



Cabinet

Tuesday, 8 June 2021

Petition: Community Governance Review

Report of the Chief Executive

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,
Councillor S J Robinson**

1. Purpose of report

- 1.1. The Council has received a petition of 635 valid signatories (i.e. from registered electors in Bingham), calling for a Community Governance Review of Bingham Town Council.
- 1.2. This report sets out the next steps to be taken in relation to the request contained within the petition.

2. Recommendation

It is RECOMMENDED that:

- a) Cabinet confirms Rushcliffe Borough Council's commitment to working collaboratively with Bingham Town Council to achieve the best outcomes for residents in response to the petition;
- b) a cross-party Cabinet-led Member Working Group is set up to consider the request contained within the petition for a Community Governance Review in Bingham;
- c) the Member Working Group report back to Cabinet by September 2021, with its views and suggested Terms of Reference on recommendation a) above;
- d) the Chief Executive writes to Bingham Town Council and Nottinghamshire County Council sharing the contents of this report and setting out what is agreed by Cabinet; and
- e) the Member Working Group will be supported by the Chief Executive, the Monitoring Officer, and external independent peer and legal support.

3. Reasons for recommendation

A petition has been received, signed by 635 valid signatories (i.e. from residents who live in Bingham and are registered on the electoral role) calling for the

Borough Council to undertake a Community Governance Review in Bingham. However, the Council needs to consider, with advice, whether the request contained within the petition is in all of the circumstances appropriate before determining a suitable course of action. This report does not seek to pass judgment on the contents of the petition but rather proposes the next steps so that Councillors can come to an informed, positive and productive decision in September 2021.

4. Community Governance Reviews

- 4.1. A Community Governance Review is a review that can be carried out by a principal authority (unitary or district council). The Local Government and Public Involvement in Health Act 2007 streamlined the process of a Community Governance Review and set out that not only can the principal authority decide to undertake a review, but the community can trigger a review process if it can organise a petition demonstrating sufficient support among the electorate for certain changes. The 635 valid signatories received meets the threshold based on the size of the Bingham electorate.
- 4.2. Community Governance Reviews are usually undertaken to set up a new parish council, to merge two or more parish councils or to alter the boundary of an existing parish.
- 4.3. The 2010 Guidance on Community Governance Reviews issued by the Communities and Local Government Department and the Local Government Boundary Commission for England (LGBCE) includes the following points:
 - 4.3.1. A principal council is under a duty to carry out a Community Governance Review if it receives a valid Community Governance Petition for the whole or part of the Council's area.
 - 4.3.2. In exercising the duty, principal councils should use their knowledge and awareness of local issues when deciding whether to undertake a review. However, principal councils should avoid starting a Community Governance Review if a review of district, London borough or county council electoral arrangements is being, or is about to be, undertaken or where the effect of a review would not achieve the best outcome for Bingham residents. Ideally, Community Governance Reviews should be undertaken well in advance of electoral reviews, so that the LGBCE in its review of local authority electoral arrangements can consider any parish boundary changes that are made. The LGBCE can provide advice on its programme of electoral reviews.
 - 4.3.3. Under the 2007 Act, local electors throughout England can petition their principal council for a Community Governance Review to be undertaken. The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters including:
 - the creation of a parish;
 - the name of a parish;

- the establishment of a separate parish council for an existing parish;
- the alteration of boundaries of existing parishes;
- the abolition of a parish;
- the dissolution of a parish council;
- changes to the electoral arrangements of a parish council;
- whether a parish should be grouped under a common parish council or de-grouped;
- a strong, inclusive community and voluntary sector;
- a sense of civic values, responsibility and pride;
- a sense of place – a place with a ‘positive’ feeling for people and local distinctiveness;
- reflective of the identities and interests of the community in that area; and
- effective and convenient;
- the impact of community governance arrangements on community cohesion;
- the size, population and boundaries of a local community or parish;
- people from different backgrounds having similar life opportunities; and
- people knowing their rights and responsibilities.

4.4. The points raised in paragraph 4.3 will need careful consideration and interpretation. The Borough Council’s ward boundaries are currently under review by the LGBCE. This may, or may not, have an impact on the timing of a review.

5. The Petition Received

5.1. The petition, entitled “Bingham Deserves Better” asks the Borough Council to undertake a Community Governance Review of Bingham Town Council under the provisions of the Local Government and Public Involvement in Health Act 2007 (using the 2010 guidance).

5.2. It goes on to state that, “Considerable time and money has been spent on Staff issues to the detriment of infrastructure projects. We also believe that progress on issues highlighted in the 2016 'Community Led Plan' and the 'Brilliant Bingham' initiative for the future of Bingham have been stifled by these distractions and regrettably neither fully embraced. This has led to ineffective performance, a weakened non-inclusive community and Council, where civic values, responsibility, and pride have been undermined, resulting in a lack of efficiency and community cohesion where standard Governance rules have been broken.”

- 5.3. The petition asks the Borough Council to:
- “Dissolve the Council [Bingham Town Council] and take over the operation until new elections can be held.
 - Reset the culture and strengthen the procedures at the Council [Bingham Town Council] so that the above mentioned concerns cannot continue.”
- 5.4. Clearly the dissolution of a town or parish council is not a matter to be undertaken lightly and the Borough Council needs to consider carefully the merits of the petition and an appropriate course of action to be undertaken. It is advised that this consideration is undertaken by a cross-party Member Group with external independent advice from the Local Government Association, NALC (National Association of Local Councils) and specialist legal advice. The law and accompanying guidance on Community Governance Reviews should be considered in relation to the petition received so that Rushcliffe Borough Council can make sound decisions on the next steps. In addition, Nottinghamshire County Council will need to be consulted and engaged.
- 5.5. Bingham Town Council should be consulted and engaged throughout any process undertaken in order that the most positive outcomes can be achieved.

6. Alternative options considered and reasons for rejection

The decision requested within this report is to set up the Member Working Group to consider the next steps. There are no alternative options being put forward.

7. Risks and Uncertainties

- 7.1 The request in the petition is unusual. There does not appear to be much precedent for such requests and so it will be imperative that the Council obtains legal advice on undertaking the next steps.
- 7.2 If in the event that Bingham Town Council was dissolved, the costs that are currently raised by a Parish Precept would need to be replaced by a form of local taxation.

8. Implications

8.1. Financial implications

It is very likely that there will be a financial implication to this piece of work. At the very least, external legal advice will need to be secured which is estimated to be no more than £5k. This will be funded from in-year underspends or alternatively from general contingency.

8.2. Legal implications

Bingham Town Council is an independent organisation with statutory powers. Rushcliffe Borough Council has been asked to take action and intervene in the running of Bingham Town Council under the provisions of the Local

Government and Public Involvement in Health Act 2007 (using the 2010 guidance). The next steps will be considered by applying the legal provisions of the Act and supporting guidance.

8.3. Equalities implications

There are no equalities implications arising from this report.

8.4. Section 17 of the Crime and Disorder Act 1998 implications

There are no crime and disorder implications arising from this report.

9. Link to Corporate Priorities

Quality of Life	N/A
Efficient Services	N/A
Sustainable Growth	N/A
The Environment	N/A

10. Recommendation

It is RECOMMENDED that

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- e) the Member Working Group will be supported by the Chief Executive, the Monitoring Officer, and external independent peer and legal support.

For more information contact:	Katherine Marriott Chief Executive 0115 914 8349 kmariott@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	None