

## **Birmingham City Council**

### **Balsall Heath Community Governance Review**

#### **Terms of Reference**

Published **[INSERT DATE]**

## Balsall Heath Community Governance Review Terms of Reference

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## 1. Introduction

Birmingham City Council (the “City Council”) is carrying out a Community Governance Review (CGR) under the provisions of the [Local Government and Public Involvement in Health Act 2007](#) (“the 2007 Act”).

Upon conducting a CGR, the City Council is required to consider the Government’s [Guidance on Community Governance Reviews \(2010\)](#). This is to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area as well as being both effective and convenient.

The 2007 Act requires the City Council to publish its Terms of Reference for the CGR. As required by legislation, these Terms of Reference aim to set out clearly the matters on which the CGR is to focus. The City Council will publish these Terms on our website and hard copies will be made available on request (see section 11 for further details).

These Terms of Reference should be read in conjunction with the City Council’s [Statement of the Process for Creating New Parish Councils in Birmingham \(2021\)](#).

## 2. Why is the City Council undertaking a CGR?

Under the [Working Together in Birmingham’s Neighbourhoods Policy Statement \(2019\)](#) and the process statement referenced above, the City Council is satisfied that there is a genuine interest in creating a parish/neighbourhood council in Balsall Heath. It is therefore using its powers to initiate a CGR in order to properly evaluate the proposal, consult the public and, if appropriate, test support for it in a consultative ballot. This is in accordance with the 2007 Act.

A map of the area proposed by the petitioners is presented in Appendix 1.

## 3. What is Community Governance?

Community governance is the way in which local communities are represented and governed at local authority level through the involvement of other statutory and voluntary agencies and community groups and by the efforts of local people themselves. It is also about the way in which individuals and communities are listened to and able to influence decisions that affect them.

## 4. What is a Community Governance Review (CGR)?

CGRs provide the opportunity for principal councils (such as Birmingham City Council) to review and make changes to community governance within their areas. A CGR must make recommendations as to what new parish/parishes (if any) should be constituted in the area under review.

## 5. What is a parish (or neighbourhood) council?

In the [Working Together](#) policy, the City Council sets out its commitment to neighbourhoods and the activities we are taking forward to improve neighbourhood working, including supporting areas to create new neighbourhood organisations or parish/neighbourhood councils.

Parish/neighbourhood councils are the lowest tier (i.e. the most local level) of government. They are made up of parish councillors who are elected by electors in the respective area.

Parish/neighbourhood councils have two main roles: community representation and local administration. They should reflect a distinctive and recognisable community of place, with its own sense of identity.

Parish/neighbourhood councils offer the potential to:

- Improve smaller areas of the city
- Improve local decision making
- Provide a local voice for the community
- Raise additional public money within their area to support local needs

They can own land and assets and can provide or run services at a local level, for example grass cutting, street lighting, open spaces, community buildings, and allotments.

There are currently two parishes in Birmingham: New Frankley in Birmingham Parish Council and Royal Sutton Coldfield Town Council.

## 6. How will the CGR take place?

As the principal authority, the City Council is responsible for conducting CGRs within its electoral area. The Parish Council Working Group (made up of cross-directorate City Council officers) will oversee the CGR and prepare recommendations for the City Council's Cabinet.

A full timetable is set out in Appendix 2 but, in summary, the following steps will be followed:

- 1) Initiation and preparation** – the City Council receives an expression of interest (or petition); Terms of Reference for the CGR are prepared
- 2) Decision to undertake a CGR** – the City Council's Cabinet resolves to undertake a CGR
- 3) Consultation** – electors and stakeholders in the area are consulted, based on these Terms of Reference
- 4) Evaluation** – the City Council evaluates the proposal against the criteria set out in sections 8 and 9 below, considering all evidence and submissions received
- 5) Reaching conclusions** – the City Council prepares an initial report and recommendations
- 6) Decision on consultative ballot** – the City Council's Cabinet receives the CGR report and recommendations, and considers whether a consultative ballot of electors in the area should be held as part of the consultation exercise
- 7) Consultative ballot** – depending on the outcome of stage 6, if a new parish/neighbourhood council is proposed, a consultative ballot will be held to ensure there is adequate support for the proposal across the local community
- 8) Implementation** – depending on the outcome of stage 7, if a new parish/neighbourhood council is to be created, the City Council will issue a Reorganisation Order and organise elections and the raising of a precept<sup>1</sup>

