

**Community Governance Review for proposed new parish within the current Stoke Parish Area**

Relevant Portfolio Holder	Councillors May, Leader and, Denaro Portfolio Holder for Finance and Enabling
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton
Ward(s) Affected	Avoncroft, Rock Hill
Ward Councillor(s) Consulted	Yes
Not a Key Decision	(Electoral Matters Committee has full devolved powers)

**1. SUMMARY OF PROPOSALS**

- 1.1 Members are asked to note and receive the petition requesting a Community Governance Review (CGR) which proposes a new parish within the Stoke Parish Council Area. In order to trigger the statutory timetable and process for consultation, members are asked to consider and approve the review terms of reference.

**2. RECOMMENDATIONS**

**Members are asked**

**2.1 to note and receive the valid petition from residents of Stoke Heath Parish Ward;**

**2.2 to approve the Terms of Reference for the Community Governance Review (appendix 1);**

**2.3 to delegate authority to the Chief Executive, in consultation with Members of the Committee, to make minor amendments to the Terms of Reference, including the timetable for the review, if required.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There will be a cost for the consultation exercise but this can be met from existing budgets.

**Legal Implications**

- 3.2 On receipt of a valid petition, the Council has a responsibility to undertake a CGR in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 (Part 4) and the associated Dept. of Communities and Local Government (DCLG) Guidance on Community Governance Reviews, the Local Government (Parishes and Parish Councils) Regulations 2008 and the Local Government Act 1972 (as amended). The authority must have regard to the guidance issued by the Secretary of State (s100 (4) of the 2007 Act) and must give consideration to the views of local people in reaching its decision
- 3.3 The Terms of Reference of the Review are set out in Appendix 1 and a map of the proposed parish in Appendix 2.
- 3.4 Section 93 of the 2007 Act sets out the council's duties in undertaking a community governance review. In relation to deciding what recommendations to make, it provides that the council must have regard to the need to secure that community governance within the area under review:
- a) reflects the identities and interests of the community in that area, and
  - b) is effective and convenient.

Section 93 (6) provides that the council must "take into account" any representations received in connection with the review as one element of these considerations.

- 3.5 Section 2 of the Local Democracy, Economic Development and Construction Act 2009 states that there is a duty on principal councils to promote understanding among local people, which extends to parish councils

**Service/Operational Implications**

- 3.6 There are two ways for a CGR to be triggered. A local authority can choose when to carry out a review, either for a specific area or district-wide, or electors of an area can submit a petition signed by a proportion of electors.
- 3.7 In this case, Bromsgrove District Council has received a valid petition from Residents of the Stoke Heath Parish Ward (polling district RHA) of Stoke Parish Council, requesting that a Community Governance Review (CGR) be carried out pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 to consider the following Parish matter:

'Making that area known as Stoke Heath Ward (RHA) a civil parish separate from Stoke Parish Council'.

- 3.8 Once the Terms of Reference are agreed officers will commence the publicity and consultation stages.
- 3.9 A full timetable is included within the Terms of Reference but the review will consist of:
- Consultation
  - Draft recommendations drawn up from the consultation
  - Consultation on the draft recommendations
  - Final recommendations published
  - Order made (if there are any changes)
- 3.10 Should residents support the separation of the parish, a number of arrangements will need to be made, including but not limited to, transfer of assets between the existing parish council and any newly created parish council.

**Customer/Equalities and Diversity Implications**

- 3.7 In conducting the review the Council will ensure that electoral equality is taken into consideration.

**4. RISK MANAGEMENT**

- 4.1 The Act requires that the CGR must be completed within 12 months of the validation of the petition. No amendments of the act have been made due to the ongoing COVID-19 situation so the CGR still needs to be completed within the statutory timeframe.
- 4.2 It is not anticipated that the current situation will impact on the completion of the review. Meetings of the Committee can be held remotely. All other aspects of the review will be able to take place as they would do for any other CGR, as the process is based on consultation.
- 4.3 Amendments to the timetable for the review are not anticipated, however in the event that meeting dates have to be amended, for example due to the Covid-19 situation, it is requested that authority be delegated to the Chief Executive in consultation with members of the Committee to make minor changes to the Terms of Reference, including the timetable. Any such changes would be publicised.
- 4.4 In terms of Human Resources risks, the timetable for the review is concurrent with the election period in 2021 and use of officer time during the election period needs to be considered.

**5. APPENDICES**

- 1 Terms of Reference

2 Map of Polling District RHA the area of the proposed new parish.

**6. BACKGROUND PAPERS**

- DCLG Guidance
- Relevant Statutory provisions

**7. KEY**

N/A

**AUTHOR OF REPORT**

Name: Darren Whitney

Tel.: 01527 881650

email: [darren.whitney@bromsgroveandredditch.gov.uk](mailto:darren.whitney@bromsgroveandredditch.gov.uk)