

**Report of:** Tony Parkinson - Returning Officer & Electoral Registration Officer

**Submitted to:** Council

**Date:** 7 September 2022

**Title:** Community Governance Review - Final recommendations for approval

**Report for:** Decision

**Status:** Public

**Strategic priority:** All

**Key decision:** Not applicable

**Urgent:** Not applicable

### **Executive summary**

This report marks the last stage of the Community Governance Review process which will culminate in Council formally determining the final governance arrangements of the Borough's parish councils, taking into account those matters which arose during the consultation.

Council is asked to agree the below final recommendations which are based on the outcomes of the second stage consultation process.

- I. That the Stainton and Thornton Parish Council boundary is retained and unaltered.
- II. That the number of Parish Councillors to be elected for Stainton & Thornton Parish Council remains at 7.
- III. That Nunthorpe Parish Council is retained with the following proposed changes:
  - a. the Parish Council boundary for Nunthorpe Parish Council is extended to be co terminus with the Nunthorpe electoral ward boundary i.e., to include 1-29 Yew Tree Grove, TS7 8QX, 1-16 Milan Grove, TS7 0DQ

- b. That the Council seeks permission from the Local Government Boundary Commission for England to amend Principal Council electoral ward boundaries for Nunthorpe ward be amended to include 12-16 Milan Grove and the Brethren's area.
  - c. That the number of Nunthorpe Parish Councillors be reduced to 7
- IV. That the Council agree to a Reorganisation Order being submitted and that all changes above will take effect from the next local elections that take place on 4 May 2023.
- V. That a further detailed review of community councils by the Stronger Communities Team be undertaken, to consider how we engage with community groups and assess what support is required/available.

## **Purpose**

1. The purpose of the review was to make sure that local governance is effective and convenient, and that it reflects the identities and interests of local communities, culminating with this report seeking to secure a resolution of Council which will finalise the future governance arrangements of the parish councils within Middlesbrough.

## **Background and relevant information**

2. The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") provides for a Principal Council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether to make changes to parish boundaries or the size and/or the creation of new parishes; and the review of the electoral arrangements for new and/or existing parishes. This is the first Community Governance Review that Middlesbrough Council has ever undertaken.
3. The Act requires principal authorities to take account of certain criteria when conducting a review, namely:
  - The identities and interests of the community in an area; and
  - The effective and convenient governance of the area.
4. Council agreed (21/7/21) that a full Community Governance Review be carried out to consider arrangements for parish councils, such as creating, merging, altering or abolishing parish councils, changing a parish council's boundary or the naming of parish councils and their electoral arrangements. Although the above legislation does not apply to community councils, full Council also agreed to include community councils in the consultation exercise as they also play a pivotal role in community engagement at a grass roots level.
5. The Corporate Affairs and Audit Committee were delegated authority to agree the Community Governance Review Terms of Reference; consider the initial representations made; and to approve initial recommendations from the first stage of the public consultation that would go on to a second stage consultation, resulting in final recommendations being considered by Council.

6. A working group made up of representatives from parish and community councils, Executive Members and officers of the Council from various departments have all had an input into designing surveys, reviewing the returns and drafting recommendations for the Committee's consideration.
7. The first consultation period ran between 4 January 2022 and 31 March 2022, which resulted in a detailed briefing paper being submitted to Corporate Affairs and Audit, which provided the methodology of the review, the findings of the survey, details of what was considered and the rationale for the recommendations in this report. Details can be found on the Council website. A total of 130 representations were received under the First Consultation Stage.
8. The methods of consultation included:
  - Placing posters at a number of council customer service centres, libraries, etc
  - Information on the Council website
  - Press adverts and local news releases
  - Letter to all Parish and Community Councils within Middlesbrough including posters that they could use to publicise the review within their areas
  - Letter to community groups within Middlesbrough (using the Council's welfare stakeholder database)
  - Letter to all Central MPs representing constituencies within Middlesbrough and local constituency offices of registered political parties
  - Email to all Councillors asking them to raise awareness within their wards
  - Social network sites
  - A working group consisting of parish and community council representatives, elected members and cross departmental officers
  - An online survey with paper copies made available in council buildings and upon request
9. Following the approval of the initial review timetable the Local Government Boundary Commission for England have advised (April 2022) that any local authorities seeking changes to parish councils should submit their requests by 1 October 2022 to allow sufficient time to consider the recommendations. Corporate Affairs and Audit Committee agreed to a revised review consultation timetable to ensure the authority can meet this deadline. Therefore the consultation on the proposed recommendations ran from 25 July 2022 to 19 August 2022.
10. The second stage consultation involved the public being able to comment on the initial recommendations as agreed at Corporate Affairs and Audit Committee. There was a total of 51 respondents to the second stage. The table below shows the total responses to each of the recommendations, with further detailed responses at Appendix.

