

Report to Council

Subject: Community Governance Review of Bestwood St Albans Parish Council

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Author: Service Manager Democratic Services

1. Purpose of the Report

- 1.1 For Council to conclude the Community Governance Review of Bestwood St Albans Parish Council carried out under Part 4 of the Local Government and Public Involvement in Health Act 2007.
- 1.2 To obtain approval to make a Reorganisation Order to give effect to the final recommendations made in the review.

2. Background

- 2.1 In September 2016 the Council agreed to carry out a Community Governance Review following receipt of a petition asking for a separate parish council to be established for the area of Bestwood Village. Currently the areas broadly comprising of Bestwood Village/Killarney Park and Warren Hill/Top Valley are served by one Parish Council.
- 2.2 The Council launched the review on 14 September 2016 following approval of the Terms of Reference by Council, a copy of which is attached at Appendix 1 to this report. The review has been conducted in line with the provisions within Part 4 of the Local Government and Public Involvement in Health Act 2007, Guidance published by the Department for Communities and Local Government and in accordance with the Terms of Reference.
- 2.3 An initial consultation period ran from 26 September - 9 December 2016 which saw an information leaflet being sent to all 2398 households in the Parish. The leaflet set out a number of possible outcomes of the review and requested comments and views on the best option for the Parish. Other interested parties such as the County Council and other public and voluntary organisations were contacted also. Officers attended meetings of the Parish Council on 11 October 2016 and 11 April 2017 to listen to views of and answer questions from local people and parish councillors. As a result of the initial consultation, the Council received 120 responses from groups or individuals and 157 responses collected by residents' groups. These

responses are summarised in section 3 of Appendix 2 to this report.

2.4 Members will recall that, at the September 2016 meeting, Council approved the establishment of a politically balanced Cross Party Member Reference Group. Member nominees for the Group were Councillors Barnfather, Collis, D Ellis, Paling and Powell. The Group's role was to examine any feedback received in response to the consultation and to form a view on a way forward in order for the Director of Organisational Development and Democratic Services to publish draft recommendations for further consultation. On the basis of the initial consultation, the Member Reference Group recommended that:

- A new Parish with a Parish Council should be established to cover the area comprised of the Village Parish Ward named the Parish Council of Bestwood Village. The Parish Council should have seven members. The Parish should not be warded.
- A new Parish with a Parish Council should be established to cover the area comprised of the Top Valley Parish Ward named the Parish Council of St Albans Village. The Parish Council should have nine members. The Parish should not be warded.
- Elections shall be held in May 2018 for the new Parish Councils with further election held the year after to return the Parish Councils to the appropriate cycle of elections for all other Gedling parishes.
- The Parish Council for the Parish of Bestwood St Albans should be dissolved and the Parish abolished.

Very detailed explanation for these recommendations can be found in Appendix 2 to this report.

2.5 The draft recommendations were publicised and a second period of consultation was undertaken between 6 March and 1 May 2017. This consultation sought views on the recommendations and a leaflet was again sent to all households and interested parties across the parish.

2.6 52 responses were received from electors in the parish area and 5 were received from residents outside the parish area. This represents a response rate of 1.3% of the Parish electorate. Of these responses 49 (86%) agreed with the establishing of two new parishes and 8 (14%) did not agree. A summary of second round consultation responses is included in this report as Appendix 3.

2.7 The Member Reference Group met to consider the feedback from the second round of consultation. The Group carefully considered all of the comments received and noted that 86% of respondents were in favour of establishing two new parish council to replace the existing Bestwood St. Albans Parish Council. Members did recognise that some responses did not agree with this but were content that their original recommendations were still relevant for

the reasons given in sections 4 and 5 of the report at Appendix 2 to this report.

2.8 The Member Reference Group therefore reaffirmed its original recommendations that:

- Two new Parishes/Parish Councils should be created to replace the existing Parish of Bestwood St Albans;
- The parishes should be named Bestwood Village and St Albans respectively;
- The parishes should not be warded;
- The number of parish councillors should be seven for Bestwood Village and nine for St Albans;
- The boundaries of the new parishes should be as shown on the map in the consultation leaflet (shown as Appendix 4 to this report).

3. **Proposal**

3.1 The Community Governance Review has been conducted in accordance with the Terms of Reference approved by Council in September 2016. This means that Council is now required to make a decision on how to conclude the review.

3.2 Taking into account the legislation, statutory guidance and consultation responses it is proposed that Council approves the recommendations of the Cross Party Member Reference Group and the current parish of Bestwood St Albans is split into two. In order to give effect to this it is proposed that Council agrees to abolish the current parish, dissolve the current parish council and create 2 new parishes and parish councils. It is considered that 2 new parishes/parish councils will be:

- reflective of the identities and interests of the community in those areas; and
- effective and convenient,

for the reasons set out in the report at Appendix 2.

