

## **Appendix 1**

North East Derbyshire District Council

Stonebroom Community Governance Review

### **Working Group Report to Council on 28<sup>th</sup> November 2022 including draft recommendations**

Working Group:

Cllr Mark Foster (Chair)

Cllr Diana Ruff

Cllr Richard Welton

#### **Introduction**

The Stonebroom Community Governance Review Working Group was set up following Council on 12<sup>th</sup> October 2022 because a valid Petition had been received requesting a separate Parish Council for Stonebroom. North East Derbyshire District Council is required to carry out the review by virtue of Section 83 of the Local Government and Public Involvement in Health Act 2007. Our role as a Working Party is to consider the consultation received in relation to the Petition request and make draft recommendations to Council.

The Council report and attachments are at Appendix 1 including the approved Terms of Reference.

Currently Stonebroom is one of the villages that constitutes Shirland and Higham Parish Council. The others are Shirland, Higham and Mickley. The Parish Council is unwarded and the current electorate is 4034 of which Stonebroom's electorate is 1472. These are the electorate figures at the time of deciding these draft recommendations. The electorate is predicted to grow to 5149 over the next few years. However this growth is not within Stonebroom itself where the electorate is predicted to be stable.

#### **Consultation carried out**

Whilst the Council has a statutory duty to consult, the legislation and statutory guidance do not specify how or who to consult. This statutory duty is to consult local government electors and any other stakeholder who appear to have an interest including other local authorities and councillors.

The guidance states that there is no need to write to every local government elector as the duty is to consult not to carry out a poll nor can we use the electoral register for such purposes.

The Working Group took the decision to have a very robust consultation exercise, doing more rather than less.

The consultation was:

Information on NEDDC Website including survey

Information on Shirland and Higham Parish Council website

FAQs on website

Targeted social media posts to Stonebroom residents and including reference to the survey

Public meeting on 1<sup>st</sup> November 2022 in Stonebroom

Leaflet including survey sent to all households in Shirland and Higham including Stonebroom

Second leaflet including the same survey hand delivered to all households in Stonebroom

### **The Guidance and legislative requirements for the review**

There is guidance from the Department for Communities and Local Government and the Local Government Boundary Commission for England. This is dated 2010 and has not been updated since. We were reliant on this Guidance.

There is also practical guidance from the Association of Electoral Administrators (AEA).

The legislation covering this is the Local Government and Public Improvement in Health Act 2007. This sets out that the Council must ensure that the 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.

We are also required to take into account the following “influential” factors

- The impact of community governance arrangements on community cohesion and
- The size, population and boundaries of a local community or parish

Accordingly we have had due regard to and considered the guidance throughout the review.

In addition we have taken external legal advice on 2 occasions from Weightmans solicitors to help ensure that the Working Party was on track with its approach and actions.

In considering these matters we are clear that this is a qualitative and not a quantitative review. It is not an informal vote where the highest numbers win. Having said that we do think it vital to have the backing of the community for arrangements.

### **Outcome of consultation exercises**

#### **Response rates**

A total of 161 responses were received. Of these 89 gave addresses as follows:

- Stonebroom 67 of the 89 equating to 75% of named respondents

- The rest of Shirland and Higham 22 equating to 25% of named respondents.

In terms of the electorate for the whole of Shirland and Higham Parish Council area including Stonebroom and Mickley, this is  $161/4034 = 4\%$  of the electorate who have responded.

The organisations to have responded included the Stonebroom Community Volunteer Group, Shirland and Higham Parish Council and St. Peters Church Stonebroom. No representations have been received from businesses or schools or other bodies.

The public meeting on the 1<sup>st</sup> November was attended by nearly 50 people, according to the attendance list that attendees were asked to sign.

The electorate for Stonebroom currently is 1472.

We have determined from these figures that there is no clear and substantial community desire for a separate Parish Council for Stonebroom. From a qualitative view there is a need to balance the arguments for and against a separate Stonebroom Parish Council as identified by the consultation responses.

### **Arguments put forward for a separate Stonebroom Parish Council.**

The Petition itself did not outline arguments for a separate Stonebroom Parish Council so we were very dependent on the arguments put forward in the consultation and what we could find out ourselves.

The arguments put forward in the responses to the written consultation exercise are at Appendix 2.

The arguments put forward at the public meeting are in Appendix 3

### **Consideration**

In looking at the first principal:

- Reflective of the identities and interests of the community in that area

We have to look at community cohesion.

The government guidance is clear that people should feel they have a stake in the society and the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their area.

We need to ensure that our decision contributes to improving community cohesion.

Community Governance arrangements should reflect and be sufficiently representative of people living across the whole community and not just a discrete cross section or small part of it.

Any outcome to create a new Parish Council should not threaten Community Cohesion.

The decision is a balanced one in taking into account community cohesion as against the other factors.

The guidance also talks about there may well be a variety of different communities of interest within a parish and cite those representing age, gender, ethnicity, faith or life style groups. The guidance also refers to other communities which may exist with interests in schools or leisure pursuits.

Finally the guidance says that in considering the criteria, community governance reviews need to home in on communities as offering a sense of place and of local identity for all residents

### Conclusion

The arguments put forward split into three groups. A fourth group (Other) did not contribute to the arguments on community identities. The three groups were arguments for the separate Parish Council, arguments against a separate Parish Council and unhappiness with the existing Shirland and Higham Parish Council.

We believe that arguments relating to the performance of the existing Parish Council and Parish Councillors are a matter for the electorate and do not reflect arguments for or against community identity and a separate Stonebroom Parish Council.

The arguments put forward have relatively strong evidence of a desire for a separate Parish Council. Clearly the relatively small number of respondents from the electorate feel strongly about this. Not all of the arguments were for a separate Parish Council even amongst this group, however as is shown in the consultation responses in Appendices 2 and 3.

The arguments mostly put forward were about Stonebroom residents having control over Stonebroom's affairs and that the geographical area for Shirland and Higham Parish Council was too great. We did not get much concrete evidence for the community identity which would be better represented by a separate Parish Council. At the public meeting when we asked for such concrete examples there was little supplied.

However we have concluded that the responses we have received do not show evidence of a strong existing community identity and how community cohesion and identity would be advanced by a separate Parish Council.

We reached this conclusion taking into account:

The fact that a petition had been triggered to carry out the review;

- 1) There were strong feelings supporting the proposal for a parish for Stonebroom from some residents;
- 2) The response to the consultation were limited to a very small proportion of local residents;
- 3) The responses were mixed with a significant number of those who did respond not supporting change.

Having considered and weighed up all of these factors we considered that community cohesion and identity would be best served by not establishing a new parish for Stonebroom.

- Effective and convenient

The guidance in relation to this point is that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative area of local government.

There is no size specified for a Parish Council, with the smallest being 50 electors.

One of the existing polling districts forms the boundary around the geographical area of Stonebroom and this could serve as the new Stonebroom Parish Council boundary.

The guidance states that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently and give users of services a democratic voice in the decisions that affect them.

The guidance also says that the general rule should be that the Parish Council is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government.

### Conclusion

As a Working Group we have no concerns on the viability of the area had it been demonstrated that community identity and community cohesion supported the establishment of a separate Parish Council for Stonebroom.

### Draft recommendations

1 That the Council do not establish a separate Parish Council for Stonebroom for the reasons given above and to keep the existing arrangements/boundaries at the current time.

### Next steps

The next step is for the draft recommendation to be consulted upon. This will be by using the websites of the District and Parish Councils, social media as previously.

### **Appendices**

Appendix 1 – Report to Council on 3<sup>rd</sup> October 2022.

Appendix 2 – Responses put forward to the written consultation exercise.

Appendix 3 – Arguments put forward at the public meeting.