



**Council**

**Thursday, 5 December 2024**

**Barton in Fabis Community Governance Review**

## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,  
Councillor N Clarke**

### **1. Purpose of report**

- 1.1. In September 2024, Council received a petition from residents of Barton in Fabis requesting the removal of the Fairham development from Barton in Fabis Parish and the establishment of a new parish to represent the population of Fairham. The petition was validated by the Borough Council's Electoral Services team with 87 valid signatories.
- 1.2. Following validation of the petition, the Council is required to carry out a Community Governance Review in accordance with Part 4 of the Local Government and Public Involvement in Health Act 2007.
- 1.3. This report sets out the key issues to be addressed and seeks approval for the Terms of Reference for the Barton in Fabis Community Governance Review and the establishment of a cross party Task and Finish Group.

### **2. Recommendation**

It is RECOMMENDED that Council:

- a) notes the process involved for the delivery of a Community Governance Review and the proposed timetable;
- b) approves the Terms of Reference for the Community Governance Review (Appendix Two);
- c) establishes a cross party Task and Finish Group to consider the Council's position in response to the consultation to be undertaken as part of the Review; and
- d) approves the Task and Finish Group Terms of Reference (Appendix Three).

### **3. Reasons for Recommendation**

- 3.1. The Council as principal council has a responsibility under the Local Government and Public Involvement in Health Act 2007, to undertake a Community Governance Review if one is requested by the community and sufficient community support, in the form of a valid petition, is received.
- 3.2. It is also recognised that the development at Fairham will lead to a significant new community, both in terms of size, location and modernity which will be very different to the historic settlement of Barton in Fabis. Barton in Fabis has a population of 258 (2021 census) and is an historic rural settlement whose name comes from the Latin word “fabis” meaning beans and refers to the beans previously grown in the village.
- 3.3. Fairham is a sustainable urban extension in Rushcliffe, adjacent to Clifton and has an allocation of up to 3,000 homes plus employment land through the 2014 Rushcliffe Local Plan. Currently significant employment units have been built and Countryside is on site with the first phases of housing development.
- 3.4. The historic parish boundary covers a wider geographic area than the village of Barton in Fabis and without review, will in due course result in a population of several thousand over two very distinct settlements both being covered by the same parish council. The existing parish council of Barton in Fabis has raised concerns about this and the petition, which has been submitted and verified shows that a significant number of residents share this view.

### **4. Supporting information**

#### **The Petition**

- 4.1. Under the Local Government and Public Involvement in Health Act 2007, the Council must carry out a Community Governance Review on receipt of a valid petition specifying one or more recommendations, which the petitioners wish a review to consider making.
- 4.2. At the Council meeting in September 2024, a petition was submitted asking for the removal of the Fairham development from Barton in Fabis parish and the establishment of a new parish to represent the population of Fairham. The petition contained 90 signatures from people indicating they were electors of the Barton in Fabis parish. At that time Barton in Fabis had 228 electors (based on the 1 May 2024 Electoral Register). For a petition of this type to be valid it must be signed by at least 37.5% (or 86 of the electors) in an area where there are below 500 electors (in this case the ‘area’ is that defined by the petition (and map) provided at Appendix One). Following checking of the petition, it was established that it contained 87 valid signatures. Consequently, the petition was determined as valid for the purposes of the Community Governance Review.
- 4.3. The petition proposes the separation of the new Fairham development from the existing Barton in Fabis parish with the wording set out below: “This proposal is seeking to create a new Parish of Fairham so that the existing Parish Council

can remain focussed on the interests of the Barton in Fabis population and the residents of Fairham will have their own representation". It goes on to present six reasons why this is necessary and proposes new boundaries for both parishes.

- 4.4. Barton in Fabis Parish Council petitioned residents between 8 October 2023 and 4 June 2024. They also held a residents' coffee morning to discuss the proposals and delivered an information booklet including map to every home in the village – Appendix One.

### **Community Governance Review**

- 4.5. A Community Governance Review is the process used to consider whether separate parish councils for Barton in Fabis and Fairham should be created. It is anticipated that the Review will recommend to Council whether to establish such a parish council, and if so, the boundary, name and style, and the electoral arrangements, including how many councillors and the election cycle.
- 4.6. The recommendations made in a Community Governance Review have two main objectives:
- to improve community engagement and better local democracy; and
  - more effective and convenient delivery of local services.
- 4.7. The Review must ensure that community governance reflects the identities and interests of the community in that area and is effective and convenient.
- 4.8. It is proposed that a Community Governance Review is conducted in line with the Terms of Reference set out in Appendix Two.
- 4.9. As part of the Terms of Reference, the Council has to provide the number of electors in the area. This will be used to decide on the electoral arrangements if the Council recommends that separate parish councils for Barton in Fabis and Fairham should be created. The Council has used the Register of Electors of 1 May 2024, in providing the existing parish electorate figures. The Council must also give consideration to the electorate forecasts for the next five years, which are set out in the proposed Terms of Reference.

### **The Review Process**

- 4.10. There are two main stages to a Community Governance Review. During the first stage, the Council consults the affected community to gather opinions on whether separate parish councils for Barton in Fabis and Fairham should be created – a 'yes' or 'no' answer is sought. At the second stage, agreement is sought with the recommendations of the Council's Task and Finish Group before these recommendations are made to Council. The legislation includes a requirement to consult local government electors who are affected by the proposals and also those who appear to have an interest.

