

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of: Date of Decision:	Service Director Localisation 17 November 2015
SUBJECT:	COMMUNITY GOVERNANCE REVIEW - DRAFT REORGANISATION ORDER

1. Purpose of report:

- 1.1 To approve the terms of the draft Reorganisation Order (Appendix 1) which sets out the mechanics for the establishment of Sutton Coldfield Parish Council. The draft Reorganisation Order details the area covered by the Parish Council, the date on which the Parish Council will come into effect, the electoral arrangements, the date of first elections to the parish council and the precept for the 2016/17 financial year. In addition, the Order sets 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.
- 1.2 To authorise the Director of Localisation to take the necessary steps to consult with relevant local bodies on the draft Reorganisation Order and to bring a final draft of the Order for approval at the 15 December 2015 Council Business Management Committee.

2. Recommendations :

- 2.1 That, under the delegations made by Full Council in September 2015, Council Business Management Committee approves the terms of the draft Reorganisation Order in relation to the Community Governance Review.
- 2.2 That Council Business Management Committee authorises the Director of Localisation to consult with relevant local bodies on the terms of the draft Reorganisation Order.
- 2.3 That a final draft of the Order is submitted for approval at the 15 December 2015 Council Business Management Committee Meeting.

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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. The following recommendations were approved by Council, subject to further consultation:
- That a new parish should be constituted for the area designated within the existing Sutton Coldfield Constituency boundary (Appendix 2).
 - 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 The proposed date for commencement of the Order, i.e. the date on which it will come into force and the new parish is created is 1 March 2016. An Interim Parish Council will be established on 1 March 2016 and elections to the new parish council will be held on 5 May 2016, the ordinary day of elections of councillors in 2016.

3.8 The annual meeting of the new parish council in 2016 shall be convened by the Chief Executive of Birmingham City Council and shall take place by no later than 14 days after the day on which councillors are elected to the new parish council.

4. **Electoral Arrangements.**

4.1 The electoral arrangements for the proposed parish council were considered alongside the electoral review of Birmingham City Council which is currently being carried out by the Local Government Boundary Commission for England. While it is understood that the Boundary Commission cannot change the boundaries of the parish council, i.e. the Sutton Coldfield parliamentary constituency boundary, it could make consequential orders on the warding arrangements and allocation of councillors to the proposed parish council. The electoral arrangements recommended by the Community Governance Review which were agreed by City Council and included in the draft Reorganisation Order are therefore interim arrangements and subject to possible change from 2018 following the outcome of the Boundary Commission Review.

4.2 The Review concluded that the number of local government electors for the parish would make a single election of councillors impracticable or inconvenient and that it is desirable that the areas of the parish should be separately represented on the parish council and therefore recommended that the parish of Sutton Coldfield is divided into wards.

4.3 Having decided that the parish should be divided into wards, the City Council approved the following interim electoral arrangements for inclusion the draft Reorganisation Order:

- That the new Sutton Coldfield Parish Council should have 24 councillors.
- That the parished area of Sutton Coldfield is divided into four voting wards coterminous with the existing City Council Sutton Coldfield ward boundaries. The wards in the parish will bear the same names as the City Council wards.
- That there are six parish councillors in each of the four wards in the proposed parish council.
- That the first parish elections will take place in 2016, with further elections to take place in 2018 and every four years thereafter to reflect the new Birmingham City Council electoral arrangements arising from the Boundary Commission review.

5. Calculation of Budget Requirement (Precept)

- 5.1 The Local Government Finance (New Parishes) (England) Regulations 2008 requires the Council to anticipate a precept from the new parish council for the 2016/17 financial year and for the amount to be stated in the Reorganisation Order.
- 5.2 It was made clear to local electors in the supporting information for the consultative ballot what the impact of the national average precept of £50 a year would be for a Band D property in Sutton Coldfield. At the 15 September 2015 Council meeting, Council approved that, subject to consultation, the precept for the 2016/17 financial year should be £50.00 for a Band D property, subject to final approval in the Reorganisation Order. Setting the precept at £50 a year for a Band D property would generate the sum of £1,823,850 (Appendix 3) based on the tax base as at 5 October 2015. The actual tax base for 2016/17 will be used in calculating council tax bills to take account of the latest information about housing completions and other relevant factors. However, the sum set out above and for inclusion in the draft Reorganisation Order is based on best available information at the time of compiling the draft Order.

