

COUNCIL

DATE	25 th May 2023
REPORT OF	Councillor Harness, Portfolio Holder for Finance, Resources and Assets
RESPONSIBLE OFFICER	Helen Isaacs, Assistant Chief Executive
SUBJECT	Parish Council Community Governance Review
STATUS	Open
FORWARD PLAN REF NO.	Not Applicable

CONTRIBUTION TO OUR AIMS

The Council has two clear strategic priorities – stronger economy and stronger communities. Within that second priority, the parish council community governance review will have potential impacts on local democracy for the thirteen parish councils and town council in North East Lincolnshire as set out in the report.

EXECUTIVE SUMMARY

The Local Government Boundary Commission for England (LGBCE) will be commencing a review of North East Lincolnshire Council's Ward boundaries in Summer 2024, with a view to completing that review by Autumn 2025. The new Ward boundaries will come into operation with effect from the May 2026 elections. Prior to this review, it is advisable to conduct a parish council community governance review as parish council boundaries form polling districts and these polling districts need to be incorporated into the Ward review.

Secondly, the Council has authority to take decisions about parish electoral governance arrangements and is legally required to monitor them every 15 years. This is an opportune time to conduct a full review of town and parish councils in North East Lincolnshire.

The formal review process is known as a Community Governance Review (CGR). The report outlines the process for the CGR. Through the review, the Council must ensure that the electoral arrangements and governance of the various parish councils reflects the identities and interests of their local communities and are effective and convenient.

Subject to approval from Council, the review will include two rounds of public consultation. In accordance with the Constitution, the Communities Scrutiny Panel will consider feedback to both consultation phases and invite witnesses to give evidence (as appropriate). The Panel will make recommendations direct to Council on any proposed changes at the end of each consultation phase.

RECOMMENDATIONS

That Council agrees:

- i. The terms of reference in Appendix 1, which formally commences the Community Governance Review, noting and confirming the scope (paragraph 1.15) and timetable (paragraph 1.22) for the Review.

- ii. To authorise the Assistant Chief Executive to undertake any administrative tasks relating to the review, including both periods of consultation.
- iii. That the Communities Scrutiny Panel be asked to consider evidence from both consultation phases, review any feedback and identify/speak to key consultees (as appropriate), and then report recommendations back to Council.

REASONS FOR DECISION

A CGR is required to ensure parish level electorate and governance arrangements remain fit-for-purpose. Secondly, the parish boundaries form polling districts and these need to be reviewed ahead of the 2024 Ward Boundary Review of North East Lincolnshire Council.

Decisions regarding a CGR remain a Full Council decision and, as such, Council is required to agree to the commencement and scope of the CGR and approve the timetable as set out in Section 1.22.

1. BACKGROUND AND ISSUES

Community Governance Review

- 1.1 North East Lincolnshire Council has authority to take decisions about parish council governance arrangements under the Local Government and Public Involvement in Health Act 2007 (LGIPH). The Council is required to monitor these arrangements, with good practice indicating that a formal review should be undertaken every ten to fifteen years. This formal review is known as a CGR.
- 1.2 A CGR only examines parish level electoral arrangements. It does not consider or amend Ward boundaries for North East Lincolnshire Council. The authority has been advised by the LGBCE, an independent body responsible for reviewing local government Ward boundaries, that they will commence a review in Summer 2024. As parish boundaries form polling districts in Wards, it is important that the Parish Council CGR is completed before the Ward review begins.

Conducting a Community Governance Review

- 1.3 A CGR is a process by which parish electoral arrangements are formally reviewed. The Council has considerable powers to review and amend governance arrangements without further referral to an external body, provided the statutory process is followed. In accordance with the Constitution, the Communities Scrutiny Panel will consider feedback to both consultation phases and invite witnesses to give evidence (as appropriate). The Panel will make recommendations direct to Council on any proposed changes at the end of each consultation phase.
- 1.4 A CGR must be undertaken:
 - In accordance with the relevant legislation (Chapter 3 of the LGIPH Act

2007).

- Having due regard to guidance published by the Secretary of State and the LGBCE (published March 2010):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf
- In accordance with the terms of reference that the Council adopts (see Appendix 1).

1.5 The statutory guidance sets out the broad criteria for the CGR. It includes at least two periods of consultation, and it is important that this consultation is open, transparent and fair.

