

Eden District Council

**Council
14 July 2016**

**Request for a Community Governance Review: Kaber
Parish**

Reporting Officer: Director of Governance

Responsible Portfolio: Leader

1 Purpose of Report

- 1.1 The purpose of this report is to inform Members that a petition has been received from the Parish of Kaber requesting that a Community Governance Review be undertaken. The report sets out the terms of reference for the review and the Council will have twelve months from the publication of the terms of reference to complete the review.

2 Recommendation:

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| <ol style="list-style-type: none">1. That the petition for the request of a Community Governance Review for the Parish of Kaber be accepted.2. That the terms of reference for the review set out in appendix one to this report be agreed.3. That a supplementary estimate of £1,445 be approved. |
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3 Report Details

- 3.1 The Council has received a petition from Kaber Parish Council requesting that as principal authority, the District Council undertakes a Community Governance Review of Kaber Parish. The Department for Communities and Local (DCLG) Government Guidance on undertaking Community Governance Reviews (CGRs) states that a 'community governance review provides an opportunity for principal councils to review and make changes to community governance within their areas' (DCLG, 2010). The Review must be undertaken in accordance with the powers which are contained within the Local Government and Public Involvement in Health Act 2007. Essentially, the review provides the opportunity to assess the democratic representation in a defined area.
- 3.2 A principal authority can either choose to undertake a CGR or it may receive a valid community governance petition requesting that the principal council undertake a review. In order to be valid, the petition must set out at least one recommendation that the petitioners want the review to consider, define the

area to which the review relates and it must be signed by a requisite number of petitioners. For an area of less than 500 local electors, the petition must be signed by at least 50% of the electorate.

- 3.3 In March 2016, Kaber Parish Council submitted a petition to the Council with the following title:

“Kaber Parish Council is asking for support for a review by Eden District Council of how best to run the parish. The possible options are to remain as a Parish Council, convert to a Parish Meeting, merge with another Parish, or be unparished.”

- 3.4 The petition has been validated by the Council’s Electoral Services Department. 64% of the parishes registered electorate have signed the petition, therefore meeting the minimum required for the review to be undertaken.

- 3.5 In order to commence a review, the Council must publish a terms of reference for the review which sets out the area under review and the options to be considered. The Council will have twelve months to complete the review from the date that the Council publishes the terms of reference. The review will be completed when the recommendations which are made have been published. The authority will be under a duty to consult with residents and businesses in the affected parish areas, neighbouring parishes, the County Council and key stakeholders such as the Cumbria Association of Local Councils. A draft terms of reference for the review is attached at appendix 1 to this report.

Kaber Parish:

- 3.6 In terms of electorate of 83 people, Kaber Parish Council is the smallest Parish Council in Eden District. The parish is situated within the District Ward of Kirkby Stephen and has five representatives. The nearest doctors’ surgeries that serve the parish are located in either Kirkby Stephen or Brough and the nearest schools are located in Brough (Primary) and Kirkby Stephen (Primary and Secondary). The ward does not have a pub or village shop but does have a village hall where the Parish Council meetings currently take place.

Any comparably sized parish within Eden operates as a Parish Meeting. Guidance from DCLG suggests that parishes with less than 100 electors may provide more effective governance if operated as a parish meeting but local areas may choose to operate as a Parish Council. The Parish Council would like the review to be undertaken to ensure that the form of governance in place is effective and efficient to residents in the parish.

The neighbouring parishes to Kaber are Brough Sowerby Parish Meeting which has 111 residents and is part of the Brough electoral ward, Stainmore Parish Council which has 235 residents and is part of the Brough electoral ward and Winton Parish Meeting which has 175 residents and is in the Kirkby Stephen electoral ward.

3.7 **Options for the Review to consider:**

In line with the wishes of the petitioners, it is recommended that the terms of reference for the review consult on the following options for Kaber Parish:

- Remain a Parish Council
- Convert to a Parish Meeting
- Be grouped with a neighbouring Parish
- Be abolished and becomes an unparished area

The above options form the terms of reference for the review which is attached as appendix one to this report.

The Parish Council has not expressed a view on the preferred form of governance and it will be for the principal authority to determine the most effective form of governance, based on consultation with the local community.

The Council has a duty to consult with the residents, businesses, schools and health organisations within the Kaber area, the County Council, neighbouring parishes and other key stakeholders in order to seek their views on future governance arrangements outlined above. The minimum length of time for public consultation is six weeks, however it is noted that the timescales for consultation fall within the school summer holiday period so it is proposed that the consultation runs throughout September to ensure that as many people as possible have the opportunity to respond to the consultation.

The Council must publish the results of the consultation and include any proposals for change. Any changes would be confirmed through a Re-Organisation Order.

3.8 **Timescales for the Review:**

Once a terms of reference for a CGR has been published, the authority must complete the review within twelve months. The indicative timescales for this review are as follows:

July 2016 - Publish terms of reference in July

July – September 2016 – Public consultation

October – November – Analyse results and prepare draft report

November 2016 – Findings from the consultation and any proposed changes presented to full Council

November – December 2016 – Any proposed changes published to invite further comments

January 2017 – If required, a Re-organisation Order presented and agreed by Council.

3.9 **Consultation:**

The consultation process will be supported by the Council's Member Services Team. As outlined in paragraph 3.7, the Council has a duty to consult with residents, businesses, schools and health providers. The suggested consultation methods include, but will not be limited to:

- Press release outlining the terms of reference and encouraging public responses
- A questionnaire which will be available and publicised on the Council's website and via the Council's social media applications
- Letter and copies of the sent questionnaire to all registered electors in Kaber, including pre-paid envelope to return comments/questionnaire
- Letter/poster to the nearest Primary and Secondary School as none are located directly in the Parish
- Letter/poster to the nearest doctors surgeries as none are located directly in the Parish
- Letter/e-mail and questionnaire to neighbouring Parish Councils/Meetings
- Letter/e-mail to Cumbria County Council to seek responses on the proposed governance options
- Letter/e-mail to Cumbria Association of Local Councils to seek responses on the proposed governance options

3.10 **Costs:**

The main cost of the review will be officer time in preparing consultation materials, analysing responses and preparing reports for the Council, this will be supported through the Council's Member Services Team. In addition, the following specific costs have been identified:

Publication of statutory notices in the local media: £1000

Production and postage of a questionnaire, information leaflet and letter to relevant stakeholders and registered electors in the Parish: £245 (this is an approximate cost)

Contingency to cover any additional costs e.g. issuing of replacement questionnaires or leaflets: £200

Total: £1,445

4 **Policy Framework**

- 4.1 The Council has four corporate priorities which are:
- Decent Homes for All
 - Strong Economy, Rich Environment
 - Thriving Communities
 - Quality Council
- 4.2 This report meets the Quality Council and Thriving Communities corporate priorities

5 Implications

5.1 Legal

- 5.1.1 The legal implications are covered within the main body of the report.

5.2 Financial

- 5.2.1 Any decision to reduce or increase resources must be made within the context of the Council's stated priorities, as set out in its Council Plan 2015-19 as agreed at Council on 17 September 2015.
- 5.2.2 The anticipated costs of undertaking the review are outlined in detail at paragraph 3.10 of this report. A supplementary estimate of £1,445 is recommended funded from reserves.

5.3 Equality and Diversity

- 5.3.1 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010 and related statutes.
- 5.3.2 In consulting with the residents of Kaber, the Council will need to be mindful of any equality and diversity implications, particularly noting that the parish of Kaber is located in one of the more rurally isolated areas of the district so efforts will be made to ensure that all residents are aware of the review and have the opportunity to be consulted.

5.4 Environmental

- 5.4.1 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006.
- 5.4.2 None arising from this report.

5.5 Crime and Disorder

- 5.5.1 Under the Crime and Disorder Act 1998 the Council has to have regard to the need to reduce crime and disorder in exercising any of its functions.
- 5.5.2 None arising from this report.

5.6 Children

- 5.6.1 Under the Children Act 2004 the Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of any of its functions.

- 5.6.2 None arising directly from this report, though the Head Teachers of the nearest Primary and Secondary schools to the parish will be made aware of the review, in case parents or children in the parish of Kaber wish to express their views as part of the consultation process.

5.7 Risk Management

- 5.7.1 The Council will need to ensure that it follows statutory guidance documents and completes the Community Governance Review as required by legislation to mitigate against any potential challenges to the process.
- 5.7.2 As there has been a valid petition received to undertake the review, there is a potential reputation risk to the Council if it does not undertake the review.

6 Reasons for decision/recommendation

- 6.1 To allow a Community Governance Review for the Parish of Kaber to be undertaken following receipt of a valid petition from the Parish.

M Neal
Director of Governance

Governance Checks:

Checked by or on behalf of the Chief Finance Officer	✓
Checked by or on behalf of the Monitoring Officer	✓

Background Papers:

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