6. Transfer of Property, Rights and Liabilities

- 6.1 The draft Reorganisation Order states that any land, property rights and liabilities to be transferred to Sutton Coldfield Parish Council shall be arranged by separate agreement between Birmingham City Council and Sutton Coldfield Parish Council.
- 6.2 At the 15 September 2015 Council meeting, Council approved that a number of detailed matters will need to be addressed through an agreement or agreements under Section 99 of the 2007 Act. Section 99 provides for public bodies affected by a reorganisation order to make agreements with respect to any property, income, rights, liabilities and expenses and any financial relations between parties to the agreement.
- 6.3 The intention is that the detail of any agreements between the parish council and the principal authority (Birmingham City Council) is developed over a period of time. This will enable the proposed new parish council to have sufficient time to fully consider what it wished to do for the future. It would fall to Birmingham City Council Cabinet to enter any such agreements.

7. Transitional Provision

- 7.1 The Community Governance Review recommended that an Interim Parish Council (with all the statutory powers of a parish council) be created on 1 March 2016, the date the Order will come into effect, until councillors are elected to the council of the new parish of Sutton Coldfield.
- 7.2 The Review recommendations approved at Council in September 2015 also set out arrangements for a steering group to be established to take forward the planning and implementation of Sutton Coldfield Parish Council.

- 7.3 Council approved that the membership of the Parish Council Steering Group would comprise 2 councillors from each of the current four electoral wards in Sutton Coldfield, together with 5 community representatives (including 3 representatives from the Sutton Coldfield Independent Residents Group, formerly the Sutton Coldfield Referendum Group) together with a representative from the Political Governance Member Review Group from outside of Sutton Coldfield (formerly the Community Governance Review Group).
- 7.4 At the 20 October 2015 Council Business Management Committee, Committee approved the terms of reference for the Sutton Coldfield Parish Council Steering Group and that the Steering Group be authorised to select 2 appropriate local organisations to be represented on the Steering Group, as two of the local organisations previously nominated by Council declined the offer to take up a place.
- 7.5 Section 98 (3) of the 2207 Act states “A reorganisation order may include such incidental, consequential, transitional or supplementary provision as may appear to the principal council to be necessary or proper for the purpose of, or in consequence of, or giving full effect to, to order”. Under the terms of the legislation, it is proposed that the membership of the Interim Parish Council that is established on 1 March 2016, until councillors are elected to the council of the new parish of Sutton Coldfield, is comprised of the Sutton Coldfield ward councillors on the Parish Council Steering Group together with the community representatives on the Parish Council Steering Group.
- 7.6 Schedule 2 of the draft Reorganisation Order sets out the proposed membership of the Interim Parish Council.
8. **Consultation**
- 8.1 Following publication of the outcome of the Community Governance Review and the Statement of Recommendations, 6 responses were received via a dedicated mailbox set up via the Council’s website. It is proposed that wider consultation is undertaken on the terms of the draft Reorganisation Order, which will be via the Sutton Coldfield Ward Committee meetings, the Parish Council Steering Group and a focus group discussion with residents from the Birmingham City Council Peoples Panel.
- 8.2 Following consultation on the terms of the draft Order a report will be considered by the Political Governance Member Review Group on the final terms of the Order before submission to 15 December 2015 Council Business Management Committee for final approval.

Signatures of approval to submit the report to Committee:

Signed:

Title:

Dated:

List of Background Documents used to compile this Report:
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'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

List of Appendices accompanying this Report (if any):
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Appendix 1 - Draft Reorganisation Order Appendix 2 - Boundary of the Proposed Sutton Coldfield Parish Council Appendix 3 - Sutton Coldfield Parish Council Precept
