

 Regulatory Committee Tuesday 21 February 2012		Agenda Item No. 5
Title	Community Governance Review Burton Green	
For further information about this report please contact	Gillian Friar Electoral Services Manager gillian.friar@warwickdc.gov.uk 01926 456107	
Wards of the District directly affected	Kenilworth 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	22 November 2011	
Background Papers	The Local Government and Public Involvement in Health Act 2007. The Local Government (Parishes and Parish Councils) (England) Regulations 2008. The Local Government Finance (New Parishes) (England) Regulations 2008. Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England. Reports to Committee on 27 June, 10 October & 22 November 2011	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	Yes	
Included within the Forward Plan? (If yes include reference number)	No	
Equality & Sustainability Impact Assessment Undertaken	No	
This is a matter relating to the possible establishment of a separate Parish and Parish Council and will not have any equality or sustainability implications.		
Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Andrew Jones
Head of Service		Andrew Jones
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer		Andrew Jones
Finance		Jenny Clayton & Lorraine Henson
Portfolio Holder(s)		Michael Doody
Consultation & Community Engagement		
The Community Governance Review being undertaken as a result of the receipt of a petition and involved an initial consultation exercise and further consultations have also been undertaken.		
Final Decision?	Yes	

1. SUMMARY

- 1.1 Following receipt of a petition, a Community Governance Review was commenced in accordance with provisions of the Local Government and Public Involvement in Health Act 2007 for the area of the existing Burton Green ward of the Ashow, Burton Green and Stoneleigh joint Parish Council to support the establishment of a separate Parish and Parish Council for Burton Green.

2. RECOMMENDATION

- 2.1 The Committee is asked to consider all the information contained in this report and decide to adopt that the Monitoring Officer for Warwick District (or an Officer appointed by him) is to Chair the first Parish Meeting for the new Parish Council after 1 April 2012, in order for them to appoint a Chairman for the Parish Council until the Annual Parish Council meeting is held on a date set in May 2012 after the elections take place on Thursday 3 May 2012 and the Monitoring Officer to act as temporary Clerk as necessary until such time a Clerk can be appointed.
- 2.2 The Committee is asked to consider all the information contained in this report and decide to adopt that the election for the 3 remaining seats for the newly created Parish Council of Burton Green are to be held on Thursday 3 May 2012 and Warwick District Council will cover the costs should an election be held.
- 2.3 Should the recommendations be adopted officers should be authorised to carry out the procedures required by the Act and make the necessary reorganisation of Community Governance Order. The decision will need to be published and persons who might be interested will need to be informed. A copy of the Order, when made, will need to be made available for inspection.

3. REASONS FOR THE RECOMMENDATION

- 3.1 The first 2 stages of the Community Governance Review involved consultation exercises and the results of these exercises were reported to the Committee on 10 October and 22 November 2011.
- 3.2 Having considered all the relevant matters the Committee recommended on 22 November 2011:
 - 1) 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, be recommended;
 - 2) the name recommended for the Parish area should be Burton Green Parish;
 - 3) the name recommended for the Parish Council should be Burton Green Parish Council;
 - 4) the Parish Council should consist of seven councillors;
 - 5) the date for the next ordinary elections to be held on Thursday 7 May 2015 and every four years after that date;

- 6) the four 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;
 - 7) the vacant seats should be filled by co-option and the successfully elected councillors would serve on the parish council for the remaining term until the next ordinary day of election.
 - 8) the existing Ashow, Burton Green and Stoneleigh joint Parish Council will be replaced by the Ashow and Stoneleigh joint Parish Council.
- 3.3 In accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 the recommendations were published and persons who might be interested in the review were informed.
- 3.4 Following this decision a letter was received from Dr Paul Thornton (attached) regarding the situation on the rights to have all out elections for the new Parish or elections to fill the remaining seats.
- 3.5 Mr Vaughan Owen, a sitting Parish Councillor for the Burton Green ward of the Ashow, Burton Green and Stoneleigh joint Parish Council asked for help from the District Council in the setting up a temporary council in order for the Parish to set a precept and in the appointment of a Clerk to the new Parish Council.
- 3.6 Legal advice was taken on the points raised by Dr Thornton and Mr Owen and it is advised under current regulations that:
- 1) the 4 sitting Parish councillors for Burton Green ward of Ashow, Burton Green and Stoneleigh joint Parish Council will transfer over to the new Parish Council will continue as Parish councillors for the area as so altered until the date on which they would ordinarily have retired had the order not been made and the 3 remaining new seats filled by election on Thursday 3 May 2012.
 - 2) the remaining Parish councillors for the Parish of Ashow, Stoneleigh (Stoneleigh ward) and Stoneleigh (University ward) of Ashow and Stoneleigh joint Parish Council will continue as Parish councillors for the area as so altered until the date on which they would ordinarily have retired had the order not been made.
 - 3) the 3 newly elected Parish councillors for Burton Green Parish Council will sign the Declaration of Acceptance of Office after they have been elected and serve the remaining term up to May 2015.
 - 4) the Monitoring Officer for Warwick District (or an Officer appointed by him) is to Chair the first Parish meeting for the new Burton Green Parish Council after 1 April 2012, in order for them to appoint a Chairman for the Parish Council until the Annual Parish Council meeting is held on a date set in May 2012 and is to act as temporary Parish Clerk as necessary until such time a Parish Clerk can be appointed.

- 3.7 The precept for the forthcoming financial year has been drawn up for Burton Green Parish and submitted to the principle council (Warwick District).
- 3.8 Arrangements are in place for the properties within the new Burton Green Parish area to be taken out of Stoneleigh Parish and placed within the new parish area of Burton Green for the purposes of Council Tax and Land & Property Gazetteer.
- 3.9 The Committee now has to consider the information in this report and decide whether it wishes to adopt the recommendations.
- 3.10 When publishing its decision on whether or not to adopt the recommendations the Committee need to give the reasons for the decision.
- 3.11 The reason for any decision would be that the Committee considers that the decision:
- 1) reflects the identities and interests of the community in that area, and
 - 2) 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 consultations and further costs will be involved in completing the process including the cost for running the election. These are not expected to exceed £6000 and will be met from within Electoral Services budget.

6. ALTERNATIVE OPTION(S) CONSIDERED

- 6.1 none

7. BACKGROUND

- 7.1 A petition was received from local electors in Burton Green for a Parish and Parish Council to be established and authority was delegated to the Chief Executive to undertake a community governance review.
- 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.
- 7.4 The Council had to comply with the duties set out in Section 93 of the 2007 Act when carrying out the review. However, subject to those duties it was for the Council to decide how to undertake the review.

- 7.5 In carrying out the review, the Council had to 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 Committee had regard to the need to secure that community governance within the area under review:
- a) reflected the identities and interests of the community in that area, and
 - b) was effective and convenient.