

North East Derbyshire District Council

Council

03 October 2022

Request for a Community Governance Review for Stonebroom

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer

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PURPOSE / SUMMARY

A valid Petition has been received for a Community Governance Review by the District to determine whether or not Stonebroom should have a separate Parish Council.

RECOMMENDATIONS

1. That Members acknowledge receipt of the valid Petition for a Community Governance Review at Stonebroom and Shirland and Higham.
2. That Members consider and approve the terms of reference excluding the timetable for the Review in Appendix 2 to this report.
3. That Members delegate the formulation of the arrangements for the Community Governance Review (including the timetable) to the Managing director and Head of Paid Services in consultation with the Returning Officer/Electoral Registration Officer.

Approved by the Portfolio Holder – Cllr Mark Foster, Cabinet Member for Council Services

IMPLICATIONS

Finance and Risk: Yes No

Details: There will be a cost to carrying out the review. This cost is yet to be determined and cannot be recovered from the Parish Council.

Should the Council establish 2 separate Councils following the review, the Reorganisation Order will need to include a figure for the budget requirement for the 2 Councils.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

As in the report.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

A number of areas of the Council will be involved in putting together and servicing the CGR including:

Planning
Communications
Council Tax
Governance
Elections
Finance
Performance

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	Yes – Shirland and Higham
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Raised with the Leader, Deputy Leader and Portfolio Holder.

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

None

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Council has received a valid petition to carry out a Community Governance Review (CGR) under the Local Government and Public Involvement in Health Act 2007 (LG&PIHA 2007). This is in relation to a request that the District carry out a CGR and determine whether or not Stonebroom should be a separate Parish Council from Shirland and Higham. The petition had the required number of signatures – 187.
- 1.2 Under the legislation the District has to carry out the CGR. The legislation requires that the CGR is completed in a period of a year from presentation of the Petition. This was on the 16th June 2022. The review is to be carried out at the cost of the District Council. There is no provision for passing on the costs.
- 1.3 The Petition must set out at least one recommendation that the petitioners want the review to consider. In the case of this petition this is the establishment of a Parish Council for Stonebroom and Stonebroom being removed from Shirland and Higham Parish Council's area. The letter and plan accompanying the Petition are at Appendix 1 to the Draft Terms of Reference in Appendix 2 to this report. The petitioners wish to have the CGR completed in time for the elections in May 2023.
- 1.4 The District is required to notify the County Council that a review is to be undertaken and of its terms of reference.
- 1.5 The District is required to draw up terms of reference and a timetable and to publish these once agreed – Section 81 LG&PIHA 2007. These are in Appendix 2 to this report. These are expected to set out clearly the matters on which a CGR is to focus. The terms of reference are for approval with the exception of the timetable which will be finalised by the Managing Director in accordance with the recommended delegation.
- 1.6 There are a number of matters which can be considered including:
 - The creation, merger or abolition of a parish
 - The name of a parish
 - The establishment of a separate parish council for an existing parish
 - Electoral arrangements for parishes including warding.

- 1.7 The electorate is 1477 for Stonebroom and under the guidance this means a new parish council must be created if a separate parish is established for Stonebroom.
- 1.8 It can be decided by the CGR that there should be no change and no new parish council. The electorate for the existing Shirland and Higham Parish Council is 4049.
- 1.9 The CGR is required under Section 93 LG&IPHA 2007 to ensure that community governance within the area under review will:
- Be reflective of the identities and interest of the community in that area and
 - Be effective and convenient
- 1.10 The CGR is required in the guidance (at paragraph 53) to take into account of the following:
- The impact of community governance arrangements on community cohesion and
 - The size population and boundaries of a local community or parish
- 1.11 There is a requirement to consult. 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. This would include:
- Local Electors for Stonebroom
 - Local electors for the rest of Shirland and Higham
 - Shirland and Higham Parish Council
 - Local District and County Councillors
 - Derbyshire County Council
 - Other community groups identified.

The recommendations produced would have to reflect the results of this consultation.

