

North East Derbyshire District Council

Council

31st July 2023

Stonebroom Community Governance Review

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg, Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

The Council received a Petition for a Community Governance Review of Stonebroom in the middle of 2022. Consultation was undertaken and reported to Council in November 2022. Council asked for further consultation. This has been carried out and is now being reported to Council for a decision.

RECOMMENDATIONS

1. That Council considers making one of the following recommendations:
 - a) To establish a separate Stonebroom Parish Council or
 - b) Not to establish a separate Stonebroom Parish Council
2. This decision having been made, further consultation is carried out in accordance with the legislation and guidance reported back to Council on ...
3. That the following delegation Council previously given to the Managing Director is reconfirmed - that the Managing Director and Head of Paid Service in consultation with the Returning Officer/Electoral Registration Officer, be authorised to put in place the arrangements and timetable for undertaking the Community Governance Review.

IMPLICATIONS

Finance and Risk: Yes No

Details:

The creation of a new Stonebroom Parish Council will mean that the Council Tax will need disaggregating between the new Parish Council and the remaining Shirland

and Higham Parish Council. However, there will be no direct cost to the District Council.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

A Community Governance Petition is a request to the Council to review a number of different matters in relation to Parish areas. Where this results in a change for example by the establishment of a new Parish Council, there are also other changes to be made such as changes to electoral arrangements for the area. In this case, a new Parish Council has been requested meaning that, if approved, there will be new arrangements for elections for the 2 new Parish Councils and the Council Tax issues referred to above.

Once a Community Governance Petition is received, the Council is statutorily required to consider the matter in accordance with the legislation, statutory and other guidance.

If a new Parish Council is agreed at the end of the process, further elections will be held for both Parish Councils and the cost of these will be borne by the 2 Parish Councils

On Behalf of the Solicitor to the Council

Staffing:

Yes

No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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| 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 | Shirland and Higham and Stonebroom. |
| Consultation: Leader / Deputy Leader <input 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"/> | N/a. This is a decision for Council Details: |

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| 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 In September 2022, the District Council considered the arrangements for the consideration of a Community Governance Review for Stonebroom. The Council decided to set up a Working Group consisting of 3 Councillors and to ask them to carry out the required consultation and formulate a decision for recommendation to the Council.
- 1.2 At Appendix 1 is the report of the Stonebroom Community Governance Review Working Party to Council on 28th November 2022. This outlined the consultation held, the conclusions drawn from these responses and recommended that a new Parish Council at Stonebroom is not formed.
- 1.3 This report also sets out the considerations that should be taken into account as outlined in the legislation, statutory Government guidance and AEA (Association of Electoral Administrators) guidance as follows:

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.

The following “influential” factors must be taken into account:

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

- 1.4 This report sets out the reasons why the recommendation was made including:
- The responses for the whole of Shirland and Higham (including Stonebroom) was 161 or 4 % of the population.
 - Attendance at the public meeting on the 1st November 2022 held at Shirland Community Centre was around 50 people most of whom were in favour though there was opposition as well
 - Comments made at the public meeting.
 - Consideration of each of the principles above (set out in paragraph 1.3 above) in the light of the consultation responses
 - Reasoning for the recommendation based on the above.

- 1.5 At the meeting of Council, it was decided that:

COU /55/2 2-23 Stonebroom Community Governance Review Members were reminded that the Council had received a valid Petition requesting that a separate Parish Council for Stonebroom should be established. Under Section 83 of the Local Government and Public Involvement in Health Act 2007, it was then required to carry out a Community Governance Review of the area. A Working Party had been established, which had put in place appropriate public consultation arrangements to find out the views of local people.

The report to Council set out the consultation arrangements These included leaflet drops, targeted social media posts and a public meeting. However, Members were informed that comparatively few people in the area had participated in the consultation. Based on this, the Working Group had concluded that although some people did strongly support a separate parish council for Stonebroom a significant proportion of the very limited proportion of local residents who had actually responded did not support change.

The Chair of the Working Group, Councillor M Foster and the other Members of the Group, Councillors D Ruff and R Welton all spoke about the review, the limited response to the public consultation and the Working Group’s conclusions that, given the low response to the consultation, the case for a separate Parish Council for Stonebroom had not yet been established. In this context, Councillor R Welton highlighted a suggestion that the existing Shirland and Higham Parish Council might call a referendum to determine whether Stonebroom residents wanted their own Parish Council.

The Chair of Council briefly recessed the meeting, so that two people could address Members on the issue. Councillor Lomax of Shirland & Higham Parish Council spoke in favour of a separate Parish Council for Stonebroom. A local resident suggested that there were mixed views within the community and that residents required more information on the proposal and its implications.

Members discussed the report. During the discussion Councillors C Cupit, T Reader, K Gillott, D Hancock, R Shipman, J Funnell, M E Thacker MBE and J Barry expressed their reservations about the Working Group's recommendations. They felt that a separate Parish Council should be established, if there was significant community support for this.

At the conclusion of the discussion, Councillor C Cupit and Councillor D Ruff proposed and seconded a Motion that the Working Group be asked to carry out further public consultation to determine the views of local people on whether to establish a separate Parish Council for Stonebroom.

The Motion was put to the vote and was approved.

