

BIRMINGHAM CITY COUNCIL

ACTION TAKEN BY THE SERVICE DIRECTOR FOR LOCALISATION IN CONSULTATION WITH THE CHAIR OF COUNCIL BUSINESS MANAGEMENT COMMITTEE

AGREEMENT OF THE COMMUNITY GOVERNANCE – REORGANISATION ORDER

PURPOSE

To agree the Reorganisation Order to create a Parish and Parish Council for Sutton Coldfield including the proposed electoral arrangements, precept and budget for the first year of operations and interim arrangements.

The reason for seeking agreement to the request by means of action taken by the Director of Localisation in consultation with the Chair of Business Management Committee is to enable further urgent development work to commence immediately in order to enable the Interim Parish Council from 1st March 2016 to make decisions on a range of matters.

RECOMMENDATIONS

That under delegations made by Full Council in September 2015 to Council Business Management Committee to agree the Reorganisation Order to create the Parish and Parish Council for Sutton Coldfield, that this be agreed by the Chair of Business Management Committee alongside the Director of Localisation. This is at appendix 1 with map at appendix 2.

That the action taken be reported to Council Business Management Committee on 4 January 2016.

That the Director of Localisation, Director of Legal and Democratic Services and Director of Finance take the necessary steps to implement the Reorganisation Order.

To note that Council Business Management Committee have already agreed on 17 November 2015 the Draft Reorganisation Order and authorised the Director of Localisation to undertake consultation on the terms of the Draft Reorganisation Order which has been completed and informs the decision to progress Reorganisation Order. The consultation report is at appendix 3.

BACKGROUND

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.

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.

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.

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?" is 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)

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.

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').

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.

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.

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.

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.

Consultation on draft Reorganisation Order.

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 130 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.

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.

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%

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%

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%

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%

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%

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.

Conclusion

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.

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.

The next step for the Council is to agree that the Reorganisation Order in Appendix 1 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.

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.

The above request is agreed

Director of Localisation *A. H. Dr.*

Chair of Council Business Management Committee..... *J. M. Clancy*

Dated..... *22/12/15*

