

COMMUNITY GOVERNANCE REVIEW
CONSULTATION ON DRAFT REORGANISATION ORDER

1. 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, to be conducted under the provisions of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).

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?" 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)

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.

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:

- That a new parish should be constituted for the area designated within the existing Sutton Coldfield Constituency boundary.
- That the name of the new parish shall be Sutton Coldfield Parish.
- That the new parish should have a parish council. 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.

2. Reorganisation order

Following approval of the Recommendations of the Community Governance Review Group at City Council on 15 September 2015, Council delegated authority to Council Business Management Committee to approve the Community Governance Review Reorganisation Order. Under Section 86 of the 2007 Act, Council has the power to give effect to the decisions made on the Community Governance Review, through a Reorganisation Order, which is the legal document that sets out the mechanics for the establishment of the Parish Council.

The draft terms of the Reorganisation Order were approved by Council Business Management Committee on 17 November 2015. In summary, the terms of the Order include:

- The area to be covered by Sutton Coldfield Parish Council
- The date on which the Parish Council will come into effect
- The interim electoral arrangements (wards and number of councillors for the Parish Council)
- The date of first elections to the Parish Council
- The City Council's approach to the transfer of any assets, services, liabilities
- The precept for the Parish Council for the 2016/17 financial year
- The arrangements for an Interim Parish Council to be created on 1 March 2016 until councillors are elected to the new Parish of Sutton Coldfield in May 2016.

Council Business Management Committee authorised 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.

3. The Consultation Process

This report summarises the process and responses to the consultation on the terms of draft Reorganisation Order which ran from 24 November 2015 to 8 December 2015. The consultation was focussed on gaining public views on five primary themes central to the formation of the future Council. These were:

- The proposed interim warding arrangements for electing Councillors.
- The proposed interim number of Councillors to be elected.
- The approach towards transferring assets, services and associated liabilities from Birmingham City Council to the future Council.
- The level of the Precept for the first financial year 2016/17.
- Interim transitional arrangements prior to holding the first elections.

The methods used for gathering opinion during this consultation were necessarily constrained by the limited time available in order to complete the Reorganisation Order and meet the implementation timetable agreed in the City Council decision of 15 September 2015. Nevertheless, the methods were wide ranging and inclusive, allowing residents to comment on line, by email or letter, and in person. These included:

- A Be Heard Questionnaire on the Council's website

This survey was promoted via the local press, via social media and via City Council networks. The survey was also promoted via the networks of the community representatives on the Sutton Coldfield Parish Council Steering Group. 129 responses were received, which are summarised in the attached report.

- Submissions directly to BCC via letter or e-mail
- A 'People's Panel' workshop discussion group on the terms of the Reorganisation Order with 9 Sutton Coldfield residents drawn from the People's Panel¹ held on 1 December 2015 (notes attached).

- Discussion at Ward Committee Meetings:

Sutton Trinity – 19 November 2015

Sutton Vesey 24 November 2015

Sutton Four Oaks – 27 November 2015

Note Sutton New Hall Ward Committee does not meet until 29 January 2016.

¹ The Birmingham Peoples' Panel has over 2,200 members who are broadly representative of the population of Birmingham. It was established by the City Council as one way of obtaining the views of the people of Birmingham to shape services, policy and strategy.

Throughout this consultation a particular emphasis was given to give those respondents who did not support the proposals, to expand upon their concerns and offer alternatives. For the consultation to be robust and credible, it was felt essential that public support for alternatives should be fully considered, and that the exercise should be a genuine consultation and not a fait accompli.

3. Proposed Interim Electoral Arrangements.

This part of the consultation contained two themes: the Ward boundaries to be used; and the number of Councillors to be elected. These are now considered in turn.

a) Proposed Interim Warding Arrangements

Do you agree with the proposed interim arrangement that the parished area of Sutton Coldfield (Sutton Coldfield Parliamentary Constituency) 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?

Residents that took part in the Peoples Panel Focus Group discussion unanimously agreed that using the existing wards made sense. It was stated that residents are used to this arrangement and that as an interim arrangement it was a good idea.

In the wider Be Heard survey, there was a clear majority support for the proposed warding arrangements, with 109 (85%) of the Be Heard respondents agreeing with the proposal.

In line with the commitment to fully explore alternatives, those not supporting the proposal were then asked to expand upon their reservations.

Three comments were received in response to this invitation, stating that the parish should be divided into smaller wards than the current Birmingham City Council wards:

'At least six wards are required; this would ensure a more accurate representation of the social and economic variations that exist across the area.'

'The parished areas should be divided into specific areas of Sutton. For example: Boldmere, Wylde Green, Walmley, Falcon Lodge etc.'

'Smaller wards from within the existing Council wards'

and two further comments were made that the parish should not be split into wards.

One resident of Wylde Green commented that an area of Wylde Green where residents have a Sutton Coldfield postcode, address and identify, but are within the Erdington electoral ward should be included in the Sutton Coldfield Parish Council area.

In addition, three comments were made suggesting an alternative voting system - proportional representation - for the Parish Council elections

b) Proposed Interim Number of Councillors

Do you agree with the proposal that Sutton Coldfield Parish Council should have 24 councillors (six councillors for each of the proposed four wards)?

Seven of the nine residents at the Peoples Panel Focus Group were in favour of the proposed interim arrangement that the Sutton Coldfield Parish Council should have 24 councillors. However, concern was raised about how much this would cost. Residents agreed that there is a need to balance administrative costs with effective leadership and representation. The issue of remuneration and legitimate expenses will be an important matter for the new Council to determine and substantiate with local residents at an early stage.

73 (57%) of Be Heard respondees agreed with the proposed interim arrangement that the Sutton Coldfield Parish Council should have 24 councillors.

Again in the attempt to explore alternative options, those opposing the proposed number were asked to comment and bring forward alternatives. A number of additional comments were received, where residents proposed alternative arrangements, which included:

Total Number of Parish Councillors	8	10	12	16	20
Number of Preferences	1	1	12	15	7

In summary, there was clear public support for the proposed Warding arrangements, and prevalent support for the proposed numbers of Councillors to be elected. The proposed number of Councillors is in line with the national average Councillors per elector, and was included in the FAQ document circulated along with the Consultative Ballot papers.

4. **Approach to the Transfer of Assets, Services, Liabilities**

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?

The explanatory material accompanying the consultation explained that the proposed approach is to phase the potential transfer of assets and services over a period of time, rather than doing it all at once. Residents at the Peoples Panel Focus Group were in agreement with this approach. They commented that it is wise to be cautious, to 'walk' before you can run but to keep moving forward. One resident stated a 'road map' should be prepared that clearly sets out what should be achieved by when.

There was a majority support for the proposed approach to the transfer of any assets, services, rights and liabilities, with 104 (81%) of the Be Heard respondents agreeing with the proposal.

Again, those not supporting the approach were asked to put forward alternatives. Comments received included:

- 'No assets should be transferred'
- 'I feel that everything should be transferred to the Sutton Coldfield Council as soon as possible'
- 'There needs to be a time limit and date stipulated for when all assets, services, rights and liabilities are transferred'
- 'Do not agree that land property etc. should be transferred to the parish council because BCC will just dump liabilities on the Parish Council which will cost Sutton residents money in even higher precept charges'
- 'I think that some assets should be transferred quite quickly for 2 reasons: firstly in order to keep the Town Hall available it should be transferred to the parish council because then the possibility of grant applications will be present; and secondly some assets like car parks can be revenue earners for the parish council'
- 'Let's walk before they run, they will have too much on their plate, also I don't think they will be skilled or knowledgeable enough to handle'
- 'Does this mean that council tax which is used for these services will be removed? If so I feel we as a parish will be worse off'

Within the detailed later questions contained in the Be Heard survey, on the spending and service priorities for the first year, an illustrative range of possible

services to develop or enhance was given, and a strong endorsement was given to the main proposals including:

- Clean and green improvements such as, additional street cleansing and litter bins.
- Environmental enhancements, such as signage, benches, flower displays and Christmas / festive lights.
- Improvements to highways, such as footpaths, lighting and car parking.
- Additional bespoke services from libraries and community centres, youth activities, arts and cultural activities.
- Spending on the Sutton Coldfield Town Hall
- A grant award scheme to support local voluntary, community and charitable organisations.

5. Proposed Parish Precept for the 2016/17 Financial Year

Do you agree with the proposed precept of £50 for a Band D property for the first financial year of the Parish Council?

Within the People's Panel workshop discussion seven out of the nine residents present were in favour of the proposed precept.

Concern was expressed that Birmingham City Council would 'selectively withdraw' funding from Sutton Coldfield, as Sutton Coldfield would have access to its own funds via the precept and that Sutton Coldfield would therefore be penalised. Within the future operating model for engagement between the Parish Council and Birmingham City Council, it will be important that clarity and transparency is achieved on deployment of BCC resources to address this concern.

As with the People's Panel, a clear majority of 101 (78%) of respondents to the Be Heard survey agreed with the proposed precept of £50 per Band D property.

One resident commented that

- *During the collection of the signatures that triggered the parish council, a figure of £50 was widely publicised and did not faze the citizen'*

Residents opposing the proposed level precept were again asked to comment and encouraged to present alternatives. Those that expressed concern about the proposed precept commented as follows:

- *The budget for proposed action needs to be agreed and modified to suit the needs. Otherwise the parish Council will be trying to find ways to spend the*

money which they have raised. It needs to be kept in moderation and affordable for the resident'

- *.'However, I would like to know exactly how this money is spent and believe it must all be accountable and available for all Sutton Coldfield Parishioners to view online'.*
- *‘..gain, the rationale offered for the proposed precept is non-existent. Given that SC will be the biggest town council I don't think national averages are helpful. Why no breakdown of likely costs and expenditure? Given that things tend to go up rather than down I'd suggest the lowest level consistent with paying wages, rent etc., especially as there are no plans yet to spend the money. It can always be raised in later years when the councillors have a true mandate'*
- *'Surely this budget setting is the wrong way round. How can we decide if this amount delivers value when the aims and objectives of the new council are not yet known'*
- *Accept the proposed precept on the condition that the Parish Council recover the amount from savings to Birmingham City Council effected by services taken over by the Parish Council'*

Notwithstanding the concerns above, it is clear that the proposed level of precept is supported by the majority of participants in the consultation. The figure also formed the illustrative benchmark expectation set out in the FAQ sheets that accompanied the Consultative Ballot.

6. Interim / Transitional Arrangements

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?

Residents at the Peoples Panel Focus Group confirmed that they were broadly in favour of the proposed interim/transitional arrangements.

Residents sought confirmation that all Sutton Ward Councillors on the Interim Parish Council were fully supportive of the proposal to create a parish Council.

Another resident asked if there could be a policy where Sutton Coldfield Parish Councillors could not be 'twin hatted', i.e. be both a Birmingham City Council Councillor and a Parish Councillor.

Within the Be Heard survey the same question was asked. Although two-thirds (89 or 69%) of Be Heard respondents agreed with the proposed interim arrangements, this majority is a lower level of support than for the other proposals. In total a further 19 or 15% of Be Heard respondents disagreed with the proposed interim arrangements, 12 or 9% responded Don't Know., and 9 or 7% proposed alternative interim arrangements.

In total 32 additional comments were made by participants in the Be Heard survey, who voiced their concern about the makeup of the proposed Interim Parish Council. There were a number of views expressed which could broadly be summarised under the headings or themes as follows:

Views Expressed about the Proposed Interim Arrangement	Number of Respondee
There should be less representation from Sutton Ward Councillors	✓✓✓✓✓✓
Disagree with representative from existing ward councillors who were opposed to the Parish Council being formed	✓✓
Only councillors in favour of devolution / a Parish Council	✓✓
There should be no Birmingham City Councillors	✓
There should be more community representatives	✓✓✓✓✓✓✓
There should be no community representatives	✓✓✓✓
'I am uncertain of how you would select the 5 community representatives but as it is only for two months it is not worth objecting'	✓
'4 serving councillors 2 community reps And the rest people who never hear from the above groups and need to put a voice on the new council'	✓
There needs to be more balance	✓✓✓✓✓✓
This Council should be non-political	✓✓
I do not agree with a Parish Council	✓

A ✓ denotes the number of times this view was expressed.

