



**F. McArdle**  
**Chief Executive**

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Date: 22<sup>nd</sup> June 2016

Dear Councillor,

**Council**

YOU ARE HEREBY SUMMONED to attend the Meeting of the **Council** to be held in the **Council Chamber**, on **Thursday, 30 June 2016** at **18:00** to transact the business set out on the attached agenda.

Yours faithfully,

Chief Executive

To:- **Conservative Group**

Councillor Murray (Chairman), Councillor Stanton (Vice-Chairman) and Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Watson, Wheeler and Mrs Wyatt.

**Labour Group**

Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor, Tilley, and Wilkins.

## AGENDA

### Open to Public and Press

- 1** Apologies.
- 2** To confirm the Open Minutes of the Council Meetings held on the 19th May 2016 (CL/1-CL/23) and 13th June 2016 (CL/28-CL/35).  
Annual Council 19th May 2016 Open Minutes **5 - 14**  
  
Special Council 13th June 2016 Open Minutes **15 - 18**
- 3** To confirm the Open Minutes of the Civic Council held on the 26th May 2016 (CC/1-CC/3).  
Civic Council 26th May 2016 Open Minutes **19 - 20**
- 4** To receive any declarations of interest arising from any items on the Agenda
- 5** To receive any announcements from the Chairman, Leader and Head of Paid Service.
- 6** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 7** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 8** To authorise the sealing of the documents.  
  
SEALED DOCUMENTS **21 - 21**
- 9** COMMUNITY GOVERNANCE REVIEW - BARROW UPON TRENT, TWYFORD & STENSON AND STENSON FIELDS - TERMS OF REFERENCE **22 - 88**
- 10** To receive and consider the Open Minutes of the following Committees:-

Planning Committee 10th May 2016 Open Minutes	<b>89 - 94</b>
Environmental and Development Services Committee 2nd June 2016 Open Minutes	<b>95 - 99</b>
Housing and Community Services Committee 9th June 2016 Open Minutes	<b>100 - 105</b>
Licensing and Appeals Sub-Committee 15th June 2016 Open Minutes	<b>106 - 107</b>
Finance and Management Committee 16th June 2016 Open Minutes	<b>108 - 113</b>
<b>11</b> To review the compositions of Committees, Sub-Committees and Working Panels for the remainder of the municipal year.	
<b>12</b> To review the compositions of Substitute Panels.	
<b>13</b> To review representation on Outside Bodies.	
<b>14</b> To review Member Champions.	

**Exclusion of the Public and Press:**

- 15** The Chairman may therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 16** To confirm the Exempt Minutes of the Council Meeting held on 19th May 2016 (CL/24-CL/27).  
Annual Council 19th May 2016 Exempt Minutes
- 17** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 18** To receive and consider the Exempt Minutes of the following

Committees:-

Planning Committee 10th May 2016 Exempt Minutes

Environmental and Development Services Committee 2nd June  
2016 Exempt Minutes

Housing and Community Services 9th June 2016 Exempt Minutes

Licensing and Appeals Sub-Committee 15th June 2016 Exempt  
Minutes

Finance and Management Committee 16th June 2016 Exempt  
Minutes

MINUTES of the MEETING  
of the SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at Civic Offices, Civic Way, Swadlincote  
on 19<sup>th</sup> May 2016  
at 6.00 p.m.

**PRESENT:-**

**Conservative Group**

Councillor Atkin (Chairman), Councillor Murray (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

**Labour Group**

Councillors Bambrick, Chahal, Dunn, Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor and Tilley.

CL/1 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Wilkins (Labour Group).

CL/2 **MINUTES**

The Open Minutes of the Meeting of the Council held on 7<sup>th</sup> April 2016 (Minutes Nos. CL/126-CL/148) were taken as read, approved as a true record and signed by the Chairman.

CL/3 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

CL/4 **APPOINTMENT OF THE LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Wheeler was Leader of the Conservative Group and Councillor Richards was Leader of the Labour Group.

**RESOLVED:-**

***That Councillor Wheeler be appointed Leader of the Council for the ensuing year.***

**CL/5 APPOINTMENT OF THE DEPUTY LEADER OF THE COUNCIL**

It was noted, pursuant to the provisions of the Local Government and Housing Act 1989, that Councillor Mrs Coyle was the Deputy Leader of the Conservative Group and Councillor Southerd was the Deputy Leader of the Labour Group.

**RESOLVED:-**

***That Councillor Mrs Coyle be appointed Deputy Leader of the Council for the ensuing year.***

**CL/6 ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman of the Council outlined the various engagements he had attended since the last Council on 7<sup>th</sup> April 2016, namely a civic tour of Charles Darwin's birthplace in Litchfield; attendance at Melbourne's Operatic Society's performance of Princess Ida; the Diamond Anniversary Concert of the Derbyshire Police Male Voice Choir at Derby Cathedral; the lighting of the Eureka Park Beacon to mark Her Majesty's 90<sup>th</sup> Birthday celebrations; the St Georges Day Parade at Calke Abbey; the Golden Anniversary event at Scropton Riding School for the Disabled, attended by Her Royal Highness the Princess Royal; the 5<sup>th</sup> Annual Sports Awards at the Pingle School; the Careers/Jobs Fair at the Greenbank Leisure Centre; a tour of the Toyota car factory; completion of the Three Marina's Charity Walk; the Festival of Transport in Swadlincote; the official opening of the dipping pond at the Rosliston Forestry Centre and the recent Liberation Day event.

The Chairman commented that throughout his year in office he had enjoyed meeting many talented individuals and successful businesses, also applauding Members and Officers for their vision, contribution and decisions. The Chairman thanked Members for having granted him his second term of office.

**CL/7 ANNOUNCEMENTS FROM THE LEADER**

The Leader provided an update on the Derbyshire Devolution Deal process, in that meetings were still ongoing amongst Derbyshire Authorities.

Officers were commended for achieving affiliation to the World Health Organisation's Healthy Cities project.

Reference was made to Lewis White, a local disabled swimmer, who, following recent successes, was to be congratulated on being successful in selection for the Paralympics in Rio.

The Leader joined Members in thanking Councillor Atkin for his year in office as Chairman.

**CL/8 ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive echoed his praise for the Chairman on behalf of Officers.

The Chief Executive also made reference to the following:

- The Notice of Referendum had now been posted, with all being urged to ensure they registered to vote by 7<sup>th</sup> June 2016.
- Pupils from the William Allitt School to run a market stall as part of their Enterprise Skills initiative, in aid of the Whizz Kids charity.
- The Aviva Women's Cycling Tour of Great Britain visits South Derbyshire on the 18<sup>th</sup> June 2016.
- The recent Festival of Transport had enjoyed another successful year. Now deemed a Regional Event, the Chief Executive confirmed that enhanced processes would be applied in future years to deal with the logistics of this growing event.
- The Jobs Fair had again proved popular. Such events to be further co-ordinated across the region to maximise their impact.
- The Business Advice Service had achieved further good outcomes – advice given to 174 businesses, 63 employed and 22 business start-up's assisted.
- The Chief Executive referred to the challenge of improving Swadlincote town centre, with Economic Development Funds available to improve standards around The Delph. To this end, new businesses were being approached.

CL/9 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed no questions had been received.

CL/10 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The following question had been received, on notice, from Councillor Mrs Brown to the Chairman of the Environmental and Development Services Committee:

*“I would be grateful for a progress report on the Local Plan for the information of this Council at this meeting. A response by the Chairman of Environment and Development Services is requested.”*

The Chairman of the Environmental and Development Services Committee reported that Part One of the Local Plan was now in a position to be adopted and in order to achieve this, a Special Council had been requested for Monday 6<sup>th</sup> June 2016. Once adopted, the Local Plan Part One would be subject to a six week legal challenge period. Part Two of the Local Plan would undergo further periods of consultation before its adoption could be considered in 2017.

Councillor Mrs Brown welcomed this news and thanked the Officers involved and the Committee Chairman for his update.

The Chief Executive confirmed that a Special Council had been agreed for Monday 6<sup>th</sup> June 2016.

CL/11 **NOTICES OF MOTION**

Council were informed that no notices of motion had been received.

CL/12 **OPEN MINUTES**

Council received and considered the open minutes of its Committees.

**RESOLVED:-**

***That the open minutes of the following Committees be approved as a true record:-***

***Overview and Scrutiny Committee, 23<sup>rd</sup> March 2016 (Minute Nos. OS/54-OS/63)***

***Etwall Joint Management Committee, 11<sup>th</sup> April 2016 (Minute Nos. EL/42-EL/45)***

***Planning Committee, 12<sup>th</sup> April 2016 (Minute Nos. PL/198-PL/210)***

***Environmental and Development Services Committee, 14<sup>th</sup> April 2016 (Minute Nos. EDS/92-EDS/103)***

***Housing and Community Services Committee, 21<sup>st</sup> April 2016 (Minute Nos. HCS/99–HCS/110)***

Councillor Richards, in relation to Minute No. HCS/106, referred to the influx of swimmers from outside the District following the closure of facilities in Derby City and queried what provision was being made. The Director of Community and Planning Services confirmed that the Council was looking to extend its provision to meet the current and future demand and would report back to Members once the review had been completed.

Councillor Richards also raised comment with regard to Minute No. HCS/107, relating to the Aviva Women's Cycling Tour, querying the publicity opportunities. The Director of Community and Planning Services stated that having received approval from the County Council and the promoters, that a promotional campaign was underway, with further promotions planned. Councillor Dunn requested that promotional material be considered for the Sainsbury's / Newhall area.

***Licensing and Appeals Sub-Committee, 25<sup>th</sup> April 2016 (Minute Nos. LAS/54-LAS/59)***

***Finance and Management Committee, 28<sup>th</sup> April 2016 (Minute Nos. FM/129-FM/138)***

CL/13 **POLITICAL PROPORTIONALITY**

It was reported that the Council's duty to determine the allocation of seats was prescribed by the Local Government and Housing Act 1989, as modified by the Local Government (Committees and Political Groups) Regulations 1990.

A report was submitted which confirmed the political composition of the Council. It also set out the requirements to review representation of the different political groups at, or as soon as practicable after, the Annual Meeting of the Council.

**RESOLVED:-**

- (1) That in accordance with Council Procedure Rule No. 1.1(e) the Council appoints the Committees and Sub-Committees as set out at Annexe "A" to these Minutes, together with the six Area Forums detailed in Article 9 of the Council's Constitution.***
- (2) That the Council approves and adopts the recommended allocation of seats to the Political Groups for the municipal year 2016/17.***
- (3) That the Council allocates seats between the Political Groups as set out at Annexe "A" to these Minutes and invites the two Groups to make nominations to fill these seats.***

CL/14 **APPOINTMENT OF COMMITTEES, SUB-COMMITTEES AND WORKING PANELS 2016/17**

The Leader thanked those retiring from Chairman positions and welcomed new Chairmen.

Members reviewed the composition of Committees, Sub-Committees and Working Panels for 2016/17.

**RESOLVED:-**

- (1) That the nominations of Members to serve on Committees, Sub-Committees and Working Panels for the ensuing year, as set out at Annexe "B" to these Minutes be received and noted.***
- (2) That the appointments of Chairmen and Vice-Chairmen be approved as indicated.***

CL/15 **COMPOSITION OF SUBSTITUTE PANELS**

Members reviewed the composition of the Substitute Panels for 2016/17.

**RESOLVED:-**

***That the nominations of Members to serve on Substitute Panels, as set out at Annexe "C" to these Minutes, be received and noted.***

CL/16 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES 2016/17**

**RESOLVED:-**

*That Council approves the schedule of persons nominated to serve on Outside Bodies for 2016/17, as set out at Annexe "D" to these Minutes.*

CL/17 **APPOINTMENT OF MEMBER CHAMPIONS**

**RESOLVED:-**

*That Council approves the schedule of Members Champions for 2016/17 as set out at Annexe "E" to these Minutes.*

CL/18 **APPOINTMENT OF CHAIRMEN AT AREA FORUMS**

**RESOLVED:-**

*That the following Chairmen be appointed to the Area Forums as indicated below:-*

*Etwell Area Forum – Councillor Mrs. Brown  
Linton Area Forum – Councillor Murray  
Melbourne Area Forum – Councillor Harrison  
Newhall Area Forum – Councillor Bambrick  
Repton Area Forum – Councillor Smith  
Swadlincote Area Forum – Councillor Rhind*

CL/19 **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2015/16**

The Chairman of the Committee presented the Annual Report to Council.

**RESOLVED:-**

*That the Council receives the annual report of the Overview and Scrutiny Committee for 2015/16*

CL/20 **CYCLE OF MEETINGS 2016/17**

**RESOLVED:-**

*That the Council approves the Cycle of Committee meetings scheduled for 2016/17.*

CL/21 **SCHEME OF DELEGATION**

**RESOLVED:-**

*That, in accordance with Council Procedure Rule No. 1.1 (f) of the Council's Constitution, Council approved the Scheme of Delegation, to form Part 3 of the Council's Constitution.*

**CL/22 COMMUNITY GOVERNANCE REVIEW: NEWHALL AND STANTON – DRAFT PROPOSALS**

The Chief Executive presented the report to Council, highlighting the current position following the Stage One consultation, emphasising that it does not mean that the Draft Proposals cannot be amended, that further consultation will dictate the final proposals scheduled to be put to Council in September.

Councillor Richards stated that in carrying out the review, it should be reflective of the community and that those involved should possess a full understanding of the issues. Having discovered that a number of representations had been made by individuals living outside the Newhall and Stanton area, the Councillor questioned the scrutiny and integrity of the review process, requesting sight, and scrutiny, of the original petition. He also asserted that some who were approached regarding the review had been misled and expressed his view that as such, claims of maladministration could be made, leading to the potential for a judicial review. Councillor Richards stated that he was not personally for or against the proposals, but he wanted to ensure that it was based on valid information. He further stated that whilst the true cost of any precept was unknown, Newhall and Stanton residents should be fully informed and therefore moved that the matter be deferred pending investigation of the issues.

The Chief Executive confirmed the Community Governance Review process, as prescribed in the Local Government and Public Involvement in Health Act 2007 and that the Act requires that the petition contains 7.5% of the relevant population to be compliant. Close scrutiny of the petition had been made until a 8.5% position was reached, in excess of the requirement to make it valid.

The Leader stated that he had no prior knowledge of any doubts over the validity of the petition and held no preconceived view on the formation of a Newhall and Stanton Parish Council. He stated that it was a matter for the residents to respond to the consultation, ideally in greater numbers than for the Stage One consultation. The Leader also emphasised that no final decision was being made by Council that evening, just approval for the process to continue.

Councillor Mrs Patten stated that she understood the concerns being expressed, that people need to understand the consequences of forming a parish council and also hoped for a better response to the next consultation. Councillor Dunn stated that residents were not aware of what they were signing up to, also querying whether Members were best qualified to determine this matter. Councillor Mrs Stuart claimed that there was much misunderstanding relating to the formation of a parish council and queried the methods employed by those collecting signatures.

Councillor Ford stated that an average annual precept equated to around £0.45 per week, representing good value in his opinion and that he would not be looking to defer the matter. Councillor Mrs Brown stated that even with a small number of potentially suspect representations, it left a clear majority in favour of the proposal. Her experience of parish councils was a positive one,

that residents gain from this form of localism in action. Councillor Mrs Coe stated that as a Parish Councillor as well as a District Councillor she supported the proposals, but agreed that people need to express their views. Councillor Grant stated that there was a responsibility that all were informed and that the residents of Newhall and Stanton need to make the decision, that the 20% against should not dictate progress. He saw no benefit in delaying the process, but echoed the desire for a better response from the majority.

Councillor Richards noted the comments made and whilst he had no prejudice either way, if the process was flawed it could be liable to future challenge. A recently conducted survey had shown that four to one of those surveyed were against the proposal.

The Chief Executive emphasised that members needs to take all aspects on board before making a final decision, that queries relating to the methods employed by those groups canvassing opinions need to be made of those groups, not the Council. The Community Governance Review process follows the guidance, as copied to Members, the petition is valid and whilst the representations may be flawed, with a small number of entries from outside the area, Members were obliged to make decisions.

Councillor Richards sought assurance that, in relation to the petition, where more than two people were listed, those entries had been checked. The Chief Executive confirmed that the validity of these entries had been checked, with a number rejected before the aforementioned 8.5% level had been reached.

Councillor Southerd, whilst agreeing that Members would have to make the decisions, queried the level of knowledge people had when adding their signatures, the motives of individuals making the statements. He also referred to the potential flaws, whether they were major enough to cease the process and whether Members were content that the majority of residents actually wanted a parish council, given that they were, in his view, well represented with or without one.

The Chief Executive referred to the report submitted to Council on 21<sup>st</sup> January 2016, in which the Review timetable was detailed. Within that timetable, a period of analysis and evaluation of the Stage Two consultation commences on 4<sup>th</sup> July 2016. The Chief Executive invited Members to be part of this process, to scrutinise the representations received. He further asserted that the law dictates what should be done, that Officers cannot influence the matter either way.

The motion that the Community Governance Review process be deferred was put to Council and not carried. Councillor Richards requested that it be recorded that all eleven Labour Group Members present at the Meeting had voted for this motion.

The Leader, in proposing that the substantive recommendations now be put to Council, commented that it had been the best debate in Chamber he had experienced, also emphasising that the recommendations were not a final decision, just a decision to progress matters. He proposed a modest

amendment to the proposals, to include Member scrutiny of the consultation responses.

Councillor Watson stated his view that if a sufficient number petition for a Review, the Council is obliged to undertake one. The Chief Executive confirmed that the Council can reject a request if the petition was found to be invalid, but if valid, it is obliged to continue the process. Councillor Southerd felt that the legal terminology and jargon was potentially confusing for residents. The Chief Executive referred to the Terms of Reference, as submitted to Council on 21<sup>st</sup> January 2016, which was more plain English, as were the Draft Proposals being presented to this Council.

In line with the Council's Procedure Rules, Members requested a recorded vote on this matter.

The Members who voted for were: Councillors Atkin, Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Murray, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

The Members who voted against were: Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Southerd, Mrs Stuart, Taylor and Tilley.

**RESOLVED:-**

***1.1 Members noted the results of the Terms of Reference consultation.***

***1.2 Members noted that the majority of the responses received were in favour of the proposal to form a Newhall and Stanton Parish Council and therefore the draft recommendation for further consultation be: 'To accept the majority representation from the people of Newhall and Stanton that a Parish Council be constituted for the area of Newhall and Stanton.'***

***1.3 Members agreed to the publication of the results of the Terms of Reference consultation.***

***1.4 That Members noted that a further period of consultation on the results of the initial consultation responses will take place.***

***1.4 That Members be invited to assist in the analysis and evaluation of the consultation.***

***1.5 That a further report will be brought to Council in order that a decision may be made in respect of the final recommendations of this Community Governance Review.***

CL/23

**LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

*That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.*

**EXEMPT MINUTES OF THE COUNCIL**

*The Exempt Minutes of the Council, held on 7<sup>th</sup> April 2016, (Minute Nos. CL/149-CL/151) were taken as read, approved as a true record and signed by the Chairman.*

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

*Council were informed that no questions had been received.*

**EXEMPT MINUTES**

*Council received and considered the Exempt Minutes of its committees.*

**RESOLVED:-**

*That the Exempt Minutes of the following committees be approved as a true record:-*

*Planning Committee, 12<sup>th</sup> April 2016 (Minute Nos. PL/211-PL/212)*

*Housing and Community Services Committee, 21<sup>st</sup> April 2016 (Minute Nos. HCS/111-HCS/113)*

*Licensing and Appeals Sub-Committee, 25<sup>th</sup> April 2016 (Minute Nos. LAS/60)*

*Finance and Management Committee, 28<sup>th</sup> April 2016 (Minute Nos. FM/139-FM/142)*

**RESTRUCTURE OF LEGAL AND DEMOCRATIC SERVICES**

**RESOLVED:-**

*That the recommendations set out in the report were approved.*

The Meeting terminated at 7.45pm

COUNCILLOR N ATKIN

CHAIRMAN OF THE DISTRICT COUNCIL

MINUTES of the SPECIAL MEETING  
of the SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at Civic Offices, Civic Way, Swadlincote  
on 13<sup>th</sup> June 2016  
at 6.00 p.m.

**PRESENT:-**

**Conservative Group**

Councillor Stanton (Vice-Chairman) and Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Swann, Watson, Wheeler and Mrs Wyatt.

**Labour Group**

Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Mrs Stuart and Taylor.

CL/28 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Atkin, Murray (Conservative Group) and Southerd, Tilley and Wilkins (Labour Group).

CL/29 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

CL/30 **ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

The Chief Executive made reference to the EU Referendum, in that 73,000 residents had thus far registered to vote in the District, 13,000 of those for a postal vote. To date, 7,000 postal votes had been received and were currently being processed.

The Chief Executive also referred to the growing recognition the Sainsbury's Waste Less Save More project was attracting, with the Government's Chief Scientific Officer, Sir Ian Boyd, now looking to undertake a fact-finding visit to the District.

CL/31 **QUESTIONS BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Council were informed no questions had been received.

CL/32 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

Council were informed no questions had been received.

Councillor MacPherson joined the Meeting at 6.05pm.

CL/33 **ADOPTION OF SOUTH DERBYSHIRE LOCAL PLAN PART 1**

The Chief Executive introduced the report to Council, confirming that the Local Plan Part 1 had been deemed sound and legally compliant by a Government Inspector.

The Planning Policy Manager presented the report to Council, summarising the process to date, including the three modifications as required by the Inspector to ensure the Plan was sound and legally compliant.

Councillor Watson thanked officers for their efforts in completing the comprehensive Local Plan Part 1, an exercise Members had been kept informed of throughout.

Councillor Shepherd acknowledged that this represented the most important item he had dealt with since becoming a Member, but, as voiced before, he and Councillor Chahal considered the development in their area excessive and that other sites could be deemed more suitable. Reference was made to costs incurred by the Council through Planning Appeals and the costs associated with planned road infrastructure projects required in the area. Citing the overdevelopment of the Stenson Fields ward and the inadequate road infrastructure, the Councillor stated that he and Councillor Chahal could not support the recommendations.

Councillor Taylor recognised the efforts made by officers in reaching this point and acknowledged that despite some disagreement and external delays, the focus had remained on realising the Local Plan aims. However, given that the Plan includes sites that are not sustainable and suitable, the Councillor stated that he could not support the Plan in its current form.

Councillor Watson, whilst expressing some disappointment with the previous comments, stated that the Local Plan Part 1 was an accurate consensus of public, officer and Member views, adding that if the Plan was not accepted, there would be a need to start the process again. .

In line with the Council's Procedure Rules, Members requested a recorded vote on this matter.

The Members who voted for were: Councillors Billings, Mrs Brown, Mrs Coe, Coe, Mrs Coyle, Mrs Farrington, Ford, Grant, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

The Members who voted against were: Councillors Bambrick, Chahal, Dunn, Dr Pearson, Rhind, Richards, Shepherd, Mrs Stuart and Taylor.

**RESOLVED:-**

***That Council adopt the Local Plan Part 1 2011-2028 incorporating all the main modifications set out by the Inspector and the additional modifications proposed by the Council including any consequential and other appropriate alterations for the purposes of clarification or typographical corrections.***

CL/34 **DRAFT SOUTH DERBYSHIRE LOCAL PLAN PART 2**

Councillor Taylor outlined his broadly positive view of the Local Plan Part 2, particularly in that it allows an opportunity for some villages to grow. However, the Councillor expressed concern regarding the Woodville site, given the current congestion around the Tollgate Island area and the seemingly diminishing prospect of the Woodville Regeneration Scheme proceeding.

Furthermore, Councillor Taylor referred to Local Green Spaces and queried how such areas are defined and defended, a point responded to by the Planning Policy Manager.

Councillor Watson reminded Members that the recommendation was to endorse for consultation, not approve the Local Plan Part 2 and that a working party would regularly report to the Environmental and Development Services Committee with updates. The first consultation had generated over 2,000 comments which had been registered from 318 parties. The Councillor also referred to the educational responsibility on Derbyshire County Council to notify the Council of a location for an 800 place secondary school.

**RESOLVED:-**

***That Council endorse the publication of the Draft Local Plan Part 2 (Appendix A) for the purposes of public consultation.***

CL/35 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)****RESOLVED:-**

***That in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs of Part 1 of Schedule 12A of the Act as indicated in the reports of Committees.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NUMBER 11**

***Council were informed that no questions had been received.***

The Meeting terminated at 6.45pm

COUNCILLOR M STANTON

VICE-CHAIRMAN OF THE DISTRICT COUNCIL

MINUTES of the CIVIC MEETING  
of the SOUTH DERBYSHIRE DISTRICT COUNCIL  
held at the Town Hall, The Delph, Swadlincote  
on 26th May 2016  
at 6.00 p.m.

**PRESENT:-**

**Conservative Group**

Councillor Atkin (Chairman), Councillor Murray (Vice-Chairman) and Councillors Billings, Mrs Coe, Coe, Mrs Coyle, Ford, Mrs Hall, Harrison, Hewlett, MacPherson, Muller, Mrs Patten, Mrs Plenderleith, Roberts, Smith, Stanton, Swann, Watson, Wheeler and Mrs Wyatt.

**Labour Group**

Councillors Bambrick, Dunn, Rhind, Richards, Shepherd, Southerd, Taylor, Tilley and Wilkins.

CC/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Mrs Brown, Mrs Farrington, Grant and Mrs Wyatt (Conservative Group) and Councillors Chahal and Dr Pearson (Labour Group).

CC/2. **ELECTION OF THE CHAIRMAN OF THE COUNCIL**

It was proposed and seconded that Councillor Murray be elected as Chairman of the Council for the 2016/17 local government year.

**RESOLVED:-**

***That Councillor Murray be elected Chairman of the Council for the ensuing year.***

***(Councillor Murray then made the Declaration of Acceptance of Office of Chairman and presided, thanking the Members for the honour conferred upon him).***

CC/3. **ELECTION OF THE VICE-CHAIRMAN OF THE COUNCIL**

It was proposed and seconded that Councillor Stanton be elected as Vice-Chairman of the Council for the 2016/17 local government year.

**RESOLVED:-**

***That Councillor Stanton be elected Vice-Chairman of the Council for the ensuing year.***

***(Councillor Stanton then made the Declaration of Acceptance of Office of Vice-Chairman and thanked Members for the honour conferred upon him).***

The Meeting terminated at 6.40pm.

COUNCILLOR P MURRAY

CHAIRMAN

---

<b>REPORT TO:</b>	<b>COUNCIL</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>30<sup>th</sup> JUNE 2016</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES 01283 595848 / 595722</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>SEALED DOCUMENTS</b>	<b>REF: J. BEECH</b>
<b>WARD(S) AFFECTED:</b>	<b>VARIOUS</b>	<b>TERMS OF REFERENCE: N/A</b>

---

## **1.0 Purpose of Report/Detail/Recommendation**

1.1 To authorise the Sealed Documents listed below, which have no specific authority:-

<u>Date</u>	<u>No. of Seal</u>	<u>Nature of Document</u>
04.04.16	11350	Transfer – 6 Weatherfield, Linton
15.04.16	11352	Transfer – 29 Salisbury Drive, Midway
14.06.16	11414	Transfer – 37 South Drive, Newhall

## **2.0 Financial Implications**

2.1 None.

## **3.0 Corporate Implications**

3.1 None.

## **4.0 Community Implications**

4.1 None.

## **5.0 Background Papers**

5.1 Seal Register

---

<b>REPORT TO:</b>	<b>FULL COUNCIL</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>30<sup>th</sup> JUNE 2016</b>	<b>CATEGORY:</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>FRANK McARDLE 01283 595702</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMUNITY GOVERNANCE REVIEW - BARROW UPON TRENT, TWYFORD &amp; STENSON AND STENSON FIELDS: TERMS OF REFERENCE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ASTON AND STENSON WARDS</b>	<b>TERMS OF REFERENCE:</b>

---

## **1.0 Recommendations**

1.1 Members approve the Community Governance Review Terms of Reference, as detailed at **Appendix 1** to the Report.

## **2.0 Purpose of Report**

2.1 To advise Members of the legal process whereby the Council can review and make changes to local governance arrangements within the whole or part of its District.

## **3.0 Detail**

3.1 The Community Governance Review has been instigated following a request for such a review from the Barrow upon Trent Parish Council and Stenson Fields Parish Council.

3.2 In accordance with the Local Government and Public Involvement in Health Act 2007, the Council is responsible for undertaking any review within its electoral area. In addition to the Terms of Reference, all decisions will be made by Full Council prior to any Reorganisation of Community Governance Order being made.

3.3 Local governance arrangements will be determined following a consultation. Details of the parties to be consulted are contained in the Terms of Reference document (Appendix 1).

3.4 A timetable detailing the actions required within the permitted twelve month period is contained within the Terms of Reference document (Appendix 1).

#### **4.0 Financial Implications**

4.1 There are no direct financial implications from this report, but the consultation process will incur the Council administrative and postage costs.

#### **5.0 Corporate Implications**

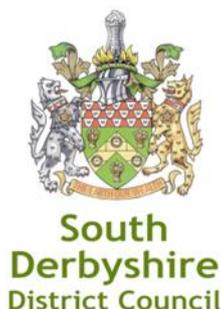
5.1 There are none relating to this report.

#### **6.0 Community Implications**

6.1 The Review and subsequent recommendations will determine the local governance arrangements for areas of Barrow upon Trent, Twyford & Stenson and Stenson Fields.

#### **7.0 Background Papers**

- 7.1 Appendix 1: Terms of Reference.
- Appendix 2: Area Map.
- Appendix 3: Joint Barrow upon Trent / Stenson Fields Parish Council request.
- Appendix 4: Terms of Reference Residents Letter.
- Appendix 5: Communities and Local Government / Local Government Boundary Commission for England Guidance on Community Governance Reviews.



## **COMMUNITY GOVERNANCE REVIEW OF TWYFORD AND STENSON (UNPARISHED AREA), STENSON FIELDS (PARISHED AREA) AND BARROW ON TRENT (PARISHED AREA)**

### **TERMS OF REFERENCE**

#### **Introduction**

On 30<sup>th</sup> June 2016, South Derbyshire District Council (“the Council”) approved these Terms of Reference created for the purposes of undertaking a Community Governance Review for the unparished area of Twyford and Stenson, the parished area of Stenson Fields and the parished area of Barrow on Trent.

A Community Governance Review (“the Review”) is a legal process whereby the District Council can review and make changes to local governance arrangements within the whole or part of its district.

These arrangements will be determined following consultation with local people and will aim to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

#### **Legislation and Guidance**

In undertaking the Review and implementing any outcome, the Council will be guided by the following legislation and guidance:-

- Part 4 of the Local Government and Public Involvement in Health Act 2007, as amended;
- The relevant parts of the Local Government Act 1972;
- The Local Government (Parishes and Parish Councils) (England) Regulations 2008;
- The Local Government Finance (New Parishes) (England) Regulations 2008; and
- The Guidance on Community Governance Reviews issued jointly by the Department for Communities and Local Government and the Local

Government Boundary Commission for England (March 2010) (“the Guidance”).

### **Aim of the Review**

In carrying out the Review, the Council aims to ensure that decisions affecting community governance within the area of the Review are reflective of the identities and interests of the community and are both effective and convenient.

Other important considerations are the impact on community cohesion, the size, population and boundaries of the area and what (if any) arrangements have already been made or could be made for the purposes of community representation or community engagement.

The Community Governance Review will consider:

- Should a parish council boundary be altered to better reflect the local community.
- Should an unparished area have a parish council (or other body) created.
- Should existing parish councils be grouped.
- Should the number of parish councillors on an existing parish council be changed.
- Should a parish council be warded or existing parish wards be altered to reflect changes in the local community.
- Should the name of a parish council be changed.
- No change in existing governance arrangements.

### **Local Government Boundary Commission for England**

In the event that the Community Governance Review leads to a change in any ward(s) boundaries in the District, this will be reviewed by the Local Government Boundary Commission for England.

### **Who is undertaking the Review?**

The Council is responsible for undertaking any review within its electoral boundaries.

All interested persons and bodies have the opportunity to submit representations throughout the process for consideration by Full Council (a meeting of all South Derbyshire District Councillors) before any decisions are made.

### **Why is the Council undertaking the Review?**

The Local Government and Public Involvement in Health Act 2007 transferred responsibility for these reviews to principal councils. A number of parishes within the District have asked the Council to review their boundaries.

### **How will the Council undertake the Review?**

Specifically, the Council will consider the following:-

- Whether or not, as a result of the Review, the area of any existing neighbouring parish needs to be retained, merged, altered or abolished;
- Whether or not a parish be constituted for the area under review and if so the name and style of the parish;
- Whether or not any parish should have a Parish Council or any alternative and, if so, determine the electoral arrangements, i.e, the ordinary year of election, the size, the number of Councillors to be elected, the division of the parish into wards and the parish boundaries;
- Whether or not any grouping provision should be made; and
- Whether or not any other local community governance arrangements should be made.

### **Why constitute a Parish?**

The Council recognises that all communities have individual local issues and any decisions made will reflect those issues and be in the best interests of the area concerned.

Government guidance states that the advantage of constituting an area as a parish is that parishes reflect distinctive and recognisable communities of interest with their own sense of identity. It further states that this identity and community lends strength and legitimacy to the parish structure, creates a common interest in local affairs, encourages participation in elections, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense a civic values, responsibility and pride.

The Council, if it is agreed, will attempt, as far as possible, to select boundaries that are, and are likely to remain, easily identifiable.

### **What does a Parish Council do?**

Parish Councils are the most local form of government. They may collect money from council tax payers (via the District Council) known as a 'precept', a separate charge which is added to, and collected along with, your existing Council Tax. These precept monies are required to be used to invest in the area to improve local services or facilities.

A parish council has statutory powers which may be complimentary or over and above those already provided by South Derbyshire District Council. Any parish council created as a result of a Community Governance Review would work with South Derbyshire District Council to agree which services it would like to be involved in delivering.

Parish Councils can take different forms, but are usually made up of local people who stand for election as a Parish Councillor to represent their area. They can be the

voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services and work to improve the quality of life in the area.

What sort of factors might be taken into account when looking at community identity?

There is no set list of factors; the following offers a few suggestions:

- Where do you think the boundary with the next parish is or should be?
- Are there any natural physical boundaries, e.g. river, road, hill nearby?
- Are there any community groups or associations in the area which help to indicate where communities begin and end?
- Where are your key services, e.g. shops, doctors, pub, sports or social club?

Does changing a parish boundary make any difference to the likelihood of development occurring on the edge of the settlements?

No. The criteria, and the legislation that sits behind it, for determining whether or not parish boundaries should change bears no relation to the legislation that guides the determination of planning applications.

**Alternative styles**

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents' and tenants' associations or community associations, which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council.

The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

With regard to the naming of parishes, if required, the Council will endeavour to reflect existing local or historic place names and will give a strong presumption in favour of names proposed by local interest parties. The Council notes that Government considers that composite names of parishes are rarely in the interests of effective and convenient local government and encourages avoidance of composite names other than in exceptional circumstances where the demands of history, local connections or the preservation of local ties make a pressing case for the retention of distinctive traditional names. The Council will consider this when making any proposals regarding naming of parishes.

