

Community Governance Review

DRAFT Terms of Reference

South Tyneside Council is carrying out a Community Governance Review (CGR) 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 to the guidance on Community Governance Reviews published by the Government. That guidance has been considered when drawing up these terms of reference.

Legal Framework

In undertaking the Review, the Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007.
- The relevant parts of the Local Government Act 1972.
- Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.
- The Legislative Report (Community Governance Reviews) Order 2015.

Also, when necessary, the following regulations which guide, in particular, consequential matters arising from the Review:

- The Local Government (Parishes and Parish Councils) (England) Regulations 2008.
- Local Government Finance (New Parishes) Regulations 2008.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a Review.

This document will be published on the South Tyneside Council website and made available at Council buildings and facilities.

What is a Community Governance Review (CGR)?

A CGR provides an opportunity to put in place strong, clearly defined boundaries, which reflect local identities and facilitate effective and convenient local government. It can take place for the whole or part of a Borough or District to consider creating, merging, altering or abolishing parishes and the naming and styling of new parishes which are created. It can consider the electoral arrangements for parishes including the ordinary year of election, the number of councillors to be elected and the warding (if any) of the parish created.

The Council is required to ensure that community governance within the area under review will be:

- a) reflective of the identities and interests of the community in that area; and
- b) effective and convenient.

In doing so, the CGR is required to take into account:

- a) the impact of community governance arrangements on community cohesion; and
- b) the size, population and boundaries of a local community or parish.

Reason for the review

The Council received an application for a CGR from the Chair of the Whitburn Neighbourhood Forum, with the intended aim of securing the establishment of a new parish Council, to be named "Whitburn Parish Council". The application was accompanied by a list of ten reasons relied upon in support of the application. The Borough of South Tyneside does not currently have any Parish Councils.

As the application was submitted by the Whitburn Neighbourhood Forum which was designated by South Tyneside Council in January 2017 for carrying out neighbourhood planning under Section 61G(2) of the Town & Country Planning Act 1990 and has a 'made' Neighbourhood Plan in place, the Council is legally required to undertake the requested review.

Areas under review

The review will encompass the geographical area within the existing Whitburn Neighbourhood Plan.

Who undertakes the review

South Tyneside Council is statutorily responsible for carrying out the review. The conduct of the review will be overseen by the Council's Head of Legal & Governance.

Formal decisions on the recommendations arising from the review will be made by Full Council in accordance with the Council's Constitution.

Officer contact details for the review are:

John Rumney, Head of Legal and Governance and Deputy Monitoring Officer
John.Rumney@southtyneside.gov.uk

Joanne Gelson, Elections Manager
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Consultation

The Council is required to consult the local government electors for the area under review 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. 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 all stages of the consultation.

Before making any recommendations or publishing final proposals, a full consultation process will form part of the review to take full account of the views of local people and other stakeholders.

The council will comply with the statutory consultative requirements by:

- a) consulting local government electors for the area under review;
- b) consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review; and
- c) taking into account any representations received in connection with the review.

The Council will publicise the review by displaying a notice at the Council Offices and on the Council's website and engagement platform. It will consult with stakeholders by:

- Conducting online surveys
- Sending personal letters to residents / organisations
- Issuing press releases and using social media
- Including the issue in Ward member Group meetings
- Emailing relevant local contacts.

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. This will be done by using the Council website, issuing general press releases, depositing key documents at libraries and local contact points and by way of personal communication.

Indicative timetable for the Community Governance Review

Stage	What Happens?	Time	Date	
Commencement	Terms of Reference Published	–	31.07.26	
Preliminary	Local briefings and meetings	Four weeks	03.08.26 28.08.26	–
Stage One	Initial submissions invited	Four weeks	01.09.26 28.09.26	–
Stage Two	Consideration of submissions and publication of draft recommendations	Four weeks	29.09.26 26.10.26	–
Stage Three	Draft recommendations are published and consultation on them	Four weeks	27.10.26 23.11.26	–
Stage Four	Consideration of responses and final recommendations prepared	Four weeks	24.11.26 21.12.26	–
Finalisation	Final recommendations published	–	January 2027	
Decision	Council determines outcome	–	14.01.27	

Electoral Forecast

To ensure that the Review takes account of expected population changes in the short-to medium term, electorate forecasts have been calculated for the period of five years from the expected start date of the review and are expected to increase from 4292 to around 4500 during this period.

