

 Regulatory Committee 27 June 2011		Agenda Item No. 5
Title	Petition for a Community Governance Review – Burton Green Ward of Stoneleigh Parish	
For further information about this report please contact	Gill Friar Electoral Services Manager 01926 456105	
Wards of the District directly affected	Abbey and Stoneleigh	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	The Local Government and Public Involvement in Health Act 2007. Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No (If No state why below)
This is a matter relating to the possible establishment of a parish council and will not have any equality or sustainability implications.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive	18.5.11	Chris Elliott
Legal	18.5.11	John Gregory
Finance	19.5.11	Jenny Clayton
Portfolio Holder	19.5.11	Michael Doody
Consultation & Community Engagement		
None at present. A Community Governance Review will involve a consultation exercise.		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
The results of the Community Governance Review will be reported back to the Committee		

1. **SUMMARY**

- 1.1 The purpose of this report is to inform members of a petition which was received from electors of the Burton Green Ward of Stoneleigh Parish asking for a parish council to be established for Burton Green. Unfortunately the petition could not be accepted because the wording did not comply with the appropriate legislation.
- 1.2 The organisers of the petition are going to get the required number of signatures to a revised petition which will comply with the legislation.
- 1.3 Under the provisions of the Local Government and Public Involvement in Health Act 2007 the Council **must** undertake a community governance review if it receives a valid petition.

2. **RECOMMENDATION**

- 2.1 That the Chief Executive be delegated authority to arrange for the appropriate review to be undertaken if and when a valid petition is received.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 A petition was received from electors of the Burton Green Ward of Stoneleigh Parish asking for a parish council to be established for Burton Green. Unfortunately the petition could not be accepted because the wording did not comply with the appropriate legislation.
- 3.2 It is expected that following advice from officers of the Council a new petition to create a parish for Burton Green and a parish council will be shortly forthcoming. Any decisions following a review normally take effect on the following 1 April and in this case, if the review results in a decision to establish a parish council, the organisers of the petition also want it to come into effect on 1 April 2012.
- 3.3 The Council is required to start a review on the creation of a parish council if it receives a petition that meets the terms of the legislation. It has no choice but to do so. In view of the time involved in conducting a review and other matters required to establish a parish council, time will be of the essence if the 1 April 2012 is to be met. Consequently in order to make sure the review is progressed quickly it is suggested that authority to commence the review is delegated to the Chief Executive rather than having to wait for a report to be submitted to this Committee for necessary authority.

4. **POLICY FRAMEWORK**

4.1 **Policy Framework**

There are no relevant Council policies involved

4.2 **Fit for the Future**

The recommendations do not contribute to 'Fit for the Future' other than to speed up the process following receipt of the petition

5. BUDGETARY FRAMEWORK

- 5.1 Costs of approximately £1200 have been incurred in researching the options open to the Council and preparing this report and these have been met from within the electoral register general expenses budget.
- 5.2 Further costs of approximately £2500 will be incurred in carrying out the review and making an order if this is agreed and these can be met from within the electoral register general expenses budget.

6. ALTERNATIVE OPTION(S) CONSIDERED

- 6.1 The Council has to carry out a review if it receives a valid petition and it was felt that such a review should be commenced as soon as possible. No alternative option(s) have therefore been considered.

7. BACKGROUND

- 7.1 A petition is expected from local electors in Burton Green for a parish council to be established for the Burton Green Ward of Stoneleigh Parish.
- 7.2. The Local Government and Public Involvement in Health Act 2007 devolved decision making powers relating to parishes and their electoral arrangements to district councils.
- 7.3 Before implementing any changes to electoral arrangements the Council has to undertake a community governance review.
- 7.4 The Council must comply with the duties set out in Section 93 of the 2007 Act when carrying out a review. However, subject to those duties it is for the Council to decide how to undertake the review.
- 7.5 In carrying out the review, the Council must consult the following:
 - (a) the local government electors for the area under review;
 - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- 7.6 The Council must have regard to the need to secure that community governance within the area under review:
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- 7.7 The Council must take into account any representations received in connection with the review.
- 7.8 As soon as practicable after making any recommendations, the Council must:
 - a) publish the recommendations; and
 - b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of the recommendations.

- 7.9 The Council must conclude the review within the period of 12 months starting with the day on which it begins the review.
- 7.10 After taking a decision on the extent to which the Council will give effect to the recommendations made in a community governance review, the Council must publish its decision and its reasons for taking that decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it.
- 7.12 If the Council decides to implement the recommendations made in its review, it does so by way of a Reorganisation Order. Further publicity must be given to the Order.