

<b>Report to:</b>	<b>Council Business Management Committee</b>
<b>Report of:</b>	<b>Service Director Localisation</b>
<b>Date of Decision:</b>	<b>4 January 2016</b>
<b>SUBJECT:</b>	<b>UPDATE ON COMMUNITY GOVERNANCE REVIEW - REORGANISATION ORDER</b>

### 1. Purpose of report:

- 1.1 To update Council Business Management Committee (CBM) on action taken by the Service Director of Localisation in consultation with the Chair of CBM with regard to the agreement of the Reorganisation Order.

### 2. Recommendations :

- 2.1. To note the agreement of the Reorganisation Order undertaken by the Service Director Localisation in consultation with the Chair of CBM on 22 December 2015 at addendum 1 to enable business critical work to commence immediately on the implementation of the Parish Council.
- 2.2 To note the outcome of the consultation undertaken following the agreement of CBM of the Draft reorganisation on 17 November 2015 contained within appendix 3 of the above report which evidences support for the key components of the Reorganisation Order.

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### 3. Relevant background/chronology of key events.

- 3.1 Following the submission of a validated petition from the residents of Sutton Coldfield for a Town Council, in December 2013 Council Business Management Committee approved the creation of a Cross Party Working Group to determine the terms of reference for a Community Governance Review.
- 3.2 The Terms of Reference for the Community Governance Review were approved by Full Council in September 2014, when the remit for the Review was expanded to examine the Council's wider devolution structure. Council also approved that the Cross Party Governance Working Group (subsequently called the Community Governance Review Group) would agree the work programme for the Community Governance Review and submit final recommendations of the Review to Full Council.
- 3.3 On 26 May 2015 Council Business Management Committee gave authority to conduct a consultative postal ballot within the Sutton Coldfield parliamentary constituency and approved the ballot question and FAQs.
- 3.4 The result of votes cast in the consultative ballot, undertaken by Electoral Reform Services, between 25 June – 16 July 2015 in response to the question "Should a Town Council be established for the Parliamentary constituency of Sutton Coldfield within the City of Birmingham?" are as follows:-

Number of eligible voters	75,431
Total number of votes cast	29,908
Turnout	39.6%
Total number of valid votes counted	29,851
Number of votes found to be invalid	57
Number voting YES	20,871 (69.9% of the valid vote)
Number voting No	8,980 (30.1% of the valid vote)

- 3.5 At the Community Governance Review Group on 17 July 2015 to consider the result of the consultative ballot, Members unanimously agreed to recommend the creation of a town council in Sutton Coldfield to Full Council in September 2015. However, the City Council cannot confer the title of 'town council', as, under legislation that is a matter to be resolved by the new parish council once formed. The recommendation to City Council therefore was to create a parish council for Sutton Coldfield.
- 3.6 The recommendations of the Community Governance Review Group were approved by Full Council in September 2015 and in accordance with section 93(7) and 96(2) of the 2007 Act, a statement of the recommendations made was published. In summary, the following recommendations were approved by Council:
- That a new parish should be constituted for the area designated within the existing Sutton Coldfield Constituency boundary. A map of the proposed parish is in Appendix 2 and will form part of the Reorganisation Order.
  - That the name of the new parish shall be Sutton Coldfield Parish.
  - That the new parish should have a parish council (once established the parish

council can elect to use the title of 'town council').

- 3.7 In addition, Council agreed the Recommendations of the Community Governance Review Group in relation to the date on which the Parish Council will come into effect, the electoral arrangements, and the date of first elections to the Parish Council and the precept for the 2016/17 financial year. Council also agreed the Recommendation of the Community Governance Review Group for an Interim Parish Council (with all the powers of a statutory parish council) to be created on 1 March 2016 until councillors are elected to the new parish of Sutton Coldfield. Council also agreed that under Section 99 of the 2007 Act, the transfer of any assets, liabilities or services from Birmingham City Council to the Parish Council would be by separate agreement.
- 3.8 The Council has the power to give effect to its decisions through a Reorganisation Order under Section 86 of the 2007 Act. The order-making powers are widely drawn and allow, amongst other things, power to include such incidental, consequential, transitional or supplementary provision as may appear to the Council to be necessary or proper for the purposes of, or in consequence of, or for giving full effect to, the Order.
- 3.9 On 17 November 2015, under the delegations made by Full Council in September 2015, Council Business Management Committee approved the draft terms of a Reorganisation Order, setting out the proposed electoral arrangements, the date of first elections to the Parish Council and the precept for the 2016/17 financial year. In addition, the draft Order set out the arrangements for an Interim Parish Council (with all the powers of a statutory parish council) which will be created on 1 March 2016 until councillors are elected to the new parish of Sutton Coldfield and for the transfer of any assets, services or liabilities to be made by separate agreement.
- 3.10 The Director of Localisation was authorised to take the necessary steps to consult with relevant local bodies on the draft Reorganisation Order and to bring a final Order for approval at the 15 December 2015 Council Business Management Committee Meeting.

**Signatures of approval to submit the report to Committee:**

Signed:

Title:

Dated:

**List of Background Documents used to compile this Report:**

'Taking forward the proposal for a Sutton Coldfield Parish Council', report of the Community Governance Review Group to Birmingham City Council, 15 September 2015  
'Community Governance Review Statement of Recommendations'  
Sutton Coldfield Town Council Consultative Ballot and Frequently Asked Questions'  
'Political Governance Member Review Group ' Report to CBM 20 October 2015  
'Sutton Coldfield Parish Council Steering Group' Report to CBM Committee 20 October 2015  
'Community Governance Review – Draft Reorganisation Order' Report to Council Business Management Committee 17 November 2015

**List of Appendices accompanying this Report**

Appendix 1 - Action taken by the Service Director for Localisation in consultation with the chair of Council Business Management: Agreement of the Community Governance –Reorganisation Order.