

## **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 COMMUNITY GOVERNANCE REVIEW**

### **TERMS OF REFERENCE**

#### **INTRODUCTION**

1. Middlesbrough Council is carrying out a full Community Governance Review in accordance with Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The Council is required to have regard for the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance has been considered in drawing up these terms of reference.

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

2. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission. Guidance suggests that it is good practice for a principal council to consider conducting a Community Governance Review every 10-15 years. It is now over fifteen years since a review was last undertaken in Middlesbrough.
3. A request has been made by Nunthorpe Parish Council to reconsider its current boundaries and therefore it is considered timely to conduct a review of the whole of the Council's area and that any decisions to make changes to parish arrangements would be implemented at the next full parish elections in 2023.
4. Community Councils operate on a less formal footing i.e. they are not democratically elected like Parish Councils are, however, they play an equally strong part in representing communities and acting as another mechanism for the Council to consult with communities at a very local level.
5. Therefore Council agreed to include Community Councils in the Community Governance Review and consultation so that the public can also comment on the other form of local governance that operates within Middlesbrough.

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

6. A Community Governance Review is a review of the whole part or part of the district area to consider one or more of the following:
  - Creating, merging, altering or abolishing parishes;
  - The naming of parishes and the style of new parishes;
  - The electoral arrangements for parishes (the ordinary year of election; council size);
  - The number of councillors to be elected to the council, and parish wardings and
  - Grouping parishes under a common parish council or de-grouping parishes.

7. Whilst Community Councils do not fall within the above legislation Middlesbrough Council will also be seeking resident's views on the role and remit of Community Councils and inviting the public's views on how they operate and represent their communities.
8. 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.
9. The review must ensure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient. It must also take into account any existing arrangements such as community or residents associations or neighbourhood councils.
10. There are two stages to the review: the first stage will gather opinions on current structure and any new proposals; the second stage will be the Council's recommendations on the way forward which the public will be able to comment on.

### **Who undertakes the review?**

11. The review is undertaken on behalf of Middlesbrough Council, however the Corporate Affairs and Audit Committee agree the terms of reference for this review and will deal with all matters in connection with it, through to submitting final recommendations to full Council for their consideration and the making of any necessary Reorganisation Order.
12. The lead officer with regard to this review will be the Head of Democratic Services.

## **CONSULTATION**

### **How the Council proposes to conduct consultations during the review?**

13. In coming to its recommendations in the review, the Council will need to take account of the views of local people.
14. The Act requires the Council to consult the local government electors and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.
15. The Council intends to consult with all households and interested parties in the area through, inviting initial submissions and seeking views on the draft proposals (see appendix 1 – Communication Plan and timetable)
16. The Council will also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at both stages of consultation.
17. This may include:
  - Ward Members
  - Parish Council Members
  - Community Council Members

- Groups and Societies
- Schools and Colleges
- Members of Parliament
- Local Political Parties
- The Police
- Local charities and voluntary organisations

18. The Council will also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals will be invited to make comments in respect of the draft proposals.

19. The Council intends to clearly publish all decisions taken in the review and the reasons for taking those decisions and will work towards the Government's view in undertaking the review 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 these decisions."

20. In accordance with the Act, representations received in connection with the review will be taken into account, and steps will be taken to notify consultees of the outcome of the review by publishing them on the Council's website at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk), through general press releases, placing key documents on public deposit at Council Offices and will communicate the final outcome of the review by.....?

#### **How to contact us:**

21. Any queries regarding this review should be directed to:

- Sylvia Reynolds
- Head of Democratic Services
- Middlesbrough Council
- Town Hall
- TS1 9FX
- E-Mail: [sylvia\\_reynolds@middlesbrough.gov.uk](mailto:sylvia_reynolds@middlesbrough.gov.uk)

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

### **CONSEQUENTIAL MATTERS**

#### **Following a Review**

23. A Reorganisation Order may be drafted which would cover any consequential matters that appear to the Council to be necessary as a result of the final agreed recommendations from the review that 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 any functions, property, rights and liabilities;

24. In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.
25. In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.
26. Furthermore, the Council notes that the regulations regarding the establishment of a precept for a new parish require the Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

### **District ward boundaries**

27. The Council is mindful that it may be necessary, although it is not anticipated, for it to recommend the Electoral Commission to make alterations to the boundaries of district wards or county electoral divisions to reflect the changes made at parish level.
28. The Council notes that it will be for the Electoral Commission to decide if related alterations should be made and when they should be implemented, and that the Commission may find it appropriate to direct the Boundary Committee for England to conduct an electoral review of affected areas.
29. The Council notes that the Electoral Commission will require evidence that the Council has consulted on any such recommendations for the alterations to the boundaries of district wards to County electoral divisions as part of the review. Of course, such recommendations for alterations may only become apparent during the course of the review. Even so, the Council will endeavour to include any such draft recommendations for alterations at the earliest possible opportunity for consultation that will arise after they become apparent.
30. Where any such consequential matters affect Middlesbrough Council, the Council will also seek the views of that council with regard to alterations to electoral division boundaries in accordance with the government's guidance.

### **DATE OF PUBLICATION OF THESE TERMS OF REFERENCE**

31. Date of Publication: 1 ..... 2021
32. Any modifications (if any) will be published as soon as practicable after they have been made.