Parishes may have alternative styles to 'Parish'. The alternative styles are 'community', 'neighbourhood' or 'village'. In addition, it should be noted that the style 'town' is still available to a parish. However, for as long as the parish has an 'alternative style', it will not also be able to have the status of a 'town' and vice versa. The use in these terms of reference to parish does not preclude one of the alternative styles being adopted. The 'name' of a parish refers to the geographical name of the area concerned, whereas its status or 'style' allows for that area to be known as a town, community, neighbourhood or village, rather than as a parish. The status or style of the parish will be reflected in the name of any council of the parish.

### **In the event that a new Parish Council wishes to precept, how much would it charge?**

As the precept will depend on the size of the parish or community council, the services it provides and the number of properties across which it is spread, it is not possible to say how much a precept would be for an area which does not currently have a parish or community council. Any new parish or community council would be able to set its own precept level.

Where, as a result of an alteration to parish boundaries, a property moves from one parish to another, this may well have an impact on the overall level of Council Tax payable by occupants of that property, as the amount of precept levied by different parish councils may vary. However, this is not a relevant factor when considering whether it is appropriate to change the community governance arrangements in a particular area.

The Council would endeavour to ensure that any new parishes agreed should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner.

### **How many parish councillors would there be?**

There must not be fewer than five councillors on a parish council, but there is no maximum number. Ideally, the number of members on a parish council should reflect the size of the parish overall. If it is agreed to establish a new parish or community council, one of the issues that will need to be decided is how many councillors will be elected. Parish councillors can be elected to represent the whole of the parish area or smaller neighbourhoods within the area, called parish wards. Any councillors elected to the parish or community council would be in addition to the existing local district ward councillors who are Members of South Derbyshire District Council. It is possible for the same people to be elected to the district council and a parish or community council.

### **Are parish councillors paid an allowance?**

Parish councillors are not usually paid an allowance, but may incur costs which can be reimbursed.

## **Timetable for the Review**

A timetable for the Review is shown below.

<b>Action</b>	<b>Dates</b>
Terms of Reference agreed by Full Council	30 <sup>th</sup> June 2016
Publication of Terms of Reference	4 <sup>th</sup> July 2016
Consultation process – Invitation of initial submissions & Public Meetings	11 <sup>th</sup> July 2016 to 4 <sup>th</sup> September 2016
Last date for submissions	4 <sup>th</sup> September 2016
Analysis/evaluation of submissions and preparation of draft recommendations	5 <sup>th</sup> September 2016 to 23 <sup>rd</sup> October 2016
Draft recommendations agreed by Full Council	3 <sup>rd</sup> November 2016
Publication of draft recommendations	7 <sup>th</sup> November 2016
Consultation on draft recommendations & Public Meetings	14 <sup>th</sup> November 2016 to 15 <sup>th</sup> January 2017
Last date for submissions	15 <sup>th</sup> January 2017
Analysis/evaluation of submissions and preparation of final recommendations	16 <sup>th</sup> January 2017 to 19 <sup>th</sup> February 2017
Final recommendations agreed by Full Council	1 <sup>st</sup> March 2017
Publication of final recommendations	6 <sup>th</sup> March 2017
Preparation and publication of any Reorganisation of Community Governance Order	6 <sup>th</sup> March 2017

This programme and timeline may be adjusted after representations have been received by local people in response to the initial public consultation. This will allow the Council a degree of flexibility in the interests of ensuring that it manages the review process efficiently. Any adjustments to the programme and timetable will be published on the Council's website.

## **Electorate Forecasts**

When considering any electoral arrangements arising as a result of this Review, the Council will consider any change in the number or distribution of electors which is likely to occur within five years from commencement of this Review. This data is as follows:-

<b>District Area</b>	<b>Polling District</b>	<b>Electorate 2016</b>	<b>Electorate 2021</b>
Barrow upon Trent	ASB	567	864
Twyford and Stenson	STB	969	1,811
Stenson Fields	STA	4,162	4,487

## **Consultation**

The Council has a duty under the Local Government and Public Involvement in Health Act 2007 to consult with the local government electors in the area under review and any other interested person or body. Throughout the process all representations will be taken into account before decisions are made.

The Council will:-

- Publish a release in the local press informing residents of the Review and inviting responses;
- Publish information on the Council's website;
- Consult with the residents of the area subject to the Review;
- Consult with the South Derbyshire District Councillors for the area subject to the Review and the neighbouring areas;
- Consult with the Derbyshire County Councillors for the ?? area and the neighbouring areas;
- Consult with the Member of Parliament for the District;
- Consult with Derbyshire County Council;
- Consult with any neighbouring Parish Councils and community representative groups; and
- Consult with any other person or body which appears to the District Council to have an interest in the Review.

**The initial consultation period will end on 4<sup>th</sup> September 2016. Any representations must be received by that date or they may not be considered when the options are prepared for Full Council.**

There will then be a further period of time for people to comment on the draft proposals before the final decision is made.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

The Council welcomes all representations from any persons or bodies with a local interest who may wish to comment or make proposals on any aspect of the matters under review.

Please send any representations to:-

- [cgovreview@south-derbys.gov.uk](mailto:cgovreview@south-derbys.gov.uk); or
- South Derbyshire District Council  
Legal and Democratic Services Section  
Community Governance Review  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

If you have any queries relating to the Review, please contact us either by e-mail at [democraticservices@south-derbys.gov.uk](mailto:democraticservices@south-derbys.gov.uk) or by telephone on 01283 595722 / 01283 595848.

Further information about the Review is available on the Council's website and social network pages, detailed below:-

- [www.south-derbys.gov.uk/communitygovernance](http://www.south-derbys.gov.uk/communitygovernance)
- [www.twitter.com/south-derbys](http://www.twitter.com/south-derbys)

### **Completion of the Review**

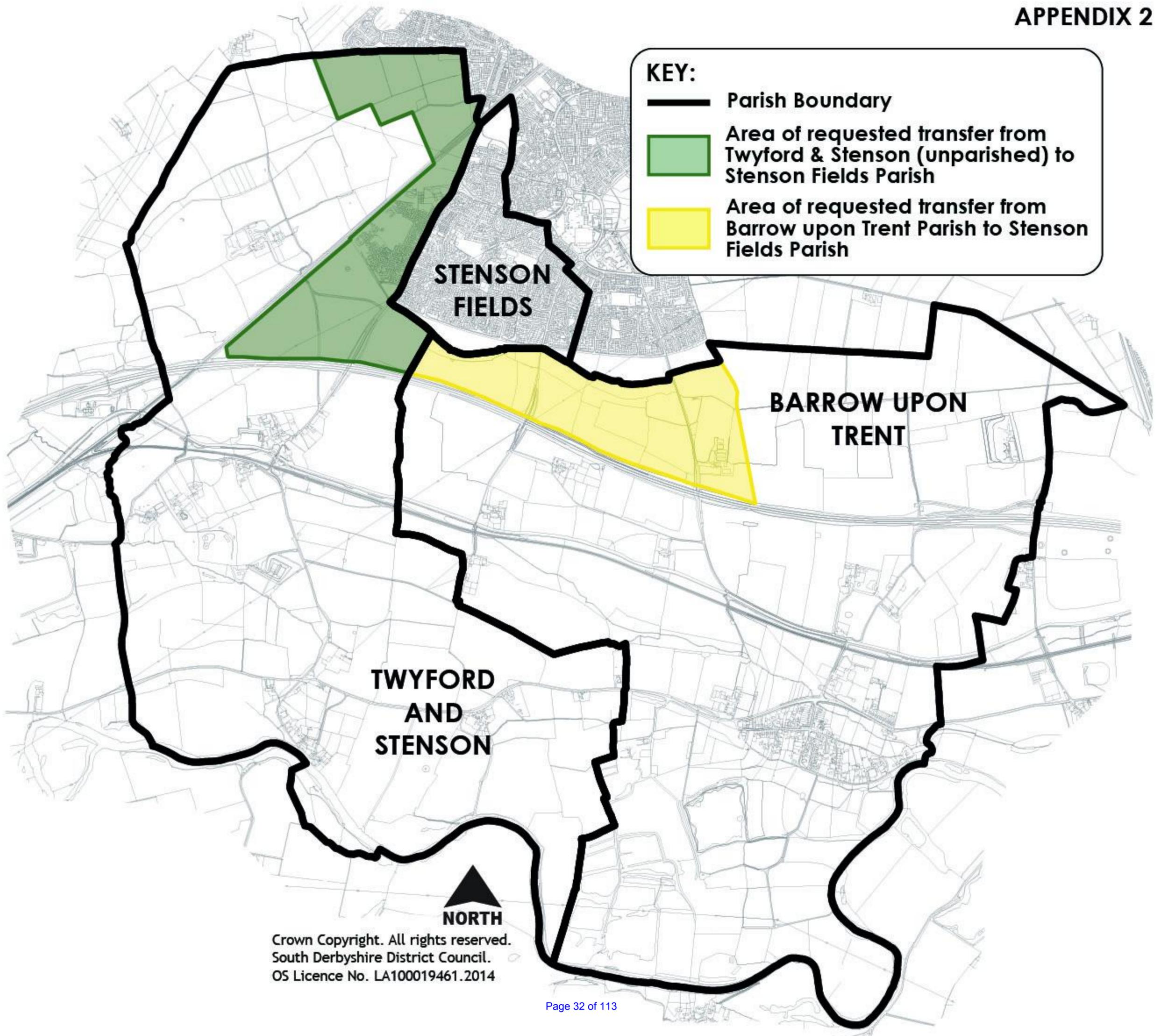
The Council will clearly publish the outcome of decisions taken as a result of the review and the reasons behind those decisions, so as to conduct the process transparently, making local people and other interested parties aware of the decisions reached. Press releases will be issued at key points as detailed in the above timetable and key documents will be on deposit at the Council's offices.

### **Order and commencement**

In the event of a Reorganisation of Community Governance Order being made, the provisions of such an Order will take effect from 1<sup>st</sup> April 2017 for financial and administrative purposes, depending upon the outcome of the Review.

### **Date of Publication of these Terms of Reference**

4<sup>th</sup> July 2016



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Mrs Alison Hicklin  
Clerk of the Council  
Tel: 01332 700142  
Mobile: 07825 702046



Field House Farm  
Snelsmoor Lane  
Chellaston  
Derby  
DE73 6TQ

South Derbyshire District Council  
Chief Executive

19 FEB 2015

Passed to:  
Copied to:

**BARROW UPON TRENT**  
**PARISH COUNCIL**

Email: [alison@barrowupontrentparish.co.uk](mailto:alison@barrowupontrentparish.co.uk)

Stenson Fields Parish Council

Email: [jacquistorer@aol.com](mailto:jacquistorer@aol.com)

11<sup>th</sup> February 2015

Dear Mr McArdle

Please find attached a joint agreement signed by both Stenson Fields and Barrow upon Trent Parish Councils.

The proposed revision to the parish boundaries has been discussed and agreed both in individual Parish Council meetings, and also in a joint meeting between the Chairs, Vice-Chairs and Parish Clerk.

It is our opinion that South Derbyshire District Council is able to implement the proposed changes under the provisions of the 'Guidance on Community Governance Reviews', especially in respect of paragraphs 8b, 12 and 15 where the proposed South Derbyshire Local Plan will cause a '...reaction to specific or local new issues...' and also '... existing parish boundaries becoming anomalous as new houses are built across the boundaries...'

Paragraph 50 of the Community Governance Review also states that 'The views of local communities and inhabitants are of central importance'.

As both Parish Councils are in accord with the proposed boundary change, we would be grateful if you would please consider the process of the implementation as soon as is possible.

Yours sincerely

Signature: 

Date: 11.2.15

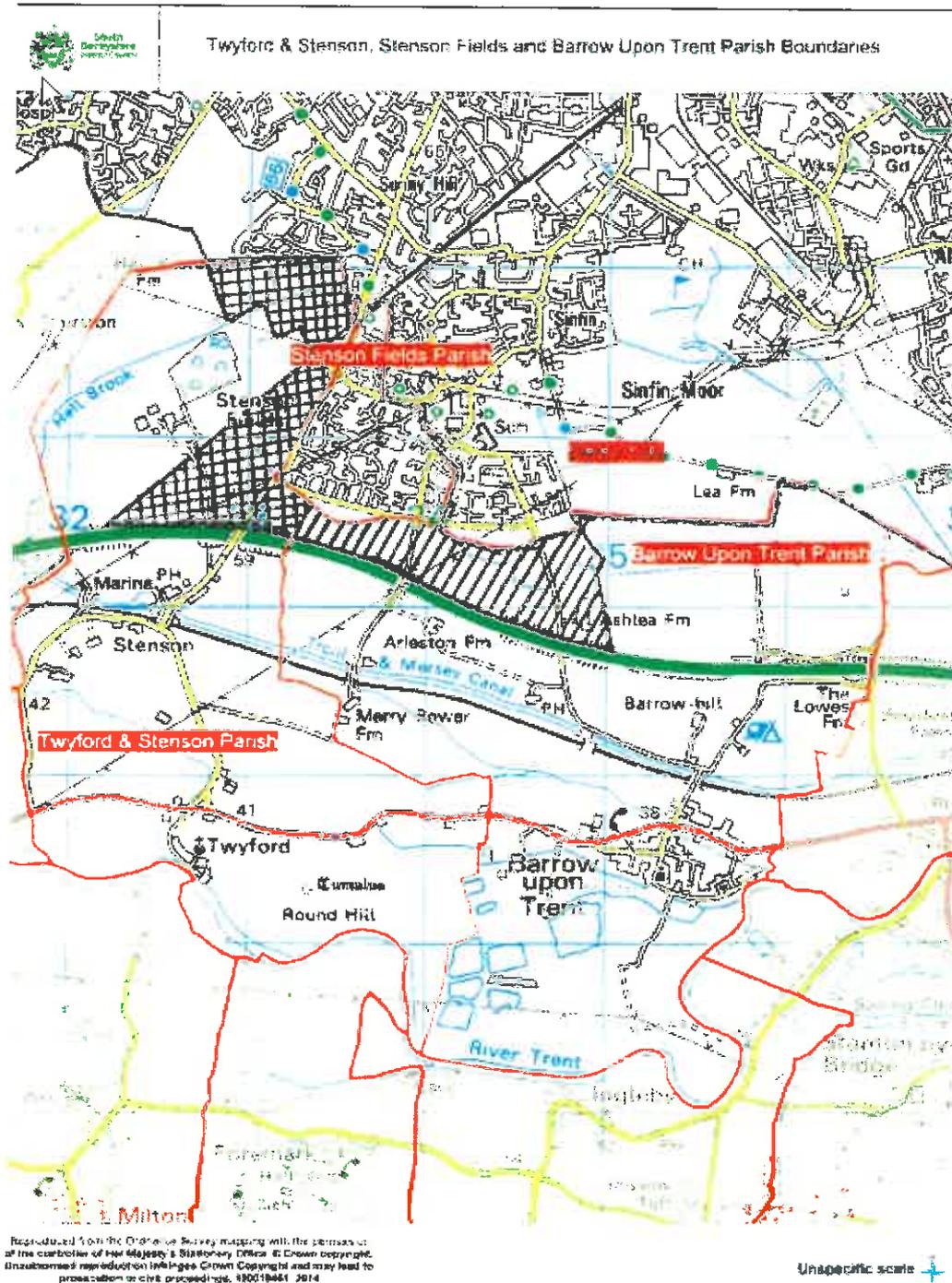
(Chair Barrow upon Trent Parish Council)

Signature: 

Date: 11.2.15

(Chair Stenson Fields Parish Council)

Joint Agreement Parish Council Boundaries  
Between Barrow upon Trent Parish Council and Stenson Fields Parish Councils



We the undersigned, as representatives of the respective Parish Councils of Barrow upon Trent and Stenson Fields, propose that the parish boundaries between Barrow upon Trent, Stenson Fields, Twyford & Stenson should be moved as shown on the above map, so that the hatched areas becomes part of the parish of Stenson Fields and is no longer a part of the parishes of Barrow upon Trent and Twyford & Stenson.

Signature: B. J. Fellin

Signature: Annexed

Date: 11.2.15

Date: 11.2.15.

(Chair Stenson Fields Parish Council)

(Chair Barrow upon Trent Parish Council)



**F. McArdle**  
**Chief Executive**

Civic Offices, Civic Way,  
Swadlincote, Derbyshire DE11 0AH

**[www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)**

**Please ask for: Democratic Services**

Phone: (01283) 595722/595848

Typetalk: (0870) 240958

DX 23912 Swadlincote

E-mail: [cgreview@south-derbys.gov.uk](mailto:cgreview@south-derbys.gov.uk)

Our ref: Community Governance Review  
Your ref:

Date: 4<sup>th</sup> July 2016

Dear Sir / Madam,

### **Community Governance Review 2016**

South Derbyshire District Council is currently undertaking a Community Governance Review to determine the governance arrangements for the areas of Barrow upon Trent, Twyford & Stenson and Stenson Fields.

Further details relating to this Review can be found in the Terms of Reference document enclosed for your attention.

Should you wish to submit a representation relating to this Review, please do so using the dedicated e-mail address, [cgovreview@south-derbys.gov.uk](mailto:cgovreview@south-derbys.gov.uk). The initial consultation period will end on 4<sup>th</sup> September 2016. Any representations must be received by that date or they may not be considered when the options are prepared for Full Council.

