

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Cabinet</b>
2.	<b>Date:</b>	<b>7<sup>th</sup> April, 2010</b>
3.	<b>Title:</b>	<b>Parish Review/Community Governance Review</b>
4.	<b>Directorate:</b>	<b>Chief Executive's</b>

### **5. Summary**

The report informs the Cabinet of the outcome of consultation on the draft recommendations, which were approved by Council and Cabinet in July last year. In many cases the report sets out final recommendations for approval by the Council, although in some cases it is recommended that additional consultation be undertaken. The report also sets out the process for concluding the Review.

### **6. Recommendations**

- (1) That the final recommendations of the Member and Officer Working Group be submitted to the Council for approval.**
- (2) That it be noted that these are subject to the approval of the Electoral Commission, insofar as they affect Parish Councils which have protected electoral arrangements.**
- (3) That further consultation take place regarding the proposals affecting Brinsworth and Thorpe Hesley, and that a further report be submitted making final recommendations in these cases.**
- (4) That if the final recommendation regarding the inclusion of part of East Herringthorpe within the parish of Dalton is approved, a further report be submitted regarding the Warding arrangements for Dalton Parish Council.**
- (5) That subject to the above, the final recommendations be published and notice given to all those who have an interest in them.**
- (6) That the Assistant Chief Executive (Legal and Democratic Services) prepare an Order to bring the final recommendations into effect, containing such transitional and consequential provisions as are necessary.**

## 7. Proposals and Details

### (a) Background to the review

The review is of the whole borough which comprises both parished and unparished areas. There are 29 parishes with 26 parish councils.

The Council has a duty to keep under review the arrangements of its parishes. The last review was undertaken over 20 years ago and since then there has been significant new development and population movement across the borough which may mean that local identities have changed.

The main aim of the review was to ensure that parish boundaries continue to reflect the identities and interests of the communities they serve, are meaningful, and facilitate the delivery of effective and convenient services. The review also considered issues such as whether parishes should be created in parts of the borough which do not presently have them, whether new parishes might be created from within existing parishes and electoral arrangements within parishes, such as levels of representation and Warding arrangements.

### (b) Legal position and decision making powers

The Council will no longer be required to submit proposals to the Secretary of State, but instead will be able to make an Order bringing the proposals into force. However, the Electoral Commission still has to be consulted about changes to protected electoral arrangements.

In Rotherham's case, the following parish councils have protected electoral arrangements following the review of Borough Ward boundaries and the Borough of Rotherham (Electoral Changes) Order 2004. Any changes may not be made without the approval of the Electoral Commission for a period of five years from 15<sup>th</sup> October 2006. Therefore, any recommendations which affect these Councils must first receive approval from the Electoral Commission.

- Aston-cum-Aughton
- Bramley
- Dalton
- Maltby
- Thrybergh
- Thurcroft
- Wickersley

If the review determines that a consequential change to any borough ward boundary should be recommended, this should also be submitted to the Electoral Commission. This applies to the recommendation for changes to the parishes of Dinnington St. John's and Woodsetts, which affects the Borough Wards of Anston and Woodsetts and Dinnington, although only three properties are affected.

(c) Summary of phases one and two

Preliminary consultation began in October 2007 and phase one was effectively concluded prior to the May 2008 Council elections.

At phase two of the Review, a Member and Officer Working Group, chaired by Councillor Hussain, met on a number of occasions to discuss the initial proposals and meet some of those who made them. Where proposals were unclear, separate meetings between officers and community representatives also took place and, where necessary, Area Partnership Managers brought parties together, with a view to determining boundary changes through agreement and consensus.

Following this, on 1<sup>st</sup> July 2009, a report was submitted to Cabinet, submitting draft recommendations proposed by the Working Group. These were then approved by Cabinet and recommended to Council.

(d) Response to Consultation

In approving the recommendations Cabinet and Council agreed that they should be issued for general public consultation and specific consultation with all those affected. Letters were sent to all Parish Councils enclosing the draft recommendations and maps showing the revised boundaries that would result. Letters were also sent to all the residents in the areas affected by the draft recommendations. The draft recommendations and maps were placed on deposit at the Council Offices at Doncaster Gate and were also made available on the Council's website. Public notice of this was given in Rotherham News.

Following conclusion of the consultation, the Working Group has met to give further consideration to the draft recommendations in the light of the responses received.

(d) Current situation

Attached as an Annexe to this report is a summary of all of the proposals on a parish by parish basis. The annexe sets out the

draft recommendation, the response to the consultation, the views of the Working Group where issues were raised by the responses to the consultation and, in many cases, a final recommendation. Some of the individual responses to the consultation are appended to the document. The remainder of the consultation material is available for inspection in Members' Room.

Discussions are taking place with the Electoral Commission and responsibility will move to the Boundary Committee after 1<sup>st</sup> April. However, formal application will be made when the final recommendations are approved by Council.

Areas where there have been significant changes from the draft recommendations are:-

(a) Brinsworth

The Working Group has made no final recommendation, to allow the Parish Council time to carry out further consultation regarding the proposed extension of the parish to include an area north of Bawtry Road. The Clerk to the Parish Council states that this has been done through the issuing of the Parish Newsletter to all of the householders in the area affected, setting out the proposal and inviting comments. No responses have been received, which led the Parish Council to the view that there were insufficient objections and, therefore, the proposal should proceed. As this was not one of the draft recommendations, the Borough Council has carried out no consultation on this proposal.

(b) Dalton

The Working Group did not originally support the proposal from Dalton Parish Council to incorporate within the parish a previously unparished area of East Herringthorpe. Following further evidence from the Parish Council as to the consultation they carried out with residents from this area, the Working Group has decided to support the proposal. There was a response rate of 6.2%, with 61% of those responding in favour. Again, as this was not one of the draft recommendations, the Borough Council has carried out no consultation on this proposal.

If this additional recommendation is supported, Electoral Services should consider the Warding arrangements for Dalton Parish Council. There would be an influx of around 1,400 electors. The parish currently consists of

three Wards. One option is to create a fourth Ward of say three Members for the additional area. Another option is to examine the area of the current West Ward and the proposed new intake and look at whether there are any natural boundaries/communities which would make it sensible to create two Wards each with around 2,000 electors and four Members for each Ward.

(c) Laughton Common

In the case of Laughton Common, prior to the draft recommendation being put forward for consultation, evidence of popular support for a new parish council appeared to outweigh the evidence against. However, the consultation generated more responses opposed to the proposal than those in support. The Working Group is, therefore, recommending not proceeding with this proposal, although the initiators of the proposal have requested a meeting.

(d) Thorpe Hesley

The Working Group has recommended deferral of this matter to allow further consultation to be undertaken by the Thorpe Hesley and Scholes Community Forum. There was no support for the draft recommendation on which the Council consulted. However, the Thorpe Hesley and Scholes Community Forum believe that there is support for the creation of a parish and parish council, although perhaps with different boundaries from those upon which consultation took place.

(e) Next Steps

Once the final recommendations are approved by the Council, they will be publicised and the Council will make an Order to bring them about. In appropriate cases, the consent of the Electoral Commission will be needed before this Order can be made.

Elections for any new parish councils will be held in 2011, thereby putting them on the same electoral cycle as existing parish councils. Electoral Services will need to prepare new electoral registers to take account of all of the changes that result from the final recommendations.

As regards Council Tax, staff will need to prepare amended Council Tax registers where properties are moving from one parish or another, or where a new parish is created.

The Order made by the Council to bring the final recommendations into effect will contain details of transitional provisions and consequential matters such as how properties and assets are to be dealt with in any area where a new parish is being created or areas are being transferred from parish to another.

The Order will take effect from 1<sup>st</sup> April 2011, but should be made as quickly as possible to allow the necessary preparations to be made as set out above.

## **8. Finance**

No specific financial implications arise from this report. There will be costs associated with notifying all affected parties of the outcome of the Review.

If new parishes are created, consideration will be needed to be given to setting initial precepts. These are likely to be set by the Borough Council, until such time as any new parish councils are elected.

Financial issues may arise as between parishes where new parishes are created out of the areas of existing parishes or the boundaries of parishes change. Provisions as to these will be made in the order.

## **9. Risks and Uncertainties**

There was opposition to some of the draft recommendations, both from existing parish councils and from some of the residents in the areas affected. The Working Group has given careful consideration to all representations made as part of the consultation upon the draft recommendations, and in some cases has deferred a final recommendation to Cabinet and Council to enable more consultation to be undertaken.

There is always a risk that any newly created parish may not be sustainable or be able to attract local people to serve as Councillors. To mitigate and manage these risks, support and guidance is available from Yorkshire Local Councils Association and the RMBC and Parish and Town Councils Joint Working Group.

## **10. Policy and Performance Agenda Implications**

Parish councils play an important part in engaging with local people and providing local leadership. The Local Government White Paper includes proposals aimed at extending and deepening parish governance, including a presumption in favour of creating parishes where communities requested them.

At a local level, supporting and enhancing the role and function of parish councils is a high priority for the Borough Council, as reflected in key plans

and strategies such as the Community Strategy, the Corporate Plan and the RMBC/Parish Charter.

## **11. Background Papers and Consultation**

Review of Parish Boundaries, Report to CMT – 30 June 2008

Parish Boundary/Community Governance Review Phase Two –

- Recommendations, Report to Member Working Group – 04 March 2009.
- Guidance on Community Governance Reviews, Report to Member Working Group – 04 March 2009
- Report to Cabinet – 01 July 2009
- Report to Democratic Renewal Scrutiny Panel – 10 December 2009
- Responses to Consultation on draft recommendations (where not appended)

The Local Government and Rating Act 1997.

The Local Government and Public Involvement in Health Act 2007.

DCLG guidance and circulars available at [www.communities.gov.uk](http://www.communities.gov.uk)

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