminary parish work might begin without delay, a District Council Parish Boundary Review involving Recommendations to create or change administrative local government boundaries should normally wait for the completion of the reviews of electoral boundaries for the district in question.

(ii) "DEMONSTRABLE ANOMALIES" (Paragraph 28 DOE Circular No 121/77)

The Department of the Environment's guidelines indicate that the Commission will aim to give priority to such cases. The procedure might be that a District Council Review should be organised so as to identify such cases at an early stage of the review process, leading to a Review Report conveying Recommendations to deal with one or more of such cases. The Commission suggest that the characteristics of such cases should be that they are (a) urgent (b) agreed locally (c) non-prejudicial to the district council's judgement of the pattern of parishes that is apt for securing "effective and convenient local government" within the district.

(iii) REVIEW REPORTS COVERING PART OF DISTRICTS

Apart from the "demonstrable anomalies" ((ii) above), the Commission will normally expect a District Council Parish Boundary Review to cover the parish requirements of the whole area of the district, leading to a Review Report covering all the Recommendations and/or non-Recommendations that the district council wish to make for the whole area. Where possible, Review Reports should comprehend the whole area of the district in the interests of fairness and consistency of treatment as between different localities and interests in the area. The Commission recognise, however, the other form of unfairness that might well be caused if, apart from the "demonstrable anomalies", the comprehensive Review Report were made an absolute rule.

It is possible to foresee a District Council Parish Boundary Review resulting at an early stage in Recommendations for locally acceptable changes, or decisions not to propose changes, covering the greater part of the district, but leaving out areas where the district council cannot decide whether or not to propose changes without much more time spent

on local investigation and testing of opinion. In such cases, the Commission would accept and be ready to act on a Review Report which indicated that the absence of Recommendations for certain areas did not mean a decision not to make changes in those areas, and that the district council's decision whether to propose changes for those areas would be the subject of a further Review Report at a later date.

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB

13a Castle Street, Edinburgh EH2 3AR

41 The Hayes, Cardiff CF1 1JW

Brazennose Street, Manchester M60 8AS

Southey House, Wine Street, Bristol BS1 2BQ

258 Broad Street, Birmingham B1 2HE

80 Chichester Street, Belfast BT1 4JY

*Government Publications are also available
through booksellers*