Alternatively, you can, if you wish, make your views known in a letter, addressed to: South Derbyshire District Council, Community Governance Review, Democratic Services, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

Yours faithfully

Chief Executive



## Guidance on community governance reviews



The  
Local Government  
Boundary Commission  
for England

## Guidance on community governance reviews

March 2010

Department for Communities and Local Government  
Local Government Boundary Commission for England

Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 0303 444 0000  
Website: [www.communities.gov.uk](http://www.communities.gov.uk)

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March 2010

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## Foreword

This document comprises guidance issued by the Secretary of State and the Local Government Boundary Commission for England under section 100 of the Local Government and Public Involvement and Health Act 2007 (the 2007 Act) on undertaking, and giving effect to recommendations made in, community governance reviews and on making recommendations about electoral arrangements respectively.

The Implementation Plan for the Local Government white paper, *Strong and Prosperous Communities*<sup>1</sup> (the 2006 white paper), sets out Communities and Local Government's future approach to guidance. It proposes that guidance must be short, clear and practical, and that an open and inclusive approach to its preparation should be followed, involving the range of stakeholders who will be affected by or have an interest in it.

This guidance follows that approach. It is an updated version of guidance originally published in 2008 prepared by a partnership of Communities and Local Government and the Electoral Commission with stakeholders including DEFRA, the Local Government Association, County Councils Network, London Councils, the National Association of Local Councils, and the Society of Local Council Clerks. It aims to be clear and practical but also to encourage innovative and flexible local action. The main change to the guidance has been to reflect the establishment of the Local Government Boundary Commission for England, which is responsible for the boundary-related functions previously exercised by the Electoral Commission and the Boundary Committee for England.

A model community governance reorganisation order is available on the Department's website.<sup>2</sup>

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<sup>1</sup> *Strong and Prosperous Communities*, the Local Government white paper, The Stationery Office, October 2006(Cm 6969).

<sup>2</sup> <http://www.communities.gov.uk/publications/localgovernment/modelreorganisationorder>

## Section 1: Introduction

### The Local Government and Public Involvement in Health Act 2007 and community governance reviews

1. Chapter 3 of Part 4 of the 2007 Act devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.
2. The Secretary of State therefore has no involvement in the taking of decisions about recommendations made in community governance reviews and the Local Government Boundary Commission for England's (LGBCE) involvement is limited to giving effect to consequential recommendations for related alterations to the electoral areas of principal councils.
3. From 13 February 2008, district councils, unitary county councils and London borough councils ('principal councils') have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In making that decision, they will need to take account of the views of local people.
4. Principal councils are required, by section 100(4) of the 2007 Act, to have regard to this guidance which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2).
5. This guidance is not an authoritative interpretation of the law (as that is ultimately a matter for the courts) and it remains the responsibility of principal councils to ensure that any actions taken by them comply with the relevant legislation. They should seek their own legal advice where appropriate.

#### Aim of this guidance

6. This guidance is intended to provide assistance to principal councils on:
  - a) undertaking community governance reviews
  - b) the making of recommendations for electoral arrangements for parish councils and the making of consequential recommendations to the LGBCE for related alterations to the boundaries of electoral areas of principal councils; and

- c) giving effect to recommendations made in community governance reviews

## Issues covered in this guidance

7. The guidance supports and helps to implement key aspects of the 2006 white paper. The 2007 Act requires that local people are consulted during a community governance review, that representations received in connection with the review are taken into account and that steps are taken to notify them of the outcomes of such reviews including any decisions.
8. The matters covered by the guidance include:
  - a) duties and procedures in undertaking community governance reviews (Chapter 2), including on community governance petitions; the document gives guidance on a valid petition, and for the requirement for petitions to meet specific numerical or percentage thresholds signed by local electors
  - b) making and implementing decisions on community governance (Chapter 3): the 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient; relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area
  - c) other forms of community governance not involving parishes (Chapter 4) for example, residents' associations, community forums, tenant management organisations, area committees
  - d) considerations on whether parish meetings and parish councils would be most appropriate, and electoral arrangements (Chapter 5)
  - e) consequential recommendations for related alterations to ward and division boundaries (Chapter 6)

## Statutory provisions

9. In addition to the 2007 Act, legislation relating to parishes can also be found in the Local Government Act 1972 (in particular, provision about parish meetings and councils, the constitution of a parish meeting, the constitution and powers of parish councils and about parish councillors) and the Local Democracy, Economic Development and Construction Act 2009 (reviews of, and recommendations about,

electoral areas by the LGBCE), as well as in other enactments.

### Structure of guidance

10. This document is published jointly and is divided into two parts. Chapters 2 to 4 deal with those matters which the Secretary of State may issue guidance on and the issues raised in Chapters 5 and 6 are those on which the LGBCE may issue guidance. Having conducted a community governance review, unless in certain circumstances there are no implications for electoral arrangements, principal councils will need to consider both parts of this guidance together.

### Further information

11. Further information about electoral arrangements for parishes and any related alterations to district or London borough wards, or county divisions should be sought from the LGBCE's website [www.lgbce.org.uk](http://www.lgbce.org.uk)

## Section 2: Undertaking community governance reviews

### Why undertake a community governance review?

12. Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas. It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues. The Government has made clear in the 2006 white paper and in the 2007 Act its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
13. The 2007 Act is intended to streamline the process of taking decisions about giving effect to recommendations made in a community governance review, such as recommendations for the creation of new parishes and the establishment of parish councils, and about other matters such as making changes to parish boundaries and electoral arrangements. By devolving the powers to take these decisions from central government to local government, the 2007 Act is intended to simplify the decision-making process and make it more local.
14. Parish and town councils are the most local tier of government in England. There are currently about 10,000 parishes in England – around 8,900 of which have councils served by approximately 70,000 councillors. There is a large variation in size of parishes in England from those with a handful of electors to those with over 40,000 electors.
15. In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference

of which should include consideration of the boundaries of existing parishes.

16. A community governance review offers an opportunity to put in place strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that exist in England. Reviews also offer the chance to principal councils to consider the future of what may have become redundant or moribund parishes, often the result of an insufficient number of local electors within the area who are willing to serve on a parish council. Some of these issues are considered elsewhere in this guidance (see Chapter 3 about parish councils and parish meetings and Chapter 4 regarding grouping parishes and dissolving parish councils and abolishing parishes).
17. Since new boundaries may be used to provide the building blocks for district and London borough ward and/or county division boundaries in future electoral reviews of district, London borough, unitary and county councils, it is important that principal councils seek to address parish boundary anomalies when they arise. Principal councils should therefore consider carefully changes to parish boundaries as these can have consequential effects on the boundaries for other tiers of local government.
18. Community governance reviews may also be triggered by local people presenting public petitions to the principal council. This is explained in more detail in paragraphs 39 to 43 on public petitions to trigger community governance reviews.

### Terms of reference for community governance reviews

19. The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principal council to publish the terms of reference. If any modifications are made to the terms of reference, these must also be published.
20. Terms of reference will need to be drawn up or modified where a valid community governance petition has been received by the principal council. Local people will be able to influence the terms of reference when petitioning (see paragraphs 24 and 39 to 43 for more information).
21. As the 2007 Act devolves power from central to local government and to local communities, it is inappropriate to prescribe a “one size fits

all” approach to terms of reference for community governance reviews applied by principal councils. However, the Government expects terms of reference to set out clearly the matters on which a community governance review is to focus. The local knowledge and experience of communities in their area which principal councils possess will help to frame suitable terms of reference. The terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities.

22. In areas for which there is both a district council and a county council, district councils are required under section 79 of the 2007 Act to notify the county council of their intention to undertake a review and of their terms of reference. County councils play a strategic role in the provision of local services, and they can offer an additional dimension to any proposal to conduct a review, particularly as the terms of reference are being formulated. The bodies which the principal council must consult under section 93 of the 2007 Act include other local authorities which have an interest in the review. Such local authorities would include any county council for the area concerned. In such circumstances the district council should seek the views of the county council at an early stage.
23. Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views on a range of local issues. Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

### Timing of community governance reviews

24. A principal council is 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
25. Where a review has been conducted within the last two years the principal council still has the power to undertake another review if it so wishes. Where a review is ongoing, the council can choose to

modify the terms of reference of the ongoing review to include the matters within the petition, or to conduct a second review.

26. Otherwise, the 2007 Act provides for a principal council to conduct a community governance review at any time. Principal councils will want to keep their community governance arrangements under review, and they should ensure that they consider on a regular basis whether a review is needed. A review may need to be carried out, for example, following a major change in the population of a community or as noted earlier in this chapter (see paragraph 15) to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries. Principal councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate.
27. In the interests of effective governance, the principal council should consider the benefits of undertaking a review of the whole of its area in one go, rather than carrying out small scale reviews in a piecemeal fashion of two or three areas. However, it is recognised that a full-scale review will not always be warranted, particularly where a review of the whole area or a significant part of the principal council's area has been carried out within the last few years. Occasionally, it may be appropriate to carry out a smaller review, for example, to adjust minor parish boundary anomalies.
28. Principal councils should use their knowledge and awareness of local issues when deciding whether to undertake a review. However, principal councils should avoid starting a community governance review if a review of district, London borough or county council electoral arrangements is being, or is about to be, undertaken. Ideally, community governance reviews should be undertaken well in advance of such electoral reviews, so that the LGBCE in its review of local authority electoral arrangements can take into account any parish boundary changes that are made. The LGBCE can provide advice on its programme of electoral reviews.
29. Where the LGBCE bases its new district or London borough ward boundaries on parish boundaries the Parliamentary Boundary Commission will then use these boundaries to determine parliamentary constituency boundaries (parliamentary constituencies use district and London borough wards as their building blocks). This illustrates the importance of keeping parish boundaries under review and ensuring they accurately reflect local communities.
30. Reorganisation of community governance orders (explained further in

this chapter under implementation) creating new parishes, abolishing parishes or altering their area can be made at any time following a review. However for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1 April following the date on which it is made. Electoral arrangements for a new or existing parish council will come into force at the first elections to the parish council following the reorganisation order. However, orders should be made sufficiently far in advance to allow preparations for the conduct of those elections to be made. In relation to a new parish council, the principal council may wish to consider whether, during the period between 1 April and the first elections to the parish council, it should make interim arrangements for the parish to be represented by councillors who sit on the principal council.

31. Parish council elections should normally take place every four years at the same time as the elections for the district or London borough ward or, in areas outside of London which have no district council, the county division in which a parish, or part of a parish, is situated. However, where a new parish is to be created, it may be necessary to alter the date of the next parish election, particularly if the next elections to the ward or division are not scheduled to take place for some time. To achieve this, section 98 of the 2007 Act allows principal councils to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972, so that the first election to the new parish council is held in an earlier year. This results in councillors serving either a shortened or lengthened first term to allow the parish council's electoral cycle to return to that of the unitary, district or London borough ward at the next election.

### Undertaking community governance reviews

32. Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that they comply with the duties in that Act which apply to councils undertaking reviews.
33. Principal councils will need to consult local people and take account of any representations received in connection with the review. When undertaking the review they must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient. Further information on making recommendations is in Chapter 3.
34. Under the 2007 Act principal councils are required to consult both

those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.

35. Principal councils must consider the wider picture of community governance in carrying out their reviews. In some areas there may be well established forms of community governance such as local residents' associations, or community forums which local people have set up and which help make a distinct contribution to the community. Some principal councils may also have set up area committees which perform a specific role in the local community.
36. In undertaking a review, section 93(5) requires principal councils to take these bodies into account. Potentially, as representatives of their community, these bodies may be considered as foundations for or stages towards the creation of democratically elected parishes (further information about other non-parish forms of community governance can be found in Chapter 4).
37. Principal councils are required to complete the review, including consequential recommendations to the LGBCE for related alterations to the boundaries of principal area wards and/or divisions, within 12 months of the start of the community governance review. The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations made in the review<sup>3</sup>. The Government stated in the 2006 white paper that they wanted the process for undertaking community governance (formerly parish reviews) to be simplified and speeded up. Given that there is no longer the need to make recommendations to Central Government prior to implementing any review recommendations, the 2007 Act makes it easier for principal councils to reach decisions on community governance reviews. Whilst a community governance review will depend on a number of factors, such as the number of boundary changes, the Government believes it should be feasible to accomplish reviews within 12 months from the start.
38. Principal councils will need to build into their planning process for

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<sup>3</sup> See section 102(3) of the 2007 Act for the interpretation of 'begin' and 'conclude' in relation to a review.

reviews reasonable periods for consultation with local electors and other stakeholders, for the consideration of evidence presented to them in representations, as well as for decision-making (see Chapter 3 on making and implementing recommendations made in community governance reviews). Implementation of reviews by Order and the requirement for the principal council to publicise the outcome of a community governance review are covered in paragraphs 98 to 103.

## Public petitions to trigger community governance reviews

39. In recent years, the Government has been keen to encourage more community engagement. The 2006 white paper confirmed this development further stressing the intention to build on the existing parish structure improving capacity to deliver better services, and to represent the community's interests.
40. Under the 2007 Act, local electors throughout England can petition their principal council for a community governance review to be undertaken. The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters including:
- the creation of a parish
  - the name of a parish
  - the establishment of a separate parish council for an existing parish
  - the alteration of boundaries of existing parishes
  - the abolition of a parish
  - the dissolution of a parish council
  - changes to the electoral arrangements of a parish council
  - whether a parish should be grouped under a common parish council or de-grouped
  - a strong, inclusive community and voluntary sector
  - a sense of civic values, responsibility and pride; and
  - a sense of place – a place with a 'positive' feeling for people and local distinctiveness
  - reflective of the identities and interests of the community in that area and
  - effective and convenient
  - the impact of community governance arrangements on community cohesion; and

- the size, population and boundaries of a local community or parish
  - people from different backgrounds having similar life opportunities
  - people knowing their rights and responsibilities
41. For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds are:
- a) for an area with less than 500 local electors, the petition must be signed by at least 50% of them
  - b) for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them
  - c) for an area with more than 2,500 local electors, the petition must be signed by at least 10% of them
42. These thresholds have been chosen to ensure that the minimum number of signatures to be obtained is neither so high that it will be impossible in most cases to collect that number nor so low as to allow a very small minority of electors to trigger a review. So, in areas with higher populations the threshold is not so high as to prevent a genuine desire for a review not being realised. Equally, in areas with smaller numbers of electors, this means that a handful of electors cannot initiate a review against the wishes of the majority of their fellow electors. The thresholds therefore help to ensure that the local democratic process is properly maintained.
43. The petition should define the area to which the review relates, whether on a map or otherwise, and refer to identifiable fixed boundaries. Where a proposed boundary is near an individual property, the petition must make clear on which side of the boundary the property lies. The petition must specify one or more proposed recommendations for review.
44. Where a petition recommends the establishment of a town or parish council or parish meeting (see paragraph 88) in an area which does not currently exist as a parish, the petition is to be treated as including a recommendation for a parish to be created even if it does not expressly make such a recommendation<sup>4</sup>

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<sup>4</sup> See Section 80 (8) of the 2007 Act

## Section 3: Making and implementing recommendations made in community governance reviews

45. As stated in the 2006 white paper parish councils are an established and valued form of neighbourhood democracy and management. They are not only important in rural areas but increasingly have a role to play in urban areas. We propose to build on the existing parish structure, so as to improve its capacity to deliver better services and represent the community's interests.

### Context of parishes in the wider community

46. Communities and Local Government is working to help people and local agencies create cohesive, attractive and economically vibrant local communities, building on the Government's Sustainable Communities' strategy.
47. An important aspect to approaching sustainable communities is allowing local people a say in the way their neighbourhoods are managed. One of the characteristics of a sustainable community is the desire for a community to be well run with effective and inclusive participation, representation and leadership. This means:
- a) representative, accountable governance systems which both facilitate strategic, visionary leadership and enable inclusive, active and effective participation by individuals and organisations; and
  - b) effective engagement with the community at neighbourhood level including capacity building to develop the community's skills, knowledge and confidence
48. Central to the concept of sustainable communities is community cohesion. The impact of community governance on cohesion is an issue to be taken into account when taking decisions about community governance arrangements, and this is discussed further below.

### Defining a parish

49. Parish and town councils vary enormously in size, activities and circumstances, representing populations ranging from less than 100 (small rural hamlets) to up to 70,000 (large shire towns – Weston-Super-Mare Town Council being the largest). The majority of them are small; around 80% represent populations of less than 2,500. Small parishes with no parish council can be grouped with

neighbouring parishes under a common parish council (see paragraphs 112 to 115).

50. Parish councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.
51. The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people's day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity.

### Criteria for undertaking a community governance review

52. Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:
  - reflective of the identities and interests of the community in that area and
  - effective and convenient
53. When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:
  - the impact of community governance arrangements on community cohesion and
  - the size, population and boundaries of a local community or parish
54. In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

### The identities and interests of local communities

55. Parish councils have an important role to play in the development of their local communities. Local communities range in size, as well as in a variety of other ways. Communities and Local Government is

working to help people and local agencies create cohesive, attractive and economically vibrant local communities. The aim for communities across the country is for them to be capable of fulfilling their own potential and overcoming their own difficulties, including community conflict, extremism, deprivation and disadvantage. Communities need to be empowered to respond to challenging economic, social, and cultural trends, and to demographic change.

56. Parish councils can contribute to the creation of successful communities by influencing the quality of planning and design of public spaces and the built environment, as well as improving the management and maintenance of such amenities. Neighbourhood renewal is an important factor to improve the quality of life for those living in the most disadvantaged areas. Parish councils can be well placed to judge what is needed to build cohesion. Other factors such as social exclusion and deprivation may be specific issues in certain areas, and respect is fundamental to the functioning of all places and communities. The Government remains committed to civil renewal, and empowering citizens to work with public bodies, including parish councils, to influence public decisions.
57. 'Place' matters in considering community governance and is a factor in deciding whether or not to set up a parish. Communities and Local Government's vision is of prosperous and cohesive communities which offer a safe, healthy and sustainable environment. One aspect of that is strong and accountable local government and leadership. Parish councils can perform a central role in community leadership. Depending on the issue, sometimes they will want to take the lead locally, while at other times they may act as an important stakeholder or in partnership with others. In either case, parish councils will want to work effectively with partners to undertake the role of 'place-shaping', and be responsive to the challenges and opportunities of their area in a co-ordinated way.
58. It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area.
59. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the feeling of local community and the wishes

of local inhabitants are the primary considerations.