RESOLVED (1) That based on the views of Council and the consultation responses received, the Council asks the Stonebroom Community Governance Working Group to undertake further, more extensive, consultation into the possibility of a separate Stonebroom Parish Council. That as part of this, the views expressed by Council be relayed to the consultees so that Council can re-consider the original petition.

- 1.6 The Working Party then undertook additional consultation.
- 1.7 The following further consultation was carried out in February/March 2023 and consisted of:
 - A public meeting held at Shirland Village Hall in February 2023. This meant that a meeting had been held both in Stonebroom itself and in Shirland.
 - An extended survey with more detailed questions and a requirement to give name and address
 - A further meeting with the Parish Council in March 2023
 - Further website and social media information.
- 1.8 At the public meeting in February 2023, the turnout was less than at the previous meeting in November 2022. Whereas around 50 people attended the public meeting in November 2022, the number in February was around 25. The opinions expressed were varied with a small number being in favour, with the rest being split between those against and those who didn't know.
- 1.9 The results of the 2023 survey have been analysed by The Performance Team. The number of responses was 121 (compared with 161 responses in 2022). To give a comparison of figures, the electorate of Stonebroom is c1470 and c 4500 for the whole of Shirland and Higham Parish area.
- 1.10 The report is at Appendix 2. The Executive Summary states:

Executive Summary

- Of the 121 respondents who completed the survey, 69 people (57%) felt in principle there should be a separate parish council for the Stonebroom area, with 52 respondents (43%) stating there should not be.
- By comparison, the November '22 survey result showed 73% in favour, 25% against and 2% did not know. So whilst the majority of respondents are still in

favour of the proposal, the favourable responses has reduced by 16% from November 2022 to the March 2023 survey result.

- Of the respondents who favoured the proposal, the most popular reasons were 'local representation for the community', 'reflects the ideas and interests of the community' and 'more control over local services'.
 - When asked if they would still be in favour of the proposal if there were financial implications to residents, 28 people (41%) said yes, 10 people (14%) said no, with a further 31 people (45%) stating it would depend how much.
 - Of the respondents who opposed the proposal, the most popular reasons were 'adequately catered for by Shirland and Higham Parish Council', 'it may cost more in council tax' and 'the parish is too small to sustain its own parish council'.
 - After reading the literature explaining the functions of a parish council that was provided to accompany the survey 83 people (69%) said the information confirmed what they previously thought in terms of their understanding of a parish council, 37 people (31%) found that a parish council could do more than they thought, with just 1 person (1%) finding that a parish council could do less than they thought.
 - 49 respondents (41%) felt that Stonebroom would be able to sustain the running of its own parish council, 38 people (31%) felt it would not, with a further 34 people (28%) stating they did not know.
 - 55 respondents (46%) felt that a separate Parish Council for the Stonebroom area would help create a greater sense of pride and togetherness within the community, 44 people (36%) felt it would not, with a further 22 people (18%) stating they did not know.
 - 49 respondents (41%) felt the proposals would create a drive within the local community to improve the effectiveness of the parish council within the area, 29 people (24%) felt it would not, with a further 43 people (36%) stating they did not know.
- 1.10 At the meeting at the Shirland and Higham Parish Council in March 2023, the Parish Council requested an extension for sending their response. This was so that the new Parish Council following the elections in May 2023 could consider the matter afresh. The Parish Council's view would then be that of the newly elected Parish Council rather than that of the Parish Council in its last few weeks of its term. Their response has been received and is at Appendix 3 and is that they will respect the wishes of Stonebroom and will abide by whatever decision is made.
- 1.11 Since the elections in May this year, the working party has not continued its work. However, the decision is still to be made by the Council. This report outlines the results of the consultation in order to allow Council to make a decision. In view of this situation, the Council is invited to choose between the 2 recommendations above.

1.12 Following the Council formally making a decision at this meeting, a further round of consultation on that decision will be carried out in accordance with the legislation and this will be reported to a future Council meeting with responses. If a separate Stonebroom Parish Council is the Council's decision, a Reorganisation Order will also be presented to the Council for approval at the same time. the Reorganisation Order is the official creation of the new Parish Council in Stonebroom and the smaller Shirland and Higham Parish Council.

2. Details of Proposal or Information

2.1 To consider the consultation responses (both the initial ones considered at Council in November 2022 details of which are contained in the November 2022 report to Council and the subsequent ones from February/March 2023), and determine if there should be a separate Parish Council for Stonebroom.

3 Reasons for Recommendation

3.1 The decision must be made on the basis of the outcome of the consultation exercises. This is not a numbers (quantative) issue. It is not where the largest body of opinion came from or the smallest. What the Council is looking for is the demonstration of whether or not there is a strong community feeling within the area, a community which is ready and wishes to have its own Parish Council.

4 Alternative Options and Reasons for Rejection

4.1 None. The Council must consider the Petition, the consultation responses and make a decision. There are 2 recommendations for the Council to choose between.

DOCUMENT INFORMATION

| Appendix No | Title |
|---|--|
| 1 | Report of the Stonebroom Community Governance Working Party to Council on 28 th November 2022. The attachments to the report are available in hard copy in the Members' room or on request electronically. This is due to the size of the report's attachments. |
| 2 | Report of outcome of 2023 survey |
| 3 | Response of the Shirland and Higham Parish Council. |
| 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) | |
| None | |