

Report to Chief Executive

Subject: The Gedling Borough Council (Reorganisation of Community Governance) Order 2018.

Date: January 2018

Author: Service Manager Democratic Services

1. Purpose of the Report

To seek approval to make the Gedling Borough Council (Reorganisation of Community Governance) Order 2018.

2. Background

2.1 In April 2016 Gedling Borough Council received a valid community petition from residents of the Village Parish Ward of Bestwood St Albans Parish asking the Council to consider the establishment of a separate parish council for the area. At the meeting of Council in September 2016 a decision was taken to carry out a Community Governance Review (CGR) but to extend the review to cover the entirety of the Parish.

2.2 At the meeting of Council it was resolved to formally launch the review by agreeing a terms of reference. An initial round of consultation was carried out in Autumn 2016 to gather views from parishioners and interested parties. These views were shared with and discussed by a cross party group of councillors who assisted officers with compiling a list a draft recommendations on the future governance arrangements for the existing parish.

2.3 All parishioners and interested parties were consulted on the draft recommendations. Of the responses received 86% were in favour of the recommendations which were as follows:

- 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.
 - 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.
- 2.4 These recommendations were formally adopted by Council on 12 July 2017. As well as approving the above, Council delegated authority to the Chief Executive in consultation with the cross party 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.. The Chief Executive was also appointed as the proper officer for the purposes of the Local Government (Parished and Parish Councils)(England) Regulations 2008 (“2008 Regulations”).

5. Proposal

- 5.1 In order to formally give effect to the recommendations approved by Council in July 2017, the Borough Council must make a Community Reorganisation Order. It is proposed that the Gedling Borough Council (Reorganisation of Community Governance) Order 2018 attached at Appendix 1 is formally made.
- 5.2 As mentioned above, the Chief Executive has delegated authority to make the Community Reorganisation Order in consultation with the Member Reference Group. The Member Reference Group met on 8 February 2018 to review the draft Order and were supportive of the wording agreeing that the Order should be made.
- 5.3 As well as formally establishing the two new parishes and dissolving the existing one, the Order details arrangements for the funding requirement of each new parish council. The funding requirement is the amount of money that a parish council needs to operate during the year. The figure has been arrived at by consulting existing parish councillors who represent the areas that the new parishes will cover. Officers have examined draft budgets for each of the new parish council areas and these have been considered by the Member Reference Group and deemed to be reasonable. The funding requirement that is included in the Order will be used to calculate the precept payable by each household in the new parishes.
- 5.4 The Order also covers matters relating to distribution of property, rights and liabilities of the current Bestwood St Albans Parish Council once it is

abolished. The general principle of this process, set out in the 2008 Regulations, is that any “fixed” assets should be transferred to the new parish council for the geographic area and for any other assets and cash balances to be split between the two new parishes in a way that reflects the distribution of the electorate. The draft Order reflects this principle.

- 5.2 Once the Order has been made, a Council Tax precept will be set by the Borough Council in line with the usual Budget process during March. The two new Parish Councils will come into existence on 1 April 2018 and elections to fill the seats will take place on 3 May 2018. Following the elections Annual General Meetings of each new parish Council will be convened by the Borough Council after which the Parish Councils will become operational again. The Order makes provision for transitional arrangements for the new parish council that apply during April 2018 until 2 May where existing Borough and County Councillors will act as “caretakers” for the new Councils. Given the fact that there are only 2 Borough Councillors representing the current parish, it is considered prudent to include the County Councillors to provide additional support and resilience.

6 Legal Implications

- 6.1 The Community Governance Review process was carried out in accordance with Section 93 of the Local Government and Public Involvement in Health Act 2007. All decisions taken and recommendations made have had regard to this legislation and DCLG Guidance on Community Governance Reviews a copy of which can be obtained at <https://www.gov.uk/government/publications/community-governance-reviews-guidance> .
- 6.2 Officers have reviewed the Local Government (Parishes and Parish Councils)(England) Regulations 2008 which make provisions in relation to matters such as the distribution of property and the rights and liabilities of parish councils affected by a reorganisation order. The Local Government Finance (New Parishes) Regulations 2008 deal with the setting of precepts for new parishes. The regulations have been followed throughout this process and the Council will make arrangements to adopt initial precepts for the new parishes.

7. Financial Implications

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.

8. Background Papers

Previous Reports

14 September 2016 – Report to Council - Launch of Community Governance Review and Terms of Reference

<https://democracy.gedling.gov.uk/ieListDocuments.aspx?CId=129&MId=1941&Ver=4>

6 March 2017 – Report to Director of Organisational Development and Democratic Services publishing draft recommendations for consultation.

<https://democracy.gedling.gov.uk/ieDecisionDetails.aspx?ID=534>

12 July 2017 – Report to Council – Final Recommendations which were approved by Council.

<https://democracy.gedling.gov.uk/ieListDocuments.aspx?CId=129&MId=2160&Ver=4>

9. Appendices

Appendix 1 - The Gedling Borough Council (Reorganisation of Community Governance) Order 2018.

10. Recommendations

It is recommended that the Chief Executive:

- 1) Makes the Gedling Borough Council (Reorganisation of Community Governance) Order 2018; and
- 2) Notes the administrative steps that are required by legislation to set up the new parish councils of Bestwood Village and St. Albans and to dissolve the existing Bestwood St. Albans Parish Council.