<b>Proposed Recommendation</b>	<b>Yes</b>	<b>No</b>
1. That Stainton and Thornton Parish Council Ward Boundary is retained and unaltered.	44	5
2. That the number of Parish Councillors to be elected for Stainton and Thornton either:		
a) remains at 7 Parish Councillors	30	19
b) increases to 9 to cater for the large increase in the electorate	25	23
3. That Nunthorpe Parish Council is retained with the following proposed changes:		
a) The Parish Council boundary for Nunthorpe Parish Council is extended to be co terminus with the Nunthorpe electoral ward boundary i.e., to include 1-29 Yew Tree Grove, TS7 8QX, 1-16 Milan Grove, TS7 0DQ (subject to a further consultation with those residents).	44	7
b) That the Principal Council electoral ward boundaries for Nunthorpe and Marton East wards be amended to include 12-16 Milan Grove and the Brethren's area.	43	8
c) That the number of Nunthorpe Parish Councillors either:		
i) be reduced to 7 to mirror that of Stainton & Thornton Parish Council to ensure that electors have an equal voice within both communities.	31	20
ii) be reduced to 9 to mirror that of Stainton & Thornton Parish Council if the Council chooses to increase the number of Parish Councillors in Stainton and Thornton Parish Council to 9, to ensure that electors have an equal voice within both communities.	20	31
4) That a further detailed review of community councils by the Stronger Communities Team be undertaken, to consider how we engage with community groups and assess what support is required/available.	37	14

11. Whilst the initial survey was being undertaken there had been an increase in the number of contacts with the Council from various community councils that are experiencing a number of operational issues or seeking support/training for newly appointed Executive Members.
12. A number of comments and issues were also raised as part of the review, e.g., community councils not meeting for 2 years due to Covid, loss of volunteers to take up board places, lack of support from the local authority to community councils, need for potential review of community council constitutions and support with funding.
13. However, due to the reduced timetable and legal deadlines for amending Parish Council Boundaries it is recommended that a full separate review on community councils is undertaken by the Stronger Communities Team.
14. In addition to responses from residents in relation to their views on community Councils, Democratic Services and the Stronger Communities Teams received a number of communications seeking advice on constitutional and support/ training and how communities can disband or create new community councils. Community council constitutions were last reviewed in 2014 when community councils became

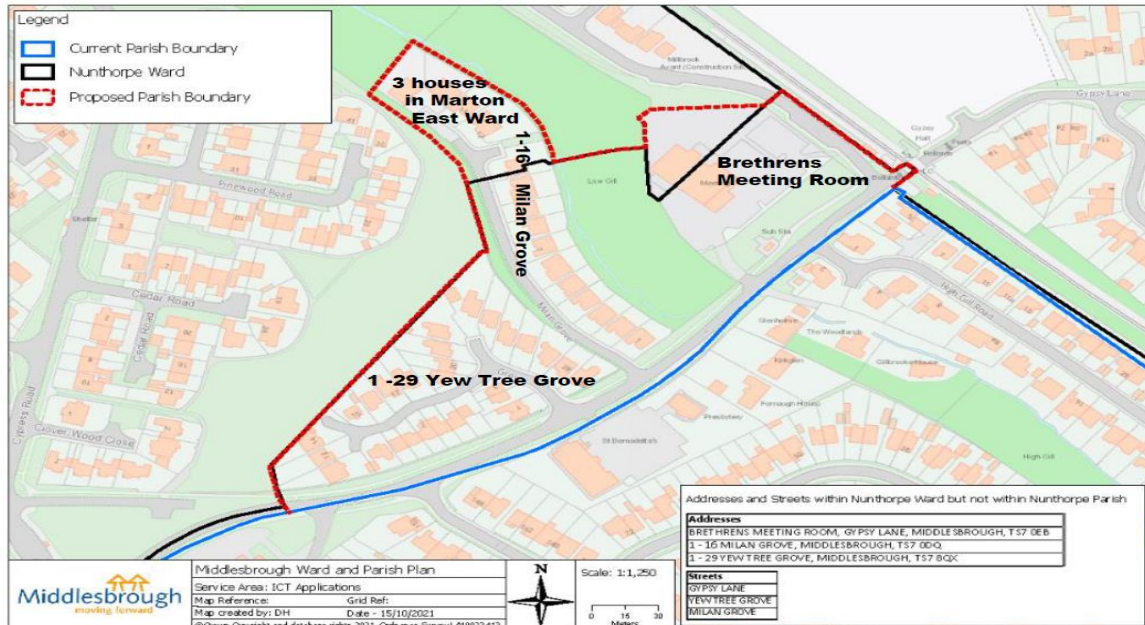
independent bodies and the level of support provided by the Council has diminished over the years, and as such, community groups are struggling

15. The purpose of the review was to make sure that local governance is effective and convenient, and that it reflects the identities and interests of local communities.
16. Following a review, if the Council decides that changes should be made to the electoral arrangements, they may make an Order giving effect to these changes.
17. The last part of the process is to make a decision as to the extent to which the Final Recommendations are given effect. That decision is then implemented by the Council making a formal Reorganisation Order, setting out the changes to be made and the date these come into force. For administrative and financial purposes, Reorganisation Orders implementing Community Governance Reviews should take effect from 1 April following the date on which it is made.
18. Subject to obtaining any necessary consents from the Local Government Boundary Commission for England, a Reorganisation Order will then be made, which will implement any approved changes in time for the May 2023 elections.

### **What is Being Proposed?**

#### **What decision(s) are being recommended?**

19. That Council agree the following recommendations:
  - I. That the Stainton and Thornton Parish Council boundary is retained and unaltered.
  - II. That the number of Parish Councillors to be elected for Stainton & Thornton Parish Council remains at 7.
  - III. That Nunthorpe Parish Council is retained with the following proposed changes:
    - a. the Parish Council boundary for Nunthorpe Parish Council is extended to be co terminus with the Nunthorpe electoral ward boundary i.e., to include 1-29 Yew Tree Grove, TS7 8QX, 1-16 Milan Grove, TS7 0DQ
    - b. That the Council seeks permission from the Local Government Boundary Commission for England to amend Principal Council electoral ward boundaries for Nunthorpe ward be amended to include 12-16 Milan Grove and the Brethren's area.



c. That the number of Nunthorpe Parish Councillors be reduced to 7

- IV. That the Council agree to a Reorganisation Order being submitted and that all changes above will take effect from the next local elections that take place on 4 May 2023.
- V. That a further detailed review of community councils by the Stronger Communities Team be undertaken, to consider how we engage with community groups and assess what support is required/available.

### Rationale for the recommended decision(s)

- 20. Recommendations are based on the outcome of the survey and the representations submitted by the public, parish council representatives and local Ward Councillors.
- 21. Other than a minimum size of 5 councillors, legislation does not prescribe any maximum number of councillors, or require that the number of councillors is proportional to the electorate size.

Polling District	Streets	Properties	Voids	Electors	Number of parish Cllrs
<b>NUNTHORPE</b>					11
TAM - Nunthorpe	20	407	19	716	
TBM - Nunthorpe	28	688	34	1311	
TCM - Nunthorpe	61	1187	163	2097	
Total	109	2282	216	<b>4124</b>	Ratio of Parish Cllrs to electors 1- 374
<b>STAINTON &amp; THORNTON</b>					7
PAM- Stainton & Thornton	70	1533	217	<b>2481</b>	Ratio of Parish Cllrs to electors 1- 354

