

Report of:	Sylvia Reynolds, Head of Democratic Services
Submitted to:	Corporate Affairs and Audit Committee – 9 December 2021
Subject:	Community Governance Review

Summary

Proposed decision(s)
That the Corporate Affairs and Audit Committee approves the Terms of Reference and consultation documents for the Community Governance Review.

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Yes	No	No

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
Recommendations made in a Community Governance Review should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.		

Ward(s) affected
All Wards

What is the purpose of this report?

1. Following a meeting of full Council on 28 July 2021, it was agreed that Council would delegate to Corporate Affairs and Audit Committee, consideration and agreement of a Terms of Reference for the Community Governance Review and any consultation responses to the review with final recommendations referred back to Council for approval.
2. This report seeks agreement from the Corporate Affairs and Audit Committee to the proposed Terms of Reference and consultation documents to enable a Community Governance Review to commence in Middlesbrough.

Why does this report require a Member decision?

3. At the meeting of full Council on 28 July 2021 delegated authority was given to the Corporate Affairs and Audit Committee to agree the Terms of Reference and consultation documents for the Community Governance Review.
4. 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.
5. 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 any decisions to make changes to parish arrangements would be implemented at the next full parish elections in 2023.
6. Community Council's 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. Therefore it is proposed that Community Council's be included in the Community Governance Review consultation.

Report Background

What is a Community Governance Review?

7. 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:
 - a) Creating, merging, altering or abolishing parishes;
 - b) The naming of parishes and the style of new parishes;
 - c) The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish wards) and
 - d) Grouping parishes under a common parish council or de-grouping parishes.
8. The Local Government and Public Involvement in Health Act 2007 (LGPIH Act) devolved the power to take decisions relating to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes from the Secretary of State and the Electoral Commission to principal councils.
9. The purpose of a Community Governance Review is to secure an arrangement which will bring about improved community engagement, better local democracy and will result in more effective and convenient delivery of local services.
10. With effect from February 2008, principal councils have had the responsibility for undertaking Community Governance Reviews, (formerly known as a parish reviews) and have been able to decide whether to give effect to recommendations made in those reviews.

11. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.
12. Councils are required to have regard to guidance issued by the Secretary of State and the Boundary Commission.
13. Whilst the legislation and guidance relates to Parish and Town Councils, the proposal is to extend the consultation to seek feedback from the town's Community Councils which are supported by the Council via a small grant. This will enable the Council to assess the level and routes for community engagement at a grass roots level.

Criteria for undertaking a review

14. Section 93 of the LGIPH Act requires principal councils to ensure that community governance within the area under review will be:
 - reflective of the identities and interests of the community in that area; and
 - effective and convenient
15. When considering the criteria identified in the Act, principal councils should take into account a number of influential factors, including:
 - the impact of community governance arrangements on community cohesion; and
 - the size, population and boundaries of a local community or parish.
16. In considering the criteria, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

Review Requirements

17. There are a number of requirements relating to the conduct of the review which must be observed. These are:
 - Terms of Reference must be drawn up for the review. These must identify the focus for the review and the area under review;
 - Consultation must take place with local people, representative groups active in the area and any people/groups that could be reasonably expected to have an interest in the review;
 - The Council must take account of the representations received;
 - The review must be completed within 12 months of the Council publishing the Terms of Reference.

Consultation

18. To ensure that interested persons or groups have the opportunity to input and respond to the review the following actions will be undertaken:
 - Display notices at a number of council buildings

- Information on the Council website
- Article in Middlesbrough News
- Members Briefings
- Letter to parish and community councils including information that they may use in order to publicise the review within their parishes. (This information could then be publicised through their magazines/newsletters/intranet, notice boards or website)
- Letter to other known community groups within Middlesbrough (using the Council's stakeholder database)
- Letter to MPs representing constituencies within Middlesbrough and local constituency offices of registered political parties
- Social network sites
- Online Community Consultation meetings.

Timetable and Terms of Reference

19. The review is concluded when the Council publishes its recommendations and this must be within 12 months of the Council publishing the Terms of Reference.

What decision(s) are being asked for?

20. The Corporate Affairs and Audit Committee is asked to:

- Approves the Terms of Reference and consultation documents for the Community Governance Review

Why is this being recommended?

21. The Local Government Boundary Commission for England recommend that a local authority conducts a full Community Governance Review every 10-15 years

Other potential decisions and why these have not been recommended

22. Not conducting a review may leave some parts of a local community disenfranchised from their neighbours and result in some areas not being represented at a grass roots level.

Impact(s) of recommended decision(s)

23. Conducting a review will allow the Council to meet its responsibilities in reviewing Parish Councils, strengthen community and engagement and representation whilst promoting the Council's Public Engagement Policy.

Legal

24. Community Governance Reviews operate under the following legislative framework:

- Local Government & Public Involvement in Health Act 2007 (Section 81 of the Act requires the Council to publish its Terms of Reference);
- Guidance on community governance reviews, issued in accordance with Section 100 of the Local Government & Public Involvement in Health Act 2007 jointly by Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010;

- Local Government Act 1972 (as amended);
- Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI 2008/625); and
- Local Government Finance (New Parishes) Regulations 2008 (SI 2008 626).

25. The manner in which this framework applies to this review is explained in the text of the report.

Financial

26. The consultation costs are not expected to exceed £5,000 and will be met from the existing revenue budget.

Policy Framework

27. N/A

Equality and Diversity

28. There are no direct equalities implications that have been identified as relevant to this report. However, achieving a more even distribution of electoral representation in every parish will provide an opportunity for fairer representation.

Risk

29. Councils are expected to carry out Community Governance Reviews every 10-15 years. There are no elections scheduled in 2021/22 and therefore staff resources are available to complete the review by June 2022, with a view to implementing any changes with effect from the May 2023 elections.

30. The Council will be mindful of Government guidelines and policy and take this into consideration throughout the review

31. To mitigate against the potential for judicial review, the Council will ensure that all decisions are evidence based.

Actions to be taken to implement the decision(s)

32. A draft Terms of Reference and consultation documents will be presented to the Corporate Affairs and Audit Committee before the public consultation begins.

Appendices

Appendix A – Draft Terms of Reference

Appendix B – Draft Consultation document

Appendix C – Draft survey

Background papers

Body	Report title	Date
Local Government Boundary Commission for	Guidance on community governance reviews	March 2010

England		
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Contact: Sylvia Reynolds – Head of Democratic Services
Email: Sylvia_reynolds@middlesbrough.gov.uk