

2015 No. 998

REGULATORY REFORM, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Legislative Reform (Community Governance Reviews)
Order 2015**

Made - - - - - *26th March 2015*

Coming into force in accordance with article 1

The Secretary of State for Communities and Local Government makes the following Order in exercise of the power conferred by section 1 of the Legislative and Regulatory Reform Act 2006^(a).

For the purposes of section 3(1) of that Act, the Secretary of State considers that the conditions in section 3(2), where relevant, are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act.

The Secretary of State laid a draft Order and explanatory statement before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15(1) of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.^(b)

Citation, application and commencement

1.—(1) This Order may be cited as the Legislative Reform (Community Governance Reviews) Order 2015.

(2) This Order applies to England only.

(3) This Order comes into force on the day after the day on which it is made.

^(a) 2006 c. 51.

^(b) The expression “40-day period” is defined in section 16(7)(b) of the Legislative and Regulatory Reform Act 2006.

Amendments to the Local Government and Public Involvement in Health Act 2007

2. The Local Government and Public Involvement in Health Act 2007(a) is amended as follows.

Requirements for a community governance petition

3. In section 80(3) (community governance petitions)—

- (a) in paragraph (a) for “50%” substitute “37.5%”;
- (b) in paragraph (b) for “250” substitute “187”; and
- (c) in paragraph (c) for “10%” substitute “7.5%”.

Community governance applications

4. After section 80 insert—

“Community governance applications

80A.—(1) A community governance application is an application for a community governance review to be undertaken.

(2) An application is not a valid community governance application unless the conditions in subsections (3) to (7) are met (so far as they are applicable).

(3) The application may be made only by an organisation or body designated as a neighbourhood forum under section 61F of the Town and Country Planning Act 1990(b).

(4) The application must relate to the whole or any part of an area specified in a neighbourhood development plan made under section 38A of the Planning and Compulsory Purchase Act 2004.

(5) The application must—

- (a) define the area to which the review is to relate (whether on a map or otherwise), and
- (b) specify one or more recommendations which the applicant wishes a community governance review to consider making.

(6) If the specified recommendations include the constitution of a new parish, the application must define the area of the new parish (whether on a map or otherwise).

(7) If the specified recommendations include the alteration of the area of an existing parish, the application must define the area of the parish as it would be after alteration (whether on a map or otherwise).

(8) If the specified recommendations include the constitution of a new parish, the application is to be treated for the purposes of this Chapter as if the specified recommendations also include the recommendations in section 87(5) to (7).

(9) If the specified recommendations include the establishment of a parish council or parish meeting for an area which does not exist as a parish, the application is to be treated for the purposes of this Chapter as if the specified recommendations also include recommendations for such a parish to come into being (either by constitution of a new parish or alteration of the area of an existing parish).”

(a) 2007 c. 28

(b) 1990 c. 8. Section 61F added by the Localism Act 2011 c. 20 (Sch 9(1) para 2). The requirements on an application for designation as a neighbourhood forum are prescribed in article 8 of S.I. 2012/637

Consequential amendments

- 5.**—(1) Section 83 (no review being undertaken: duty to respond) is amended as follows.
- (2) In subsection (1)(b) after “petition” insert “or community governance application”.
 - (3) In subsection (2) after “petition” insert “or application”.
 - (4) In subsection (3)(b) after “petition area” insert “or application area”.
- 6.**—(1) Section 84 (review being undertaken: duty to respond) is amended as follows.
- (2) In subsection (1)(b) after “petition” insert “or community governance application”.
 - (3) In subsections (1)(c) and (3)(b) after “petition area” insert “or application area”.
 - (4) In subsections (4), (5)(b) and (6) after “petition” insert “or application”.
- 7.**—(1) Section 85 (power to respond) is amended as follows.
- (2) In subsection (1)—
 - (a) after “community governance petition” insert “or community governance application”, and
 - (b) after “that petition” insert “or application”.
 - (3) In subsection (2)(a) and (b) after “petition” insert “or application”.
 - (4) In subsection (3)—
 - (a) in paragraph (a)—
 - (i) after “when petition” insert “or application”, and
 - (ii) after “petition area” insert “or application area”, and
 - (b) in paragraph (b) after “petition” insert “or application”.
 - (5) In subsection (4)—
 - (a) in paragraph (b) after “petition” insert “or community governance application”, and
 - (b) in paragraph (c) after “petition area” insert “or application area”.
 - (6) In subsections (5)(b) and (6)(b) after “petition” insert “or community governance application”.
- 8.** In the headings for sections 83 to 85 after “petition” insert “or application”.
- 9.**—(1) Section 102 (interpretation) is amended as follows.
- (2) In subsection (2)—
 - (a) insert in the appropriate places—
 - ““application area” means the area to which a community governance application relates;”, and
 - ““community governance application” has the meaning given by section 80A”,
 - (b) for the definition of “relevant two-year period” substitute—
 - ““relevant two-year period”, in relation to receipt of a community governance petition or community governance application, means the period of two years ending with the day on which the petition or application is received by the principal council;”, and
 - (c) for the definition of “specified recommendations” substitute—
 - ““specified recommendations”, in relation to a community governance petition or community governance application, means the recommendations—
 - (a) specified in the petition or application, or
 - (b) treated by section 80 as included in the recommendations specified in the petition or treated by section 80A as included in the recommendations specified in the application;”.
 - (3) For subsection (6) substitute—

“(6) The terms of reference of a community governance review “allow for a community governance petition or community governance application to be considered” if the terms of reference of the review are such that—

- (a) the area under review includes the whole of the petition area or application area; and
- (b) the recommendations to be considered by the review include all of the petition’s or application’s specified recommendations.”.

Change to time limits for concluding review

10. In section 93(8) (duties when undertaking a review) for “begins the review” substitute “receives the community governance petition or community governance application”.

Signed by authority of the Secretary of State for Communities and Local Government

Stephen Williams

Parliamentary Under Secretary of State

Department for Communities and Local Government

26th March 2015

EXPLANATORY NOTE

(This note is not part of the Order)

The Order is made under the provisions of the Legislative and Regulatory Reform Act 2006 (c. 51) and amends the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) to remove burdens on those who wish to campaign to set up a new parish council.

Article 3 reduces the percentage of local government electors who need to sign a community governance petition in order for it to be valid.

Article 4 inserts a new section 80A into the 2007 Act. This will allow an organisation or body designated as a neighbourhood forum under section 61F of the Town and Country Planning Act 1990 to apply for a community governance review in respect of an area specified in a neighbourhood development plan made under section 38A of the Planning and Compulsory Purchase Act 2004. An application for a review, which can be made without the forum having to organise a petition, will be treated in the same way as a valid petition.

Articles 5-9 make consequential amendments to take account of section 80A.

Article 10 amends the time period that the principal council has to conclude the community governance review. This is reduced from 12 months starting on the day the review begins, to 12 months from the day of receipt of the petition or application.