

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of: Date of Decision:	Service Director Localisation 15 December 2015
SUBJECT:	COMMUNITY GOVERNANCE REVIEW - REORGANISATION ORDER

1. Purpose of report:

- 1.1 To approve the Reorganisation Order to create a Parish Council for Sutton Coldfield, in the light of the consultation responses to the terms of the draft Reorganisation Order that was approved at Council Business Management Committee on 17 November 2015.
- 1.2 To authorise the Chief Executive, the Director of Localisation, the Director of Legal and Democratic Services and the Director of Finance to take the necessary steps to implement the Reorganisation Order.

2. Recommendations :

- 2.1 That, under the delegations made by Full Council in September 2015, Council Business Management Committee approves that the Reorganisation Order in (Appendix 1) is made relation to the Community Governance Review and arrangements are made to seal this order.
- 2.2 That the Head of Electoral Services is authorised to make any necessary or reasonable adjustments to bring the Order into effect prior to sealing.

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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.

4. Consultation on draft Reorganisation Order.

4.1 The following consultation, on the terms of the draft Reorganisation Order, was undertaken:

- A *Be Heard* survey was conducted via the City Council's website from which 129 responses were received.
- A focus group discussion with residents of Sutton Coldfield drawn from the Birmingham Peoples Panel.
- A report detailing the responses to the survey is attached (Appendix 3) together with a summary of the Be Heard responses and the notes of the focus group discussion.

- The draft Reorganisation order was discussed at three Sutton Ward Committee Meetings.
- Residents / community organisations were invited to submit responses via post and a dedicated e-mail address.

4.2 The response to the Be Heard questionnaire is set out below. In terms of the focus group, as the sample size of participants was less than 25, it would not be conventional to quote the numbers as converted to percentages; therefore the responses are not included in these figures below, although they do add qualitative value to the overall consultation exercise. It should be noted that the qualitative insights generated are in line with the quantitative responses generated by the Be Heard survey.

Do you agree with the proposed interim arrangement that the parished area of Sutton Coldfield is divided into four voting wards, coterminous with the existing City Council Sutton Coldfield ward boundaries and for the wards in the parish to bear the same names as the City Council Wards?

Yes	85%	No	9%	Don't know	4%	Alternative suggestion	2%
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Do you agree with the proposal that Sutton Coldfield Parish Council should have 24 councillors (six councillors for each of the proposed four wards)?

Yes	57%	No	32%	Don't know	4%	Alternative suggestion	7%
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Do you agree with the approach the City Council is taking regarding the transfer of any assets, services rights and liabilities from the City Council to the Parish Council?

Yes	81%	No	8%	Don't know	9%	Alternative suggestion	2%
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Do you agree with the proposed precept for the first financial year of the Parish Council?

Yes	78%	No	12%	Don't know	5%	Alternative suggestion	5%
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Do you agree with the proposal that the Interim Parish Council (1 March 2015 to 5 May 2016) is made up of 8 serving City Council Councillors for the wards of Sutton Coldfield and five representative of local community organisations?

Yes	69%	No	15%	Don't know	9%	Alternative suggestion	7%
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4.3 The responses from the residents at the focus group discussion to the same questions above on the draft terms of the Reorganisation Order can be summarised as follows:

4.3.1 Proposed Ward Boundaries to be Used:

- Residents unanimously agreed that using the existing wards made sense, adding that residents are used to this arrangements and that as an interim arrangement it was a good idea.

4.3.2 Proposed Number of Councillors to be Elected

- When asked about the number of councillors to be elected, seven out of the nine panel members were in favour of the proposed interim arrangement that the Parish Council should have 24 councillors. Concern was raised about how much this would cost. The issue of remuneration and legitimate expenses will be an important matter for the new Council to determine.

4.3.3 Approach to the Transfer of Assets, Services and Liabilities

- Residents at the focus group generally agreed this approach but requested that a 'road map' is produced that sets out clearly what should be achieved by when.

4.3.4 Proposed Precept

- When asked about the precept seven out of the nine panel members were in favour of the proposed precept of £50 for a band D property, for the first financial year of the Parish Council.
- This is the benchmark figure that was set out in the FAQs that accompanied the postal consultative ballot.

4.3.5 Proposed Interim Arrangements

- Residents at the focus group confirmed that they were broadly in favour of the proposed interim/transitional arrangements.

4.4 There was broad support for the terms of the Reorganisation Order at the Ward Committee meetings held in the Sutton Trinity, Sutton Vesey and Sutton Four Oaks wards. A small number of residents queried the composition of the Parish Council Steering Group and the process by which the Steering Group was selected.

5. Conclusion

5.1 The consultation both in qualitative and quantitative terms has demonstrated strong support for the terms of the draft Order that were approved by Council Business Management Committee on 17 November 2015.

5.2 In line with our statutory obligation to take into account any representations received in connection with the review; our conclusion has been drawn on the overall positive response to each of the questions in the Be Heard questionnaire asked directly in relation to the terms of the Order.

5.3 The next step for the Council is to agree that the Reorganisation Order in Appendix A should be made. This will mark an historic step in the advancement of localism in Birmingham and in the governance of Sutton Coldfield. Once the Order has been formally sealed, the process to create a Parish Council for Sutton Coldfield will move to implementation.

6. Consultees

The Parish Council Steering Group endorsed the terms of the draft Order at a meeting of the Steering Group held on 16 November 2015 and will review the consultation results on 14 December 2015 in advance of Council Business Management Committee.

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 - Reorganisation Order

Appendix 2 - Boundary of the Proposed Sutton Coldfield Parish Council

Appendix 3 - Draft Reorganisation Order Consultation Report