

Report to COUNCIL

Meeting Date: 14th September 2021
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Policy and Budget Framework: Yes
 Public / Private: Public

Title: Community Governance Review: "Stanwix Village"
 Report of: Corporate Director of Governance and Regulatory Services
 Report Number: GD.56/21

Purpose / Summary: To consider a petition requesting a Community Governance Review (CGR) of the proposed "Stanwix Village" parish area and, what the remit and scope should be.

Recommendations:

1. That Council agrees to carry out a Community Governance Review of the proposed "Stanwix Village" parish area to consider the establishment of a separate parish council for "Stanwix Village" and associated electoral arrangements.
2. That the Terms of Reference for the Community Governance Review, as set out at Appendix 1 to the report, are agreed.
3. That a Community Governance Review Working Party consisting of members from the Stanwix & Houghton ward and Stanwix Urban division be established to co-ordinate the review and to make final recommendations to Council.

Tracking

Executive:	
Scrutiny:	
Council:	14 September 2021

1. BACKGROUND

A petition calling for the establishment of a separate parish council for the Stanwix Village area, coterminous with the current Stanwix Urban County Council division, was submitted on 1st September 2020. The petition contained 330 valid local government elector signatures which is the minimum number required to trigger a review of that area. It was felt prudent to await the ending of social distancing regulations in order to facilitate proper community engagement in relation to the proposal.

2. PROPOSALS

Section 83 of the Local Government & Public Involvement in Health Act 2007 requires a district council to undertake a review where a valid petition is received which relates to whole or part of the council's area and where the council is not currently carrying out a review of the area and has not carried out a review in the two years preceding. As the conditions are met then the council has a duty under the legislation to carry out the review as requested in the petition.

The legislation requires that a review is concluded within 12 months from the date the council begins the review. It is anticipated that the review therefore should be concluded by the autumn of 2022 with an effective date of April 2023. The outcome of the Community Governance Review must be recommendations as to what new parish or parishes (if any) should be constituted in the area under review. If the outcome of a review is that a new parish council is to be established then elections must be held as soon as the council is established, potentially May 2023. The councillors would serve a four-year term of office, which would bring it in line with the new unitary council elections.

3. RISKS

The procedure for conducting a Community Governance Review is set out in legislation. Appropriate guidance and advice will be sought at all stages to ensure compliance with the statutory requirements.

4. CONSULTATION

The focus of the work of the CGR's will be in connection with planning and delivering a strategy of public engagement and from the outcome of that and consultation with other key stakeholders, draft Orders will be prepared. It is suggested that this work should be carried out by a working group comprising the elected members from the relevant Carlisle City Council ward and Cumbria County Council division, supported by the Electoral Services team and with input from the Communications team, Legal team and Finance as required. As Carlisle City Council is the responsible body for the CGRs then the working group must comprise Carlisle City Councillors. The working group will not have any delegated decision-making powers beyond agreeing the programme of consultation, the timetables for the reviews and making final recommendations to

Council. The Council must agree the Terms of Reference of any CGR before it commences, the draft Terms of Reference are set out at Appendix 1.

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

As the petition meets the legal requirements and as the council is not currently reviewing that area, nor has it reviewed it within the past two years, then council is duty bound to conduct a review. To decide not to conduct a review would be unlawful. The outcome of the review will be for Council to decide once the process has concluded.

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

The CGR will determine whether there are improvements able to be made to the delivery of local government in the Stanwix area.

Contact Officer:

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Appendices attached

Terms of Reference

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS:

LEGAL – Implications for electoral administration of the parish.

PROPERTY SERVICES – **None.**

FINANCE – The duty to carry out a Community Governance Review and to bear the associated costs rests with Carlisle City Council as the principal authority. The costs will mainly arise from staff resources, the cost of public consultation events and from the running of working group meetings.

EQUALITY – All persons may contribute to the consultation.

INFORMATION GOVERNANCE – All data will be processed in accordance with the General Data Protection Regulations.

Carlisle City Council

Community Governance Review of proposed “Stanwix Village” parish area

Terms of Reference

In undertaking the review, the Council will be guided by the relevant parts of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission. These terms of reference will set out the matters on which the review is to focus.

Why is the Council Undertaking the Review?

The Council has received a valid petition from local government electors in the Stanwix Urban County Division of Cumbria County Council seeking a Community Governance Review with the view to establishing a separate parish council for Stanwix Village.

What will the Review consider?

The review will consider whether to establish a separate parish council for Stanwix and the electoral and all other arrangements of a new parish council.

All local government electors for the area under review and any other person or body who appears to have an interest in the review, will be consulted on the proposals and their representations will be considered as part of the review.

The Council must have regard to the need to secure that the community governance arrangements for the area reflect the identities and interests of the community in the area and are effective and convenient.

Parish Governance

The Council wants to ensure that there is clarity and transparency to the area that the parish council represents and that the electoral arrangements are appropriate, equitable and readily understood by the electorate.

In its White Paper, Strong and Prosperous Communities, the Government emphasised that “Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services”.

How the Council proposes to conduct consultations during the Review?

In deciding what recommendations to make, the Council will need to take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

The Council will consult in an appropriate manner within the review area, ensuring that those affected are given the opportunity to respond. In accordance with the Local Government and Public Involvement in Health Act 2007, representations received in connection with the review will be considered and consultees will be informed of the outcome of the review.

Any decisions made and the reasons for those decisions will be published following the review. The mechanism for this will be through the Council's website, issuing press releases, personal communications where appropriate and through posting notices within the area affected by the review.

The Community Governance Review Working Party Terms of Reference

1. The Working Party will consider and determine the following stages of the Community Governance Review for the proposed Stanwix Village Parish area:

- (a) Agree the review Terms of Reference for publication as the first phase of Consultation.
- (b) Consider responses from the first phase of consultation.
- (c) Consult on parish boundaries and electoral arrangements for a parish council for Stanwix Village as the second phase of consultation.
- (d) Consider responses from the second phase of consultation.
- (e) Consider and determine any other matters in connection with the review.

2. The Working Party will make final recommendations to the Council on the content of the draft Community Order for the “Stanwix Village” parish area.

3. The Working Party will comprise of members of the following City wards/County divisions:

- Stanwix & Houghton
- Stanwix Urban

4. The quorum for the Working Party will be four members.

How to contact us or make a representation

Contact details for the duration of the review are as follows.

Any representations should also be sent to this address. Representations should include the full name and contact details for the person or organisation making the representation: -

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