Birmingham City Council
Report to Cabinet

18 May 2021

Subject:	**Process for Creating New Parish Councils**
Report of:	**Assistant Chief Executive, Assistant Director, Neighbourhoods and Assistant Director, Governance**
Relevant Cabinet Member:	Cllr Sharon Thompson, Cabinet Member for Homes and Neighbourhoods
Relevant O &S Chair(s):	Cllr Penny Holbrook, Chair of the Housing and Neighbourhoods Overview and Scrutiny Committee
Report author:	Tony Smith, Policy Executive

Are specific wards affected? If yes, name(s) of ward(s):	☐ Yes	☒ No – All wards affected
Is this a key decision? If relevant, add Forward Plan Reference:	☐ Yes	☒ No
Is the decision eligible for call-in?	☒ Yes	☐ No
Does the report contain confidential or exempt information? If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential :	☐ Yes	☒ No

1   Executive Summary

1.1   This report presents for approval a process for the creation of new parish (neighbourhood or community) councils within Birmingham.

1.2   The process is set out in the attached policy statement. It largely follows the statutory provisions for the creation of parish councils, but there are two key differences:

- In most cases a petition from the local community to start the process will not be required

- There will be an indicative ballot, carried out by post and on-line to confirm community support for the proposed new council.

1.3 One detail of the process has been left for Cabinet decision: the setting of a turnout threshold for the indicative ballot which would require a certain turnout to be reached for the ballot to be valid. Cabinet are asked to select from two options indicated in the text and in the recommendations below.

2   Recommendations

2.1 Cabinet are recommended to approve the attached policy paper, setting out the process for creating new parish councils in Birmingham.

3   Background

3.1 The Working Together in Birmingham's Neighbourhoods white paper was approved by Cabinet and published in February 2019 following consultation[1], and sets out the council's approach to localism and community empowerment. The intention is to encourage and support a diversity of community organisations, according to the needs and ambitions of different local neighbourhoods.

3.2 Within this broader approach, the paper signals the City Council's support for the creation of new parish councils where the local community want to have one.

3.3 Parish councils are the lowest level of formal local government. They are rare in large urban areas, but since 2007 governments have sought to encourage their creation in the cities, including allowing them in London for the first time and enabling them to be called "neighbourhood" or "community" councils. Town Councils (for larger urban areas) are also parish councils.

3.4 Birmingham now has one of the largest parish councils in the country in the Town Council for *Royal Sutton Coldfield*, established in 2016. Its only other parish council is at *Frankley in Birmingham*, which was established in Worcestershire and continued when the area was absorbed into Birmingham.

3.5 A small number of places have now expressed interest in pursuing the parish council option, so it is important to put in place a clear procedure that will be followed. This will ensure clarity and transparency and provide clear accountability for decisions.

3.6 The process is largely set out in statute and statutory guidance. The differences between the process proposed here and the standard process are based on the commitments made in the above white paper.

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[1]
https://www.birmingham.gov.uk/downloads/file/11839/working_together_in_birminghams_neighbourhoods_white_paper

4   Options considered and Recommended Proposal

4.1   One other option available is to simply follow the standard process in its entirety as set out in the statutory guidance. This option is not recommended because it would not reflect the broad policy, or the specific commitments previously set out in the above white paper. The recommended policy statement meets the council's objectives of responding positively to interest in establishing parish councils and streamlining the process as much as possible, whilst maintaining transparency and ensuring that decisions on governance reflect the interests of the whole community.

4.2   It would have been open to the council to require a petition from every area expressing interest in having a new council, however the provision for an indicative ballot later in the process provides a much more robust mechanism for checking that the proposal has wide community support.

4.3   The issue of setting thresholds for the indicative ballot has been the subject of consultation on the green paper which preceded the white paper and members of the Cross-Party Working Group on Community Governance were also engaged on this issue. Various options for a turnout threshold have been discussed by the officer working group on parishes, the Pioneer Places group of neighbourhoods and by Cabinet Members. These discussions produced the final two options set out for decision in this paper.