3.3 Consideration has been given as to whether alternative arrangements could be made instead of the creation of 2 new parish councils. However for the reasons set out in the report at Appendix 2, this is not being recommended. In addition, section 94 (2) of the 2007 Act requires a Parish Council to be created for a new Parish where the new Parish has over 1000 electors. In this case both new Parishes would contain over 1000 electors. Therefore as required by the Act, new Parish Councils are being proposed.

3.4 The Council is required to consider whether the 2 new parishes should be warded. Separating a parish into wards would be appropriate where the number or distribution of electors would make a single election impracticable or inconvenient; or it is desirable that any area of the parish should be separately represented. It is proposed that the new parishes are not warded

in the interests of creating better community cohesion within the new parishes. Not warding the new parishes is not expected to create “impracticable or inconvenient” elections as each new parish is coterminous with the boundaries for district, county and parliamentary boundaries. The future electorate 5 years into the future is predicted to show only a moderate increase in both of the proposed new parishes. In the proposed Bestwood Village Parish the population growth is expected to increase by 110 electors (or 7%) and in the proposed St Albans Parish it is expected to increase by 83 electors (or 3.5%). The level of population growth does not raise concerns that in future a warded arrangement may need to be considered. This increase is not expected to result in future elections to the parish councils impracticable or inconvenient. The feedback received from the consultation did not lead the Member Reference Group to conclude that different areas of each new parish required separate representation and the majority of responses to the survey that they agreed with a single unwarded area for each new parish.

- 3.5 The names for the proposed new parishes are proposed based on the geography of the area. The largest settlement in the new Parish of Bestwood Village should be reflected in the name for the Parish. The name of St Albans Parish was chosen for its historical context and to preserve the name of the current parish. Other names were put forward by some responses to the consultation such as the “Emmanuel Parish” or “Bestwood Pit Village Parish” were considered by the Member Group but not taken forward due to the majority of responses agreeing with the initial proposals. Section 75 of the Local Government Act 1972 allows Parish Councils to make a request to this Council at any point to ask for a change of name. This process does not require a formal review process and is open to any parish council at any point.
- 3.6 The number of parish councillors proposed for each new parish was reached by looking at the electorate for each area under consideration. It was noted that the legal minimum parish council to operate was five members. It was also noted that the average (based on an Aston Business school study) was 6 -12 members for parishes of this size. A figure of seven for the Parish of Bestwood Village and nine for St Albans was therefore agreed by the Member Reference Group as it was felt that this would allow each council to operate effectively.
- 3.7 The arrangements for the electoral administration the new parishes were proposed to allow the new councils to come into operation as quickly as possible in April 2018 with election held in May. A shortened first term of one year is being proposed to realign the new council with the established cycle of local elections in Gedling in 2019. This is to ensure that future costs of elections can be minimised as they will be combined with other local polls.
- 3.8 Parish boundaries were proposed based on already established polling districts. It was felt that this would maintain practical and convenient administration for elections as boundaries would not need to be altered to create the new parishes.

4 Reorganisation Order

- 4.1 Once the Council has approved the final recommendations, a Reorganisation Order will need to be made which sets out the mechanics of the establishment of the parishes and the parish councils. The Order must include the budget requirement for the parish councils for the financial year 2018/19 and any other provisions needed to bring the parish council into being including elections and transitional arrangements.
- 4.2 In view of the fact that this is a procedural matter, it is proposed that the Chief Executive in consultation with the Member Reference Group be given authority to make and approve the Order.
- 4.3 Once the Reorganisation Order is made, the Borough Council must deposit at its main office a copy of the Order, and a map which shows the effects of the order in detail. The Order and the map must be available for public inspection at all reasonable times and the Borough Council must publicise its availability for inspection. The Council must also notify the relevant agencies including the Secretary of State for Communities and Local Government, the Local Government Boundary Commission for England, the Office of National Statistics, the Director General of the Ordnance Survey, and the County Council.
- 4.4 Further work to make the changes would need to be undertaken the details of which are covered below in the Financial Implications section.

5 Timetable

- 5.1 In accordance with the timetable below the new Parish Councils will be established in May 2018.

Task	Timescale
Final recommendations approved by Full Council and publicised	July 2017
Officers to liaise with the current Parish Council to establish the Council's current property, rights and liabilities	August – December 2017
Council to liaise with existing parish councilors to identify funding requirements for new parish in order to set initial percept	August – December 2017
Council makes the Reorganisation Order	By February 2018
Order Comes into effect	1 April 2018
Election of Parish Councillors (For one year term of office)	May 2018

Election of Parish Councillors (Four year term)	May 2019
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6 Financial Implications