- 4.11. The key stages of the Review, including the consultation proposed, is set out below:

<b>Action</b>	<b>Timescale</b>
Council agree Terms of Reference	December 2024
First meeting of the Task and Finish Group focusing on background information	Spring 2025
Stage one consultation on the proposal to create a parish council	Through Spring and Summer 2025
Second meeting of the Task and Finish Group to consider the outcome of the stage one consultation and develop draft proposals	Autumn 2025
Stage two consultation on the draft proposals of the Task and Finish Group	Autumn 2025
Third meeting of the Task and Finish Group to consider the outcome of the stage two consultation and draft recommendations	Early 2026
Council considers recommendations for final approval	March 2026
If required: Organisation of Community Governance Order	Summer 2026
If agreed: Establishment of new parish councils for Barton in Fabis and Fairham	May 2027

### **Task and Finish Group**

- 4.12. To support the delivery of the Review, the establishment of a cross-party Task and Finish Group is recommended. As with other such groups it is proposed this will comprise nine Councillors and will be politically balanced. The Terms of Reference for the Task and Finish Group are attached at Appendix Three.
- 4.13. It is intended that the Task and Finish Group will meet on three occasions. At the first meeting, the petitioners from Barton in Fabis Parish Council will be invited to send a representative to address the Group to outline why they believe the community needs its own parish council. The Group will also receive more detailed information about the Community Governance Review process from officers and be able to feed into the stage one consultation. The second meeting of the Group will consider the submissions received as part of the first round of consultation undertaken and take officer advice relating to the cost of running the new parish council, the potential transfer of assets to the new parish council, and to develop draft proposals for the second stage of the consultation. The second stage of consultation will be followed by the final meeting of the Task and Finish Group. The consultation responses will be considered and final recommendations formulated. The Group will report to Council in March 2026. If required, a Community Governance Order will be drawn up at this point.

### **Other issues for consideration**

- 4.14. The Task and Finish Group, in considering the outcomes of both consultation exercises, need to be mindful of the following issues:

- Is there sufficient support for separate parish councils in Barton in Fabis and Fairham?
  - Would separate parish councils in Barton in Fabis and Fairham provide convenient and effective governance for both areas?
  - If yes:
    - Should separate parish councils be established?
    - How many parish councillors are needed on each council?
    - Should either parish be warded?
- 4.15. If, following consultation and delivery of the Community Governance Review, the Council is minded to recommend and agrees to the creation of separate parish councils for Barton in Fabis and Fairham, a Reorganisation of Community Governance Order will need to be adopted by Council. This is a requirement of Part 4 of the Local Government and Public Involvement in Health Act 2007.
- 4.16. The Reorganisation Order may cover consequential matters if relevant including:
- the transfer and management or custody of property;
  - the setting of precepts for new parishes;
  - provision with respect to the transfer of any functions, property, rights and liabilities;
  - provision for the transfer of staff, compensation for loss of office, pensions; and
  - other staffing matters.
- 4.17. The electoral arrangements for the new parish councils, if agreed, would come into force at the next scheduled parish council elections in May 2027.

## **5. Alternative options considered and reasons for rejection**

The valid petition has triggered a Community Governance Review. The Council would not be carrying out its responsibilities under the Local Government and Public Involvement in Health Act 2007, if it did not now carry out a Community Governance Review.

## **6. Risks and Uncertainties**

There is a question mark over the best time to bring forward the Community Governance Review linked to the build out timescales at Fairham. However, Barton in Fabis have considered this and have brought the petition forward now, with a view to any new arrangements coming into force in May 2027.

## **7. Implications**

### **7.1. Financial Implications**

Any cost incurred by the Council associated with the community governance review will be met from existing budgets. It is recognised that there are potential additional costs to the parish associated with the establishment of a parish council. The level and detail of these costs are something that would be determined by the parish council at the time a decision was made on its establishment. It will be the responsibility of the parish council to determine the nature and level of its ongoing costs, which will be linked to its activities and the level of support required to deliver these e.g. associated salaries, premises, and any assets that might be transferred to its possession.

### **7.2. Legal implications**

The legal implications are set out within the body of the report.

### **7.3. Equalities implications**

There are no Equalities Implications connected to the recommendations of this report.

### **7.4. Section 17 of the Crime and Disorder Act 1998 implications**

There are no Section 17 Implications connected to the recommendations of this report.

### **7.5. Biodiversity net gain implications**

There are no Biodiversity Net Gain Implications connected to the recommendations of this report.

## **8. Link to Corporate Priorities**

The Environment	None
Quality of Life	It is important that residents feel that their community is governed at an appropriate level and is representative of their identify as a community – this contributes towards their quality of life.
Efficient Services	It is important that local governance is appropriate to the community and operates effectively.
Sustainable Growth	None

## 9. Recommendation

It is RECOMMENDED that Council:

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<b>For more information contact:</b>	Sara Pregon Monitoring Officer spregon@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	
<b>List of appendices:</b>	Appendix One: The Petition Document Appendix Two: Terms of Reference for the Community Governance Review Appendix Three: Terms of Reference for the Task and Finish Group