22. As you will see from the tables above there is currently a high level of disparity in the ratio of electors that currently each Parish Councillor represents within the two parish councils. When considering the number of Parish Councillors required, the authority may want to consider the services that the parish provides and the capacity of the number of Councillors elected to deliver them. They should also consider the parity of electors and each elector should have an equal voice wherever possible.
23. This ratio of Middlesbrough electors to Parish Councillors is comparatively low when compared to local ward councillors who on average have over 2000 electors per elected ward members and who have a much larger remit.
24. There have been no contested Parish Council Elections in the last 12 years. Nunthorpe Parish have relied on co-opted members in order to fill vacancies and currently have 5 elected members and 7 co-opted members.
25. The majority of residents in both parish councils were in favour of appointing 7 parish councillors.
26. Reducing the number of Nunthorpe Parish Councillors would bring a level of parity between the two parish councils on electors and could introduce competition, raise awareness and increase community participation. As there have been no contested Parish Council elections in Middlesbrough for a considerable amount of time this should not affect the democratic process.
27. It's also proposed that the local authority also includes materials on parish councils as part of its election communication and engagement strategy for the forthcoming local elections in 2023.

#### **Other potential decision(s) and why these have not been recommended**

28. The Community Governance Review also considered the creation, merging, altering or abolishing parish councils.
29. There appeared to be a level of public support to maintain the current parish councils. There were some suggestions for creating new parish councils however there was not a strong level of response to support this proposal. There was also no evidence /comments submitted to show that a new parish council would improve community cohesion or offer an improved level of community participation/representation as those areas suggested already had a community council covering the same geographical area.
30. In addition to responses from residents in relation to their views on community councils, Democratic Services and the Stronger Communities Teams received a number of communications seeking advice on constitutional and support/training and how communities can disband or create new community councils. Community council constitutions were last reviewed in 2014 when community councils became independent bodies and the level of support provided by the Council has diminished over the years, and as such, community groups are struggling. Therefore there are

no proposals to change the set up at this time until a more in-depth review can be undertaken

31. To continue with the current community governance arrangements within the Borough and accept the risk that it no longer complies with the statutory requirement to reflect the identities and interests of the community and be effective and convenient.

### **Impact(s) of the recommended decision(s)**

#### ***Legal***

32. Part 4 of the Local Government and Public Involvement in Health Act 2007 devolved power from the Secretary of State to principal councils to carry out Community Governance Reviews and put in place or make changes to local governance arrangements. The Community Governance Review was undertaken in accordance with this Act.
33. To implement the outcome of the review, the Council will be required to make a Reorganisation of Community Governance Order.
34. Section 93(6) requires the Council to take into account any representations received in connection with the Community Governance Review. It is reasonable to set a time period for representations to be made, in order to allow them to be properly considered.

#### ***Strategic priorities and risks***

35. The report addresses the Council's community engagement priorities and reduces the risks of failure to comply with the law whilst promoting and maintaining good governance.

#### ***Human Rights, Equality and Data Protection***

36. There are no direct equalities implications or data protection issues that have been identified as being relevant to this report.

#### ***Financial***

37. There are no financial or budgetary issues identified as being relevant to this report.

### **Actions to be taken to implement the recommended decision(s)**

<b>Action</b>	<b>Responsible Officer</b>	<b>Deadline</b>
That a further detailed review of community councils and how they are supported be undertaken by the Stronger Communities Team.	Marion Walker	April 2023



A Community Governance Order is made, published, and sent to the Secretary of State	Tony Parkinson	
That authorisation be sought from the Local Government Boundary Commission England to change Nunthorpe Electoral Ward Boundary	Tony Parkinson	
Town and parish councils must be notified of the Council decision.	Tony Parkinson	
Electoral register details to be changed, where town, parish or parish ward boundaries change.	John Stuart	
Council tax records amended to reflect any consequent changes to Council Tax precepts	Jeanette Savage	

## Appendices

1	Community Governance Review - Stage 2 Consultation Results
2	
3	

## Background papers

Body	Report title	Date
Government	The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”)	2007
Middlesbrough Council - <i>Full Council</i>	Community Governance Review	7 July 2021
Middlesbrough Council – Corporate Affairs and Audit Committee	Community Governance Review	9 December 2021
Middlesbrough Council – Corporate Affairs and Audit Committee	Community Governance Review - Draft recommendations for further consultation	22 July 2022

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