The electorate forecasts indicate that the area is expected to remain relatively stable over the five-year period and provide a basis for considering future governance and electoral arrangements should the review recommend the creation of a parish.

Previously unparished areas

The Council is required by law to consider other forms of community governance as alternatives or stages towards the establishment of a parish Council. There are presently other arrangements for community representation in the Whitburn Area, namely the Whitburn Neighbourhood Forum and the East Shields and Whitburn Community Area Forum.

The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in the area in question.

However, the Council also notes what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government. They have directly elected representatives, are independent of other council tiers and budgets and possess specific powers for which they are democratically accountable.

Names & Styles

Whilst the Council will consider names proposed by local interested parties, it is anticipated that should a parish Council be established in relation to the area in question, the proposed name “Whitburn Parish” will be accepted as adequately reflecting the locality where residents feel they belong.

Electoral Arrangements

An important part of the review will include giving consideration to “Electoral Arrangements”. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held.
- The number of councillors to be elected to the Council.
- The division (or not) of the parish into wards for the purpose of electing councillors.
- The number and boundaries of any such wards.
- The number of councillors to be elected for any such ward.
- The name of any wards created.

The review may find it appropriate to hold an election for parish councillors to any newly formed parish at an earlier date than the next scheduled ordinary elections in May 2027. Where this occurs, the terms of office of any newly elected parish

councillors will be reduced to enable the electoral cycle to revert to the normal cycle in South Tyneside at the next ordinary election.

The Council notes the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors, however the government's guidance is "each area should be considered on its own merits, having regard to its population, geography and the pattern of communities", and therefore the Council is prepared to pay particular attention to existing levels of representation in the area.

The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish Council the Council should consider the following, whether:

- the number or distribution of the local government electors for the parish would make a single elections of councillors impracticable or inconvenient; and
- it is desirable that any area or areas of the parish should be separately represented on the Council.

The Council will be mindful of the government guidance on parish warding, noting "each case should be considered on its merits and on the basis of the information and evidence provided during the course of the review."

The number and boundaries of parish wards

In reaching conclusions on whether to create parish wards and on the boundaries between any such wards, the Council will consider community identity and interests in an area and will take into account whether any particular ties or linkages might be broken by the drawing of particular ward boundaries.

Equally the Council during its consultations is 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.

The Council notes the desirability of fixing boundaries which are, and will remain easily identifiable, as well as taking into account any local ties which might be broken by the fixing of any particular boundaries.

In the naming of parish wards, the Council will be mindful of existing local or historic place names, and there will be a presumption in favour of ward names proposed by local interested parties.

The number of councillors to be elected for parish wards

The Council has noted that it is required to have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected for each ward:

- The number of local government electors for the parish.
- Any change in the number, or distribution of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts.

The government has advised, and this Council concurs “it is an important democratic principle that each person’s vote should be of equal weight so far as is possible, having regard to other legitimated competing factors, when it comes to the elections of councillors.”

Consequential Matters

When all the required consultation has been undertaken and the review completed the Council may make an Order to bring into effect any decision that it may make. If the Council decides to take no action then it will not be necessary to make an Order. If an Order is made it may be necessary to cover certain consequential matters in that Order. These may include:

- a) the transfer and management or custody of any property;
- b) the setting of a precept (council tax levy) for the new parish council;
- c) provision with respect to the transfer of any functions, property, rights and liabilities; and
- d) provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

The Council will also take into account the requirements of the Local Government Finance (New Parishes) Regulations 2008 when calculating the budget requirement of any new parish councils when setting the council tax levy to be charged.

Date of Publication of These Terms of Reference []