7. Additional overall comments on the Reorganisation Order proposals

a) The Be Heard survey

Are there any other comments you would like to make on these proposals or the proposed arrangements for establishing Sutton Coldfield Parish Council?

Within the Be Heard survey, 47 additional comments were made, across a range of themes.

Comments were made both in favour and against the establishment of a Parish Council, for example;

'I am fully endorsing the proposals, proposed arrangements and any other subsequent proposals which follow and I support partial and/or full devolution for a Sutton Coldfield town Council'

'We voted against the formation of a parish council and are not happy that this parish council is going to be formed'

Some clear messages were indicated in terms of how the Parish Council should operate

'Some way of involving young people in having an input in the running or advisory capacity to the parish Council, say elected or nominated groups via schools, youth groups, would be desirable'

'There should be public consultation at all stages during development of the future Sutton Coldfield Town Council within the constraints of the time limits imposed by the need to ensure a functioning council structure for May 2016'

'More public meetings where the public are invited to comment and get involved – especially during the day would be great. Make it easy for people to know how to make their views heard'

'I appreciate that those interested in serving on the town council will likely be those with a political affiliation but I would like to see that council with members that have a wider interest for the local community than just political parties'

'We just need to ensure the approach is innovative and community led and makes a break from the traditional, administrative and party-politics culture of District Committee'

'The money raised from the residents of Sutton Coldfield should be used to provide services for the said population and not wasted on administration costs'

b) Discussion at Ward Committees

Sutton Trinity – 19 November 2015

6 residents attended the Sutton Trinity Ward Committee Meeting on 19 November 2015. The following questions were raised;

- How would the leader of the Parish Council be decided?
- Have the mayoral costs included support staff been properly costed?
- How much of the precept/budget would be used to support these arrangements?
- Would the precept collected be allocated on a ward or district wide basis?

- What are the office/wider staffing arrangements for the Parish Council?

It was stated that the communication strategy was over-reliant on social media/internet use and that other methods of communication should be considered.

Sutton Vesey 24 November 2015

18 residents attended the Sutton Vesey Ward Committee Meeting on 24 November 2015. The following questions were raised:

- What powers are going to be devolved to the new Parish Council?
- A member of the steering group commented that “We don’t want to run before we can walk, and the practicalities need to be taken into account.
- How much was a Town Clerk going to cost and who was paying for and appointing to the post?
- Where are the chains and robes of office? The Councillors replied that the chains were in the Council House in Birmingham and all were in good order however the same could not be said for the robes and they if needed would have to be purchased. This then led to a suggestion from the floor that maybe this was the time for a less formal approach and therefore doing away with the need for robes.

Sutton Four Oaks – 27 November 2015

13 residents attended the Sutton Four Oaks Ward Committee Meeting on 27 November 2015. The following questions were raised:

- How widely has this survey been distributed?
- Why was the steering group made up of Birmingham City Council councillors?
- Some member of the floor expressed concern over the number of proposed Parish councillors per ward; they considered 6 per ward to be excessive.
- Some members of the floor wanted to know how candidates would be selected/more details of the selection process if standing for a political party
- General information about the election process and how residents wanting to stand as an independent candidate could register their interest
- What if the right number of candidates for the election could not be found? What was the minimum number of parish councillors that could be elected to enable to Parish Council to function

c) Comments received via letter, email

An e-mail was received on behalf of Banners Gate Neighbourhood Forum providing feedback from a Forum meeting held on 1 December 2015.

‘Large majority in favour of a town mayor – no objections

- “How can we be “Royal” without a mayor?”
- “A mayor wearing chains of office will need a chauffeur to return the chains securely to the Town Hall”
- Unanimous that Town Council should take on the Town Hall

8. Summary and conclusions

The consultation has shown broad and wide ranging support for the key proposals set down in the Reorganisation Order.

This support has been found within each of the main methodological strands of the consultation process, and has been demonstrated through both quantitative and qualitative data.

The comments and insights gained from the residents taking part in the consultation provide valuable insights that could be further mined and explored to help develop a future operating model for the Parish Council, working effectively in a future partnership with Birmingham City Council and other partners, and engaging the local community to improve the overall governance and quality of life in Sutton Coldfield.