

Council Report

Council - 13 December 2017

Title

Community Governance Review - Orgreave Parish Council

Is this a Key Decision and has it been included on the Forward Plan?

Not applicable

Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author

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Ward(s) Affected

Rother Vale, Brinsworth & Catcliffe

Executive Summary

At its meeting on 3rd June, 2015, Council received a report following the submission of a statutory petition from Orgreave Parish Council requesting a Community Governance Review to alter the boundary of the Parish Council to cover only the settlement of Orgreave and the creation of a new Parish Council to cover the remainder of the current area of Orgreave Parish Council, which would include the southern part of the Waverley settlement. Council agreed that a Community Governance Review should be undertaken, approved the Terms of Reference for the review and resolved that a further report be submitted with the results of the consultation exercise.

A consultation exercise did take place but no further report was submitted to Council. This report seeks to rectify that omission. There has been significant development on the Waverley site since 2015 and this report outlines the various proposals which have emerged from recent discussions with Orgreave Parish Council, Catcliffe Parish Council, the Waverley Residents Association and Ward Members. The report makes recommendations for the further progress of the Community Governance Review.

Recommendations

1. That the modified terms of reference set out at Appendix 4 of this report be agreed.
2. That further consultation take place as set out at section 4 of this report.
3. That a further report on the outcome of the further consultation be submitted to the Council in due course.

Appendices

Appendix 1 - Petition from Orgreave Parish Council

Appendix 2 - Terms of Reference [approved June 2015]

Appendix 3 - Consultation Responses [2015]

Appendix 4 - Proposed Modified Terms of Reference including Plans

Background Papers

- Report to the meeting of Council on 3rd June, 2015 - "Community Governance Review Orgreave Parish"
- Guidance on Community Governance Reviews [Department for Communities and Local Government and the Local Government Boundary Commission for England, March 2010]

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Community Governance Review - Orgreave Parish Council Review of the Constitution

1. Recommendations

- 1.1 That the modified terms of reference set out at Appendix 4 of this report be agreed.
- 1.2 That further consultation take place as set out at section 4 of this report.
- 1.3 That a further report on the outcome of the further consultation be submitted to the Council in due course.

2. Background

- 2.1 At its meeting on 3 June 2015 Council received a report following the submission of a petition from Orgreave Parish Council requesting a community governance review to alter the boundary of the Parish Council to cover only the settlement of Orgreave and the creation of a new parish council to cover the remainder of the current area of Orgreave Parish Council, which would include the southern part of the Waverley settlement. Council agreed that a community governance review should be undertaken, approved the terms of reference of the review and resolved that a further report be submitted with the results of the consultation exercise.
- 2.2 A consultation exercise did take place but no further report was submitted to Council. This report seeks to rectify that omission. There has been significant development on the Waverley site since 2015 and this report summarises the consultation responses received in 2015, outlines the various current proposals and recommends the modification of the terms of reference and further consultation before a final decision is made on the community governance review.
- 2.3 The report received by Council on 3 June 2015 confirmed that:
 - 2.3.1 The petition received [Appendix 1 to this report is the first page of signatures and the plan from the petition], met the requirements of the Local Government and Public Involvement in Health Act 2007 [“the 2007 Act”].
 - 2.3.2 The Council was therefore required to carry out a community governance review, to agree terms of reference for the review and to carry out statutory consultation.
 - 2.3.3 The Council should have regard to the need to secure that community governance in the area under review:
 - 2.3.3.1 Reflects the identities and interests of the community in that area, and
 - 2.3.3.2 Is effective and convenient.

2.3.4 The Guidance on Community Governance Reviews (issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England in March 2010) [the Guidance] required consideration to be given to:

2.3.4.1 The impact of community governance arrangements on community cohesion;

2.3.4.2 The size, population and boundaries of the local community or parish

3. The 2015 Consultation Responses

3.1 Following the meeting of Council on 3 June 2015 a consultation exercise took place between 1 June 2015 and 28 August 2015. This resulted in 16 responses being received. 12 responses were in favour of the proposal in the Petition, 2 were against and 2 raised queries.

3.2 The responses are at Appendix 3 and the comments made by respondents included:

3.2.1 There are two separate communities within the Orgreave Parish and new facilities are being planned for Waverley.

3.2.2 Waverley residents do not want to pay council tax and management fees and do not want another parish council.

3.2.3 Any new parish should be called Highfield Springs and not Waverley.

4. The Current Position

4.1 Since 1 December 2015 the number of registered electors living in the two polling districts on the Waverley development has increased from 660 to 1211. The area covered by the Orgreave Parish Council includes the Orgreave polling district, where the number of electors has reduced from 592 to 584 and the Waverley South polling district where the number of electors has increased from 449 to 901. Since the creation of the settlement at Waverley the numbers of electors living in the Waverley South polling district within the Orgreave Parish Council area has increased to the point where they outnumber electors living in the Orgreave polling district by nearly two to one.

