

HOUSE OF COMMONS

LONDON SW1A

25th April 2008

Dear Mr Smith

Thank you for contacting me regarding the creation of town or parish councils.

I shall first answer the specific points you raise in your email.

You ask whether North Tyneside Metropolitan Borough is a principal council. As I understand it, following the abolition of Tyne and Wear in 1986 NTMBC is the principal council with Tyne and Wear remaining only as a ceremonial county.

You also ask whether after the changes brought in by the Local Government and Public Involvement in Health bill 2007 it was still necessary to involve the Secretary of State. For the purposes of our area there is only one main change. The Bill provides that now principal authorities may now themselves implement by order the outcome of a review, provided that they have carried out the required consultation. This effectively removes the key decision-making role of the Secretary of State although the authority will have to have regard to any guidance issued by him/her and still have to inform him/her of the review.

You also ask for authoritative guidance on the way a Whitley Bay Town Council can be formed. Although I would hesitate in calling this an authoritative guide I will outline how, as I understand it, a town council could be formed.

Under the new guidelines NTMBC has the power to either instigate a community governance review or respond to a community governance petition for a community governance review to be undertaken - which can be brought forward by anybody.

If a petition is brought forward, as Whitley Bay has more than 2500 electors, the petition would have to be signed by at least 10% of the electors and define the area to which the review is to relate (whether on a map (or) otherwise), as well as specifying one or more proposed recommendations. The council would then be obliged to undertake a community governance review and would have to follow the appropriate guidelines as outlined in the Local Government and Public Involvement in Health Act 2007 Part 4. It is also worth noting that the principal council is allowed to ignore any further petitions received until 2 years have passed from an initial petition being received.

Although you will be able to see for yourself the specific details of the guidelines of a community governance review that the council would have to follow, there are a couple of significant factors I will mention. The principal council must conclude the review within 12 months of the petition being received. If the area has more than 1000 electors the principal council must recommend that the parish/town have a council and as soon as practicable

after making a reorganisation order, the principal council must inform all of the following that the order has been made:

- the Secretary of State;**
- the Electoral Commission;**
- the Office of National Statistics;**
- the Director General of the Ordnance Survey;**

Both the Secretary of State and the Electoral Commission may all then issue guidance either about undertaking the community governance review or in making recommendations.

Once the principal council has made a decision following the procedures they are obliged to follow, the principal council is then obliged to follow the guidelines on the publicising of the reorganisation order which are explained in detail in part 4 of the LGPIH Bill.

I have enclosed some information regarding the powers of town or parish councils. As far as I am aware, the recent changes did not effect or change the powers/duties that can be devolved to a town or parish council and I would also suggest that you contact Jackie Laughton in North Tyneside Council's Policy Department who is leading on this issue and may be able to be of further assistance.

I hope this is of some use to you. If I can be of further assistance on this or any matter please do not hesitate to contact me again at any time.

**Yours sincerely
Alan Campbell MP
Tynemouth
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