



Council

Thursday, 3 March 2022

Upper Saxondale Community Governance Review

Report of the Chief Executive

**Portfolio Holder for Strategic and Borough-wide Leadership,
Councillor S J Robinson**

1. Purpose of report

- 1.1. In December 2021, Council received a petition from residents of Upper Saxondale requesting the establishment of a new Upper Saxondale Parish Council, separate to the existing parish councils in the area. The petition was validated by the Borough Council's Electoral Services team with 233 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 Upper Saxondale 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

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.

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 December 2021, a petition was submitted asking for the creation of a separate parish for Upper Saxondale which is currently divided between the parishes of Radcliffe-on-Trent and Cropwell Butler. The petition contained 235 signatures from people indicating they were electors of the proposed new Upper Saxondale parish. At that time Radcliffe-on-Trent parish had 6,519 local electors and Cropwell Butler parish had 555 local electors (based on the 1 December 2021 Electoral Register). For a petition of this type to be valid it must be signed by at least 187 of the electors in an area where there are between 500 and 2,499 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 233 valid signatures. Consequently, the petition was determined as valid for the purposes of the Community Governance Review.
- 4.3. The petition proposes the creation of a separate parish council for Upper Saxondale with the wording set out below:

“This petition recommends the creation of the parish of Upper Saxondale in the borough of Rushcliffe, Nottinghamshire. This will:

 - ensure that Upper Saxondale electors are effectively represented at parish level
 - ensure that the parish precept is spent for the benefit of the Upper Saxondale community
 - ensure a sustainable future for the maintenance and protection of the environment and facilities at Upper Saxondale”.
- 4.4. The Upper Saxondale Residents' Association petitioned residents between 8 October and 31 October 2021. 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 a new parish council for Upper Saxondale 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 a separate parish council for Upper Saxondale is created. The Council has used the Register of Electors of 1 December 2021, 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 a parish council for Upper Saxondale should be created – a ‘yes’ or ‘no’ answer is sought. At the second stage, agreement is sought with the 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:

Action	Timescale
Council agree Terms of Reference	3 March 2022
First meeting of the Task and Finish Group focusing on background information	w/b 7 March 2022
Stage one consultation on the proposal to create a parish council	21 March to 13 May 2022

Second meeting of the Task and Finish Group to consider the outcome of the stage one consultation and develop draft proposals	w/b 6 June 2022
Stage two consultation on the draft proposals of the Task and Finish Group	27 June to 19 August 2022
Third meeting of the Task and Finish Group to consider the outcome of the stage two consultation and draft recommendations	w/b 29 August 2022
Council considers recommendations for final approval	29 September 2022
If required: Organisation of Community Governance Order	30 September 2022
If agreed: Establishment of a new parish council for Upper Saxondale	4 May 2023

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 Upper Saxondale 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 in April and May 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 take place between July and August and 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 September 2022. 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 a parish council in Upper Saxondale?
 - Would a parish council in Upper Saxondale provide convenient and effective governance?
 - If yes:
 - Should a parish council be established?
 - How many parish councillors are needed?
 - Should the 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 a parish council for Upper Saxondale 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
 - and other staffing matters.
- 4.17. The electoral arrangements for a new parish council, if agreed, would come into force at the next scheduled parish council elections in May 2023.

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 risk in terms of meeting the timeline set out above in order to hold parish council elections in line with the May 2023 elections if required. Additionally, it may be necessary to seek input from National Association of Local Councils if the decision is taken to create a new parish.

7. Implications

7.1. Financial Implications

It is recognised that there are potential additional costs 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.

8. Link to Corporate Priorities

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	
The Environment	

9. Recommendation

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For more information contact:	Charlotte Caven-Atack Service Manager – Corporate Services 0115 914 8278 ccaven-atack@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices:	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