4.2 The area covered by the Catcliffe Parish Council includes the Catcliffe polling district, where the number of electors has increased from 1534 to 1541 since 1 December 2015 and the Waverley North polling district where the number of electors has increased from 211 to 310. Projections provided to the Local Government Boundary Commission for England [LGBCE] stated that between 2016 and 2022 a further 160 dwellings would be completed in the Waverley North Polling District and a further 638 dwellings would be completed in the Waverley South polling district. A recent planning application for the construction of a mixed use centre for retail and services, including food and drink, a community centre and a bus station was referred to the Secretary of State by the Planning Board at its meeting on 26 October 2017.

- 4.3 On 31 October 2017 the LGBCE published its *Final recommendations on the new electoral arrangements for Rotherham Metropolitan Borough Council* and in those recommendations noted that some respondents commenting on the Waverley area had asked the LGBCE to halt their review so that steps could be taken to bring into effect changes to parish boundaries and the creation of a new parish. The LGBCE noted that it had no power to create parishes or amend their boundaries; which is a matter for the Council, and were not prepared to delay the completion of their review.
- 4.4 The LGBCE's final recommendations therefore had regard to the boundaries of the parishes as they currently exist. Those final recommendations transfer the Orgreave polling district, from the current Rother Vale Ward to the proposed new Aughton and Swallownest Ward while the Waverley settlement would form part of the new Rother Vale ward. Subject to the parliamentary process these new arrangements will take effect from the local elections in 2020. One of the considerations the LGBCE takes into account is the need to reflect community identity and their recommendations suggest that they saw the settlement of Orgreave's community identity as lying with Aughton & Swallownest rather than with Rother Vale and Waverley.
- 4.5 The Council's Neighbourhoods Officers have spoken to Orgreave Parish Council, Catcliffe Parish Council, the Waverley Residents Association and Ward Members to seek their thoughts on the community governance review. Those discussions have identified the following options for community governance in Orgreave, Waverley and Catcliffe:
- 4.5.1 No change which would maintain the status quo, leaving Catcliffe and Orgreave parishes unchanged, until the Waverley settlement is considerably larger.
- 4.5.2 The implementation of the proposals in the Petition, namely to divide the parish of Orgreave to form a separate parish council for the Orgreave polling district (KB) which covers the settlement of Orgreave plus a new parish council for the Waverley South polling district (KG). Given the lapse of time since the consultation in 2015 and the increase in the number of electors, there will be a significant number of residents of Waverley who would be affected by this proposal but who have not been consulted.
- 4.5.3 A new parish council for the area covered by the two Waverley polling districts (CG and KG). This would require the alteration of the boundaries of the Orgreave Parish Council to reduce its area to cover only the Orgreave polling district (KB) which consists of the settlement of Orgreave itself, and the alteration of the boundaries of the Catcliffe Parish Council to reduce its area to cover only the Catcliffe polling district (CF).

4.5.4 To remove the two Waverley polling districts from the areas of the Orgreave and the Catcliffe Parish Councils and leave them unparished. This would involve the alteration of the boundaries of the two existing Parish Councils as for 4.3.2 above. The Guidance suggests that parished areas becoming unparished as a result of a community governance review would be undesirable in the absence of community governance arrangements being in place.

5. Terms of Reference

5.1 Under section 81 of the Local Government and Public Involvement in Health Act 2007 Act [the 2007 Act] it is for the principal council to decide the terms of reference of any community governance review which it is to undertake and once the terms of reference are decided to publish the terms of reference. The Terms of Reference approved by Council at its meeting on 3 June 2015 are at Appendix 2.

5.2 The Guidance on Community Governance Reviews [the Guidance] states that:

Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

And Section 81 of the 2007 Act allows for the modification of terms of reference.

5.3 The Council has the opportunity to modify the Terms of Reference published in 2015 to include the options for community governance identified in paragraph 4.5 above. This would enable the Terms of Reference to be tailored to reflect the current views expressed by the representatives of local people and would form the basis of further consultation in the light of the development in the Waverley polling districts which has taken place since 2015.

5.4 Draft modified terms of reference which set out the options for community governance set out at paragraph 4.5 are set out at Appendix 4 and include updated information.

