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Council

24 June 2014

**Name of Cabinet Member:**

Cabinet Member (Policing and Equalities) – Councillor Townshend

**Director Approving Submission of the report:**

Chris West, Executive Director Resources

**Ward(s) affected:**

All Wards

**Title: Community Governance Review - Petition**

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**Is this a key decision?**

No. However, this issue is reserved for deliberation at Full Council.

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**Executive Summary:**

At the Council Meeting on 3<sup>rd</sup> December 2013, the Council received a petition signed by 711 people requesting the creation of a parish council in the Finham area of the City. In accordance with the Local Government and Public Involvement in Health Act 2007, the Council is now required to conduct a Community Governance review for this area. The purpose of this report is to agree the terms of reference for the review together with the timetable.

**Recommendations:**

That the Council approve the terms of reference of the review and agree the required consultation process and timetable.

**List of Appendices included:**

Terms of reference for Parish Review – Appendix 1

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No – it is a matter reserved for full Council

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

## **Report title: Community Governance Review - Petition**

### **1. Context (or background)**

- 1.1 At its meeting on 3<sup>rd</sup> December 2013 the Council received a petition signed by 711 residents requesting the creation of a parish council for the Finham area of the City as shown on the Plan attached to Appendix 1.
- 1.2 In accordance with the Local Government and Public Involvement in Health Act 2007 (LG&PIHA 2007), the Council is required to conduct a review following the receipt of such a petition.
- 1.3 Creation of, or changes to, Parish Councils are governed by a process known as a Community Governance Review. This involves a review of the whole or part of the principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes.
- 1.4 Under the LG&PIHA 2007 it is for councils to determine the terms of reference for the review, and this report sets out the proposed terms at Appendix 1.

### **2. Options considered and recommended proposal**

- 2.1 The LG&PIHA 2007 provides for a principal council to conduct a community governance review at any time. Government guidance states that councils will want to keep their community governance arrangements under review, particularly following a major change in the population of the community such as the impact of new housing developments on existing parish boundaries. It suggests that in the interests of effective governance, the council should consider the benefits of undertaking a review of the whole area in one go but recognises that this is not always warranted. A review may also be requested by petition, as in this case.
- 2.2 There are two options for the Council to consider in undertaking the review:
  - a) To respond solely to the petitioners' request, and consult on and investigate the establishment of a Parish Council in the Finham area of Coventry, or
  - b) To take this opportunity to undertake a wider review of the arrangements for community representation, reviewing the arrangements for Parish Councils in other areas of the City.
- 2.3 Due to other commitments at this time with the introduction of Individual Electoral Registration and the Parliamentary and Local Elections in May 2015, adequate resource is not available within the Electoral Services Team to conduct a full community governance review for the whole city. It is therefore suggested that the review should be restricted to the petition area. The petition area is part of Wainbody Ward and is polling district Pb and Pc totalling 3862 local government electors.
- 2.4 The specifics of how the Council undertakes the review are not mandated, but must take account of the views of local residents and consider the current arrangements for community representation, e.g. neighbourhood forums or residents' associations.
- 2.5 Under the LGPIH Act 2007 principal councils are required to consult both those local government electors in the area under review, and others which appears to the principal council to have an interest in the review. Other bodies might include local businesses,

local public and voluntary organisations – such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

- 2.6 Once the results of the consultation exercise are received the Council is required to make recommendations as to:
  - a) whether a new parish or any new parishes should be constituted
  - b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
  - c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
- 2.7 It may also make recommendations about:
  - a) the grouping or degrouping of parishes
  - b) adding parishes to an existing group of parishes or
  - c) making related alterations to the boundaries of a principal councils' electoral areas
- 2.8 In deciding what recommendations to make, the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any 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.
- 2.9 The recommendations must take account of any representations received, should be supported by evidence and demonstrate that the recommended community governance arrangements would meet the criteria set out in the 2007 Act. Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation which the petitioners wished the review to make. This will particularly be the case when the petition recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.
- 2.10 In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. It may be that much of this information can be gained through the consultation which the council will have held with local people and also the council's wider engagement with local people on other matters. In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made.
- 2.11 Under the 2007 Act the principal council must both publish its recommendations and ensure that those who may have an interest are informed of them. In taking a decision as to whether or not to give effect to a recommendation, the principal council must have regard to the statutory criteria. After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council must publish its decision and its reasons for taking the decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it.
- 2.12 Draft terms of reference, outlining the approach to be taken for the Finham petition area are attached to this report at Appendix 1.

### **3. Results of consultation undertaken**

- 3.1 The receipt of the petition from local residents has triggered the start of the Community Governance Review. As set out above, consultation forms an important part of the review itself.

### **4. Timetable for implementing this decision**

- 4.1 The council is required to agree the terms of reference for the review and complete the review within 12 months of the start of the community governance review. The review begins when the council publishes the terms of reference for the review and concludes when the council publishes the recommendations made in the review. The terms of reference for the review are attached at Appendix 1 to the report and include a draft timetable for consultation and implementation of the recommendations.

### **Comments from Executive Director, Resources**

#### **5.1 Financial implications**

- 5.2 Assuming the review is restricted to the Finham petition area, the costs of communicating with electors are estimated to be approximately £4,000. There is sufficient budget and resource within the Electoral Services team to conduct the review. If the review is extended then due to the current commitments on the team with the transition to Individual Electoral Registration and preparing for the Parliamentary and Local Elections 2015 there would not be sufficient resource and additional resource would need to be provided.

- 5.4 If as a result of the Review, a new parish council is created, there will be financial implications for those residents within the parish area. Parish councils are entitled to levy a precept on each property in their area for the purposes of funding the parish councils' activities. Residents will be made aware of this implication during the consultation exercise.

#### **5.5 Legal implications**

Part 4 of the Local Government and Public Involvement in Health Act 2007 sets out the requirements for undertaking a Community Governance Review. When carrying out the review, the Council is also required to have regard to Guidance on community governance reviews issued by the Department of Communities and Local Government. Officers will ensure the review is carried out in line with these requirements.

### **6. Other implications**

#### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

Reviewing the City's governance arrangements is in line with the Coventry Sustainable Community Strategy - "developing a more equal city with cohesive communities and neighbourhoods".

#### **6.2 How is risk being managed?**

In conducting the review, the Council's Electoral Services Team will maintain a comprehensive risk register to monitor the progress of the review.

### 6.3 What is the impact on the organisation?

None arising from this report.

### 6.4 Equalities

In consulting with residents, the Council will ensure that it complies with its duties under the Equality Act 2010.

### 6.5 Implications for (or impact on) the environment

None

### 6.6 Implications for partner organisations?

During the consultation the Council will be consulting with residents within the Finham area, including local residents' associations and community groups. As part of the review, residents from outside the proposed Parish area will have an opportunity to comment, including representatives from Keresely Parish Council and Allesley Parish Council.

#### Report author(s):

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