



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 4 **E+W**

PARISHES

CHAPTER 3 **E+W**

REORGANISATION

Duties of council undertaking review

93 Duties when undertaking a review **E+W**

- (1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following—
 - (a) the local government electors for the area under review;
 - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review—
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Duties of council undertaking review. (See end of Document for details)

- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
- (a) that have already been made, or
 - (b) that could be made,
- for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must—
- (a) publish the recommendations; and
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (8) The principal council must conclude the review within the period of 12 months starting with the day on which the council [^{F1}receives the community governance petition or community governance application].

Textual Amendments

- F1** Words in s. 93(8) substituted (E.) (27.3.2015) by [The Legislative Reform \(Community Governance Reviews\) Order 2015 \(S.I. 2015/998\)](#), arts. 1(3), **10**

Modifications etc. (not altering text)

- C1** [S. 93](#): functions made exercisable (18.3.2022) by [The North Yorkshire \(Structural Changes\) Order 2022 \(S.I. 2022/328\)](#), arts. 1(1), **7(3)(j)**
- C2** [S. 93](#) applied (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **17(j)**
- C3** [S. 93\(8\)](#) modified by [S.I. 2008/2113](#), **reg. 7(5)(6)** (as inserted (E.) (5.9.2018) by [The Local Government \(Structural Changes\) \(General\) \(Amendment\) Regulations 2018 \(S.I. 2018/930\)](#), regs. 1, **3(2)**)
- C4** [S. 93\(8\)](#) modified (26.11.2018) by [The Local Government \(Boundary Changes\) Regulations 2018 \(S.I. 2018/1128\)](#), regs. 1(1), **14(5)(a)** (with reg. 1(2)(3))

Commencement Information

- I1** [S. 93](#) in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

94 Recommendations to create parish councils **E+W**

- (1) This section applies where a community governance review is required to make any of the following recommendations—
- (a) recommendations under section 87(6) as to whether or not a new parish should have a parish council;
 - (b) recommendations under section 88(4)(a) as to whether or not an existing parish should have a parish council.
- (2) If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Duties of council undertaking review. (See end of Document for details)

- (3) If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.
- (4) But subsection (3) does not apply if any part of the parish mentioned in subsection (1) is currently—
- (a) a parish which has a council, or
 - (b) part of such a parish.
- (5) If neither subsection (2) nor (3) applies, it is for the principal council to decide whether or not the parish should have a council.

Modifications etc. (not altering text)

- C5** S. 94: functions made exercisable (18.3.2022) by [The North Yorkshire \(Structural Changes\) Order 2022 \(S.I. 2022/328\)](#), arts. 1(1), **7(3)(k)**
- C6** S. 94 applied (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **17(k)**

Commencement Information

- I2** S. 94 in force at 13.2.2008 by [S.I. 2008/337](#), art. **2(b)**

95 Electoral recommendations: general considerations **E+W**

- (1) This section applies to the principal council when deciding a recommendation of a kind listed in the following table.

<i>Recommendation</i>	<i>Made under</i>
What electoral arrangements should apply to a new parish council	Section 89(2)
What changes (if any) should be made to the electoral arrangements which apply to a parish council	Section 90(2)

- (2) The principal council must consider the questions in subsection (3) 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.
- (3) Those questions are—
- (a) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
 - (b) whether it is desirable that any area or areas of the parish should be separately represented on the council.
- (4) If the principal council decides to recommend that a parish should be divided into wards, the principal council must have regard to the factors in subsection (5) when considering—
- (a) the size and boundaries of the wards, and
 - (b) the number of councillors to be elected for each ward.
- (5) Those factors are—

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Duties of council undertaking review. (See end of Document for details)

- (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 particular boundaries.
- (6) If the principal council decides to recommend that a parish should not be divided into wards, the principal council must have regard to the factors in subsection (7) when considering the number of councillors to be elected for the parish.
- (7) Those factors are—
- (a) the number of local 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.

Modifications etc. (not altering text)

C7 S. 95 applied (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **17(l)**

C8 S. 95: functions made exercisable (18.3.2022) by [The North Yorkshire \(Structural Changes\) Order 2022 \(S.I. 2022/328\)](#), arts. 1(1), **7(3)(l)**

Commencement Information

I3 S. 95 in force at 13.2.2008 by [S.I. 2008/337](#), **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Cross Heading: Duties of council undertaking review.