- 1.12 The CGR recommendations will be published and the District will have to ensure steps are taken to inform interested parties of those recommendations and of the reasons for them. It is also expected that the minutes of meetings will be published too.
- 1.13 The guidance also recommends that a public awareness strategy is produced to include:
- Target audience
 - Objectives to promote wide opportunities for informed discussion and response
 - The resources to be used such as the Communications section, budget, press releases, leaflets, posters, local meetings etc.
 - The timetable or plan of delivery

- Methods of monitoring, control and evaluation

2. Details of Proposal or Information

- 2.1 It is proposed that the Council establishes a small Member working group to carry out the review and report back to Council. The Members of the working group should not be local councillors or in any way connected with the Shirland and Higham and Stonebroom areas.
- 2.2 The number of Members appointed to the Working Group to ensure resilience is to be decided by the Managing Director under the recommended delegation.
- 2.3 In carrying out the CGR the District must comply with section 93 Local Government and Public Involvement in Health Act 2007. This section is shown at Appendix 1 to this report. This includes the requirement to have regard to the matters quoted above at paragraph 1.9 above as well as taking into account any other arrangements that are in place for the purposes of community representation or community engagement in respect of the area under review, must take into account representations received, publish its recommendations as soon as practicable and complete the review in 12 months.
- 2.4 In carrying out the CGR the District must have regard to the guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE) and in making recommendations and giving effect to recommendations as well. The latest guidance is from 2010.

3 Reasons for Recommendation

- 3.1 The Council is required to carry out and complete a Community Governance Review within 12 months of receiving the Petition. These arrangements will ensure the review is carried out in accordance with the approved timetable.
- 3.2 In determining the potential timetable, dependent on the outcome of the review, consideration has been given to the possible alignment with the elections planned for May 2023. In doing so there are a number of dependent or contributory factors which are taken into account which impact to a lesser or greater extent upon this possibility, these include;
- The Revised Register of Electors is published on the 1 December each year – Ideally a CGR order implementing boundary changes such as the creation of a new parish council would need to be reflected when the revised register is published on this date. If this cannot be achieved the Electoral Registration Officer (ERO) may publish a revised register at any time provided that they give 14 calendar days' notice of their intention to do. The ERO has a statutory duty to notify and send the revised Register of Electors to a number of statutory bodies and organisations including political parties.
 - The revised register must be published on any new boundaries by the deadline for the publication of the Notice of Election at the next ordinary elections. The Notice of Election for May 2023 District and Parish Elections

will be published on or around 25 March 2023, this is the date when candidates will begin to submit their nomination papers for the Parish Elections therefore they will require the revised registers reflecting any changes from the CGR. Work however takes place before this date in 'lead in' terms including sending data files for poll cards.

- For the May 2023 elections, data files will be sent to our print suppliers for poll cards to be produced from our Electoral Management Software – this work will take place around 9 March 2023. In order to achieve print supplier deadlines, the Council would need to be updating the software system to reflect any changes and republishing the revised Register of Electors at the very latest mid-February. This would mean that the CGR/Order would need to go to Council in January 2023.
- All financial information including asset transfer would need to be understood prior to Reorganisation Order approval.
- CGR's must be completed within 12 months - professional advice is that CGR's often do take this long to complete, depending upon the level of complexity, the consultation period and the Council's decision making process. An attempt to complete the review and the final recommendations submitted to the Council meeting in January 2023, would mean completing the review in just over 4 months (from the Council meeting on 12 September 2022).

4 Alternative Options and Reasons for Rejection

4.1 The Council has a duty to carry out the Community Governance Review. However the Council could decide to do it in a different way.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Section 93 of the Local Government and Involvement in Public Health Act 2007
Appendix 2	Draft Terms of Reference for the Community Governance Review.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

Appendix 1

Section 93 of Local Government and Public Involvement in Health Act 2007

93 Duties when undertaking a review

- (1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following—
 - (a) the local government electors for the area under review;
 - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review—
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
 - (a) that have already been made, or
 - (b) that could be made,for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must—
 - (a) publish the recommendations; and
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.

Appendix 2

Draft Terms of Reference for the Community Governance Review of Stonebroom produced under Section 81 Local Government and Involvement in Public Health Act 2007.