

Special Advisory Group

21 October 2016

Report title	Community Governance Review	
Cabinet member with lead responsibility	Councillor Andrew Johnson Resources	
Key decision	n/a	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O'Keefe, Governance	
Originating service	Democratic Services	
Accountable employee(s)	Martyn Sargeant	Head of Democratic Services
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Report to be/has been considered by	Council	9 November 2016

Recommendation(s) for action or decision:

The Advisory Group is recommended to:

1. Consider the options for a community governance review in light of the advantages and disadvantages outlined in section three.
2. Agree the draft terms of reference for a community governance review of the whole of the city, for consideration by Council.
3. Agree, in principle, subject to Council approval, to act as the lead committee for the review process, ultimately making recommendations to Council for the city's community governance arrangements.
4. Agree the proposed timetable for the review, subject to ratification by Council.

Recommendations for noting:

The Advisory Group is asked to note:

1. That the costs of the review, to include resourcing the review itself and the associated consultation, have yet to be quantified but will be reported to the Special Advisory Group in due course.

1.0 Purpose

- 1.1 The Council has received a formal request (dated 8 April 2016) for a community governance review, specifically in relation to Tettenhall Wightwick and Tettenhall Regis, to which it has a statutory obligation to respond. As the request meets the legislative criteria for triggering a review, the Council has a duty to arrange a community governance review and this report outlines the proposed approach for doing so.

2.0 Background

- 2.1 Under the Local Government and Public Involvement in Health Act 2007, decisions on whether to implement parish council arrangements and the associated electoral provisions were delegated to principal authorities, with due regard to the views of local people. This legislation was updated in the Legislative Reform (Community Governance Reviews) Order 2015.
- 2.2 A principal authority can initiate a community governance review of its own volition or in response to a petition from local electors. Guidance from the government in 2010 recommended that a community governance review should take place every ten to 15 years. A review should consider the arrangements for parish councils (including, where they are already in existence, whether they should be discontinued) with the objective of ensuring that local government arrangements are 'effective and convenient' as well as reflecting 'the identities and interests of the community in that area'.
- 2.3 A petition from local electors can be based on a percentage of the relevant electorate (in the affected area) or from a community group that has produced a neighbourhood plan and submits a community governance 'application'¹.
- 2.4 Under new requirements introduced in 2015, the principal authority has 12 months to complete a community governance review, starting from receipt of a valid request². The review must consult local electors, as well as any other individuals or organisations that the council considers to have a reasonable interest. Guidance states that the review should consider a range of factors, including community cohesion and the size/population/boundaries of a parish area. A review can result in one of three outcomes for a particular area:

- (1) Whether a new parish or parishes should be constituted.
- (2) Whether an existing parish or parishes should be abolished or retained.
- (3) Whether an existing parish or parishes should have boundary change(s).

In addition, the review should make recommendations for the electoral arrangements for any new parishes.

¹ The request for a review has been received from the Tettenhall and District Community Council, which is a neighbourhood forum.

² The request was submitted in April 2016.

3.0 Options for conducting the review

- 3.1 Guidance on conducting a review suggests that a council should consider whether to review the arrangements across its entire area, rather than simply in respect of the area for which the request has been made. This ensures a holistic approach to considering governance requirements, rather than reacting to particular local requests in a piecemeal fashion. However, the guidance also recognises that there may be factors that mean this is not the best option at a given time.
- 3.2 When Birmingham City Council received a similar request for Sutton Coldfield, it decided to include the whole city within the scope of its review. However, it was conducted on a differentiated basis, with a general web survey for the wider city and more in-depth consultation activities in the Sutton Coldfield areas. This provided more detailed feedback about the key area in question, which was used to develop and support the ultimate recommendations.³
- 3.3 There are therefore two options:
- (1) To conduct a community governance review for the whole of Wolverhampton, but with more detailed work in the Tettenhall area.
 - (2) To conduct a review simply for Tettenhall.
- 3.4 Some of the advantages and disadvantages of the two approaches are outlined in the tables below:

Wolverhampton-wide review, with focused work in Tettenhall area	
ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> • Cost-effective approach, covering the whole city in one exercise. • Discharges duty to review the city's governance arrangements within 10-15 year window. • Opportunity for local people in all areas to express opinions. 	<ul style="list-style-type: none"> • Unlikely to be possible to complete the review within the statutory timescale. • Could delay implementation of any recommendations for particular areas.

Tettenhall-focused review	
ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> • Responds effectively to presenting issue (no previous expressions of interest/demand for parish councils in any other area). • Likely to be able to meet the statutory timescale. • Less costly (in the short-term). • Experience from localised review can inform future widescale review. 	<ul style="list-style-type: none"> • Could trigger further requests from other groups, resulting in piecemeal approach. • Doesn't satisfy the Council's statutory obligations (i.e. would require further review in due course).

³ Sutton Coldfield Town Council came into being in March 2016 and the first elections were held in May 2016.

3.5 Whilst a more locally-focused review would be more expedient in terms of the statutory timetable, a full review of Wolverhampton will ensure the Tettenhall situation is considered within the context of the wider needs of the whole city. It will also be a more efficient approach, ensuring further small reviews do not have to be initiated in the next few years. Section four, below, outlines a proposed timetable for conducting a full community governance review.

4.0 Draft timetable

4.1 Advice has been taken from Birmingham City Council about the timetable for its community governance review in 2015. The council approved the terms of reference for the review in September 2014 and received the final recommendations at its meeting in September 2015, with implementation following in March 2016 and elections in May 2016. In between, a sub-committee of the council provided day-to-day oversight of the review process and approved the recommendations to be submitted. It is proposed that the Special Advisory Group should fulfil a similar oversight role as its constitutional remit includes advising the Council on elections and electoral arrangements.

4.2 The timetable proposed below provides for a process running from October 2016 to July 2017. This is shorter than for Birmingham/Sutton Coldfield but should be achievable given the relative size of the respective areas (the combined Tettenhall population is about 18,000, compared with about 96,000 in Sutton Coldfield), which will streamline the consultation process.

Date	Activity
Oct 2016	Draft terms of reference submitted to Special Advisory Group for approval.
Nov 2016	Terms of reference submitted to Council for approval.
Oct 2016 – Jan 2017	Preparation of detailed project plan, consultation documents and costs.
Jan 2017	Approval of consultation documents by Special Advisory Group.
Feb – April 2017	(a) Web consultation in respect of city-wide community governance review. (b) Local consultation in respect of Tettenhall community governance options.
April 2017	Report on consultation outcomes to Special Advisory Group.
May 2017	Consultative postal ballot of Tettenhall residents.
May – June 2017	Preparation of final report and recommendations.
June 2017	Consideration of report and recommendations by Special Advisory Group.
July 2017	Consideration of report and recommendations by Council.

- 4.3 It would be theoretically possible to bring forward the consultative postal ballot in Tettenhall to April 2017, by having a shorter general consultation period. However, this is deemed inadvisable because of the potential confusion caused by postal votes being sent out for the West Midlands Mayoral election on 4 May, particularly as that will be a new election with which residents will be unfamiliar.

5.0 Terms of reference

- 5.1 Under the 2007 Act, a principal authority is required to prepare and publish terms of reference for a community governance review. This document must take account of any petition/application for a review and specify the area to be considered.
- 5.2 A draft terms of reference is attached as appendix A.

6.0 Financial implications

- 6.1 It is likely that there will be costs associated with resourcing the review and consultation process, including a consultative postal ballot. There is no additional funding available for this even though government has devolved these responsibilities to local authorities. Costs will be quantified as part of establishing the project and funding approval sought from Councillors as required. Further updates will be provided to Special Advisory Group in due course.
- 6.2 In the event that a parish council is formed as a result of the review, residents in the affected area will be subject to a precept, levied as part of their annual council tax bill. The exact amount would not be known until there was a greater understanding of the scope of the new council's responsibilities, but comparative data from other councils will be provided to residents as part of the consultation process.
- 6.3 If a parish council is formed the detail of financial arrangements will only emerge when the exact scope of the new council's responsibilities is established. This is likely to be much later in the process. In Birmingham, for example, the details of services to be provided by the new Sutton Coldfield town council are only now being agreed six months after its formation. As information becomes available any financial implications identified will be incorporated in the medium term financial strategy and reported to Councillors accordingly.

[GE/28092016/G]

7.0 Legal implications

- 7.1 The legal implications and the statutory basis for the conduct of community governance reviews are incorporated in the body of the report.

[TS/27092016/F]

8.0 Equalities implications

- 8.1 The consultation process will include relevant representative groups as well as gathering equalities data from participants to ensure the eventual recommendations reflect the needs and views of the various equalities characteristics, and satisfy the Council's statutory duties under the Equalities Act 2010.

9.0 Environmental implications

- 9.1 There are no environmental implications arising from this report.

10.0 Human resources implications

- 10.1 There are no immediate human resources implications arising from this report, although longer term implications might arise from any decision to institute a parish council in one or more areas.

11.0 Corporate landlord implications

- 11.1 There are no immediate corporate landlord implications arising from this report, although longer term implications might arise from any decision to institute a parish council in one or more areas.

12.0 Schedule of background papers

Guidance on Community Governance Reviews, DCLG and the Local Government Boundary Commission for England, 2010

Parish and town councils: recent issues (briefing paper 04827), House of Commons Library, 2015