60. Today, there may well be a variety of different communities of interest within a parish; for example, representing age, gender, ethnicity, faith or life-style groups. There are other communities with say specific interests in schools, hospitals or in leisure pursuits. Any number of communities of interest may flourish in a parish but they do not necessarily centre on a specific area or help to define it.
61. Building a sense of local identity may make an important contribution to cohesion where a local area is facing challenges arising from rapid demographic change. In considering the criteria, community governance reviews need to home in on communities as offering a sense of place and of local identity for all residents.

### Effective and convenient local government

62. The Government believes that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.
63. Local communities should have access to good quality local services, ideally in one place. A parish council may be well placed to do this. With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient they need to be easy to reach and accessible to local people.
64. In responding to the requirement for effective and convenient local government, some parish councils are keen, and have the capacity to take on more in the provision of services. However, it is recognised that not all are in position to do so. The 2007 Act provides a power of well-being to those parish councils who want to take on more, giving them additional powers to enable them to promote the social, economic and environmental well being of their areas. Nevertheless, certain conditions must be met by individual parish councils before this power is extended to them.
65. Wider initiatives such as the Quality Parish Scheme and charters agreed between parish councils and principal councils also help to give a greater understanding of securing effective and convenient local government. In such cases, parish and town councils which are well managed and good at representing local views will be in a better

position to work closely with partner authorities to take more responsibility for shaping their area's development and running its services.

## Factors for consideration

66. When reviewing community governance arrangements, principal councils may wish to take into account a number of factors, to help inform their judgement against the statutory criteria.

### *The impact on community cohesion of community governance arrangements*

67. Setting up parishes and parish councils clearly offers the opportunity to strengthen community engagement and participation, and generate a positive impact on community cohesion. In conducting community governance reviews (whether initiated by itself or triggered by a valid petition), the principal council should consider the impact on community cohesion when deciding whether or not to set up a parish council.
68. Britain is a more diverse society – ethnically, religiously and culturally – than ever before. Today's challenge is how best to draw on the benefits that migration and diversity bring while addressing the potential problems and risks to cohesion. Community cohesion is about recognising the impact of change and responding to it. This is a fundamental part of the place-shaping agenda and puts local authorities at the heart of community building.
69. In its response to the recommendations of the Commission on Integration and Cohesion the Government has defined community cohesion as what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.
70. The Government's vision of an integrated and cohesive community is based on three foundations:
- people trusting one another and trusting local institutions to act fairly
71. And three key ways of living together:
- a shared future vision and sense of belonging
  - a focus on what new and existing communities have in common, alongside a recognition of the value of diversity
  - strong and positive relationships between people from different backgrounds

72. The Commission on Integration and Cohesion's report, *Our Shared Future*, is clear that communities have expert knowledge about their own circumstances and that actions at the local level contribute to achieving integration and cohesion, with local authorities well placed to identify any pressures. The Commission reports that policy makers and practitioners see civic participation as a key way of building integration and cohesion – from ensuring people have a stake in the community, to facilitating mixing and engendering a common sense of purpose through shared activities. The 2006 white paper's proposals for stronger local leadership, greater resident participation in decisions and an enhanced role for community groups contribute to promoting cohesion.
73. Community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.
74. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. It would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.
75. As part of a community governance review a principal council should consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.
76. Challenges to community cohesion are often very local in nature and because of their knowledge of local communities, local authorities are in a good position to assess these challenges. As for the other considerations set out in this guidance, principal councils will wish to

reach a balanced judgement in taking community cohesion into account in community governance arrangements.

*Size, population and boundaries of a local community or parish*

77. Size, population and boundaries of a local community or parish are linked to aspects of both principal criteria as identified in the 2007 Act, but perhaps more specifically to community governance being effective and convenient. Often it is factors such as the size, population and boundaries which influence whether or not it is going to be viable to create a parish council. Parishes must fall within the boundaries of a single principal council's area.
78. The Local Government Commission for England in its 1993 Report *Renewing Local Government in the English Shires* makes the point that there is a long history of attempts to identify ideal minimum and maximum sizes for local authorities. Instead its preference was for authorities to be based on natural communities and reflecting people's expressed choices. This is even truer today, particularly at the most local level of government. Nevertheless, the size of communities and parishes remains difficult to define.
79. Parish councils in England currently vary greatly in size from those with a handful of electors with some representing hamlets of around 50 people to those in towns with well over 40,000 electors. Geography and natural boundaries; population size; and to an extent 'council size' (the term used by the LGBCE to describe the number of councillors who are elected to a local authority) may influence how small or large a parish council can be.
80. The general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government. This is generally because of the representative nature of parish councils and the need for them to reflect closely the identity of their communities. It is desirable that any recommendations should be for parishes or groups of parishes with a population of a sufficient size to adequately represent their communities and to justify the establishment of a parish council in each. Nevertheless as previously noted, it is recognised that there are enormous variations in the size of parishes, although most parishes are below 12,000 in population.
81. A parish council should be in a position to provide some basic services and many larger parishes will be able to offer much more to their local communities. However, it would not be practical or desirable to set a rigid limit for the size of a parish whether it is in a

rural or urban area, although higher population figures are generally more likely to occur in urban areas. Equally, a parish could be based on a small but discrete housing estate rather than on the town within which the estate lies.

82. There may be cases where larger parishes would best suit the needs of the area. These might include places where the division of a cohesive area, such as a Charter Trustee town (see paragraphs 133 to 134), would not reflect the sense of community that needs to lie behind all parishes; or places where there were no recognisable smaller communities.
83. As far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable. For instance, factors to consider include parks and recreation grounds which sometimes provide natural breaks between communities but they can equally act as focal points. A single community would be unlikely to straddle a river where there are no crossing points, or a large area of moor land or marshland. Another example might be where a community appeared to be divided by a motorway (unless connected by walkways at each end). Whatever boundaries are selected they need to be, and be likely to remain, easily identifiable.
84. In many cases a boundary change between existing parishes, or parishes and unparished areas, rather than the creation of an entirely new parish, will be sufficient to ensure that parish arrangements reflect local identities and facilitate effective and convenient local government. For example, over time, communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across them resulting in people being in different parishes from their neighbours.
85. A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries. Since the new boundaries are likely to be used to provide the building blocks for district ward, London borough ward, county division and parliamentary constituency boundaries in future reviews for such councils, it is important that principal councils seek to address parish boundary issues at regular intervals.

## Parish meetings and parish councils

- 86.** Under the Local Government Act 1972 all parishes, whether or not they have a parish council, must have a parish meeting. In many parishes the requirement to have a parish meeting takes the form of at least one annual meeting, or more often several meetings during each year, organised (where one exists) by the parish council or if not by the parish meeting itself. The parish meeting of a parish consists of the local government electors for the parish, and as such local electors are invited to attend these meetings. Parish meetings have a number of functions, powers and rights of notification and consultation. The trustees of a parish meeting hold property and act on its behalf. Depending on the number of local government electors in the parish, there are different rules about whether or not a parish council must be created for the parish, or whether it is discretionary.
- 87.** Where principal councils are creating new parishes, the 2007 Act requires them to make recommendations about whether or not a new parish should be constituted in their area. New parishes can be constituted in a number of different ways, including by creating a parish in an area that is not currently parished, amalgamating two or more parishes and separating part of a parish, with or without aggregating it with parts of other parishes.
- 88.** Section 94 of the 2007 Act applies in relation to these recommendations. It places principal councils under a duty to recommend that a parish should have a council in parishes which have 1000 electors or more. In parishes with 151 to 999 electors the principal council may recommend the creation of either a parish council or a parish meeting. In parishes with 150 or fewer electors principal councils are unable to recommend that a parish council should be created and therefore only a parish meeting can be created. The aim of these thresholds is to extend the more direct participatory form of governance provided by parish meetings to a larger numbers of electors. Equally, the thresholds help to ensure that both the population of a new parish for which a council is to be established is of sufficient size to justify its establishment and also that local people are adequately represented.
- 89.** One of the reasons for these differing thresholds is that the Government recognises the difficulty which sometimes exists in small parishes, in particular, in managing to get sufficient numbers to stand for election to the parish council. However, the thresholds identified above do not apply to existing parish councils. If the community governance review concludes that the existence of the parish council reflects community identities and provides effective and convenient

local government, despite the small number of electors, then it can recommend that the parish council should continue in existence. So, where an existing parish of 150 or less electors already has a parish council with the minimum number of five parish councillors it can continue to have a parish council.

90. If a principal council chooses to establish a parish council, or if an existing parish whose boundaries are being changed has a parish council, the principal authority must consult on, and put in place the necessary electoral arrangements for that parish. (See Chapter 5 Electoral Arrangements.)

### Recommendations and decisions on the outcome of community governance reviews

91. Community governance reviews will make recommendations on those matters they have considered, as defined by the terms of reference set at the start of the review.
92. A principal council must make recommendations as to:
  - a) whether a new parish or any new parishes should be constituted
  - b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
  - c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be
93. It may also make recommendations about:
  - a) the grouping or degrouping of parishes
  - b) adding parishes to an existing group of parishes or
  - c) making related alterations to the boundaries of a principal councils' electoral areas
94. In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.
95. The recommendations must take account of any representations received and should be supported by evidence which demonstrates

that the recommended community governance arrangements would meet the criteria set out in the 2007 Act. Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.

96. In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. It may be that much of this information can be gained through the consultation which the council will have held with local people and also the council's wider engagement with local people on other matters. In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made. For example, a recommendation to abolish or establish a parish council, may negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located, and therefore should not be made.
97. The aim of the 2007 Act is to open up a wider choice of governance to communities at the most local level. However, the Government considers that there is sufficient flexibility for principal councils not to feel 'forced' to recommend that the matters included in every petition must be implemented.
98. Under the 2007 Act the principal council must both publish its recommendations and ensure that those who may have an interest are informed of them. In taking a decision as to whether or not to give effect to a recommendation, the principal council must have regard to the statutory criteria (see paragraph 51). After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council must publish its decision and its reasons for taking that decision. It must also take sufficient steps to ensure that persons who may be interested in the review are informed of the decision and the reasons for it. Who should be informed will depend on local circumstances. Publicising the outcome of reviews is dealt with in the next section on implementation.

### *Implementation of community governance reviews by order*

99. There are a number of steps that a principal council must take to publicise the outcome of any review it has conducted, and to provide information about that outcome to the bodies it must notify following any reorganisation order it makes to implement the review. Community governance reviews should be conducted transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.
100. If the council implements the recommendations made in its review, there are other steps it is required to undertake. These include depositing copies of the reorganisation order<sup>5</sup> which the principal council will need to draw up to give effect to its decisions. Besides depositing at its main office a copy of the reorganisation order, it should also deposit a map showing the effects of the order in detail which should be available for inspection by the public at all reasonable times (i.e. during normal working hours). The 2007 Act also requires the council to make available a document setting out the reasons for the decisions it has taken (including where it has decided to make no change following a community governance review) and to publicise these reasons.
101. The principal council must publicise how the council has given effect to the review, and that the order and map are available for public inspection as set above. Other means of publicity it may wish to consider are through publication on the council's website, in local newspapers, on notice boards in public places, and in local libraries, town halls or other local offices. In addition, after a principal council has made a reorganisation order, as soon as practicable, it must inform the following organisations that the order has been made:
- a) the Secretary of State for Communities and Local Government
  - b) the LGBCE
  - c) the Office of National Statistics
  - d) the Director General of the Ordnance Survey
  - e) any other principal council (e.g. a county council) whose area the order relates to

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<sup>5</sup> A copy of a model reorganisation order with different examples of recommendations can be viewed on the Communities and Local Government website. It may help principal councils to draw up reorganisation orders which could be adapted to their own needs and circumstances. Principal councils are not obliged to follow this example. It is offered on an advisory basis and principal councils will want to seek their own legal advice that any orders they produce meet the necessary legal requirements.

102. The Audit Commission has statutory responsibility for appointing external auditors to all local councils in England. For the purposes of its audit appointment functions the Commission needs to be aware of changes emerging from community governance reviews. Therefore, principal councils should inform the Audit Commission of any reorganisation orders made to implement the recommendations of community governance reviews.
103. Section 97 of the 2007 Act provides for regulations to make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, reorganisation orders. Two sets of regulations have been made under the 2007 Act, which apply to reorganisation orders - both came into force on 8 April 2008. The first of these, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 No.625 make provisions in relation to matters such as the distribution of property and the rights and liabilities of parish councils affected by a reorganisation order. The second set, the Local Government Finance (New Parishes) Regulations 2008 No.626 deal with the setting of precepts for new parishes.
104. Section 99 of the 2007 Act provides for public bodies affected by reorganisation following a community governance review to make agreements about incidental matters and what those agreements may provide for. So as to ensure that a reorganisation order has effect subject to the terms of any such agreement, principal councils should make provision for this in the reorganisation order. An example provision has been included in the model reorganisation order which can be found on the Communities and Local Government website (see footnote 2).

### Maps of parish changes and mapping conventions

105. To assist those who will have an interest in any recommendations made by the principal council when conducting a community governance review and to accompany the reorganisation order, clear high quality maps should be produced to a standard equivalent to using Ordnance Survey large scale data as a base. Maps can be graphically presented at a reduced scale for convenience but preferably no smaller than 1:10,000 scale. Each recommendation and order should be depicted on a map or maps. The mapping should clearly show the existing parish ward, parish, district or London borough boundaries and all proposed parish ward and parish boundaries in the area(s) affected, or given effect to in a reorganisation order.

106. It can be useful to include some positional information to identify the location of the area(s) in relation to the complete area of the principal council. A colour key can be included to clearly identify each boundary type. Where there are only proposed changes to an existing parish boundary alignment it can be helpful to show in translucent colour any areas to be transferred from one parish to another. This indicates clearly the extent of the proposed change. It can also be beneficial to add unique references to all areas of transfer to create a cross reference to the re-organisation order document. Applying a reference to each order map should also be considered so that a link is created with the re-organisation order.

## Section 4: Other aspects of community governance reviews

### Parish names and alternative styles for parishes

- 107.** Prior to the 2007 Act, a parish could be given the status of a town under section 245 of the Local Government Act 1972. “Town” status continues to be available to a parish. In addition, the 2007 Act inserted sections 12A and 12B into the 1972 Act to offer a further choice of alternative styles for a parish: community, neighbourhood and village. However, for as long as the parish has an alternative style, it will not also be able to have the status of a town and vice versa.
- 108.** The ‘name’ of a parish refers to the geographical name of the area concerned and can be changed independent of a review by a principal council at the request of a parish council or parish meeting (where there is no parish council)<sup>6</sup>. A change in the status or ‘style’ of a parish allows for that area to be known as a town, community, neighbourhood or village, rather than as a parish. The status or style of the parish will be reflected in the name of any council of the parish, the parish meeting, any parish trustees, and the chairman or vice-chairman of the parish meeting or of any parish council. So, for example, the council of a parish which uses the style ‘village’ will be known as the ‘village council’ and its councillors as the ‘village councillors’, etc.
- 109.** References in legislation to a ‘parish’ should be taken to include a parish which has an alternative style, as is the case in relation to a parish which has the status of a town. The same applies in relation to references in legislation to a ‘parish meeting’, ‘parish council’, ‘parish councillor’, ‘parish trustees’, etc in connection with a parish which has an alternative style.
- 110.** The Government recognises that in long established parishes, particularly in rural areas, local people may wish to retain the name of their parish and the existing style of their parish councils, - although others may prefer “village” or another style. Following a community governance review, in areas previously unparished where a new parish is being created, people living there may wish for the style of their parish council to reflect the local community in a different way and may prefer one of the alternative styles. This may well be the case for those living in urban areas. Local authorities will wish to take

account of these preferences in deciding the name of the parish and the chosen style.

111. Where the review relates to a new parish, it is for the principal council, in the first instance, to make recommendations as to the geographical name of the new parish, and as to whether or not it should have one of the alternative styles. So far as existing parishes under review by principal councils are concerned, the review must make recommendations as to whether the geographical name of the parish should be changed, but it may not make any recommendations for the parish about alternative style. It will be for the parish council or parish meeting to resolve whether the parish should have one of the alternative styles.
112. In relation to a group of parishes, provision about alternative styles for the group may be made by the principal council in a reorganisation order that forms that group, adds a parish to an existing group or de-groups a parish or group. A grouping containing a mixture of styles is not permitted under section 11A(4) of the Local Government Act 1972. Where an individual parish is removed from a group through a de-grouping order the parish must retain the style it had when it was part of the group until such time as the parish council or meeting resolves to adopt an alternative style. Provision about alternative styles in relation to groups will normally be made independently of a community governance review.

### Grouping or degrouping parishes

113. Section 91 of the 2007 Act provides for a community governance review to recommend the grouping or degrouping of parishes by principal councils. As mentioned in chapter 3, (paragraph 87) unless they already exist as functioning parish councils smaller new parishes of less than 150 electors will be unable to establish their own parish council under the 2007 Act.
114. In some cases, it may be preferable to group together parishes so as to allow a common parish council to be formed. Degrouping may offer the reverse possibilities perhaps where local communities have expanded. Such proposals are worth considering and may avoid the need for substantive changes to parish boundaries, the creation of new parishes or the abolition of very small parishes where, despite their size, they still reflect community identity. Grouping or degrouping needs to be compatible with the retention of community interests. It would be inappropriate for it to be used to build artificially large units under single parish councils.
115. Section 91 also requires a review to consider the electoral arrangements

of a grouped parish council or of a parish council established after a parish is de-grouped. Each parish in a group must return at least one councillor.

- 116.** When making a recommendation to group or de-group parishes, the principal council may make a request to the LGBCE to make a related alteration to the boundaries of district or London borough wards or county divisions. For example, if a principal council decided to add an additional parish to a group, because of their shared community identities, it may wish to recommend that all of the parishes in the group be included in the same district ward (see Chapter 6 for more details).

### Abolishing parishes, and dissolving parish councils

- 117.** While the Government expects to see a trend in the creation, rather than the abolition, of parishes, there are circumstances where the principal council may conclude that the provision of effective and convenient local government and/or the reflection of community identity and interests may be best met, for example, by the abolition of a number of small parishes and the creation of a larger parish covering the same area. If, following a review, a principal council believes that this would provide the most appropriate community governance arrangements, then it will wish to make this recommendation; the same procedures apply to any recommendation to abolish a parish and/or parish council as to other recommendations (see paragraphs 90 -97). Regulations<sup>7</sup> provide for the transfer of property, rights and liabilities of a parish council to the new successor parish council, or where none is proposed to the principal council itself.
- 118.** Section 88 of the 2007 Act provides for a community governance review to recommend the alteration of the area of, or the abolition of, an existing parish as a result of a review. The area of abolished parishes does not have to be redistributed to other parishes, an area can become unparished. However, it is the Government's view that it would be undesirable to see existing parishes abolished with the area becoming unparished with no community governance arrangements in place.
- 119.** The abolition of parishes should not be undertaken unless clearly justified. Any decision a principal council may make on whether to abolish a parish should not be taken lightly. Under the previous parish review legislation, the Local Government and Rating Act 1997 , the

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<sup>7</sup> The Local Government (Parishes and Parish Councils) (England) Regulations 2008 No.625.

Secretary of State considered very carefully recommendations made by principal councils for the abolition of any parish (without replacement) given that to abolish parish areas removes a tier of local government. Between 1997 and 2008, the Government rarely received proposals to abolish parish councils, it received only four cases seeking abolition and of these only one was approved for abolition by the Secretary of State.

120. Exceptionally, there may be circumstances where abolition may be the most appropriate way forward. Under the 2007 Act provisions, the principal council would need to consider local opinion, including that of parish councillors and local electors. It would need to find evidence that the abolition of a parish council was justified, and that there was clear and sustained local support for such action. A factor taken into account by the Government in deciding abolition cases, was that local support for abolition needed to have been demonstrated over at least a period equivalent to two terms of office of the parish councillors (i.e. eight years), and that such support was sufficiently informed. This means a properly constituted parish council should have had an opportunity to exercise its functions so that local people can judge its ability to contribute to local quality of life.
121. Where a community governance review is considering abolishing a parish council we would expect the review to consider what arrangements will be in place to engage with the communities in those areas once the parish is abolished. These arrangements might be an alternative forum run by or for the local community, or perhaps a residents' association. It is doubtful however, that abolition of a parish and its council could ever be justified as the most appropriate action in response to a particular contentious issue in the area or decision of the parish council.
122. In future, principal councils will wish to consider the sort of principles identified above in arriving at their decisions on whether or not to abolish a parish council. In doing so, they will be aware that decisions about community governance arrangements, including decisions for the abolition of a parish council, may attract a challenge by way of judicial review.
123. The 2006 white paper underlined the Government's commitment to parish councils as an established and valued form of neighbourhood democracy with an important role to play in both rural, and increasingly urban, areas.
124. Section 10 of the Local Government Act 1972 makes provision for the dissolution of parish councils in parishes with very low populations,

but not for the de-parishing of the area. Recommendations for the dissolution of a parish council which is not in this position are undesirable, unless associated either with boundary changes which amalgamate parishes or divide a parish or with plans for a parish to be grouped with others under a common parish council (see paragraphs 112 to 115). Recommendations for changing a parish area (or part of a parish area) into an unparished area are also undesirable unless that area is amalgamated with an existing unparished urban area.

## Rural areas

- 125.** About 90% of the geographical area of England is covered by a parish, and this is mostly in rural or semi-rural areas. So, most populated rural areas already have a structure of local government that includes parishes and many of these have been in existence for hundreds of years. It is desirable that any changes do not upset historic traditions but do reflect changes that have happened over time, such as population shift or additional development, which may have led to a different community identity.
- 126.** The focus of community feeling will differ from place to place and between different types of settlement. A scatter of hamlets may have a feeling of community within each hamlet, meriting a separate parish for each one, or amongst a number of hamlets, for which one parish covering all may be appropriate. Where a number of hamlets surround a village a parish could be based on the village and its environs, provided that the sense of individual identity is not lost.
- 127.** In rural areas, the Government wants to encourage the involvement of local people in developing their community and having a part to play in shaping the decisions that affect them. A parish can be a useful and democratic means of achieving this.

## London

- 128.** The London Government Act 1963 abolished parishes existing at the time within London. When the boundaries for Greater London were established, they were adjusted to allow the surrounding shire counties to keep parishes that were in the fringe areas. Since then, London has been the only part of England not to have parishes or parish councils.
- 129.** The Government's view is that Londoners should have the same rights as the rest of the country. The 2007 Act corrects this anomaly to allow London boroughs the possibility to exercise the same community governance powers as other principal councils including

being able to set up parishes and parish councils. Similarly, local electors in London boroughs are, as elsewhere in England, able to petition for a community governance review.

130. In London, there is the same possibility to choose a style for a parish perhaps to reflect better the local urban area like “community” or “neighbourhood”. Whilst some parts of London are populated by people who may be more transient or mobile than elsewhere, there are equally areas of the capital where there are stable populations who may wish to see the creation of a parish council for their local area.

#### *Other urban areas*

131. There are parts of rural or semi-rural England which are unparished, but the opportunities for establishing new parishes are increasingly to be found in urban and suburban areas. It is possible that identifying the community upon which a parish might be based may be more difficult to discern in some urban areas. A “community” perhaps already represented by a voluntary organisation or a community endeavour, such as a Neighbourhood Watch area or a residents’ association, may indicate a suitable area on which to base proposals for a new or altered parish, (see paragraphs 135 -145).
132. Much of the information described in Chapter 3 on the identities and interests of local communities is applicable to urban areas. There are parishes in parts of some large cities or unitary authorities, as well as a number of parishes in the metropolitan boroughs of the larger conurbations. Some of these parishes have been created under the Local Government and Rating Act 1997 Act, but in most metropolitan boroughs these are on the more sparsely populated peripheries (the originals having been transferred, as part of former rural districts, to the metropolitan counties in 1974).
133. The lower population limits and grouping mentioned above are more relevant to rural areas than to urban areas, although both are applicable in law. The general rule is that the parish is based on an area which reflects community identity and interest and which is viable as an administrative unit. In urban areas this may mean, for example, that a parish should be based on a housing estate rather than on the town within which the estate lies. The larger the town, the greater will be the scope for identification of distinct communities within it.

## Charter trustee areas

- 134.** Charter trustees were established following the local government reorganisations in the early 1970s and 1990s to preserve the historic identity of former boroughs or cities, most with relatively large populations. To this end, charter trustees have the power to carry out ceremonial functions. They were not intended to act as administrative units. Proposals to create a parish or parish council covering all or part of a charter trustee area need to be judged in particular against the following considerations:
- a) the effect on the historic cohesiveness of the area
  - b) what are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the charter trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?
- 135.** These issues need to be taken into account in those areas with certain cities or boroughs which will be affected by any consequent reorganisation from the structural and boundary changes in the 2007 Act.

## Other (non-parish) forms of community governance

- 136.** In conducting a community governance review, principal councils must consider other forms of community governance as alternatives or stages towards establishing parish councils. Section 93(5) of the 2007 Act states that *“In deciding what recommendations to make [in the community governance review] the principal council must take into account any other arrangements... that have already been made or that could be made for the purposes of community representation or community engagement in respect of the area under review”*. The following paragraphs consider other types of viable community representation which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council. There is sometimes evidence locally of an existing community governance infrastructure and of good practice which are successfully creating opportunities for engagement, empowerment and co-ordination in local communities.
- 137.** However, what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers. This is an important distinction to make. Parish councils are the foundation stones for other levels of local government in England. Their directly elected parish councillors

represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies.

- 138.** The 2006 white paper recommended that local communities should be able to take more responsibilities for local issues affecting their area. Key to this approach is community empowerment, and the ability of various existing organisations themselves to see through specific projects to tackle local issues. Structures such as local residents' associations, community or neighbourhood forums and area committees have an important role to play in local community governance.
- 139.** At the neighbourhood level, there are various initiatives in existence, which through being representative and accountable can effectively empower local people. They have varying degrees of power and influence, and commensurate levels of transparency and accountability.

#### *Area committees*

- 140.** Area committees are part of the structure of some principal councils (e.g. district, unitary and London borough), where they choose to have them. Area committees are a key initiative for enabling local government to fulfil community governance roles and also to deliver government policy on issues affecting social inclusion in local communities. Principal councils also provide resources for area committees, and their councillors are commonly integral to their constitution. Area committees can cover large areas and exist to advise or make decisions on specific responsibilities that can include parks, off-street parking, public toilets, street cleaning, abandoned vehicles and planning applications amongst others. Also, more widely, they contribute to shaping council services and improving local service provision.

#### *Neighbourhood management*

- 141.** Neighbourhood management programmes are similarly set up by principal councils and may be led by one of a number of bodies. The expansion of neighbourhood management was promoted in the 2006 White Paper as a tool to enable local authorities to deliver more responsive services through their empowerment of citizens and communities. Their purpose is to create the opportunity for residents to work with local agencies, usually facilitated by a neighbourhood manager, to improve services at the neighbourhood level.

- 142.** Neighbourhood management arrangements aim to improve ‘quality of life’ through implementation of (rather than advising or making decisions on) better management of local environment, increasing community safety, improving housing stock, working with young people, and encouraging employment opportunities, supported strategically by relevant stakeholders and Local Strategic Partnerships. They tend to cover smaller populations than area committees. The 2006 white paper recommends that take up of neighbourhood management should be encouraged and that Government should work with local authorities pioneering the approach, to raise the profile of achievements and promote adoption elsewhere.

*Tenant management organisations*

- 143.** The 2006 white paper makes a series of proposals that facilitate the empowerment of residents through tenant management organisations (TMOs). Tenant management organisations are established by the local housing authority; they usually function on urban housing estates and can take responsibility for housing services (such as collecting rents and service charges and organising repairs and maintenance) from the local housing authority under the Housing (Right to Manage) (England) Regulations 2008. The 2006 white paper promoted the role of TMOs and recommended simplifying and extending their scope; enabling them to take on additional services and undertake further representation of residents within neighbourhoods. A TMO is an independent legal body and usually elects a tenant-led management committee to the organisation; they can also enter into a legal management agreement with landlords.

*Area/community forums*

- 144.** Area or community forums (including civic forums) can be set up by the principal council, or created by local residents to act as a mechanism to give communities a say on principal council matters or local issues. Sometimes forums are set up to comment on a specific project or initiative that will impact upon the local area, and so may be time-limited. They increase participation and consultation, aiming to influence decision making, rather than having powers to implement services. They vary in size, purpose and impact, but membership usually consists of people working or living in a specific area. Some forums also include ward councillors, and representatives from the council and relevant stakeholders can attend meetings.

*Residents' and tenants' associations*

- 145.** Residents' and tenants' associations enable local people to participate in local issues affecting their neighbourhood or housing estate, including the upkeep of the local environment, crime, sometimes dealing with anti-social behaviour matters, or on some estates, housing management. They can be set up by any group of people living in the same area and can choose who members will be; how they will be represented and what they want to achieve. In the case of tenants' and residents' associations on estates, they may be established with direct support from the principal council, as a mechanism for communicating with the tenants and residents on its estates. To engage effectively with other organisations, residents' and tenants' associations must be able to show that they are accountable and represent the views of the whole community, rather than narrow self interests of just a few local people.

*Community associations*

- 146.** Community associations offer a particular and widespread democratic model for local residents and local community-based organisations in a defined neighbourhood to work together for the benefit of that neighbourhood. They can use a model constitution registered with the Charity Commission. The principal council may also be represented on the association's committee. They usually manage a community centre as a base for their activities. Membership is open to everyone resident in the area.

## Section 5: Electoral arrangements

### Introduction

**147.** The purpose of a review undertaken by a principal council, or a petition from the electorate, is likely primarily to concern the administrative boundaries of a new or existing parish. As discussed earlier (Chapter 2), this might be in the light of growth from within an existing parish or a locally identified need for a new form of community governance. However, in addition to these primary concerns, principal authorities will also need to consider the governance of new or altered parishes. The principal council must have regard to the need for community governance within the area under review to reflect the identities and interests of the community in that area, and to ensure that the governance is effective and convenient. Further information on electoral arrangements is available from the LGBCE's website [www.LGBCE.org.uk](http://www.LGBCE.org.uk)

### What are electoral arrangements?

- 148.** Electoral arrangements in relation to an existing or proposed parish council are defined in the 2007 Act and are explained in detail below:
- a) ordinary year of election – the year in which ordinary elections of parish councillors are to be held
  - b) council size – the number of councillors to be elected to the council, or (in the case of a common council) the number of councillors to be elected to the council by local electors in each parish
  - c) parish warding – whether the parish should be divided into wards for the purpose of electing councillors. This includes considering the number and boundaries of any such wards, the number of councillors to be elected for any such ward and the name of any such ward

### Ordinary year of election

**149.** Ordinary parish elections are held once every four years with all councillors being elected at the same time. The standard parish electoral cycle is for elections in 2011, 2015 and every four years after 2015, but parish elections may be held in other years so that they can coincide with elections in associated district or London borough wards or county divisions and share costs. For example, all London borough ward elections take place in 2010, 2014 and so on. We would therefore expect parish elections in London to take place in these years.

- 150.** New or revised parish electoral arrangements come into force at ordinary parish elections, rather than parish by-elections, so they usually have to wait until the next scheduled parish elections. They can come into force sooner only if the terms of office of sitting parish councillors are cut so that earlier parish elections may be held for terms of office which depend on whether the parish is to return to its normal year of election.
- 151.** For example, a parish that had elections in 2007 could wait until its next scheduled elections in 2011 for new parish wards to come into force. Alternatively, the new parish wards could have come into force at elections in 2009 if the terms of office of the councillors elected in 2007 were cut to two years. If the elections in 2009 were for two-year terms of office then the parish council could return to its normal electoral cycle in 2011.
- 152.** Alternatively, if new or revised parish electoral arrangements are to be implemented in the third year of sitting councillors' term of office, provision can be made to cut short the term of office of existing councillors to three years. Elections could then take place with all councillors serving a five-year term of office, enabling the parish to return to its normal year of election.

### Council size

- 153.** Council size is the term used to describe the number of councillors to be elected to the whole council. The 1972 Act, as amended, specifies that each parish council must have at least five councillors; there is no maximum number. There are no rules relating to the allocation of those councillors between parish wards but each parish ward, and each parish grouped under a common parish council, must have at least one parish councillor.
- 154.** In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between five and eight councillors; those between 501 and 2,500 had six to 12 councillors; and those between 2,501 and 10,000 had nine to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.
- 155.** The LGBCE has no reason to believe that this pattern of council size to population has altered significantly since the research was

conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be seven and the maximum 25.

- 156.** In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government.
- 157.** Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.

### Parish warding

- 158.** Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards, the number of councillors to be elected for any ward and the names of wards.
- 159.** In considering whether or not a parish should be divided into wards, the 2007 Act requires that consideration be given to whether:
- a) the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
  - b) it is desirable that any area or areas of the parish should be separately represented
- 160.** Accordingly, principal councils should consider not only the size of the electorate in the area but also the distribution of communities within it. The warding of parishes in largely rural areas that are based predominantly on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish

encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish. However, each case should be considered on its merits, and on the basis of the information and evidence provided during the course of the review.

- 161.** There is likely to be a stronger case for the warding of urban parishes, unless they have particularly low electorates or are based on a particular locality. In urban areas community identity tends to focus on a locality, whether this be a housing estate, a shopping centre or community facilities. Each locality is likely to have its own sense of identity. Again, principal councils should consider each case on its merits having regard to information and evidence generated during the review. (See also under Chapter 3, paragraphs 54 to 60).

*The number and boundaries of parish wards*

- 162.** In reaching conclusions on the boundaries between parish wards the principal council should take account of community identity and interests in the area, and consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. Principal councils should seek views on such matters during the course of a review. They will, however, be mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.
- 163.** The principal council should also consider the desirability of parish warding in circumstances where the parish is divided by district or London borough ward and/or county division boundaries. It should be mindful of the provisions of Schedule 2 (electoral change in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district or London borough and county council electoral arrangements. These provide that when the LGBCE is making changes to principal council electoral arrangements, no unwarded parish should be divided by a district or London borough ward or county division boundary, and that no parish ward should be split by such a boundary. While these provisions do not apply to reviews of parish electoral arrangements, the LGBCE believes that, in the interests of effective and convenient local government, they are relevant considerations for principal councils to take into account when undertaking community governance reviews. For example, if a principal council chooses to establish a new parish in an area which is covered by two or more district or London borough wards or county division boundaries it may wish to consider the merit of putting

parish warding in place to reflect that ward and/or division.

- 164.** When considering parish ward boundaries principal councils should ensure they consider the desirability of fixing boundaries which are, and will remain, easily identifiable, as well as taking into account any local ties which will be broken by the fixing of any particular boundaries.

*The number of councillors to be elected for parish wards*

- 165.** If a principal council decides that a parish should be warded, it should give consideration to the levels of representation between each ward. That is to say, the number of councillors to be elected from each ward and the number of electors they represent.
- 166.** It is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors. There is no provision in legislation that each parish councillor should represent, as nearly as may be, the same number of electors. However, the LGBCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation between different parish wards. Such variations could make it difficult, in workload terms, for councillors to adequately represent the interests of residents. There is also a risk that where one or more wards of a parish are over-represented by councillors, the residents of those wards (and their councillors) could be perceived as having more influence than others on the council.
- 167.** The LGBCE offers no specific guidelines for what might constitute significant differences in levels of representation; each case will need to be considered on its merits. Principal councils should be mindful that, for the most part, parish wards are likely to be significantly smaller than district or London borough wards. As a consequence, imbalances expressed in percentage terms may be misleading, disguising the fact that high variations between the number of electors per councillor could be caused by only a few dozen electors.
- 168.** Where a community governance review recommends that two or more parishes should be grouped under a common parish council, then the principal council must take into account the same considerations when considering the number of councillors to be elected by each parish within the group.

*Names of parish wards*

- 169.** In considering the names of parish wards, the principal council should give some thought to existing local or historic places so that, where appropriate, these are reflected and there should be a presumption in favour of ward names proposed by local interested parties.

**Electorate forecasts**

- 170.** When considering the electoral arrangements for a parish, whether it is warded or not, the principal council must also consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. The most recent electoral register should be used to gain an accurate figure for the existing electorate. Planning assumptions and likely growth within the area, based on planning permissions granted, local plans or, where they are in place, local development frameworks should be used to project an accurate five year electorate forecast. This ensures that the review does not simply reflect a single moment but takes account of expected population movements in the short- to medium-term.
- 171.** Electorate forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencement of the review so that they are available to all who may wish to make representations.

**Consent/protected electoral arrangements**

- 172.** If, as part of a community governance review, a principal council wishes to alter the electoral arrangements for a parish whose existing electoral arrangements were put in place within the previous five years by an order made either by the Secretary of State, the Electoral Commission, or the LGBCE, the consent of the LGBCE is required. This includes proposals to change the names of parish wards.
- 173.** The principal council must write to the LGBCE detailing its proposal and requesting consent. The LGBCE will consider the request and will seek to ensure that the proposals do not conflict with the original recommendations of the electoral review, and that they are fair and reasonable.
- 174.** Where a request for consent is made to the LGBCE, it will expect to receive evidence that the principal council has consulted with electors in the relevant parish(es) as part of the community governance review and will wish to receive details of the outcome of that review.
- 175.** For changes to the number or boundaries of parish wards, the

principal council will also need to provide the LGBCE with an existing and five-year forecast of electors in the parish(es) affected. Five-year forecasts should be accurate from the day that the review began.

Both existing and forecast figures should be provided for the existing parish (and parish wards where relevant) and the proposed parish (and parish wards where relevant).

176. If the LGBCE consents to the changes it will inform the principal council which can then implement the proposed changes by local order. No LGBCE order is required. Conversely, if the LGBCE declines to give consent, no local order may be made by the local authority until the five-year period has expired.

## Section 6: Consequential recommendations for related alterations to the boundaries of principal council's wards and/or divisions

177. As part of a community governance review, principal councils may wish to consider whether to request the LGBCE to make changes to the boundaries of district or London borough wards or county divisions to reflect the changes made at parish level.
178. There are three instances when a principal council may wish to consider related alterations to the boundaries of wards or divisions following:
- the creation, alteration or abolition of a parish
  - the establishment of new or altered parish ward boundaries
  - a grouping or de-grouping of parishes
179. In the interests of maintaining coterminosity between the boundaries of principal authority electoral areas and the boundaries of parishes and parish wards, principal councils may wish to consider as part of a community governance review whether to make consequential recommendations to the LGBCE for related alterations to the boundaries of any affected district or London borough wards and/or county divisions. The Commission may agree to make related alterations to ensure coterminosity between the new parish boundary and the related ward and/or division boundary. If so, the Commission will make an order to implement the related alterations. The Commission will not normally look to move ward or division boundaries onto new parish ward boundaries. However, it will consider each proposal on its merits.
180. In addition, when making a recommendation to group or de-group parishes, (see paragraph 108 to 111 for more details) the principal council may make a request to the LGBCE to make a related alteration of district or London borough ward or county division boundaries. For example, if a principal council decided to add an additional parish to a group it may wish to recommend that all of the parishes be included in the same district or London borough ward and/or county division. Recommendations for related alterations should be directly consequential upon changes made as part of a community governance review.
181. It will be for the LGBCE to decide following the receipt of proposals, if

a related alteration should be made and when it should be implemented. Only the LGBCE can make an order implementing any alterations to the district or London borough ward or county division boundary. No order will be made to implement related alterations until the order changing the boundary of the relevant parish(es) or parish ward(s), or the order grouping or de-grouping parishes, has been made. Rather than make related alterations that would create detached wards or divisions or that would have a disproportionate impact on ward or division electoral equality, the LGBCE may decide to programme an electoral review of the principal council area.

- 182.** If, in liaison with the district or London borough council and/or the county council, the LGBCE decides to make related alterations to ward and/or division boundaries at a different time, it will consider whether there would be any adverse effects for local people in the holding of elections while the boundaries are not coterminous. However, changes to wards and divisions come into force at district or London borough and county ordinary elections in the electoral areas on either side of the electoral boundary change, so a period of non-coterminosity until the scheduled parish, district or London borough and county elections have taken place may be preferable to unscheduled elections. Unscheduled elections will be necessary to bring into force changes between adjacent parishes or wards whose scheduled elections never normally coincide.
- 183.** In two-tier areas, district councils are advised to seek the views of the county council in relation to related alterations to division boundaries.
- 184.** A principal council may decide that it does not wish to propose related alterations to ward or division boundaries. Where this results in boundaries no longer being coterminous, principal councils will need to be satisfied that the identities and interests of local communities are still reflected and that effective and convenient local government will be secured. Principal councils will also wish to consider the practical consequences, for example for polling district reviews, of having electors voting in parish council elections with one community but with a different community for district or London borough and/or county elections.
- 185.** Where proposals for related alterations are submitted to the LGBCE, it will expect to receive evidence that the principal council has consulted on them as part of a community governance review and the details of the outcome of that review. Principal councils may wish to undertake this consultation at the same time as they consult on proposals to alter the boundaries of parishes or establish new parishes. They must complete the community governance review,

including making any consequential recommendations to the LGBCE for related alterations, within a period of one year. Sufficient time should be given to the LGBCE to consider the proposals in advance of the election year in which the principal council proposes they be implemented.

186. The principal council will need to take into account the number of registered electors in any district or London borough ward or county division affected when the review starts, and a forecast of the number of electors expected to be in the areas within five years, and provide this information to the LGBCE. This information should be used to establish a total electorate figure for each district or London borough ward and/or county division affected by the recommendations, both for the current electorate and for expected electorate five years after the start of the review. These totals should also be provided to the LGBCE.
187. When submitting proposals to the LGBCE the principal council should illustrate the proposed changes on maps of a suitable scale, using different coloured lines and suitable keys to illustrate the required changes.
188. If the LGBCE decides not to implement the proposed related alterations, then the existing ward and/or division boundaries will remain in force. The LGBCE has no power to modify any recommendations submitted to it; it may only implement or reject the recommendations.
189. In most cases, related alterations to district or London borough ward and/or county division boundaries tend to be fairly minor in nature and simply tie the ward and/or division boundary to the affected parish boundary. However, if an authority has altered several parish and/or parish ward boundaries and proposes several related alterations to district or London borough ward and/or county division boundaries, the cumulative effect of these could affect electoral equality at district or London borough and/or county level. This could be particularly acute if a number of parishes were transferred between district or London borough wards or county divisions to reflect grouped parishes. In such circumstances, the LGBCE will wish to consider conducting an electoral review of the principal council area or an electoral review of a specified area within it. The timing of such reviews would be dependent on the LGBCE's review programme commitments.



PLANNING COMMITTEE

10<sup>th</sup> May 2016

**PRESENT:-**

**Conservative Group**

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman) and Councillors Atkin, Coe (substituting for Councillor Grant), Mrs Farrington, Ford, Mrs Hall, Stanton and Watson.

**Labour Group**

Councillors Dunn, Dr Pearson, Shepherd and Southerd

**In Attendance**

Councillors Muller, Murray and Plenderleith (Conservative Group).

PL/213 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillor Grant (Conservative Group).

Councillor Dr Pearson joined the Meeting at 6.05pm.

PL/214 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

PL/215 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/216 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/217 **THE CREATION OF THREE ADDITIONAL PITCHES AND THE ERECTION OF AN AMENITY BUILDING AT BROUGHTON CARAVAN PARK, SUTTON ROAD, CHURCH BROUGHTON, DERBY**

Mr Stephen Bown (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Mrs Plenderleith addressed the Committee as local Ward Member for Hilton, raising queries and concerns relating to the scale of the development, noise, the sustainability of the location, highway safety and the potential for further development on the site, all points noted and responded to by the Planning Services Manager.

Other comments and queries raised by Members relating to landscaping, five year provision requirement, building materials, the potential for restrictions on further development were also noted, with responses made by the Planning Services Manager.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

Councillor Mrs Plenderleith left the Meeting at 6.35pm.

PL/218 **THE ERECTION OF TWO DWELLINGS ON LAND AT SEALWOOD LANE, OVERSEAL, SWADLINCOTE**

The Principal Area Planning Officer presented the report to Committee, stressing the need to consider whether the previous reasons for refusal had been sufficiently addressed, also highlighting typing errors in Condition 2.

Mr Anthony Fernihough (objector) and Mr Ian McHugh (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Mrs Hall addressed the Committee as local Ward Member for Seales, commenting that previous applications have been refused on two occasions, raising concerns relating to the overbearing nature and height of the proposed development, recommending refusal of this latest application.

Councillor Murray also addressed the Committee as the other local Ward Member for Seales, making reference to access issues, traffic volumes, drainage and sewage capacity, asking that the Committee consider refusing the application.

The Principal Area Planning Officer noted the references made to traffic counts, but advised that these should have been made available at an earlier stage to enable Planning Services to consult with County Council Highways as appropriate, but advised that it would be unwise to use this as a new refusal reason at this stage. Responses were also made in relation to the building

height, access / parking and drainage / sewage issues, the latter two matters addressed in the Conditions.

Other comments and queries raised by Members in relation to building height, the status of the current appeal against a previous planning application, roof lights / windows, site access / egress visibility, the welcome development of a brown field site, the reduction from four to two dwellings on the site, the protection of protected species and potential highway repairs were all noted and responded to by the Principal Area Planning Officer.

**RESOLVED:-**

- A. That delegated authority be granted to the Planning Services Manager to secure the signing of a legal agreement under Section 106 of the Act in pursuit of the contribution as set out in the planning assessment; and**
- B. Subject to A. above, that planning permission be granted subject to the conditions, including the additional condition regarding enhancements to the landscaping of the site frontage, set out in the report of the Director of Community & Planning Services. Additionally, there shall be no roof alterations to the dwellings without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.**

Councillor Murray left the Meeting at 7.10pm.

PL/219 **THE ERECTION OF EXTENSIONS AND ALTERATIONS TO EXISTING WORKSHOP AND GARAGE TO CREATE A DWELLING AT LAND TO THE REAR OF 89 EGGINTON ROAD, ETWALL, DERBY**

Councillor Watson requested that this matter be deferred for a site visit, seconded by Councillor Ford, but the Chairman allowed the Planning Services Manager to present the report.

Councillor Watson repeated his request that the matter be deferred for a site visit, querying the acceptability of the drawings as presented and the need for Members to fully assess the application on site.

The Vice-Chairman, whilst noting the views of the Inspector, felt that the attempts to revise the application were unsatisfactory and proposed refusal of this application. Councillor Ford expressed his view that refusal should not be considered until a site visit and further debate had occurred. Councillor Southerd noted his agreement to this, that the process be complete, that a site visit be proposed. A vote on deferment for a site visit was taken and carried.

**RESOLVED:-**

***That the matter be deferred for a site visit at a future date.***

The registered speakers opted to return and speak when the application is represented to Committee.

PL/220 **THE ERECTION OF A DETACHED BUNGALOW AND A GARAGE AT 49 EGGINTON ROAD, HILTON, DERBY**

The Chairman proposed that, following a request for a site visit, this matter be deferred to allow the visit to take place.

**RESOLVED:-**

***That the matter be deferred for a site visit at a future date.***

PL/221 **THE FELLING AND PRUNING OF TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 131 AT WILLOW PARK WAY, YATES AVENUE AND MAPLE DRIVE, ASTON ON TRENT**

**RESOLVED:-**

***That permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/222 **THE CONVERSION OF AN AGRICULTURAL BUILDING TO RESIDENTIAL USE AT DALE FARM, NEWTON LANE, NEWTON SOLNEY**

Councillor Stanton addressed the Committee as local Ward Member for Repton, commenting that refusal was being sought on highway safety grounds, even though there is a working farm at the location, resulting in far larger vehicles accessing the site. He further commented that if permission were granted, the road usage would likely decrease as the owner would live on site, not travel in.

Councillor Watson queried the Highways visibility finding, given that the road is wide enough to cater for passing traffic and expressed support for the matter being approved.

Councillor Southerd, whilst not always in agreement with findings made by Highways, was wary of disregarding the opinion of a statutory body, that its views be given due credence.

The Vice-Chairman proposed approval of the application, subject to occupation being made a condition.

The Planning Services Manager emphasised that if the Committee were to approve the application, it would have to be convinced that traffic issues can be addressed by condition; that the Committee would have to state why it disagreed with the Highways finding.

**RESOLVED:-**

***A. That planning permission be granted contrary to officer recommendation on the grounds that the highways condition was deemed not materially affected, therefore compliant with Transport Policy 6 of the LP and paragraph 32 of the NPPF.***

***B. Authority was delegated to the Planning Services Manager to formulate planning conditions.***

Councillor Southerd requested that it be noted that the Labour Group Members had voted against planning permission being granted.

PL/223 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications;

- |             |   |
|-------------|---|
| 9/2014/1039 | Land east of Newton Road, Winshill, Burton upon Trent, South Derbyshire |
| 9/2014/1140 | Land at Ticknall Road, Hartshorne, Swadlincote, South Derbyshire        |

In relation to 9/2014/1039 above, Councillor Watson expressed his opinion that the Inspector's comments were out of order, that too much emphasis had been placed on the five year supply requirement. Councillor Stanton felt the decision undermines what the Planning Committee does.

PL/224 **DEVELOPMENT ON LAND AT SK2819 1873 (SITE C), WILLIAM NADIN WAY, SWADLINCOTE**

The Planning Services Manager presented the report to Committee.

Councillor Dunn welcomed the additional recreation space, especially given its location behind the school, but queried whether ownership would pass to the school. The Planning Services Manager confirmed that the school would be granted use of the land, but that the Council would retain ownership.

**RESOLVED:-**

***That the Committee agreed the additional allocation of recreation space as required by the Section 106 Agreement. The remainder of the resolution to remain unaltered.***

PL/225 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder***

*of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

*The Committee was informed that no questions had been received.*

**UNAUTHORISED USE AT ALEXANDRA ROAD, SWADLINCOTE**

*The Committee agreed the recommendation made in the Report.*

The meeting terminated at 7.55pm.

COUNCILLOR A ROBERTS

CHAIRMAN

## ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

2<sup>nd</sup> June 2016

### **PRESENT:-**

#### **Conservative Group**

Councillor Watson (Chairman), Councillor Muller (Vice-Chairman), Atkin (for Councillor Mrs. Brown), Coe, Ford, Mrs Hall, Roberts, and Stanton.

#### **Labour Group**

Councillors Rhind (for Cllr. Shepherd), Richards (for Councillor Chahal), Taylor and Tilley.

#### EDS/1 **APOLOGIES**

Apologies for absence from the meeting was received from Councillor Mrs Brown (Conservative Group), Chahal and Shepherd (Labour Group).

#### EDS/2 **MINUTES**

The Open Minutes of the Meetings held on the on 3<sup>rd</sup> March and 14<sup>th</sup> April 2016 were approved as a true record.

#### EDS/3 **DECLARATIONS OF INTEREST**

Councillor Atkin declared a pecuniary interest in Item 12 on the agenda by way of owning land featured in the report and would leave the Chamber whilst item was discussed.

Councillor Ford declared a personal interest in item 12 on the agenda in by way of being a member of the Derby & Derbyshire Mineral's Advisory Board.

#### EDS/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

#### EDS/5 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

#### EDS/6 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

The Committee was informed that there were no Overview & Scrutiny Committee reports for it to consider.

### **MATTERS DELEGATED TO COMMITTEE**

#### EDS/7 **CORPORATE PLAN 2009-16: PERFORMANCE MANAGEMENT REPORT (1 JANUARY – 31 MARCH 2016)**

The Director of Community and Planning Services presented the report to inform Members of the progress made during the final quarter 1 January to 31 March 2016, in relation to the Council's Corporate Plan 2009 –2015, and that all targets for relevant projects and performance measures were achieved or were on track, apart from:

- GP03 – Promote inward investment and business development
- GP07 – Progress the South Derbyshire Local Plan
- GM 04 - Percentage of all household waste recycled and composted
- GM09 – Number of quality development schemes delivered
- GM10 – Satisfaction with planning application process.

Members were asked to note that from this point forward the Performance Management Framework for the Corporate Plan 2016-2021 would be used.

Comments and queries raised by Members in relation to; where set targets regarding household waste, originate from and the incorrect use of bins were noted and responded to by the Director of Housing and Environmental Services.