## 7. How will the City Council consult and communicate during the CGR?

### 7.1 Consultation

When conducting the CGR, the City Council must consult:

- Local government electors for the area under review
- Any other person or body (including a local authority) which appears to the City Council to have an interest in the CGR

The City Council will take account of any submissions received in connection with the CGR.

Through the CGR, the City Council will make use of feedback obtained by community groups through their consultation and engagement with the community and will not seek to replicate such consultation. The City Council will expect the consultation to meet a

<sup>1</sup> The precept is a tax that parish/neighbourhood councils charge their local electors to meet their budget requirements. The precept is part of the Council Tax and is collected from electors via their Council Tax payments.

reasonable standard of inclusivity and representativeness and will require that information provided to residents by the proponents of the proposal is accurate and appropriate.

The City Council will assess the adequacy of community-led consultation to ensure there has been inclusive and broad engagement. A list of key stakeholders is required to be included in Ward Plans and this will be used for this purpose.

A communications plan for the CGR will be developed with the community group(s) that made the proposal for a parish/neighbourhood council and this will set out how the City Council will support efforts to communicate with residents.

The City Council will write to stakeholders which appear to have an interest in the review to inform them of the CGR and invite submissions – see Appendix 3 for a list of stakeholders.

The City Council will also invite submissions from electors on the City Council's online consultation hub, [Be Heard](#).

Once evidence has been evaluated and submissions considered, the City Council's Cabinet will receive the CGR report and recommendations. If there is sufficient evidence in favour of creating a parish/neighbourhood council, Cabinet will consider whether a consultative ballot of electors in the area should be held as part of the consultation exercise. There is no legal requirement to conduct a referendum on the establishment of a parish/neighbourhood council; however, the City Council has committed to holding such a vote to ensure that there is adequate support for the proposal across the local community.

## 7.2 Communications

Information about the CGR will be made available on the City Council's website and social media channels and hard copies of this information will be made available on request (see section 11 for further details). Where possible and appropriate, press releases will be issued and information will be displayed in public venues in the area under review. The City Council will also attend ward forums in the area to share information with residents.

Information that is inclusive and accessible will be provided to electors on the proposal as part of the consultative ballot.

The City Council will seek to engage with the proposers of the parish/neighbourhood council during the CGR on matters such as boundaries and electoral arrangements, to ensure that these matters do not cause a barrier to putting the proposal to the electorate.

The City Council will also discuss with the proposers their initial ideas for the parish/neighbourhood council, such as whether they would like a devolution deal (as offered in the [Working Together](#) policy) to run local services. The details of such arrangements would ultimately be up to the eventual parish/neighbourhood council, but this early dialogue will help us to plan ahead, should a parish/neighbourhood council be created.

## 8. CGR criteria

The 2007 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.**

Ultimately, the recommendations made in a CGR ought to bring about **improved community engagement; better local democracy**; and, result in **more effective and convenient delivery of local services**.

When undertaking the CGR, the City Council will consider the following criteria:

- 1) Ensuring that community governance reflects the identities and interests of the community** in the area under review. Specifically, this concerns the following influential factors:
  - a) The impact of community governance arrangements on equality
  - b) The impact of community governance arrangements on community cohesion and a sense of identity
  - c) The impact of community governance arrangements on inclusive community engagement and participation
  - d) The impact of community governance arrangements on community empowerment
- 2) Ensuring that community governance in that area is mutually effective and convenient.** Specifically, this concerns the following influential factors:
  - a) The size, population, and boundaries of a local community or parish
  - b) The impact of community governance arrangements on shaping and delivering local services

Consideration will also be given to:

- 3) Electoral arrangements and forecasts** (see section 9).
- 4) Other forms of existing community governance** in the area under review (such as local residents' associations, neighbourhood forums, and other bodies which local people have set up and which make a distinct contribution to the community) and how these will relate to the parish/neighbourhood council.
- 5) Other arrangements** (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.

The CGR will consider these matters when making recommendations. Further guidance can be found in the [2007 Act](#) and national [CGR Guidance](#).

As well as taking account of submissions received, the recommendations will be supported by evidence which demonstrates that the recommended community governance arrangements would meet the above criteria.

## **9. Electoral arrangements and forecasts**

### **9.1 Electoral arrangements**

Another important part of the CGR is the consideration of electoral arrangements, including:

- a) Ordinary year of election – the year in which ordinary elections of parish/neighbourhood councillors are to be held.
- b) Council size – the number of councillors to be elected to the council, or (in the case of a common council) the number of councillors to be elected to the council by local electors in each parish.
- c) Parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for any such ward, and the name of any such ward.

Further guidance on these can be found in the [2007 Act](#) and national [CGR Guidance](#).

## 9.2 Electoral forecasts

When considering the electoral arrangements of parish/neighbourhood councils, the City Council must also consider any likely future change in the number or distribution of electors within five years from the day the CGR starts.

According to the latest available data, the electorate in Balsall Heath is not forecast to significantly increase or decrease over the next five years.

## 10. What happens after the CGR?

Following the conclusion of the CGR, if a new parish/neighbourhood or other council is to be created, or if there is an amalgamation, this will be done by way of a Reorganisation of Community Governance Order. A Reorganisation Order can be made at any time, but (for financial and administrative purposes) will normally take effect on 01 April following the date on which it is made, with elections usually the following May.

The City Council will publicise how it has given effect to the CGR, and a copy of the Order and a map will be available for public inspection at the following locations:

- Birmingham City Council, 10 Woodcock Street, Birmingham B7 4BL
- The Library of Birmingham, Centenary Square, Broad Street, Birmingham B1 2EA
- Moseley Road Baths, 497 Moseley Road, Balsall Heath, Birmingham B12 9BX

## 11. Contact details

Any queries in respect of the CGR should be directed to the City Council. Please contact us via: [\[contact information to follow upon publication\]](#)

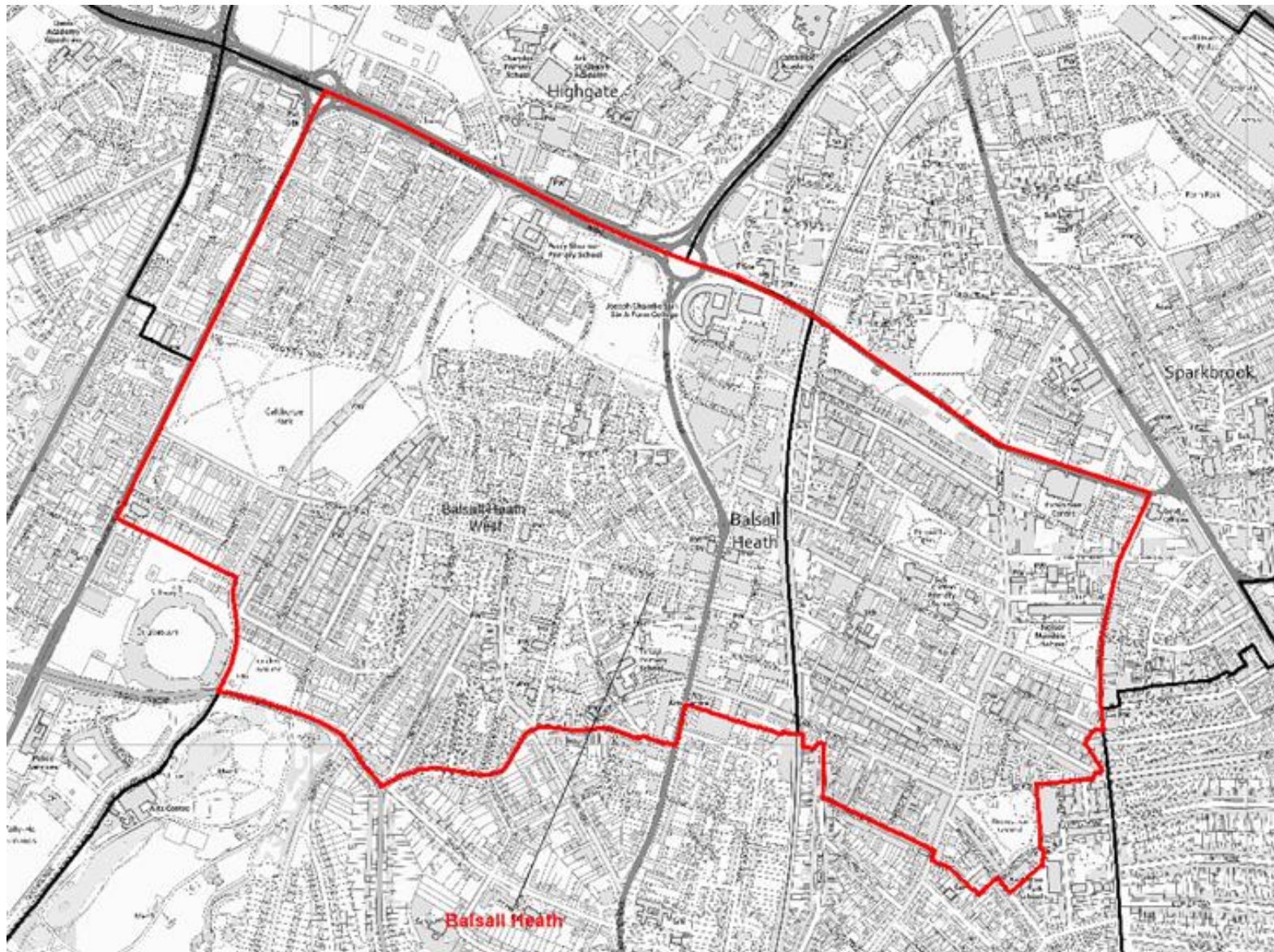
- Email –
- Telephone –
- Post –

Further information on Parishing can be found on the City Council's website:

- Webpage –

Hard copies of information will be made available on request – please contact us via the methods above.

Appendix 1 – Map of the proposed area



**Appendix 2 – Check list for CGR process and indicative dates**

Legislation requires CGRs to be completed within twelve months of the Terms of Reference being published. However, in the spirit of our commitment to improve neighbourhood working, the City Council will endeavour to complete the CGR within six months, not including the consultative ballot.

The stages and steps necessary to undertake the CGR are set out in the table below.

Stage	Activity	Details	Indicative dates
<b>Initiation and preparation</b>	Trigger for a CGR	The community expresses interest (or, alternatively, a valid petition is submitted) in the proposal for a parish/neighbourhood council.  Community groups may choose to begin engaging residents.	Nov 2021
	Prepare draft Terms of Reference and communications plan	Draft Terms of Reference for the CGR are prepared by the City Council.	Nov 2021
		Proposers of the parish/neighbourhood council are given the opportunity to influence the Terms of Reference.	
		A communications plan for the CGR is developed by the City Council with those who made the proposal, setting out how the City Council will support efforts to communicate with residents.	
<b>Decision to undertake a CGR</b>	City Council's Cabinet consider initiating the CGR	The City Council's Cabinet receives a report and the draft Terms of Reference for the CGR. If Cabinet resolves to undertake the CGR, a 'Notice of Review' (including the Terms of Reference) are published, thus commencing the CGR.  The City Council will endeavour to complete the CGR within six months, not including the consultative ballot.	Dec 2021
<b>CGR Stage One – consultation</b>	Undertaking a CGR: inviting submissions	The City Council notifies stakeholders of the commencement of the CGR and submissions (from electors and stakeholders) are invited.  Community-led consultation formally begins.	Dec 2021 to Mar 2022
<b>CGR Stage Two – evaluation</b>	Undertaking a CGR: evaluating proposals and considering submissions received	The City Council evaluates the proposal against the criteria set out in sections 8 and 9 above, considering all evidence and submissions received.	Mar to Apr 2022

Stage	Activity	Details	Indicative dates
<b>CGR Stage Three – reaching conclusions</b>	Undertaking a CGR: preparing recommendations and report	The City Council prepares an initial report and recommendations for the City Council's Cabinet. The report will bring together all evidence from the CGR.	May 2022
<b>CGR Stage Four – decision on consultative ballot</b>	City Council's Cabinet decision on consultative ballot	The City Council's Cabinet receives the CGR report and recommendations. If there is sufficient evidence in favour of creating a parish/neighbourhood council, Cabinet will consider whether a consultative ballot of electors in the area should be held as part of the consultation exercise.	Jul 2022
<b>Post-CGR – Consultative ballot (<i>dependent on the outcome of earlier stages</i>)</b>	Consultative ballot	<i>(Dependent on the outcome of earlier stages)</i> The City Council will commission an external provider to hold the consultative ballot, which will be overseen by the City Council's Returning Officer. The ballot will be a vote by the electorate in the area to determine whether a parish/neighbourhood council should be established.	Summer / autumn 2022
<b>Implementation (<i>dependent on the outcome of earlier stages</i>)</b>	Approve final recommendations and make a Reorganisation Order	<i>(Dependent on the outcome of earlier stages)</i> The City Council's Cabinet will receive a report of the results of the ballot. If the ballot indicates support for the proposal of creating a new parish/neighbourhood council, Cabinet will forward a recommendation to that effect to a meeting of the City Council's Full Council.  Full Council will give final approval to the creation of a parish/neighbourhood council and delegate authority to the appropriate Chief Officer to take steps to implement the decision.  If a new parish/neighbourhood council is to be created, the City Council will issue a Reorganisation of Community Governance Order and organise elections and the raising of a precept.  Parish/neighbourhood council elections will be held and a new council established.	2022 to 2023

### Appendix 3 – Stakeholders for consultation

Local stakeholders must be identified, engaged with, and consulted as part of the CGR. An inclusive, enabling, and proactive engagement approach tailored to positively engage with the diverse communities of Balsall Heath is essential.

The proposes of the parish/neighbourhood council (Balsall Heath Neighbourhood Council Planning Group, a sub-group of the Balsall Heath Neighbourhood Strategic Partnership) are planning to employ a Community Engagement Officer with strong local knowledge and, ideally, a resident of the area, using external funding. Their role will be to raise local awareness of the proposed parish/neighbourhood council and seek to engage and consult with electors and stakeholders in the area. The City Council will work in a joined-up way with the Balsall Heath Group and their Engagement Officer.

Specifically, the City Council will undertake the following activity:

- Produce a communications plan which sets out how the City Council will inform residents and stakeholders in an objective way about the option for a parish/neighbourhood council. This includes providing information to electors as part of the consultative ballot. Where appropriate, this plan will be aligned to the communication plans of local community organisations
- Identify and consult key local stakeholders
- Invite submissions from electors
- Clarify any queries and encourage residents/electors and stakeholders to find out more and have their say, and use their vote in the consultative ballot

The proposed Balsall Heath Neighbourhood Council covers two Wards: 1) Balsall Heath West and 2) Sparkbrook and Balsall Heath East.

Key local stakeholders include:

- Residents
- Local businesses, catering, and retail – local SMEs as well as national companies based in the area
- Faith-based organisations and places of worship (all faiths and denominations)
- Community Action and Residents Groups – informal and constituted/formal
- Schools and colleges
- GP surgeries and health centres
- Third sector, voluntary and community groups
- Housing Providers – social housing (Council and Registered Providers) and private landlords
- Arts based organisations
- Community and leisure facilities
- The two main Local Centres of retail, food, and offices on Moseley Road and Ladypool Road
- Local media and communication
- Local Councillors
- Members of Parliament