

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**1 DECEMBER 2016**

**REPORT OF SENIOR  
MANAGEMENT TEAM**

### **COUNCIL DECISION**

**Leader of the Council – Councillor Cook**

#### **COMMUNITY GOVERNANCE REVIEW – GRINDON PARISH**

1. Summary

Following receipt of a community governance petition which calls for the splitting of Grindon into two separate parishes, this report invites consideration of the proposed approach to a community governance review in response to the petition.

2. Recommendations

It is recommended to Council that:-

- A Community Governance Review of Grindon Parish commences following the receipt of the valid petition from residents;
- The Terms of Reference for the Review, timetable and consultation programme are agreed.

3. Reasons for the Recommendations

A valid petition has been received in relation to Grindon Parish therefore a Community Governance Review is required by law to be carried out.

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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**SUMMARY**

Following receipt of a community governance petition which calls for the splitting of Grindon into two separate parishes, this report invites consideration of the proposed approach to a community governance review in response to the petition

**RECOMMENDATIONS**

It is recommended to Council that:-

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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.
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 less than 2500 electors, as is the case with Grindon (electors), it must be signed by 187 local government electors, define the area to which the review relates and specify one or more recommendations. This petition calls for the splitting of Grindon into two separate parishes along the boundaries of the parish wards of Grindon East and Grindon West.

4. The petition states:

“Thorpe Thewles village is part of Grindon Parish Council. The Parish Council works for you and your community influencing planning, fly tipping, environmental issues and local matters. It is also a link to Stockton Borough Council Departments. From the maps attached you can see Grindon Parish Council is in two areas, Grindon East and is mainly Wynyard Park and Grindon West which consists of Thorpe Thewles and The Elms near Junction Road. Over the years the demands and needs of these communities in Grindon West and Grindon East have become more and more diverse due to the number of houses in each area. There are approximately 800 houses in Wynyard and another 400 planned making a total of 1200 whilst in Grindon West there are approximately 200 homes. There is a strong feeling among some residents that Grindon Parish Council should be split into separate areas and manage their own affairs.”

5. 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 187 valid signatures and it therefore valid.

### **DCLG Guidance**

6. 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

### **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 2016). Terms of reference are attached at **Appendix 1**.

### **Key Stages**

8. (a) Report to SMT/ Draft Cabinet Report 7 November 2016
- (b) Briefings for Leader/Deputy Leader/ Cabinet Members and Ward Councillors

(c) Update for lead petitioner, residents' groups and the Parish Council

9. Following Cabinet consideration of the terms of reference on the 1 December and recommendation to Council to approve, Council on the 15 December 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 9 January 2017 until 28 February 2017.

**The key stages of the review are as follows:-**

10. Consultation with all Local Government Electors in the area 9 January 2017 – 28 February 2017
11. Consideration of the wider forms of Community Governance in the area 9 January 2017 – 28 February 2017
12. Initial findings are considered and draft proposals presented for consideration by SMT 13 March 2017
13. Cabinet meeting 20 April will consider findings.
14. Draft recommendations to Council 3 May 2017
15. Consult on draft proposals 8 May 2017 to 31 May 2017
16. Final recommendation to Cabinet 15 June 2017
17. Final recommendation to 21 Council June 2017
18. Final Recommendations and reasons for the decision published and stakeholders informed on 22 June 2017
19. Recommendations implemented from 1 December 2017 (if changes are required to Parish Boundaries)
20. Implementation will be dependent upon publication of a re-organisation order.

**Awareness raising / Consultation**

21. 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 (i.e. the Parish Council) who appears to have an interest in it.
22. 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 asking for views. A business reply envelope would be provided (**Appendix 2**)
  - Review Notices will be placed on the web, in Municipal Buildings, Billingham Customer Services, and displayed within the Parish (**Appendix 3**)
  - An item will be placed on the Parish 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 advising the review is ongoing
- Press releases at each key stage
- Stockton News Article

### **Key Stakeholders**

23. To include:-

- Lead Petitioner
- Residents' Groups
- Ward Councillors
- Grindon Parish Council
- MP

### **Next Steps**

24. Following consideration by Cabinet on the 1 December and approval by Council on 15 December, the key stages and timeline identified above will be implemented.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

25. There is no existing budget for Community Governance Review. There will be printing and postage costs associated with the consultation and quotations are being obtained.

### **Legal**

26. It is a legal requirement under the Local Government and Public Involvement in Health Act 2007 to undertake a community governance review in response to the receipt of a valid petition.

## **RISK ASSESSMENT**

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

## **COUNCIL PLAN IMPLICATIONS**

28. Stronger Communities.

## **EQUALITY IMPACT ASSESSMENT**

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

## **CONSULTATION**

30. As above plus Lead Members and Cabinet Member.

Assistant Director Administration, Democratic and Electoral Services

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Background Papers:

Ward(s) and Ward Councillors:

Property Implications: