

 <b>Regulatory Committee</b> <b>10 October 2011</b>		<b>Agenda Item No.</b> <b>4</b>
<b>Title</b>	<b>Community Governance Review Burton Green</b>	
<b>For further information about this report please contact</b>	Gillian Friar Electoral Services Manager gillian.friar@warwickdc.gov.uk 01926 456105	
<b>Wards of the District directly affected</b>	Kenilworth Abbey and Stoneleigh	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	none	
<b>Background Papers</b>	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 Report to Committee on 27 June 2011	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	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.	
<b>Officer/Councillor Approval</b>	
<b>Officer Approval</b>	<b>Date</b> <b>Name</b>
Deputy Chief Executive	Andrew Jones
Legal	John Gregory
Finance	Jenny Clayton
Portfolio Holder	Michael Doody
<b>Consultation &amp; Community Engagement</b>	
The Community Governance Review is being undertaken as a result of the receipt by the Returning Officer of a petition by residents and involves an initial consultation exercise which has now been completed.	
<b>Final Decision?</b>	No
<b>Suggested next steps (if not final decision please set out below)</b>	
Any recommendations the Committee makes must be published on 11 October 2011 before a final decision can be made.	

## 1. **SUMMARY**

- 1.1 At its meeting held on 27 June 2011 the Committee were informed that a petition had been received from electors of the Burton Green ward of Ashow, Burton Green and Stoneleigh joint Parish Council 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 undertook to get the required number of signatures on a petition in the same terms but which complied with the legislation.
- 1.3 The Committee were informed that 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. Consequently, in order to make sure the review was progressed as quickly as possible, authority was delegated to the Chief Executive to arrange for the appropriate review to be undertaken if and when a valid petition was received.
- 1.4 A valid petition containing 287 signatures, in the following terms was subsequently submitted:

*'Currently Burton Green is a Ward of Stoneleigh Parish Council. We the undersigned support the establishment of a separate Parish and Parish Council for Burton Green which will cover the area shown edged red on the attached plan and we request that Warwick District Council puts in place the necessary procedures to facilitate this'*

- 1.5 The plan submitted showed the area of the existing Burton Green ward of the Ashow, Burton Green and Stoneleigh joint Parish Council.
- 1.6 In accordance with the authority given a Community Governance Review was commenced in accordance with provisions of the Local Government and Public Involvement in Health Act 2007.
- 1.7 The attached Terms of Reference and map were published and a consultation exercise undertaken.
- 1.8 The closing date for comments was 16 September 2011 and 13 representations have been received. Copies of the representations are attached.

## 2. **RECOMMENDATION**

- 2.1 The Committee is asked to consider all the information contained in this report and decide whether or not it wishes to recommend the establishment of a parish and parish council for the area of the existing Burton Green ward of the Ashow, Burton Green and Stoneleigh joint Parish Council.
- 2.2 Should the recommendation be that a parish and parish council are to be established; recommendations on the following will have to be made:
  - 2.2.1 On a name for the Parish which should reflect the existing local place name i.e. Burton Green;

- 2.2.2 Should the parish council use one of the alternative styles referred to in the 2007 Act instead of Parish Council. These are 'community', 'neighbourhood' or 'village'. If one is to be adopted the council will be known by that style (eg Village Council rather than Parish Council);
- 2.2.3 On the size of the Council (i.e. the number of councillors). By law each parish council must have at least 5 councillors but there is no specified maximum. There are currently 4 seats in the Burton Green ward. When determining the size of the Council, the current number of local government electors in the area (745 electors) is to be taken into account and any likely changes to that number over the next 5 years;
- 2.2.4 Over the past 5 years from 2007 to 2011 the electorate has fallen from 798 electors to 745 electors. This decrease follows the trend over the whole of the District and in the UK in the number of electoral canvass forms not being returned during the canvass to update the electoral register and the number of electors not registering. It is suggested that should the recent trend continue the electorate will remain between 750 and 700 over the next 5 years. There are no large housing developments planned within the area apart from infill or conversion of a single dwelling.
- 2.2.5 On the year when the first elections are to be held and then the ordinary day of elections. The next date for ordinary Parish Council elections to be held within the District is Thursday 7 May 2015. If it is to be recommended to hold elections for the new parish council before this date, any councillor elected will only remain in office until 7 May 2015;
- 2.2.6 In conjunction with 2.2.4 above consider if the sitting Parish Councillors for Burton Green ward should transfer to the new Parish Council to serve their remaining term until the day of the next ordinary elections in 2015 and to subsequently fill the vacant seats by co-option. These successfully elected councillors would serve on the parish council for the remaining term until the next ordinary day of election;
- 2.2.7 Unless recommended by the Committee, it is not thought that the area of the proposed parish is sufficient to warrant splitting it into wards.

### **3. REASONS FOR THE RECOMMENDATION**

- 3.1 A valid petition was received and in accordance with the provisions of the 2007 Act the Council was required to undertake a Community Governance Review.
- 3.2 The first stage of the review, a consultation exercise, has been undertaken and representations received are attached. The Committee is now required to make recommendations bearing in mind the terms of the petition and the representations received. The Committee must also 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.

#### 4. **POLICY FRAMEWORK**

##### 4.1 **Policy Framework**

There are no relevant Council policies affected

##### 4.2 **Fit for the Future**

The recommendations do not contribute to 'Fit for the Future'

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 Costs have been incurred in preliminary work and carrying out the consultation and further costs will be involved in completing the process. These are not expected to exceed £3,500 and can be met from within the electoral registration budget.

#### 6. **ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 The Committee has to decide whether or not it wants to recommend that a parish and parish council be established. If it recommends that a parish and parish council be established it will need to make recommendations on other matters.

#### 7. **BACKGROUND**

- 7.1 A petition has been received from local electors in Burton Green for a parish council to be established for the Burton Green ward of Ashow, Burton Green and Stoneleigh joint Parish Council.
- 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 Authority was delegated to the Chief Executive to undertake a Community Governance Review should the petition be received.
- 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.