

Carlisle City Council

Report to Council

Report details

Meeting Date:	9 November 2021
Portfolio:	Finance, Governance & Resources
Key Decision:	N/A
Policy and Budget Framework	Yes
Public / Private	Public
Title:	Community Governance Review – Carlisle
Report of:	Corporate Director of Governance & Regulatory Services
Report Number:	GD.80/21

Purpose / Summary:

To consider whether the Council wishes to explore the undertaking of a Community Governance Review (CGR) and to set up a working group to consider the practicalities and potential timescales and terms of reference for any such review for reporting back to Council.

Recommendations:

That Council:

1. Resolve to advise the Department for Levelling Up, Housing and Communities that it supports the establishment of Charter Trustees for the Carlisle area to protect the City's civic history and identity; and
2. Approve such option(s) as it deems suitable from section 2 of the Report.

Tracking

Executive:	
Scrutiny:	
Council:	9 November 2021

1. Background

- 1.1. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) transferred full responsibility for parish reviews, now called Community Governance Reviews (CGR), to principal councils (Carlisle City Council) in England.
- 1.2. Currently, within Carlisle’s district there are 34 Parishes with 32 Parish Councils. There have been no recent CGRs in Carlisle but Members will recall that the Council, at its last meeting, received a petition requesting a review for the Stanwix area of the City. Following the Government’s announcement for the creation of new unitary authorities within Cumbria Members may consider it appropriate to consider a review of parishes within the City Council’s area.
- 1.3. A CGR is the process used to consider whether existing parish arrangements should be changed in any way. This may consider the creation, abolishing, merging or altering of parish councils and any subsequent electoral arrangements. New parishes may be created as a result of the geography of the area, the make-up of the local community, or sense of identity. All parishes must fall within the existing City Council boundary.
- 1.4. On the creation of a town and parish council, the only function they have a duty to take on is allotments as in a parished area they become the allotment authority. Typically, parish and town councils also by arrangement look after facilities such as parks, playgrounds, public seats, public toilets, cemeteries and burial grounds, village greens, etc. They can provide and support crime prevention services, traffic calming measures and co-ordinate community and voluntary sector activity. The exact responsibilities vary between councils and to some extent the activities carried out by any new parish or town council created as a result of a CGR would be shaped by the review and will then be within the remit of those elected to any new parish or town council.
- 1.5. A new parish council would be able to hold any relevant historic property, including those of a civic and ceremonial nature, hold and manage land and buildings, ranging from allotments through to community buildings and assets and potentially develop and support new community services.
- 1.6. Parish councils are also able to perform functions on behalf of other local authorities. Any new parish or town council created as a result of CGR could therefore perform functions on behalf of the new unitary for West Cumbria. It would be a matter for the new unitary council to decide which, if any, functions it wanted a parish/town council to carry out and it would be a matter for the parish/town council to decide which functions it wished to take on.

- 1.7. Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010 is referenced as a background document for members.
- 1.8. Once a CGR has commenced legislation requires that it must be completed within 12 months from the date the Council begins the review. The Council must agree the Terms of Reference of any CGR before it commences.
- 1.9. At the outset it is important for Members to note that due to the forthcoming reorganisation of local government in Cumbria, once the transition period under the Structural Change Order starts, the decision as regards any recommendations made as the result of a community governance review rests with the Shadow Executive of the Shadow Council. It will not be possible to complete the CGR process prior to the transition period starting. So, the City Council may receive the results of the CGR but may only make recommendations to the Shadow Council.
- 1.10. If Members wish for a CGR to be considered further it is proposed that a Community Governance Working Group be established to consider any advice which may be received with regards to timing and the local government reorganisation process and to consider a draft timetable and terms of reference for reporting back to Council.
- 1.11. Given existing Parish Councils are already satisfactorily established, it is recommended that any CGR the Council does conduct is for the unparished area only.

Charter Trustees

- 1.12. Of importance to many Members is the protection and continuation of the City's Civic history and Council should note that there are rules which allow what are known as Charter Trustees. These would be catered for in supplementary legislation and create a group of trustees from whose number is elected a Mayor each year. The trustees are non-elected and initial appointments are likely to be made from the City Councillors ranks by the relevant Order but, as the Carlisle Charter Trustee area is a city, subsequent appointments would be made by the Council for the area. They have the authority to hold as custodians the Civic Regalia and ensure that the Mayoralty continues and is able to carry out all ceremonial and social functions. It is important that this option is pursued given the decision as regards a Town Council is outwith the City Council's control. If a Town Council subsequently came into being then the role of the Charter Trustees would cease and their role would be taken over by the new administrative body.

Whether to carry out a Community Governance Review

- 1.13. A CGR will take approximately 12 months to complete and carries with it a cost, estimated to be in the region of £20,000 upwards (more if a referendum is held). In addition, our area is also currently going through Local Government Reorganisation which will demand significant resources and full use of the capacity we have.
- 1.14. Members should consider which option will best protect and project Carlisle's City of Cumbria status: is this aspiration best served by being a leading part within the new Council or via a new 'town' ("City") Council with the limited powers outlined above?
- 1.15. LGR is intended to promote effective and efficient local government for an area and Members should consider whether it is appropriate for us to instigate the CGR or leave it to the new Council to decide whether it wishes to hold one (noting that in any event the new Council will be the decision maker)?

Petition for Stanwix Parish Council

- 1.16. Members will recall that they received a petition from persons relating to a CGR in the Stanwix area. If the Council decides that it wishes to conduct a CGR of the wider area then the Terms of Reference will be adapted to take account of both matters.

Community Governance Working Group

- 1.17. The Working Group for the Stanwix CGR comprises of the local ward Members but this will need to be adapted if a wider CGR is to be implemented. To be balanced on similar lines to the Council as a whole it is proposed that a Working Group of six Members (three conservative, two labour and one member not in either of those parties) be established.

2. Proposals/Recommendations

2.1 The Report has been brought to Council at Members' request and the options available are:

- a. Decide not to carry out a wider Community Governance Review and continue with the Stanwix CGR.
- b. Decide not to carry out a wider Community Governance Review, continue with the Stanwix CGR and resolve to request the Shadow Council/new Council to carry out a CGR.
- c. Consider whether it wishes to carry out a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act

2007 and if so to indicate whether this should be for the whole District or just the unparished area of the District;

- d. If the Council does wish to proceed with a Community Governance Review it agrees to the establishment of a cross party Community Governance Working Group (CGWG) of 6 Members to consider the practicalities of any such review, Terms of Reference and timetable for a CGR for recommendation to full Council and to make appointments to the group so that it is comprised of three Conservative, two Labour Members and one other Member outside of those two parties.

3. Risks

3.1 There is a risk that attention and resources will be diverted on to the CGR instead of the ongoing local government reorganisation. If the CGR is to proceed then additional resources and support would be necessary.

4. Consultation

4.1 None at the moment.

5. Conclusion and reasons for recommendations

5.1 As set out in the report.

6. Contribution to the Carlisle Plan Priorities

6.1 Whichever decision Members reach should contribute to effective and efficient local government in the area.

Contact details:

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Appendices attached to report:

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

- Community Governance Review Guidance 2010:
 - [Community governance reviews: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Corporate Implications:

Legal – Contained within the body of the report.

Property Services – None.

Finance – There will be costs involved in carrying out a Community Governance Review which still have to be quantified but will be in excess of £20,000. As there is no current budget allocation, these costs will have to be funded from either existing base budgets (through the virement process) or through a supplementary estimate and additional use of reserves which will require Council approval.

Equality - None

Information Governance- None.