5   Consultation

5.1   The white paper referred to above was produced following consultation on a green paper. This included an online *BeHeard* survey, direct comments on the green paper, several meetings with representatives of community organisations across the city and discussions at Ward Forum meetings.

5.2   The proposed detailed policy statement has been the subject of consultation with the Pioneer Places group of community organisations and with Cabinet Members and senior managers. The parishes working group includes legal services officers and has also reviewed the statement.

6   Risk Management

6.1   The approval of the proposed policy statement is intended to reduce risks associated with the creation of new parish councils by establishing a transparent decision-making process based on statute and statutory guidance.

6.2   Risks associated with the creation of parish councils relate to the potential for community division or damage to community cohesion, and these are addressed in the statutory guidance that will be followed within the proposed process.

6.3   Risks associated with the operation of parish councils once established include the poor management of resources or poor decision making by the council or individual councillors (including matters of probity and standards) and the reduction in service quality received by local residents in the event of a parish

council taking on such services and failing to deliver them effectively. Many parish councils in smaller, rural communities also suffer from limited participation in elections, reducing the accountability of councils to residents. This is less likely to occur on denser urban areas with a larger population, but it will be important to promote engagement in any parish councils set up, to ensure a healthy democratic process.

6.4 Mechanisms are in place to manage these risks, such as codes of conduct and annual assurance reviews (though the Committee on Standards in Public Life has recommended some strengthening of provisions in a report of January 2019). The City Council can review any decision to create a parish council at a future date, reversing that decision if appropriate. The role and qualifications of parish clerks is particularly important, as is their relationship with the principal council's monitoring officer.

6.5 Steps are also being taken to develop a stronger relationship between the City Council and parish councils, including the development of effective locally delivered services and partnership working to improve services and outcomes in neighbourhoods. The strength of this partnership working will be critical to the future success of parish councils in the city.

7   Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

   7.1.1 The recommended policy statement is consistent with the policies set out in the white paper *Working Together in Birmingham's Neighbourhoods*.

   7.1.2 Establishing a local council is one way in which residents can take action to improve their neighbourhood, contributing to the objective of "a great city to live in" in the Council Plan 2018-22.

7.2 Legal Implications

   7.2.1 The recommended process is consistent with the relevant statutes and statutory guidance which are referenced below. Guidance will be closely followed to ensure all decisions are legally secure.

7.3 Financial Implications

   7.3.1 There are no direct financial implications of approving this policy statement. However, it commits the City Council to covering the cost of any indicative ballots that may take place as a result of the process. It also commits the City Council to covering some of the cost of any future parish council elections (costs would be completely recovered in the event of elections taking place outside of the four yearly City Council election cycle). For a small number of parish councils, these costs can be met within existing resources, however additional resources would need to be identified in the event of a significant number of parish councils being set up at once.

7.4 Procurement Implications (if required)

    7.4.1   None.

7.5 Human Resources Implications (if required)

    7.5.1   An officer working group has been set up, chaired by the Assistant Director, Neighbourhoods and this will require some time input from the officers concerned. The Neighbourhood Development and Support Unit are also recruiting an additional post which will include some responsibility for supporting this process.

7.6 Public Sector Equality Duty

    7.6.1   There are no direct implications for equalities arising from the recommended process itself. Equalities considerations will be central to the application of the process in any specific proposal for a parish council. In particular, the statutory guidance requires the council to give full consideration to the implications for community cohesion and inclusion when assessing any proposal and these would form a central component of the Community Governance Reviews.

    7.6.2   The wider policy for neighbourhoods, set out in the white paper, is designed to encourage and support the diversity of community organisations and governance mechanisms, reflecting the diversity of Birmingham's communities and neighbourhoods and the importance of empowering all citizens to influence decisions about and contribute to their neighbourhood in different ways.

8 Appendices

8.1 The full policy statement is attached at Appendix 1.

9 Background Documents

9.1 The following documents have been used as the basis for the attached policy statement:

- Local Government and Public Involvement in Health Act, 2007[2]
- Guidance on Community Governance Reviews, March 2010[3]
- Working Together in Birmingham's Neighbourhoods white paper, February 2019 (link above)

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[2] https://www.legislation.gov.uk/ukpga/2007/28/contents

[3] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf