

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 SEPTEMBER 2015

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Leader of the Council – Councillor Cook

COMMUNITY GOVERNANCE REVIEW – BILLINGHAM TOWN COUNCIL

1. Summary

Following receipt of a community governance petition which calls for the abolition of Billingham Town Council, this report invites consideration of the proposed approach to a community governance review in response to the petition and a review in relation to Elton Parish Council.

2. Recommendations

It is recommended to Council that:-

- A Community Governance Review of Billingham Town Council commences following the receipt of the valid petition from residents;
- A Community Governance Review of Elton Parish Council is undertaken following an extended period of inactivity; and that
- The Terms of Reference for both Community Governance Reviews, timetables and consultation programmes are agreed.

3. Reasons for the Recommendations

A valid petition has been received in relation to Billingham Town Council therefore a Community Governance Review is required by law to be carried out. Elton Parish Council has been inactive for eight years and has no parish councillors. A review is therefore warranted.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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RECOMMENDATIONS

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DETAIL

Background

1. A community Governance review enables a principal council to review and put in place new arrangements, making changes to current community governance systems and structures, for example by creating, merging, abolishing or changing parish or town councils in the review area.
2. The Government has emphasized that the aim of a review should be to bring about improved community engagement, more cohesive communities, better local democracy, and result in more effective and convenient delivery of services.

Billingham Town Council

3. All principal councils have a legal duty to carry out a community governance review if they receive a valid petition. For a community governance petition to be valid in an area of more than 2500 electors, as is the case with Billingham Town Council (27,080 electors), it must be signed by 7.5% of local government electors; define the area to which the review relates, and specify one or more recommendations. This petition calls for the abolition of Billingham Town Council. Under the Local Government and Public

Involvement in Health Act 2007 a principal council has the power to undertake a community governance review, and must set terms of reference that allow for the petition to be considered. The petition received contains in excess of 2,700 signatures of which 2031 have been confirmed on the electoral register. The petition is therefore valid.

Elton Parish Council

4. In addition it should be noted that Elton Parish Council has not operated since 9 December 2008 when all Councillors resigned. Following the resignations the process was followed to fill the casual vacancies and notices of vacancy were displayed on two separate occasions between December 2008 and May 2015. In addition, since the resignations we have had two scheduled Parish Elections and no nominations were received. It is therefore proposed that we conduct a community governance review to consider the abolition of Elton Parish Council and that the detail, key stages and timeline of this review mirror that of Billingham Town Council. Key Stakeholders will include the MP and Ward Councillors.

DCLG Guidance

5. The DCLG has produced guidance for Principal Councils on undertaking community governance reviews and it has been duly considered in our proposed approach. The guidance highlights the legislative requirements that a review must have regard to, namely that it:-

- reflects the identities and interests of the community in the area under review, and
- is effective and convenient

Influencing factors that should also be considered are:-

- the impact of community governance arrangements on community cohesion, and
- the size, population and boundaries of a local community or parish

6. It should be noted that the DCLG has indicated in its guidance that it expects to see a trend in the creation of, rather than the abolition of parishes. Where the latter is proposed, the guidance requires the Council to find evidence that the abolition is justified and that there is clear local support for such action, e.g. local support for abolition over two terms (eight years) is cited. In addition where a review is considering abolishing a parish, the review would need to consider what arrangements would be in place to engage with the communities in those areas once the parish was abolished. Also of relevance in this context, would be the initial support for the creation of the parish council, and the support for its continuation e.g. in the form of turnout at subsequent elections. Council will need to consider all of the above in reaching its decision on whether or not to abolish the parish. In addition Council will need to be mindful that abolition may attract challenge by way of a judicial review.

Approaches to the review

7. The proposed approach to undertaking a community governance review would commence with Council approving a terms of reference for the review, this must clearly identify the matter/s on which the review is to focus and would therefore include the aims of the review, reference to the legislation that guides it, how the Council

proposes to consult, and a timetable that recognises that the review must conclude within 12 months from receipt of a valid petition (received 26 June 2015). Terms of reference for Billingham Town Council and Elton Parish Council are attached at **Appendix 1** and **Appendix 2** respectively.

Key Stages

8. (a) Report to Corporate Management Team 27.7.15
- (b) Briefings for Leader/Deputy Leader and Ward Councillors
- (c) Update for lead petitioner and the Town Council
9. (a) Draft cabinet report to CMT 10.08.15 onwards
- (b) Briefing for Leader/Deputy Leader
- (c) Briefing for all Cabinet Members
- (d) Briefings for Ward Councillors
- (e) Update for lead petitioner and the Town Council
10. Following Cabinet consideration of the terms of reference on the 10 September and recommendation to Council to approve, Council on the 16 September will be asked to agree and to publish the Terms of Reference and notify key stakeholders. Views will be sought from Local Government electors and key stakeholders from 17 September 2015 until 31 October 2015.

The key stages of the reviews are as follows:-

11. Consultation with all Local Government Electors in the area 17.9.15 – 31.10.15
12. Consideration of the wider forms of Community Governance in the area 17.9.15 – 31.10.15
13. Initial findings are considered and draft proposals presented for consideration by CMT 09.11.15
14. Cabinet meeting 03.12.15 will consider findings.
15. Draft recommendations to Council 20.1.16
16. Consult on draft proposals 21.1.16 to 17.2.16
17. Final recommendation to Cabinet 17.3.16
18. Final recommendation to Council 27.04.16
19. Final Recommendations and reasons for the decision published and stakeholders informed on 28.04.16

20. Recommendations implemented from 28.04.16
21. Implementation of any proposed abolition of Billingham Town Council and Elton Parish Council will be dependent upon the time it will take to finalise and publish a re-organisation order.

Awareness raising / Consultation

22. An integral part of the review is to consult with the local government electors for the area under review and any other person or body, including a local authority (ie the Town Council) who appears to have an interest in it.
23. A range of consultation mechanisms are proposed including:-
 - A letter to every local government elector explaining the issue with a consultation reply slip attached that asks a question in response to the petition “ Do you agree that Billingham Town Council should be abolished?” Yes or No. A business reply envelope would be provided (**Appendix 3** – Billingham Town Council **Appendix 4** – Elton Parish Council)
 - Review Notices will be placed on the web, in Municipal Buildings, Billingham Customer Services, and displayed within the Parish of Elton (**Appendix 5**)
 - An item will be placed on the Billingham Town Council agenda meeting to raise awareness
 - Awareness raising with Ward Members via letters and a Member drop in session.
 - A letter to the Locality Forum the review is ongoing
 - Press releases at each key stage advising
 - Stockton News Article

Key Stakeholders

24. To include:-
 - Lead Petitioner
 - Ward Councillors
 - Billingham Town Council
 - MP

Next Steps

25. Following consideration by Cabinet on the 10 September and approval by Council on 16.9.15 the key stages and timeline identified at paragraphs 7 – 20 will be implemented.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

26. Within existing resources. Expected costs of consultation with Local Government electors in Billingham Town Council area £30,143.42 and Elton Parish Council area £2,591.02

Legal

27. It is a legal requirement to undertake a community governance review in response to a valid petition received calling for the abolition of Billingham Town Council.

RISK ASSESSMENT

28. The risks arising from what is proposed can be categorised as low to medium.

COUNCIL PLAN IMPLICATIONS

29. Stronger Communities.

EQUALITY IMPACT ASSESSMENT

30. The requirement for an assessment will be considered as part of the review process.

CONSULTATION

31. As above plus Lead Members and Cabinet Member.

Head of Democratic Services, Trading Standards and Licensing

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Background Papers:

Ward(s) and Ward Councillors:

Property Implications: