

Birmingham City Council

Report to Cabinet

14 December 2021



Subject: **Community Governance Review: Balsall Heath**

Report of: Rob James – Managing Director of City Operations and
Suzanne Dodd - Director of Legal Services

Relevant Cabinet Member: Councillor Shabrana Hussain,
Homes and Neighbourhoods

Relevant O &S Chair(s): Councillor Carl Rice
Co-ordinating Overview and Scrutiny Committee

Report author: Tony Smith, Policy Executive.
Tel: 0121 303 4550
Email: tony.smtih@birmingham.gov.uk

Chris Jordan, AD Neighbourhoods
Tel: 0121 303 6143
Email: chris.Jordan@birmingham.gov.uk

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	No
If relevant, add Forward Plan Reference: 009543/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report recommends, for Cabinet approval the carrying out of a Community Governance Review in relation to a proposal to create a parish (neighbourhood) council in the Balsall Heath area of the city. This proposal is in accordance with the policy on the creation of new parish councils approved by Cabinet in May 2021 and conforms to relevant legislation and statutory guidance.

2 Recommendations

- 21 That Cabinet approves the carrying out of a Community Governance Review (CGR) in relation to a proposal to create a new parish (neighbourhood) council in the Balsall Heath area, with the boundary described in Appendix 1.
- 22 That Cabinet approves the draft Terms of Reference for the CGR in Appendix 1, subject to any amendments.

3 Background

- 31 Parish (or neighbourhood or community) councils are the lowest level of formal local government in the UK and often provide valuable additional services and ways for local communities to engage in improving their neighbourhoods. They exist in most rural areas but are less common in urban areas. Since 2007 successive governments have encouraged the creation of parish councils in cities. Some, such as Leeds now have a complete coverage of parish councils. Birmingham currently has just two: the very large Royal Borough of Sutton Coldfield Town Council and the Frankley in Birmingham Parish Council.
- 32 The City Council's policy in relation to the creation of new parish councils was set out in the white paper *Working Together in Birmingham's Neighbourhoods*, published in February 2019. That paper welcomed proposals from interested community groups and committed to:
 - Taking forward proposals without the need for a petition (this applies in any case to Balsall Heath as the area has a Neighbourhood Plan)
 - Completing CGRs within six months
 - Holding a consultative ballot at the end of the process to ensure there is broad support for the proposal amongst residents.
- 33 This approach was set out in more detail in the Policy Statement approved by Cabinet in May 2021. That statement requires Cabinet to approve any new process for the creation of a parish council by initiating a statutory CGR.
- 34 The process for CGRs is set out in the relevant legislation and statutory guidance. A template Terms of Reference for Birmingham CGRs has been approved by Council Business Management Committee, to ensure consistency in the way that all proposals are dealt with. A draft of the specific Terms of Reference for Balsall Heath is attached at Appendix 1.
- 35 A group of people representing a range of local organisations has come together to campaign for a neighbourhood council in the Balsall Heath area and formed a Neighbourhood Council Steering Group to express their interest in doing so following the publication of the white paper. They have now formally launched their campaign, which will involve a range of methods to engage the local community on this issue.

- 36 As set out in the Terms of Reference (Appendix 1), the City Council will also undertake consultation with key stakeholders in the area and seek views from local residents as part of the CGR process.
- 37 The Neighbourhood Council Steering Group has also engaged in discussions with City Council officers to seek advice on boundaries, election arrangements, precept and the potential activities of a neighbourhood council. Further such dialogue will take place during the CGR.
- 38 Parish councils can deliver a range of local services, either by arrangement with the principal council or as additional services. The white paper referred to above also proposed that established parish councils should be able to agree “devolution deals” with the City Council setting out how we will work together and any services that would be devolved. The campaigners in Balsall Heath are interested in discussing the options involved and will include the provision of local services in their campaigning. They are also keen to explore how a parish council could help to deliver their approved Neighbourhood Plan. Whilst council officers will provide information on the options and practical issues involved, these will of course be matters for any elected parish council to consider in the future.
- 39 If the CGR concludes that a neighbourhood council would be likely to improve governance and local services in the area and would operate in an inclusive and democratic manner then it will recommend that the City Council organises a consultative ballot of all electors in the area (all postal only), as prescribed in the Policy Statement. Such a ballot would fall within the definition of a local referendum within the meaning of s116 of the Local Government Act 2003. A turnout of 25% or more will be required and if that is achieved the matter will be decided on a simple majority. If the vote is positive, Cabinet would then recommend that the full Council approve the creation of the parish council and the City Council would issue an Order to that effect. If the turnout threshold is not reached or the vote is negative, then Cabinet will need to decide whether it is appropriate that a recommendation is made that a parish council ought to be created.

4 Options considered and Recommended Proposal

- 4.1 Officers have considered the interest shown by the Neighbourhood Council Steering Group and their plans for engaging residents, as well as previous engagement on the production of a Neighbourhood Plan and the history of extensive community participation in the area. They have come to the view that this is a credible proposal that meets the requirements of the Policy Statement to proceed to a CGR. The principal council (in this case BCC) may undertake a community governance review at any time and does not require a formal petition to be submitted.
- 4.2 The recommended proposal is therefore to proceed with the process set out in law and in the Policy Statement.

5 Consultation

- 5.1 Initial consultation has taken place with the Neighbourhood Council Steering Group on the details of their proposal and this will continue as part of the CGR.
- 5.2 There will be further extensive consultation during the CGR as follows:
- The City Council will engage key stakeholders and seek views from residents as required by law and implement a communications plan to enhance awareness and understanding of the proposal
 - The Steering Group will conduct their own community engagement as part of their campaign
 - There will be a consultative ballot, should the CGR come to a positive conclusion, to ensure that every elector in the area has a final say on the proposal.

6 Risk Management

- 6.1 The Council has established a parish council working group comprising of officers from various teams and directorates to provide advice and guidance on the CGR and to ensure compliance with legislation and guidance as well as the council's own policy on the creation of new parish councils.
- 6.2 The process of conducting a CGR is intended to be a mechanism for ensuring that the proposal to create a parish council is taken forward in such a way as to mitigate any risks involved. For example, we the process will assess whether this is an inclusive and democratic process as well as the practicality of the parish council, any issues arising from boundaries and so on.

7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
- 7.1.1 The recommendation is consistent with the Cabinet Policy Statement on new parish councils and the white paper Working Together in Birmingham's Neighbourhoods, which is also incorporated into the Delivery Plan 2020-22.
- 7.2 Legal Implications
- 7.2.1 The recommendation is consistent with the legal framework for the creation of parish councils, including primary legislation and statutory guidance.
- 7.3 Financial Implications
- 7.3.1 There are no specific financial implications of this report, however if there is a positive outcome to the review the City Council will need to meet the cost of the consultative ballot. This can be met within existing resources.

7.3.2 If a neighbourhood council is created in the area the City Council will also meet some of the cost of the elections, with the neighbourhood council also contributing from the local precept.

7.3.3 The cost of Council Tax benefits applied to a new local precept will be met through government grant.

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 Guidance on CGRs includes equalities considerations and ensuring that the proposal and the process of community engagement is fully inclusive will be a priority.

7.7 Environmental Implications

7.7.1 There are no direct environmental implications of this report. Parish councils can provide a range of services and invest in improvements to the local area which could have an impact on the local environment as well as co-ordinating local voluntary activities. However, these will be matters for any elected parish council to consider in the future.

8 Appendices

8.1 Appendix 1 is the draft Terms of Reference for the CGR, for approval. This includes the boundary of the proposed neighbourhood council (subject to amendment by the Review).

9 Background Documents

9.1 The following documents have been referred to in this report:

- [City Council white paper Working Together in Birmingham's Neighbourhoods](#)
- [Cabinet Policy Statement on creation of new parish councils, May 2021](#)
- Relevant legislation: [Local Government and Public Involvement in Health Act, 2007](#)
- Statutory guidance: [Guidance on Community Governance Reviews, 2010](#)
- [City Council Delivery Plan 2020-22](#)