- 6.1 At this point it is difficult to determine the potential impact of separate parish councils on any parish precept. This would depend on the budget requirement for each new parish council. The Borough Council would aim to work with existing Bestwood St Albans Parish Councillors to get an understanding of the level of financing the new parishes may require. Once a budget requirement for the new parish councils are known, a precept and the council tax level can be calculated. It is for this reason that the level of precept cannot be given at this time.
- 6.2 It is recognised that there is a process that would need be followed by the Borough Council to “wind up” the assets and liabilities of the existing Parish Council in order to establish new councils. The Local Government (Parishes and Parish Councils) (England) Regulations 2008 sets out how this is achieved. The Regulations make clear that:
- Any “fixed” assets would become the property of whichever council that they become part of. For example a parish council owned village hall would remain where it is and become an asset of the new council for that area.
 - Any assets that are not “fixed,” such as balances of bank accounts, would be split according to the electorate of each new area. So for example if £100 was left in the bank account and new parish “A” had 60 electors and new parish “B” had 40 electors, Parish “A” would receive £60 and Parish “B” would receive £40. The same would apply to non-fixed assets such as equipment, although an approach to the division of assets such as office equipment would need to be agreed.
- 6.3 If separate parish councils were to be established the Borough Council is responsible for ensuring that budgets for the first year of operation are prepared and agreed for the parish councils to administer once they are elected. As such the Budget Council meeting in March 2018 would have to set and approve the initial parish precepts on behalf of the new parishes. This process would be done in consultation with the existing parish council.
- 6.4 The Borough Council is required to have regard to the running costs of any assets when setting a budget. The Borough Council would be obliged to ensure that a new council is in a strong enough financial position to “look after” the assets that they would be left with.
- 6.5 There would be no direct financial implications for the Borough Council arising from this process other the administrative costs of the review and the behind the scenes processes involved in collecting council tax from any

parished areas.

7 Legal Implications

- 7.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007, the Council must comply with various duties when undertaking a community governance review. It must have regard to the need to secure that community governance within the area under review:
- reflects the identities and interests of the community in that area; and
 - is effective and convenient.
- 7.2 In deciding what recommendations to make, the Council must 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 in respect of the area under review.
- 7.3 The Council must take in to account any representations received during the course of the 2 consultation exercises when making a decision in connection with the review.
- 7.4 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State a copy of which can be obtained at <https://www.gov.uk/government/publications/community-governance-reviews-guidance> .
- 7.5 Section 94 of Act provides that if the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council. If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.
- 7.6 By virtue of section 89, if the Council decides that the parish should have a parish council, the review must also make recommendations about the electoral arrangements that will apply (such as year of ordinary elections, number of councillors, warding the parish). In agreeing the electoral arrangements set out in the report the Council will in effect be modifying or excluding the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in May 2018 and for the Councillors to serve a shortened first term (1 Year) to allow the parish council's electoral cycle to return to the ordinary cycle of local elections in 2019.
- 7.7 The Borough Council has the power to arrange and adopt the initial parish precept under regulation 3 of the Local Government Finance (New Parishes) Regulations 2008.
- 7.8 The Local Government (Parishes and Parish Councils)(England) Regulations 2008 deal with the distribution of property, rights and liabilities of a parish council affected by a Reorganisation Order and set out other consequential

and transitional arrangements. The Borough Council needs to appoint a 'proper officer' for the purposes of these Regulations.

8 **Appendices**

Appendix 1 – Terms of Reference

Appendix 2 – Report to Director of Organisational Development and Democratic Services containing draft recommendations

Appendix 3 – Summary of second round consultation responses

Appendix 4 – Map of the proposed new Parishes.

Appendix 5 – Equality Impact Assessment

9 **Recommendations**

9.1 It is recommended:

- 1) That a new Parish with a Parish Council is established to cover the area comprised of the current Village Parish Ward named "The Parish Council of Bestwood Village." The Parish Council should have seven members;
- 2) That a new Parish with a Parish Council is established to cover the area comprised of the current Top Valley Parish Ward named "The Parish Council of St. Albans." The Parish Council should have nine members;
- 3) That the new Parishes shall not be warded;
- 4) The boundaries of the new parishes should be as shown on the map contained within Appendix 4 to this report;
- 5) That Elections shall be held in May 2018 for the new Parish Councils, with further elections held the year after to return the Parish Councils to the appropriate cycle of elections for all other Gedling Parishes;
- 6) The Parish Council for the Parish of Bestwood St. Albans should be dissolved and the Parish of Bestwood St. Albans abolished;
- 7) To appoint the Chief Executive as proper officer for the purposes of the Local Government (Parishes and Parish Councils)(England) Regulations 2008 and authorise the Director of Organisational Development and Democratic Services to make the necessary amendment to the Proper Officer list in the Constitution; and
- 8) To delegate authority to the Chief Executive, in consultation with the Member Reference Group, to make the Reorganisation Order to give

effect to the recommendations made in the review in order that its commencement is consistent with the statutory electoral timetable and the process for setting any parish budget requirements.

10 **Background papers**

Consultation leaflets