6. Key Issues

6.1 The proposal in the Petition is for the area of the Orgreave Parish Council to be reduced to the area of the Orgreave polling district and for the remainder of the current area of Orgreave Parish Council, which is covered by the Waverley South polling district to have its own Parish Council. Those are the proposals upon which the consultation in late 2015 were based and no specific consultation took place on any alternative options, for example the option of creating a parish council for the whole Waverley Settlement covering the Waverley North and Waverley South polling districts. The Petition proposal proposes that only the southern part of the Waverley settlement should have its own parish council.

- 6.2 It is clear that since the Petition was considered by Council at its meeting on 3 June 2015 the Waverley settlement has grown significantly, and will continue to do so, as set out at section 4 above. A corresponding interest in the issue of whether the Waverley settlement as a whole should have a parish council of its own has developed. Implementation of the proposal set out in the Petition would leave the Waverley settlement split between the area of Catcliffe Parish Council and the area of the proposed new Parish Council for the Waverley South polling district. A decision to implement the proposals set out in the Petition would also have the effect of creating community governance arrangements for residents of the Waverley South polling district who have moved into the Waverley settlement since the previous consultation in 2015 and whose views have never been sought.
- 6.3 Given the need for decision-making in relation to the community governance review to have regard to the need for the outcome to reflect the identities and interests of the community in that area, it would be appropriate for the review to include consultation on the option of a separate Parish Council for the Waverley settlement based on the Waverley North and Waverley South polling districts as one of the potential options.

7. Options considered and recommended proposal

Option 1

- 7.1 To progress the community governance review on the basis of the consultation which took place in 2015. This is not recommended as the Waverley settlement has grown significantly since that consultation closed, new options have emerged since which have not been consulted upon and in particular because people who have moved into the Waverley South polling district since that consultation would have had no voice in the review.

Option 2

- 7.2 To modify the terms of reference for the community governance review as set out at Appendix 4, to include options for community governance which have emerged, and to carry out further consultation on the basis of those modified terms or reference. The outcome of the further consultation would then be reported back to Council. This is the recommended option as it would allow the review to take account of the current stage of the development of the Waverley settlement, the options for community governance which have emerged since the previous consultation and the views of all those who will be affected by the community governance review. A further report on the outcome of the further consultation would be brought to Council.

8. Consultation

- 8.1 The proposed further consultation would take place over a 12 week period between 15 January 2018 and 16 April 2018 and a further report would then be brought to a meeting of Council.

8.2 The consultation would be with local people potentially affected by the community governance review, local parish councils, the Waverley Residents Association and other stakeholders such as Harworth Estates, local businesses, local public and voluntary organisations. The consultation would include advertisements in the press, letters to local residents, drop-in sessions and detailed information on the Council's website.

9. Timetable and Accountability for Implementing this Decision

9.1 If the recommendations set out above are adopted, Council will receive a further report on responses to the further consultation at its Annual Meeting on 18 May 2017.

10. Financial and Procurement Implications

10.1 There will be a cost to the Council in respect of the consultation exercise associated with this Community Governance Review. This will be in respect of the cost of advertising, postage, room hire and officer time in undertaking the review. It is considered that this cost should not exceed £10,000.

11. Legal Implications

11.1 The legal issues relating to community governance reviews are set out in the body of the report.

11.2 The 2007 Act sets a time limit for completion of community governance reviews. At the time of the receipt of the Petition the Council was required to conclude the community governance review within the period of 12 months starting with the day on which the Council began the review. The Council began the review with the decisions made at its meeting on 3 June 2015. The time limit has therefore not been met. This report seeks to bring the review to a conclusion as soon as is compatible with proper consultation.

12. Human Resources Implications

12.1 There are no human resources implications arising from this report.

13. Implications for Children and Young People

13.1 There are no direct implications for children and young people arising from this report.

14. Equalities and Human Rights Implications

14.1 There are no equalities and human rights implications arising from this report.

15. Implications for Partners and Other Directorates

15.1 There are implications for existing Parish Councils as set out in the body of this report.

16. Risks and Mitigation

- 16.1 The 2007 Act requires that local people are consulted during a community governance review, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcomes of such reviews including any decisions. When undertaking the review the Council must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient.
- 16.2 Without effective consultation there is the risk that recommendations arising from the review would not reflect the identities and interests of local communities or effective and convenient community governance. That risk is proposed to be mitigated by the proposed further consultation.

17. Accountable Officer(s)

Dermot Pearson, Assistant Director of Legal Services

Approvals Obtained from:-

	Named Officer	Date
Strategic Director of Finance & Customer Services	Judith Badger	05.12.2017
Assistant Director of Legal Services	Dermot Pearson	05.12.2017
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

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