



Subject: **Proposed Balsall Heath Neighbourhood Council: Outcome of Consultative Ballot and Next Steps**

Report of: Mark Wiltshire, Interim Strategic Director of City Operations and Janie Berry, City Solicitor and Monitoring Officer

Relevant Cabinet Member: The Leader of the Council

Relevant O & S Chair(s): Cllr Mohammed Idrees, Chair of Homes and Neighbourhoods O&S Committee

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Balsall Heath West, Sparkbrook and Balsall Heath East		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 A Community Governance Review consultation on the proposal to create a new parish (neighbourhood) council in Balsall Heath was carried out between January and July 2022. Cabinet then approved the recommendation of the Review that the process should move to the next stage and a consultative ballot be conducted amongst all the

electors of the area. This report informs Cabinet of the outcomes of the ballot and sets out the next steps in the process.

- 1.2 The result of the ballot is detailed in 3.6. Based on this outcome and considering the circumstances surrounding the ballot, it is proposed that further engagement and a second consultative ballot be carried out before a final decision is made on whether to proceed with the proposal.
- 1.3 Should Cabinet approve this recommendation the creation of any new parish council will not now take place this spring and any precept cannot be raised until April 2024. A further report will be brought to Cabinet on the outcomes of additional consultation.

2 Recommendations

2.1 Cabinet is recommended to approve:

- Further information provision and engagement in the area to increase awareness of the proposal amongst residents and gather further evidence of the strength of support for it
- A second consultative ballot of all electors in the area to be completed no later than the end of October 2023.

3 Background

- 3.1 The City Council published a white paper, Working Together in Birmingham's Neighbourhoods in 2019 which included a commitment to work with local community groups who were interested in creating new parish (neighbourhood) councils in their area.
- 3.2 Since then, a small number of places have expressed an interest, and these are being taken forward at different speeds. A group of interested citizens in Balsall Heath started a campaign for such a council in the area covered by the Balsall Heath Neighbourhood Plan.
- 3.3 Cabinet approved a policy statement on the process for creating new parish (neighbourhood) councils within the city in May 2021. In accordance with this policy, and relevant legislation and statutory guidance, Cabinet decided to conduct a Community Governance Review (CGR) in November 2021.
- 3.4 Cabinet received the report of that Review in July 2022 and decided to proceed to the next stage: further engagement with the community and information provision followed by a consultative ballot of all electors in the area to give a further view on whether they wish to have a new council.
- 3.5 The ballot was held between 1 November and 15 December 2022 by post. This period was extended by two weeks as there was an initial delay in posting ballot papers to electors in one of the two wards concerned.

3.6 The result of the ballot was as follows:

Number of eligible voters:	10764
Total number of votes cast:	2374
Turnout:	22.05%
Total number of valid votes counted:	2368
Number of votes found to be invalid:	6
Number voting YES (and percentage):	1839 (77.7%)
Number voting NO (and percentage):	529 (22.3%)

3.7 However, and as mentioned at paragraph 4.3 below, the ballot period did coincide with industrial action taken by Royal Mail which meant that there were concerns that not all ballot papers would be received by 15th December. To mitigate against this, all ballot papers received by 30th December were taken into account and are included in the returns set out above.

3.8 The agreed process for the creation of new parish councils suggests that a simple majority is required in such a ballot to indicate adequate support for the proposal, but that the ballot should also achieve a turnout above a threshold. The threshold should be 25% or the latest turnout in the relevant ward or wards in the latest City Council election, whichever is the lowest.

3.9 At the City Council elections in May, turnout for Sparkbrook and Balsall Heath East was 25.1% and in respect of Balsall heath West it was 30.62%. Consequently, the threshold required in this case would be 25%.

3.10 This result clearly fulfils the first requirement and shows that a large majority of those who voted supported the proposal. However, the turnout is 22%, three percentage points below the threshold.

4 Options considered and Recommended Proposal

4.1 Three options were considered:

- a) The proposal should go ahead as there is a range of evidence that it is supported in the community and the turnout threshold was almost reached
- b) The proposal should be rejected, as the turnout threshold was not met
- c) Further engagement takes place and a new consultative ballot to be held in 2023.

- 4.2 This result calls for a judgement to be made on whether the process has demonstrated adequate breadth and depth of support for the proposal in the community. On the one hand there is clearly a very strong opinion in favour amongst those who took part in the ballot, and this was echoed on the different forms of consultation undertaken last year. The turnout figure is equivalent to that achieved in the recent by-election in one of the Balsall Heath wards and is above that seen in several city council ward elections.
- 4.3 In addition, there were some complicating external factors at play during the ballot which make the result difficult to interpret. Due to an error in dispatching the ballot papers they were initially not sent to electors in one of the two wards concerned. This was discovered and rectified, and an additional two weeks allowed for the return of ballots and as such no electors were disenfranchised as all electors had at least 28 days to return their ballot papers. There was also a postal strike during the process which led to delays in deliveries and may have dissuaded some electors from taking part. All these factors make it difficult to recommend that the proposal be simply rejected.
- 4.4 On the other hand, the turnout threshold (designed to ensure that the decision is reflective of a wide cross-section of the community) was not achieved, so to approve the proposal at this point is also difficult.
- 4.5 Taking all these considerations into account it was felt that the best course of action was to continue the process, to ensure that the best possible evidence on the support for the proposal is available to Cabinet. This will also allow more time for community awareness to be increased and ideas for the activities of any neighbourhood council to be developed through dialogue.
- 4.6 Following consultation with the Leader of the Council, Cabinet is therefore recommended to continue the CGR process and conduct further consultation followed by a second ballot before a final decision is made.
- 4.7 There are some implications of this recommendation. In law, the CGR is not concluded until the final decision on the proposal is made, so the recommendation in effect simply extends the period of the Review. It is not subject to a twelve-month limit because the process was not initiated by a petition. Preparations had been made to introduce a precept for the new council, should it be established in April of this year. This cannot now happen until April 2024 at the earliest. However, it would be possible to set up a new council before then, and to conduct elections. There are also financial implications (set out below).
- 4.8 Subject to Cabinet approval, officers will engage with the community steering group and implement a process of further information and consultation, followed by a repeat ballot. The outcomes of this process will be reported back to Cabinet in the Autumn with further recommendations on next steps.

5 Consultation

- 5.1 The consultative ballot provides a robust mechanism to test the breadth of support for a new parish council by giving every elector in the area a choice to give a “yes” or “no”

view, based on the provision of full information. However, it was just one stage in a process of consultation and engagement on the proposal.

5.2 The CGR report in July set out in detail the consultation undertaken as part of the review and the feedback received. A variety of methods were used to consult residents and other stakeholders:

- A questionnaire survey on Be Heard (the City Council's on-line survey tool)
- Discussions with groups in the neighbourhood, using the Be Heard questions as prompts
- Responses by email or post (key stakeholders were sent emails inviting their comments)
- Phone calls to the Neighbourhood Development Support Unit

5.3 Awareness of the issue was raised using a variety of materials such as leaflets put through letter boxes and given to school students to take home, posters and pull-up banners, social media posts, ward forum meetings and press articles.

5.4 Responses to the CGR consultation were nearly all from residents and groups in the area itself. A significant majority of people and groups who responded were in favour of the proposal.

5.5 The councillors for the two wards which contain the proposed council area have been consulted as key stakeholders. They have also received regular email updates and attended a series of briefing meetings with the officer team. The steering group also invited local councillors to all its meetings.

6 Risk Management

6.1 The CGR process included an assessment of risks involved in creating a new neighbourhood council, as required by statutory guidance. These are mainly concerned with a) community cohesion and the likely inclusivity of the council and b) practical issues around boundaries and elections as well as the viability of the proposed council and its likely ability to fulfil the objectives set and to improve governance in the area.

6.2 There are limited risks to the City Council in terms of the future operation of any parish (neighbourhood) council and the potential impact on service delivery and community cohesion in the area and the CGR report set out how these would be addressed as well as the potential opportunities of a new council in this regard. Risks in terms of the operation of the election system have been minimised through consideration of boundaries and the warding of the area during the review process.

6.3 Financial risks for any future parish (neighbourhood) council would be addressed through the regulatory regime in place for parish councils and do not fall on the principal council (i.e., the City Council).

7 Compliance Issues:

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

7.1.1 The recommendations and the process adopted are in line with the Working Together in Birmingham's Neighbourhoods white paper and the Policy Statement on parish councils adopted by Cabinet in May 2021 (see background documents below). The objectives of supporting stronger communities and neighbourhood level democracy are also reflected in the council's Corporate Plan.

7.2 Legal Implications

7.2.1 The CGR process has been conducted in accordance with all relevant legislation and statutory guidance (see background documents below).

7.3 Financial Implications

7.3.1 Parish councils can raise a Council Tax precept and are therefore not reliant on the City Council for their income, so there are no direct financial implications of the creation of a new parish (neighbourhood) council. Any new parish council would be expected to meet set up and staffing costs as well as the additional costs of their elections from the precept.

7.3.2 The costs of the consultation and the ballot have been met within existing resources. If Cabinet agrees to the recommendation to continue the process, there would be further such costs, and these would again be met from within existing resources.

7.4 Procurement Implications (if required)

7.4.1 None.

7.5 Human Resources Implications (if required)

7.5.1 None.

7.6 Public Sector Equality Duty

7.6.1 Equalities and community cohesion are an important aspect of the CGR process and have been a priority in carrying out the review. The proposed new council must be likely to provide for community cohesion and respect identities in the area. A full equality impact assessment will be completed at the conclusion of the process (i.e., in the report to full Council).

8 Background Documents

- [Balsall Heath Community Governance Review Terms of Reference \(January 2022\)](#)
- [Community Governance Review: Balsall Heath \(Cabinet Report\) \(December 2021\)](#)
- [Statement of the Process for Creating New Parish Councils in Birmingham \(May 2021\)](#)
- [Working Together in Birmingham's Neighbourhoods \(White Paper\) \(January 2019\)](#)
- [Report of the Community Governance Review on the proposed Balsall Heath Neighbourhood Council \(attached at Appendix 1 to the Cabinet report of July 2022\).](#)