

Committee Name and Date of Committee Meeting

Council - 30 October 2019

Report Title

Community Governance Review - Ravenfield Parish Council

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

No

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

Wickersley
Silverwood
Hellaby

Report Summary

The Council have received a petition from Ravenfield Parish Council requesting a Community Governance Review. This report explains the statutory background, outlines the proposed timetable and the role of the Council's role in carrying out the review.

Recommendations

That Council:

1. Agrees that a community governance review of the parish of Ravenfield is undertaken.
2. Agrees the Terms of Reference for the review in respect of the parish of Ravenfield which are at Appendix 3.
3. Agrees that Council receives a further report on the outcome of the consultation undertaken as part of the review.

List of Appendices Included

Appendix 1 First page of Petition
Appendix 2 Map of effected area
Appendix 3 Terms of Reference

Background Papers

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 - Ravenfield Parish Council

1. Background

- 1.1 The Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes to the 'Principal' Council. Rotherham Metropolitan Borough Council now, therefore, has the power to carry out a Community Governance Review.

2. Key Issues

- 2.1 The Council has received a petition from Ravenfield Parish Council asking that a Community Governance Review be undertaken in the Ravenfield Parish Council in respect of the Parish boundary. The first page of the petition is at Appendix 1. The petition is a valid petition under the provisions of the Act.
- 2.2 The petition asks for a Community Governance Review to be undertaken with a view to altering the existing boundary of the Parish of Ravenfield. A map of the existing Parish boundary and the amendment proposed by Ravenfield Parish Council is at Appendix 2.
- 2.3 The reasons stated for the proposed amendment are as follows:

"This is a petition addressed to Rotherham Metropolitan Borough Council under section 88 of the Local Government and Public Involvement in Health Act 2007 (as amended by the Legislative Reform ((Community Governance Reviews) Order 2015 (hereinafter referred to as "The Act")

We the undersigned, request that Rotherham Metropolitan Borough Council change the boundary between Bramley and Ravenfield Parishes under Community Governance Powers granted to them under legislation. The boundary between Moor Lane South and Lidget Lane should be moved south to a line stretching from the southern border of site LDF0774 (Rotherham Local Plan) running from Moor Lane South eastward to Lidget Lane (identified as a red line on the map attached to the petition.

The request is made due to the change of use on LDF0774 to residential and the inevitable increase in population. Residents of the new housing will live in the community of Ravenfield and use Ravenfield village facilities. The current boundary would create an anomalous situation and be harmful to community cohesion."

- 2.4 In order to start the required Community Governance review, the Council will need to agree Terms of Reference for the review and as part of the review to carry out statutory consultation. The proposed Terms of Reference in respect of this Community Governance Review are enclosed at Appendix 3.

As stated in the Terms of Reference the Review will specifically consider:-

- (i) Whether to alter the existing area of the Parish of Ravenfield

The arrangements in respect of the proposed consultation are also set out within the Terms of Reference.

2.5 Section 93 of the Act requires the Council to ensure that community governance within the area under review will be:-

- Reflective of the identities and interests of the community in that area
- Effective and convenient

2.6 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:-

- The impact of community governance arrangements on community cohesion;
- The size, population and boundaries of the local community or parish.

3 Options considered and recommended proposal

Option 1

3.1 That Council undertake the Community Governance Review as outlined in the Terms of Reference at Appendix 3.

S 83 of the Local Government and Public Involvement in Health Act 2007 states that once a Principal authority receives a valid community governance petition, relating to the whole or part of the Council's area, the principal authority must undertake a community governance review that has terms of reference that allow for the petition to be considered.

Option 2

3.2 That the Council does not undertake a Community Governance Review however this would not be in accordance with s.83 of the Local Government and Public Involvement in Health Act 2007.

3.3 It is recommended that Option 1 is followed.

4. Consultation on Proposal

4.1 Section 93 (3) of the Act requires that the principal council must consult the following:-

- (a) the local government electors for the area under review;
- (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

The proposed consultation would take place over the period between 1st November 2019 and 31st January 2020 and a further report would then be brought to a meeting of Council.

4.2 The consultation would be with local people potentially affected by the community governance review, local parish councils, local MPs, Rotherham CCG, SY Police and local businesses.

5. Timetable and Accountability for Implementing this Decision

5.1 If the recommendations set out above are adopted, Council will receive a further report on the responses to the further consultation and the outcome of the review at a meeting in July 2020.

5.2 The full timetable for the Community Governance Review is set out in the Terms of Reference at Appendix 3.

6. Financial and Procurement Advice and Implications

6.1 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, provision of leaflets, room hire and officer time in undertaking the review. It is considered that this cost should not exceed £5,000.

7. Legal Advice and Implications

7.1 The legal issues and relevant legislation relating to Community Governance Reviews are set out above, in the body of the report.

8 Human Resources Advice and Implications

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

9 Implications for Children and Young People and Vulnerable Adults

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

10 Equalities and Human Rights Advice and Implications

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

11 Implications for Partners

11.1 There are implications for Ravenfield and Bramley Parish Councils as set out in the body of the report.

12 Risks and Mitigation

- 12.1 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.
- 12.2 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 sought to be mitigated by the proposed consultation.

13 Accountable Officer(s)

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