

Special Advisory Group

13 January 2017

Report title	Community Governance Review – draft consultation document	
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	n/a	

Recommendation(s) for action or decision:

The Advisory Group is recommended to:

1. Review and comment on the draft consultation document for the Community Governance Review.
2. Delegate authority to the Chair of the Special Advisory Group to sign-off the final document for circulation to residents and other relevant parties.

1.0 Purpose

- 1.1 This report provides a draft of the document that will form the basis of consultation with residents and other interested parties, which will constitute the critical work at the heart of the community governance review.

2.0 Background

- 2.1 The Council has received a formal request 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 agreed to undertake a community governance review during 2017. The review will be in two parts – a specific review focused on the two Tettenhall wards and a wider review looking at the city as a whole.
- 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 Consultation

- 3.1 The consultation process lies at the heart of a community governance review. As part of the consultation process, the Council has already agreed to prepare a document to be made available to residents and other stakeholders (e.g. voluntary sector groups, businesses, etc.). Appendix A provides the draft text for such a consultation document, which includes information about the background to the review and further details for both the Tettenhall and the wider city reviews. Once the text for the document is agreed, it will be designed for publication by the Council's Communications Team.
- 3.2 A detailed overview of the consultation process for the two elements of the review is the subject of a separate item on this agenda.

4.0 Financial implications

- 4.1 The costs of the community governance review, particularly the consultation, have yet to be confirmed but will be reported to the Special Advisory Group and contained within the existing Electoral Services budget.
- 4.2 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.
- 4.3 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.
[MH/03012017/M]

7.0 Legal implications

- 7.1 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.
[TS/03012017/A]

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

Community Governance Review, report to the Special Advisory Group, 21 October 2016

Community Governance Review, report to Council, 9 November 2016