
REPORT TO:	FINANCE AND MANAGEMENT COMMITTEE	AGENDA ITEM: 12
DATE OF MEETING:	3RD DECEMBER 2009	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	NEIL BETTERIDGE (595895)	PARAGRAPH NO: N/A
SUBJECT:	PARISHING OF UNPARISHED AREAS	
WARD(S) AFFECTED:	CHURCH GRESLEY, MIDWAY, NEWHALL & STANTON, SWADLINCOTE AND WOODVILLE	TERMS OF REFERENCE: FM06

1.0 Reason for Exempt

1.1 Not applicable.

2.0 Recommendations

2.1 That the Committee considers the various issues associated with this matter and determines whether to proceed at this time.

3.0 Purpose of Report

3.1 To consider the principle of parishing those unparished areas in the District.

4.0 Detail

4.1 A letter has been received from the Derbyshire Association of Local Councils (DALC) relating to funding from the Communities and Local Government and the Department for Environment, Food and Rural Affairs for a national programme to promote local councils. A copy of the letter is attached at Annexe 'A' and arrangements have been made for the Secretary of DALC to address Members on the issues involved on 1st December 2009. Members will be aware that the only unparished areas in the District are the following Wards:-

- Church Gresley
- Midway
- Newhall and Stanton
- Swadlincote
- Woodville (part)

4.2 The Local Government and Public Involvement in Health Act 2007 provides for a principal council to conduct a community governance review at any time. The Council can undertake a review of the whole or part of its area. The Council is also under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the Council's area. However, the duty to conduct a review does not apply if:-

- (a) the principal council 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
- (b) the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates.

4.3 A Community Governance Review is a review of the whole part or part of the district area to consider one or more of the following:-

1. Creating, merging, altering or abolishing parishes;
2. The naming of parishes and the style of new parishes;
3. The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish wardings) and
4. Grouping parishes under a common parish council or de-grouping parishes.

4.4 In coming to its recommendations in any review, the Council will need to take account of the views of local people. The Act 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 by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

4.5 The Council should consult with all households and local businesses in the areas proposed for Parish Councils inviting initial submissions and seeking views on the draft proposals. The Council should also identify any other person or body who it feels may have an interest in the review and write to them inviting them to submit their views at both stages of consultation. This will include:-

- Ward Members
- Tenants and Residents' Associations
- Groups and Societies
- Schools
- Member of Parliament
- Derbyshire Association of Local Councils
- Local Political Parties
- Police

4.6 The Council may also be pleased to receive comments from any other person or body that wishes to make representations; any such person that makes representations during the initial invitation to submit proposals may be invited to make comments in respect of the draft proposals.

4.7 As required by Section 93(8) of the Local Government and Public Involvement in Health Act 2007, the District Council would notify Derbyshire County Council that a review was to be undertaken, provide them with a copy of the terms of reference for the review and would consult them on the matters under review.

4.8 The Council would clearly publish all decisions taken in the review and the reasons for taking those decisions and would work towards the Government's view in undertaking the review that "Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions."

- 4.9 In accordance with the Act, representations received in connection with the review would be taken into account, and steps would be taken to notify consultees of the outcome of the review by publishing them on the Council's website at www.south-derbys.gov.uk, through general press releases, placing key documents on public deposit at Council Offices and the final outcome of the review would be communicated by writing to all households in the area concerned by the review.
- 4.10 Any review must be completed within twelve months. However, Members will be aware that the Boundary Committee for England has recently commenced an Electoral Review of South Derbyshire. That review is scheduled to take twelve months and the Boundary Committee has advised as follows:-

"We would strongly advise against such a review taking place at the same time as the electoral review. Having more than one review in the same area may cause confusion for local people, particularly those living in Swadlincote, as they may end up being consulted on two entirely different sets of boundaries. Additionally, it is possible that new parishes would be created, and new parish ward boundaries implemented before our review of district ward boundaries was finished. If this were the case, we would need to reconsider any changes to the district ward boundaries, thus negating our earlier work and extending the review, jeopardising the likelihood of implementing our recommendations in time for elections in 2011. The decision as to whether or not to undertake the Community Governance Review lies with South Derbyshire District Council as the principal council. However, we strongly advise that such a review is not carried out until the completion of the electoral review."

5.0 Corporate Implications

- 5.1 There is no budget provision for the costs associated with a Community Governance Review.

6.0 Community Implications

- 6.1 As set out in the report.

7.0 Conclusions

- 7.1 It is felt that whilst the Electoral Review by the Boundary Committee for England is ongoing, any Community Governance Review would not be advisable for the reasons set out in paragraph 4.10 above.