

21 April 2022**Agenda Item: 12****REPORT OF THE SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND
EMPLOYEES****RUSHCLIFFE COMMUNITY GOVERNANCE REVIEW – UPPER SAXONDALE****Purpose of the Report**

1. This report informs Councillors about the process that is being followed by Rushcliffe Borough Council, which is undertaking a Community Governance Review of the Upper Saxondale area. It also summarises the proposal that is currently subject to consultation as part of the first phase of the review. The Committee is also asked to confirm that the Council reserves its position on submitting a formal response until the next phase of consultation by sending the courtesy letter attached to the report (**Appendix A**).

Information

2. The Local Government and Public Involvement in Health Act 2007 sets out the framework for principal councils to undertake community governance reviews of their local area. For Community Governance Reviews the principal authority in two tier areas is the district or borough council.
3. A Community Governance Review is a legal process through which the principal council will consult those living in the area, and other interested parties, on the most suitable ways of representing the people in the area identified in the review.
4. A review can consider one or more of the following options:
 - a. Creating, merging or abolishing parishes
 - b. The naming of parishes and the style of new parishes and the creation of town councils
 - c. The electoral arrangements for parishes (for instance, the ordinary year of election, council size, the number of councillors to be elected to the council and parish warding)
 - d. Grouping parishes under a common parish council or de-grouping parishes
 - e. Other types of local arrangements, including parish meetings
5. Community Governance Reviews can be instigated by a decision of the principal council or following receipt of a Community Governance Application from a local neighbourhood forum. Alternatively, a review may be triggered by local people presenting a petition to the Council. For a petition to be valid it must meet specified criteria:

- a. It should define the area to which the review relates on a map or otherwise and refer to identifiable fixed boundaries
 - b. It must specify one or more proposed recommendations for review
 - c. It must contain the requisite number of signatures of people included on the electoral register for the affected area. For an area of less than 500 local electors – 37.5%, for an area with between 500 and 2,500 local electors – at least 187, for an area with more than 2,500 electors, at least 7.5%
6. The Council is obligated to undertake a review if it receives a valid petition for the whole or part of the Council's area. However, it does not have to undertake a review if it has concluded a Community Governance Review within the last two years which, in its opinion, covered the whole or a significant part of the area of the petition or if the Council is currently conducting a review of the whole, or a significant part of the area to which the petition relates.
 7. At a meeting of Rushcliffe Borough Council in December 2021, a petition was submitted asking for the creation of a separate parish for Upper Saxondale which is currently divided between the parishes of Radcliffe-on-Trent and Cropwell Butler. After checking, it was established that the petition contained 233 valid signatures and was consequently determined as valid for the purposes of the Community Governance Review.
 8. The petition proposed the creation of a separate parish council for Upper Saxondale, setting out the following justifications:
 - a. Ensuring that Upper Saxondale electors were effectively represented at parish level
 - b. Ensuring that the parish precept was spent for the benefit of the Upper Saxondale community
 - c. Ensuring a sustainable future for the maintenance and protection of the environment and facilities at Upper Saxondale
 9. A map of the proposal, which was submitted with the petition, is attached as **Appendix B** to the report.
 10. There are two main stages of consultation that form part of the Community Governance Review progress. During the first stage, Rushcliffe Borough Council is consulting the affected community to gather opinions on whether a parish Council for Upper Saxondale should be created, in response to which, a 'yes' or 'no' answer is sought. The second stage of consultation asks for views on the final draft proposals.
 11. The timetable for the review is outlined below:

Action	Timescale
Rushcliffe Borough Council agrees the Terms of Reference	3 March 2022
Stage one consultation on the proposal to create a parish council	21 March to 13 May 2022
Stage two consultation on the draft proposals	27 June to 19 August 2022
Rushcliffe Borough Council considers recommendations for final approval	29 September 2022

If required: Organisation of Community Governance Order	30 September 2022
If agreed: Establishment of a new parish council for Upper Saxondale	4 May 2023

12. The Upper Saxondale area is split between two County Council Divisions (Radcliffe-on-Trent and Bingham West). The outcome of the Community Governance Review would not automatically affect the County Electoral arrangements but may be taken into consideration in any future review of the County Council's divisional boundaries.
13. A Council undertaking a Community Governance Review may ask the Local Government Boundary Commission for England to make changes to boundaries at district/borough or county level to reflect revised parish boundaries to maintain coterminosity. This may be a representation that the County Council wishes to make during the second stage of consultation, having had the opportunity to review the proposed boundaries, should the proposal proceed.
14. The Commission may agree to any requested related alterations and make an Order to implement them. Changes would come into effect at the next ordinary elections for each Council so there may be a period where boundaries are not coterminous.
15. If the Commission decided not to implement any proposed related alterations, the existing boundaries would remain in force.
16. If a principal council was satisfied that the identities and interests of local communities were still reflected and that effective and convenient local government would be secured, then it may decide that it does not wish to propose related alterations to ward or division boundaries. Changes would therefore be dealt with administratively, through the creation and/or revision of polling districts.
17. Where proposals for related alterations are submitted to the Local Government Boundary Commission for England, it would expect to receive evidence that the principal council has consulted on them as part of its review.

Other Options Considered

18. The Council is under no duty to submit a response. Not submitting a response at this stage of the review would not prejudice the Council's ability to respond to any further phases of consultation.

Reason/s for Recommendation/s

19. Rushcliffe Borough Council is undertaking consultation on the proposal to form a new parish council for Upper Saxondale. Any individual, group or body could submit a response, which would be taken into account when preparing any final recommendations.
20. At this stage it is recommended that the Council adopts a watching brief, as it is not required to respond at this stage, and simply responds with a courtesy letter to the Borough Council explaining that it will reserve its position during the next stage of the consultation.

21. By reserving any comments until the consultation on the final draft proposals, the Council will be able to refer to any local submissions made by other consultees made during phase one in forming its response.
22. If any individual Councillor or group wished to make comments on the proposals at this stage, they are able to send them directly to Rushcliffe Borough Council.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

24. As they currently stand, the proposals may mean that service users vote in a different polling station to previous elections.
25. There are wider impacts of the review, which will be for Rushcliffe Borough Council to consider when it develops its final proposals and subsequently votes on the final recommendations.

RECOMMENDATION/S

- 1) That the Chief Executive be authorised to submit the letter at **Appendix A** to the report as a courtesy response to the consultation on the draft proposals to create a new, Upper Saxondale Parish Council within the borough of Rushcliffe, reserving its position for any formal response until phase 2 of the consultation.

Marjorie Toward

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Constitutional Comments (CEH 30.03.2022)

26. At this stage of the consultation, no formal response is proposed and it is therefore acceptable for this matter to be considered at the Council's Committee responsible for oversight of general governance matters affecting the Council.

Financial Comments (SES 29/03/2022)

27. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [Upper Saxondale CGR - Rushcliffe Borough Council](#)
- [Council - 03/03/22 - Rushcliffe Borough Council](#)
- [The Local Government and Public Involvement in Health Act 2007, Chapter 3](#)
- [The Legislative Reform \(Community Governance Reviews\) Order 2015 \(S.I. 2015/998\)](#)
- [Local Government Boundary Commission for England – Guidance on community governance reviews](#)

Electoral Division(s) and Member(s) Affected

- Radcliffe-on-Trent – Councillor Roger Upton
- Bingham West – Councillor Neil Clarke MBE