1.6 The stages of the CGR are:

- The Council publishes its terms of reference, signifying the start of the CGR.
- Initial public consultation takes place, during which representations are invited on the breadth of community governance arrangements and opportunities from across the entire Council area.
- Following a review of responses by the Communities Scrutiny Panel, draft recommendations are developed and referred to Council for consideration/approval.
- Second public consultation takes place, specifically on those draft recommendations.
- The Communities Scrutiny Panel will consider any feedback to the second consultation stage and make final recommendations to Council on the outcome of the CGR.
- The Council then publishes the final proposals.
- The formal Re-organisation Order is then made.
- Changes to governance arrangements, if any, take effect thereafter.

Legislative Requirements for a Community Governance Review

1.7 The LGIPH Act 2007 and statutory guidance set out the requirements for a CGR. These include:

- Council must draw up terms of reference for the review, specifying the areas under review and any consequential matters that need to be considered.
- Council consults local government electors for the area under review and any other person or body who appears to have an interest in the review.
- Having regard to the need to secure that community governance within the area under review “reflects the identities and interests of the community in that area and is effective and convenient”.
- Taking into account any representations received in connection with the review.
- Publishing recommendations as soon as practicable after making them and taking steps to ensure that those who may be interested in the review are informed of those recommendations.

1.8 Subject to these duties, it is for the Council to decide how to undertake the review.

- 1.9 It is important to note that the two statutory criteria for determining a CGR are set out in the LGIPH Act 2007. Part 4, Chapter 3, paragraph 93 states:-
“The Principal council must have regard to the need to secure that community governance review within the area under review:
a) Reflects the identities and interests of the community in that area; and
b) Is effective and convenient”.

Governance of a Community Governance Review

- 1.10 A CGR is a largely technical project, following statutory processes to understand the interests and identities of local residents and their preferred community governance arrangements. Whilst the final decision will be made by Council, the Communities Scrutiny Panel will review the current arrangements, feedback and make recommendations to Council.
- 1.11 Members are advised to read the guidance in its entirety. This guidance supports the 2007 Act requiring that local people are consulted, and that their views are taken into account during the CGR. Decisions made by the Council must be based on evidence submitted through the CGR consultation process. Some key parts of the guidance are set out below (numbers are paragraph number in the guidance):

7. The 2007 Act requires that local people are consulted during a CGR, that representations received in connection with the review are taken into account, and that steps are taken to notify them of the outcomes of such reviews including any decisions.

58. It is clear that how people perceive where they live – their neighbourhoods – is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best described by local residents. Some of the factors which help define neighbourhoods are the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area.

59. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the feeling of local community and the wishes of local inhabitants are primary considerations.

95. The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act.

- 1.12 It is important to recognise that North East Lincolnshire Council will decide community governance arrangements. Therefore, where difficult decisions must be made, consideration must be given to opposing and differing views in light of legislation, best practice and official guidance. Best practice guidance includes, for example, using identifiable markers for boundaries (e.g., rivers,

roads, edge of properties, etc). Essentially, proposals for change should first identify the identities and interests of the communities, and then consider the governance arrangements for that area.

- 1.13 Members are invited to note that the course of appeal is by way of Judicial Review. This mechanism is open to local stakeholders if there is a perceived failure in the decision-making process, for example, a failure to consult properly, or a failure not to take into account relevant consideration, or conversely irrelevant issues are taken into account in reaching a decision. It is important to ensure that community governance decisions can be justified both evidentially and procedurally to avoid potential legal challenge, which would present significant financial and reputational risks.
- 1.14 It is also important to recognise that the number of responses received is not necessarily strong evidence on the strength of feeling either for or against any particular viewpoint. It is true that stakeholders preferring the status quo may not make representations until and unless there is a suggestion of significant change that they would otherwise oppose. Therefore, where little response has been received, it cannot be assumed that local people are in favour of supporting the change proposed by a few submissions; they may well currently be unaware of those suggestions and happy with no change. That is why the second round of formal consultation is important, and why targeted requests for responses are recommended in areas where changes are proposed.

Scope for the Review

- 1.15 The terms of reference set out the scope of the review and the timetable for the work (see Appendix 1). Given the parish arrangements have not been reviewed for some time, it is prudent to review the whole area and cover the following areas:-
- Creating, merging, altering or abolishing parishes.
 - The naming of parishes and the style (i.e., whether to call it a town council or village council, etc.) of new parishes.
 - The electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding.
 - Grouping parishes under a common parish council, or de-grouping parishes.

Initial Public Consultation

- 1.16 When undertaking a CGR, the authority is required to consult with residents and interested parties. The initial consultation invites comments and suggestions to support the CGR, with no prior recommendations or options offered for comment. That is, the initial consultation will be a “blank sheet”.
- 1.17 We will consult with the following by sending details of the CGR and a link to the online feedback form:
- All households, via an article in the council brochure (June 2023)
 - All parish councils
 - All North East Lincolnshire Councillors

- Local political parties
- Local Members of Parliament
- Police and Crime Commissioner
- NELC Consultation group
- Other key stakeholders.

1.18 It is important to note that some suggestions made through the initial consultation may not be taken forward. However, it is important to allow local people to have their say on all aspects of local governance at this stage.

Draft Recommendations

1.19 Following each consultation phase, the Communities Scrutiny Panel will review the feedback received and examine how it affects each of the parish councils. The Panel may make recommendations to change parish boundaries, the number of parish councillors, etc, or alternatively suggests no changes are necessary. These recommendations will be considered by Council.

Second Consultation

1.20 Once approved by Council, the draft recommendations will be subject to a further period of consultation. In this second consultation, options are more limited and focussed on the draft recommendations. If individual households are affected by potential boundary changes, they will receive information about the draft recommendations and consultations in the post, in addition to broad public consultation process.

Final Decision

1.21 Following the consultation, officers will review all responses received and take these into account in developing the final recommendations. The final recommendations, once approved, become enacted by a formal Recognition Order. Any changes to governance arrangements (including boundaries, parish names and number of Parish Councillors) take effect from the next scheduled elections (currently May 2027) and will be taken into account in the subsequent Ward review.

Timetable

1.22 The current anticipated timetable for the review is as follows:-

Date(s)	Meeting/Task	Actions
25 May 2023	Council (after AGM)	- Agree Terms of Reference for Review - Delegate Communities Scrutiny Panel to carry out the review and submit its recommendations to Council
2 June to 28 th July 2023	Consultation	Eight weeks for consultation.
August	Communities Scrutiny	Consider feedback and draft recommendations for Council to

	Panel	consider.
7 th September 2023	Special Council	Consider report from Communities Scrutiny Panel and agree draft recommendations for further consultation.
8 th September to 3 rd November 2023	Consultation	Eight weeks for consultation.
Mid-late November 2023	Communities Scrutiny Panel	Consider feedback and determine final recommendations for Council to consider.
14 th December 2023	Council	Consider report from Communities Scrutiny Panel and instigate changes to parish council electoral arrangements and/or request a further period of consultation if one or more further changes are proposed. *

** If necessary, a further period of consultation can be undertaken from late December until February if any further changes are proposed as a result of the feedback from the second consultation phase. The final decision would then be made by Council in March 2024.*

2. RISKS AND OPPORTUNITIES

2.1 Risks are set out in the report above.

3. OTHER OPTIONS CONSIDERED

3.1 There is no option to do nothing as this is a statutory review. Furthermore, the Council is required to review parish boundaries ahead of the Ward Review next year.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

4.1 Before any decision is reached on any changes to parish council governance or electoral arrangements, the Council is required to consult and should show regard to the responses in coming to any proposed changes in the electoral arrangements or governance of parish councils in North East Lincolnshire.

4.2 All households and parish councils will be consulted on the proposals as well as key stakeholders as explained in the report.

5. FINANCIAL CONSIDERATIONS

5.1 There will be minimal financial costs involved in undertaking the review, which will include postage costs and stationery. These costs will be met from within existing budgets.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

6.1 There are no children and young people implications arising from this report.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no climate change or environmental implications arising from the recommendations in this report.

8. CONSULTATION WITH SCRUTINY

- 8.1 In accordance with the Constitution, the Communities Scrutiny Panel will consider feedback to both consultation phases and invite witnesses to give evidence (as appropriate). The Panel will make recommendations direct to Council on any proposed changes at the end of each consultation phase.

9. FINANCIAL IMPLICATIONS

- 9.1 As outlined above, the minimal costs from this exercise will be met from within existing service budgets.

10. LEGAL IMPLICATIONS

- 10.1 The legal implications arising are fully laid out in the above report.

11. HUMAN RESOURCES IMPLICATIONS

- 11.1 The work on the Review of North East Lincolnshire Council's Electoral Cycle will be undertaken by officers by way of normal business.

12. WARD IMPLICATIONS

- 12.1 The proposals contained within this report will, if agreed, affect all Wards containing Town or Parish Councils.

13. BACKGROUND PAPERS

Legislation:

- The Local Government and Public Involvement in Health Act 2007
- Guidance published by the Secretary of State and Local Government Boundary Commission for England in March 2010:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

14. CONTACT OFFICERS

Stephen McGrath – Strategic Special Projects Lead - Communities (01472 323737)

Helen Isaacs – Assistant Chief Executive (01472 326127)

Councillor Stephen Harness
Portfolio Holder for Finance, Resources and Assets



NORTH EAST LINCOLNSHIRE COUNCIL

PARISH COUNCIL COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

Date: 25 May 2023

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

NORTH EAST LINCOLNSHIRE PARISH COUNCIL COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

Introduction

On 25th May 2023, North East Lincolnshire Council resolved to undertake a Community Governance Review covering all parish councils in North East Lincolnshire.

Legislation and Guidance

Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State to Principal Authorities in local government, such as North East Lincolnshire Council.

The review will be conducted in accordance with the requirements of the Local Government Public Involvement in Health Act 2007 and have regard to Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

The full text of the 2007 Act can be accessed at:
www.opsi.gov.uk/acts2007/ukpga_20070028_en_1

The guidance can be accessed at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

Terms of Reference

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish a Terms of Reference document for a Community Governance Review. This document is published to meet that requirement.

The Terms of Reference will be published on the Council's website (www.nelincs.gov.uk) and will also be available to viewed in person at Municipal Offices, Town Hall Square, Grimsby, DN31 1HU.

What is a Community Governance Review?

A Community Governance Review is a legal process whereby Principal Councils can create parish councils; review and change parish boundaries; and, in extreme cases, abolish parish councils. The Council must ensure that community governance in the area under review reflects the identities and interests of the community in that area and is effective and convenient. It is important that recommendations made through

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.

This means making sure that electors and other interested groups have a say in how local services are delivered in their area. Residents and interested parties will be notified of the review and their feedback will be sought.

The Council is required to ensure that community governance and electoral arrangements within the area under review will:-

- Be reflective of the identities and interests of the community in that area.
- Consider what community governance arrangements are effective and convenient to the community in that area.
- Consider what other arrangements there could be for the purpose of community governance or engagement.
- Consider the size, population and boundaries of the local community or parishes.

The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions relating to the creation or abolition of parishes; amending the parish boundaries; and the electoral arrangements of parish councils from the Secretary of State to principal councils.

This document sets out the terms of reference of the review, the legislation that guides it, and briefly explains some of the key governance and electoral issues the Council considers important in the review. In coming to its recommendations, the Council needs to take account of the views expressed during both consultation phases and bear these in mind when reaching the final decisions in respect of each parish council.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

Why is the Council undertaking the review?

The Local Government Boundary Commission for England (LGBCE) will be commencing a review of North East Lincolnshire Council's Ward boundaries in Summer 2024, with a view to completing that review by Autumn 2025. The new Ward boundaries will come into operation with effect from the May 2026 elections. Prior to this review, it is advisable to conduct a parish council community governance review as parish council boundaries form polling districts and these polling districts need to be incorporated into the Ward review.

Secondly, the Council has authority to take decisions about parish electoral governance arrangements and is legally required to monitor them every 15 years. This is an opportune time to conduct a full review of town and parish councils in North East Lincolnshire.

Scope of the Community Governance Review

At Council on 25th May 2023, North East Lincolnshire Council agreed the following scope for the review:

- Creating, merging, altering or abolishing parishes.
- The naming of parishes and the style (i.e., whether to call it a town council or village council, etc.) of new parishes.
- The electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding.
- Grouping parishes under a common parish council, or de-grouping parishes.

Who will undertake the Review?

In accordance with the Constitution, the Communities Scrutiny Panel will consider feedback to both consultation phases and invite witnesses to give evidence (as appropriate). The Panel will make recommendations direct to Council on any proposed changes at the end of each consultation phase. Council will make the final decision at the end of the review period.

Timetable for the Review

Date(s)	Meeting/Task	Actions
25 May 2023	Council (after AGM)	- Agree Terms of Reference for Review - Delegate Communities Scrutiny Panel to carry out the review and submit its recommendations to Council
2 June to 28 th July 2023	Consultation	Eight weeks for consultation.
August	Communities Scrutiny Panel	Consider feedback and draft recommendations for Council to consider.
7 th September 2023	Special Council	Consider report from Communities Scrutiny Panel and agree draft recommendations for further consultation.
8 th September to 3 rd November 2023	Consultation	Eight weeks for consultation.
Mid-late November 2023	Communities Scrutiny Panel	Consider feedback and determine final recommendations for Council to consider.
14 th December 2023	Council	Consider report from Communities Scrutiny Panel and instigate changes to parish council electoral arrangements and/or request a further period of consultation if one or more further changes are proposed. *

** If necessary, a further period of consultation can be undertaken from late December until February if any further changes are proposed as a result of the feedback from the second consultation phase. The final decision would then be made by Council in March 2024.*

Parish Council Boundaries

The Council will consider any requests to amend current parish council boundaries, including creating/amending/removing parish Wards. Guidance recommends that parish boundaries use recognisable barriers (e.g., rivers, roads, etc) if they are being amended, wherever possible.

In reaching conclusions on boundaries between parishes, the Council will take into account community identity and interests in an area and will consider whether any particular ties or linkages might be broken by the drawing of particular boundaries. Equally, the Council, during its consultations will be mindful that proposals which are intended to reflect community identity, and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

In any event, the Council will endeavour to select boundaries that are, and are likely to remain, easily identifiable as well as taking into account any local ties which might be broken by the fixing of any particular boundaries.

Parish Council Membership

Legislation sets out the following limits for a parish council:

- Where the number of electors is 1,000 or more – a parish council must be created.
- Where the number of electors is 151-999, a parish council may be created, with a parish meeting being an alternative form of governance.
- Where the number of electors is 150 or fewer, a parish council should not generally be created.

What Considerations Cover the Number of Parish Councillors?

Both the Government and the Council believe that it is an important democratic principle that each person's vote should be of equal weight so far as possible (having regard to other legitimate competing factors) when it comes to the election of councillors.

Whilst the number of councillors for each parish council must not be less than five, there is no maximum number. By law, the Council must have regard to the following factors when considering the number of Councillors to be elected for each parish:

- The number of local government electors for the parish.
- Any change in that number which is likely to occur in the period of five years beginning with the day the review starts.
- The Council will also have regard to the National Association of Local Council recommendations set out in the table below.

National Association of Local Council - Number of Town/Parish Councillor Guidelines

Electors	Councillors	Electors	Councillors
Up to 900	5-7	Up to 10,400	17
Up to 1,400	8	Up to 11,900	18
Up to 2,000	9	Up to 13,500	19
Up to 2,700	10	Up to 15,200	20
Up to 3,500	11	Up to 17,000	21
Up to 4,400	12	Up to 18,900	22
Up to 5,400	13	Up to 20,900	23
Up to 6,500	14	Up to 23,000	24
Up to 7,700	15	Up to 45,000	25
Up to 9,000	16		

The Ordinary Year of Election

The Local Government Act 1972 states that the ordinary election of parish councils shall take place in 1975 and every fourth year thereafter (i.e., 2023, 2027, etc.). The Government has indicated that it wants a parish council electoral cycle to coincide with the cycle for the Principal Council so that the costs can be shared.

If the review finds that it is appropriate to change the number of Parish Councillors, the proposed changes will come into effect at the next parish council elections.

Consultation Process

The Council intends to consult with parish councils; residents; North East Lincolnshire Council Councillors; political parties and other interested stakeholders. Information will be made available on the Council website and each parish council will be asked to publicise the review in their area.

Every household will receive a brochure in June 2023 which contains information about the review and a link to the webpage.

North East Lincolnshire Council will be pleased to receive comments from any person or organisation that wishes to make representations during the review.

The consultation responses will be published on the North East Lincolnshire Council website and will be held on public deposit for inspection at Municipal Offices, Town Hall Square, Grimsby.

The Council intends to clearly publish all decisions taken during the review, give reasons for taking such decisions and to conduct the process transparently so that local people and local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reason.

Consultation Methods

These Terms of Reference will be published on the North East Lincolnshire Council website www.nelincs.gov.uk. They will be available for inspection at the offices of the North East Lincolnshire Council (Municipal Offices, Town Hall Square, Grimsby, DN31 1HU) during both consultation periods.

Responses to the consultation may be made in the following ways: completing the consultation form at www.nelincs.gov.uk

By email to: elections@nelincs.gov.uk

In writing to: Elections Team, Municipal Offices, Town Hall Square, Grimsby, DN31 1HU.

Any submissions received after the closing date for consultation may not be taken into account.

Consultation responses will be published on the North East Lincolnshire Council website and will be held on public deposit for inspection at Municipal Offices, Town Hall Square, Grimsby, DN31 1HU.