#### **RESOLVED:**

***That progress against performance targets be considered and approved.***

#### EDS/8 **SERVICE PLANS 2016/17**

The Director of Community & Planning Services and the Director of Housing & Environmental Services gave a brief overview of the most successful development areas in 2015/16, such as The progression of Local Plan 1 and 2, Swadlincote Townscape Heritage Project; the continuation of a sound recycling performance and successful fly-tipping prosecutions.

The Director of Community & Planning highlighted areas, which would be looked at in detail during the next municipal year such as: reviewing the housing needs data including rural housing; a review of the monitoring of Section 106 contributions; the development of Neighborhood Plans and a cultural events plan. The Director of Housing & Environmental Services highlighted areas in his directorate such as: the Safer Neighborhood Wardens, the use of existing tools to take appropriate crime enforcement actions, to protect and help the most vulnerable and the delivery of services to help maintain a clean and healthy district.

Progress reports on the Service Plans for 2016/17 would be made to Elected Members as part of the Performance Management Framework monitoring process.

Positive comments were raised by Members in relation to the review of the Section 106 contributions and the usefulness of Service Plans, where set targets regarding household waste originate from and the incorrect use of bins; were noted and responded to by the Director of Community and Planning Services and Housing and Environmental Services.

Queries regarding the current use and collection of a 'red recycle sack' were raised, the Director of Housing and Environmental Services would ensure an answer would be sought after the meeting and forwarded to Members of the Committee.

**RESOLVED:**

***That the Service Plans for Community and Planning Services and Housing and Environmental Services be approved as the basis for service delivery over the period 1 April 2016 to 31 March 2017.***

EDS/9

**STREET TRADING**

The Senior Licensing Officer presented the report to inform Members that since the Council adoption Schedule 4 in 1991 (that any person trading in these streets would require a consent from the Council) recent changes to Swadlincote Town Centre had highlighted the need to pass a resolution to increase the number of designated consent streets to include all streets within the boundary of the Town Centre.

Members requested that a map showing the original designated consent streets be available in the future, the Senior Licensing Officer responded that she would ensure this would be included in the consultation.

Queries raised by Members in relation to what affect an increase in designated consent streets would have on disabled parking spaces, and town centre events such as the annual Festival of Transport and the Wedding Fair, were noted and responded to by the Senior Licensing Officer.

**RESOLVED:**

***That Members approved the publication of a notice of the Council's intention to increase the number of streets designated as consent streets for street trading purposes.***

EDS/10

**KEY PERFORMANCE INDICATORS – LICENSING DEPARTMENT**

The Senior Licensing Officer provided Members with an update on the Licensing Department Key Performance Indicators for the previous two quarters

A question was raised in relation to what South Derbyshire Licensing Policy states concerning Guide Dogs in Taxis. The Senior Licensing Officer stated that it is a criminal offence for any Private Driver to refuse to carry any assistance dog alongside the passenger, unless a medical certificate of exemption had been issued by a Doctor.

**RESOLVED:**

***That Members noted the performance of the Licensing Department in relation to the Key Performance Indicators.***

EDS/11 **AIR QUALITY ANNUAL STATUS REPORT – FINDINGS AND IMPLICATIONS**

The Environmental Health Manager presented the report to provide Members with; new evidence of the health impacts of air pollution and the changing role of local authorities following the release of new statutory guidance; information on latest measured air quality levels and air quality trends over the last 5 years.

Comments and queries were raised by Members in relation to; the improvements measured across most of the monitoring locations; their ongoing concerns regarding the High Street in Woodville; and why Repton was no longer monitored, were noted and responded to by the Environmental Health Manager.

**RESOLVED:**

***1.1 That Members agreed to the issuing of the Annual Status Report (ASR) as the Council's submission to DEFRA outlining the current status of air quality in South Derbyshire.***

***1.2 That Members agreed to proposals 1 and 2 on page iv of the ASR (section titled Local Priorities and Challenges) and to receive a further report later in 2016/17 on specific proposals arising from this work prior to the development of the 2017-18 Performance Board for the Corporate Plan.***

EDS/12 **MINERALS LOCAL PLAN FOR DERBY AND DERBYSHIRE**

The Planning Policy Officer presented the report to Committee seeking the approval of the response to the consultation.

***That Members agreed with the recommendation that the comments made under the Section 7 of the report "Conclusions", be forwarded to Derby City Council and Derbyshire County Council as the Council's response to the consultation exercise.***

Councillor Atkin left the meeting whilst this item was discussed.

Councillor Ford abstained from voting on this item.

EDS/13 **WORK PROGRAMME 2016/17**

The Director of Community and Planning Services presented the report to Committee.

**RESOLVED:**

*That the Committee considers and approves the updated work programme for 2016/17.*

EDS/14 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

*That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**MINUTES**

The Exempt Minutes of the Meeting held on the on 3rd March 2016 were approved as a true record.

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

*The Committee were informed that no exempt questions from Members of the Council had been received.*

The meeting terminated at 6.50 p.m.

COUNCILLOR P. WATSON

CHAIRMAN

HOUSING AND COMMUNITY SERVICES COMMITTEE

9<sup>th</sup> June 2016

**PRESENT:-**

**Conservative Group**

Councillor Hewlett (Chairman), Councillor Smith (Vice-Chairman) and Councillors Coe, Ford, Grant, Mrs Hall (substituting for Councillor Mrs Coyle), Muller and Mrs Wyatt.

**Labour Group**

Councillors Rhind, Richards, Mrs Stuart and Taylor.

**In attendance**

Councillor Mrs Farrington (Conservative Group).

HCS/1 **APOLOGIES**

Apologies for absence were received from Councillors Billings and Mrs Coyle (Conservative Group).

HCS/2 **MINUTES**

The Open Minutes of the Meeting held on 21<sup>st</sup> April 2016 were noted and approved as a true record and signed by the Chairman.

HCS/3 **DECLARATION OF INTEREST**

The Committee was informed that no declarations of interest had been received.

HCS/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

HCS/5 **QUESTIONS FROM MEMBERS OF COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

HCS/6 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no Overview and Scrutiny Reports to be submitted.

**MATTERS DELEGATED TO COMMITTEE**

HCS/7 **SERVICE PLANS 2016/17**

The Director of Housing and Environmental Services and the Director of Community and Planning Services ran through the achievements for 2015/16 and the key plans and projects for 2016/17.

Councillor Mrs Farrington, having visited the new Council homes, commended them to the Committee. It was confirmed that the official opening of the new homes on Lullington Road, Swadlincote would take place on 7<sup>th</sup> July 2016 at 2.00pm.

**RESOLVED:-**

***That the Service Plans for Community and Planning Services and Housing and Environmental Services were approved as a basis for service delivery over the period 1 April 2016 to 31 March 2017.***

HCS/8 **CORPORATE PLAN 2009-16: PERFORMANCE MANAGEMENT REPORT (1 JANUARY – 31 MARCH 2016)**

The Director of Housing and Environmental Services reported on the current situation, principally housing lets, fly tipping, Care-Line and the new tenancy agreement. The Director of Community and Planning Services did likewise, highlighting burglaries, play-scheme and cultural events participation.

Councillor Ford queried the fly tipping situation, his perception being that the issue appears to be worsening. The Director of Housing and Environmental Services referred to current activities regarding this issue, with a joint operation with neighbouring authorities being one option, also highlighting recent conviction successes and their associated publicity. Councillor Richards commented that a recent change in Derby City Council's recycling policy may have contributed to an increase in incidents within the District, but felt that a policy of zero tolerance was required.

Councillor Taylor commented on the bed and breakfast figures quoted in the report. The Housing Operations Manager clarified the figures quoted, emphasising an aim to reduce reliance on this particular option, looking to meet demand more with the Council's own housing resource.

Councillor Richards queried the delay in opening the Grove Hall leisure facility. The Director of Community and Planning Services confirmed the current situation and predicted that the opening was imminent.

Councillor Richards, referring to the Government's cessation of the Green Deal, requested an update on the assistance now available to those in fuel poverty. The Director of Housing and Environmental Services clarified the position, stating that new heating systems were still being installed into council homes.

**RESOLVED:-**

***Members considered and approved the progress against performance targets.***

HCS/9 **PHYSICAL ACTIVITY, SPORT AND RECREATION STRATEGY**

The Sport and Health Partnership Manager presented the report to the Committee, confirming that revisions are currently being made to the clubs directory, for distribution after the Olympics.

Councillor Ford queried why shooting sports were not better signposted. The Director of Community and Planning Services pointed to evidence of Council support, in terms of funding and bid support, but as it is not a mass participation activity, other options that involved greater numbers received more attention.

Councillor Mrs Farrington raised the issue of exercise for those in their later years, given the ageing population. The Sport and Health Partnership Manager referred to dementia friendly activities and other age related options. The Health Partnership Manager also referred to the Ageing Well programme.

**RESOLVED:-**

- 1) Members approved the process for the development of the new Physical Activity, Sport and Recreation Strategy.***
- 2) Members approved the use of this strategy to maximize resource in the District and to apply for relevant funding streams as appropriate to deliver the outcomes that are set out within it.***

HCS/10 **RESIDENT INVOLVEMENT ARRANGEMENTS**

The Performance and Policy Manager presented the report to Committee.

Councillor Richards outlined his concerns regarding what appeared to be a lessening involvement of Members in this process, particularly in relation to scrutiny. The Director of Housing and Environmental Services clarified the statutory requirement for a Housing Scrutiny Panel, separate to the Overview and Scrutiny function. He commented that changes were often tenant driven, but fully accepted that Members need to be kept informed of the process.

**RESOLVED:-**

***Members noted the changes made to the resident involvement arrangements, along with the achievements set out in the report and the plans for 2016/17, as also set out in the report.***

HCS/11 **SOUTH DERBYSHIRE DISTRICT COUNCIL DEMENTIA ACTION PLAN**

The Health Partnership Manager presented the report to Committee.

Members fully supported the proposals being made and Councillor Mrs Farrington commented that, having attended a meeting in Erewash, how well received the work in South Derbyshire was being taken. In relation to how queries from a resident with dementia had recently been dealt with by Council staff, Councillor Ford also praised the scheme's effectiveness.

**RESOLVED:-**

***Members approved South Derbyshire District Council's Dementia Action Plan that will support the district in becoming dementia friendly.***

HCS/12 **SAFER SOUTH DERBYSHIRE PARTNERSHIP PLAN 2014-17 (2016 REFRESH)**

The Safer Communities Manager presented the report to Committee.

**RESOLVED:-**

***Members approved the adoption of the Safer South Derbyshire Partnership's new Partnership Plan 2014-17 (2016 Refresh).***

HCS/13 **HOUSING REVENUE ACCOUNT BUSINESS PLAN 2016-46**

The Strategic Housing Project Officer presented the report to Committee.

Councillor Richards raised the issue of pending legislation in relation to the provision made for the under 35 group and whether this had been taken into account. The Director of Housing and Environmental Services stated that Housing always attempted to meet fluctuating demands as dictated by changing legislation and were aware that it was proposed that the under 35 group would only meet single room allocation.

Councillor Richards also referred to an external report that highlighted the growing number of Universal Credit recipients falling into arrears and queried how prepared South Derbyshire was as the national Universal Credit programme continued to roll out. The Director of Housing and Environmental Services confirmed that the proposed restructure of Housing aimed to address this issue. The Strategic Housing Project Officer also referred to the risk management element of the proposals dealt with the less predictable issues in this area.

**RESOLVED:-**

- 1) Members approved the adoption of the Housing Revenue Account (HRA) Business Plan 2016 – 2046.***
- 2) Members granted authority to the Director of Housing and Environmental Services, in consultation with the Chair of this Committee, to agree any minor amendments to the Housing Revenue Account Business Plan.***

**3) That the Committee review the Housing Revenue Account Business Plan every three years, or more frequently if there are significant changes.**

HCS/14 **COMMITTEE WORK PROGRAMME**

**RESOLVED:-**

***Members considered and approved the updated work programme.***

HCS/15 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**MINUTES**

***The Exempt Minutes of the Meeting held on 21<sup>st</sup> April 2016 were received.***

**TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

***The Committee was informed that no questions had been received.***

**DEBTS SUBMITTED FOR WRITE-OFF: FORMER TENANT ARREARS**

***The Committee approved the recommendations made in the report.***

**HOUSING NEW BUILD: UPDATE AND PROPOSALS**

***The Committee approved the recommendations made in the report.***

**RESTRUCTURE OF THE HOUSING SERVICES OPERATION WITHIN THE HOUSING AND ENVIRONMENTAL SERVICES (H&ES) DIRECTORATE**

***The Committee approved the recommendations made in the report.***

**LAND IN MELBOURNE**

***The Committee approved the recommendations made in the report.***

COUNCILLOR J HEWLETT

CHAIRMAN

LICENSING AND APPEALS SUB-COMMITTEE

15<sup>th</sup> June 2016 at 10.00am

**PRESENT:-**

**Members of the Licensing and Appeals Sub-Committee**

Councillor Mrs Patten (Chairman), Councillor Atkin (Conservative Group) and Councillor Dunn (Labour Group)

**District Council Representatives**

A Edwards (Senior Legal Officer), M Lomas (Licensing Officer) and C Tyler (Democratic Services Officer)

LAS/1 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received

LAS/2 **DECLARATION OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received

**MATTERS DELEGATED TO SUB-COMMITTEE**

LAS/3 **DETERMINATION OF AN APPLICATION FOR THE GRANT OF A PREMISES LICENCE – MELBOURNE SPORTING PARTNERSHIP, COCKSHUT LANE, MELBOURNE, DE73 8DJ.**

The Sub-Committee considered an application for a Premises Licence for Melbourne Sporting Partnership, Cockshut Lane, Melbourne, DE73 8DJ.

**RESOLVED:-**

*That the application for a Premises Licence be granted, as detailed in the Decision Notice, a copy of which is incorporated in the signed minute book at “SMB1”.*

LAS/4 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

*That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be*

***disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)**

***The Sub-Committee reviewed a Private Hire Driver's Licence, based on the evidence before them.***

**REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE (Paragraph 1)**

***The Sub-Committee reviewed a Private Hire Driver's Licence, based on the evidence before them.***

The Meeting terminated at 1.45pm.

COUNCILLOR MRS J PATTEN

CHAIRMAN

FINANCE AND MANAGEMENT COMMITTEE

16<sup>h</sup> June 2016

**PRESENT:-**

**Conservative Group**

Councillor Harrison (Chairman), Councillor Mrs Plenderleith (Vice-Chairman) and Councillors Atkin, Mrs Coe, Mrs Coyle, Mrs Hall (substituting for Councillor Smith), Hewlett and Wheeler.

**Labour Group**

Councillors Rhind, Richards, Taylor (substituting for Councillor Southerd) and Wilkins.

FM/1 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Smith, Watson (Conservative Group) and Southerd (Labour Group).

FM/2 **MINUTES**

The Open Minutes of the Meeting held on 28<sup>th</sup> April 2016 were taken as read, approved as a true record and signed by the Chairman.

FM/3 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

FM/4 **QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from members of the public had been received.

FM/5 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

FM/6 **REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no reports of the Overview & Scrutiny Committee to consider.

**MATTERS DELEGATED TO COMMITTEE**

FM/7 **MINUTES**

The Minutes of the Audit Sub-Committee Meeting held on 30<sup>th</sup> March 2016 were submitted.

**RESOLVED:-**

***That the Minutes of the above Audit Sub-Committee Meeting be received and any recommendations contained therein approved.***

FM/8 **CORPORATE SERVICES PERFORMANCE MONITORING QUARTER 4 AND FINAL OUT-TURN 2015/16**

The Director of Finance and Corporate Services presented the report to Committee, drawing the Committee's attention to the latest situation regarding Benefits processing, Customer Services and the reduced sickness levels, also stating an aim to gain comparisons for the latter from other authorities.

Councillor Richards queried the trips and falls figures, the Director responding that most related to incidents at play schemes.

**RESOLVED:-**

***Members approved the performance of Corporate Services for 2015/16.***

FM/9 **CONSULTATION ANNUAL REPORT 2015/16**

**RESOLVED:**

- 1) Members noted the key consultation achievements for 2015/16 as detailed in Appendix 1 to the report.***
- 2) Members agreed the refreshed Consultation Action Plan 2016/17, as detailed in Appendix 2 to the report.***

FM/10 **COMMUNICATIONS ANNUAL REPORT 2015/16**

Councillor Wheeler referred to the cessation of the *Better* staff newsletter and queried if a summary of such information could be made available to Members, a request agreed to by the Chief Executive.

Councillor Taylor made reference to the apparent lack of knowledge of the red sack recycling scheme, suggesting that its promotion be improved.

**RESOLVED:**

- 1) Members noted the Communications Annual Report 2015/16 in Appendix 1 to the report.***

- 2) ***Members approved the performance against the Communications Action Plan 2015/16, as detailed in Appendix 2 to the report.***
- 3) ***Members agreed the Council's revised Communications Action Plan for 2016/17, as outlined in Appendix 3 to the report.***
- 4) ***Members approved the proposed publicity/communication campaigns 2016/17, as shown in Appendix 4 to the report.***

FM/11 **DATA QUALITY STRATEGY ANNUAL REPORT 2015/16 AND ACTION PLAN 2016/17**

**RESOLVED:**

- 1) ***Members noted progress made against the Data Quality Strategy Action Plan 2015/16 in Appendix 1 to the report.***
- 2) ***Members approved the Action Plan 2016/17 in Appendix 2 to the report.***

FM/12 **CORPORATE EQUALITIES AND SAFEGUARDING ANNUAL REPORT 2015/16**

Councillor Wilkins stated that whilst he was aware that Council maintenance staff were trained in these issues, he queried the position in relation to contractors employed by the Council. The Director of Finance and Corporate Services confirmed that contractors were made aware of the Council's policies in this area and do occasionally submit reports.

**RESOLVED:**

- 1) ***Members approved the Corporate Equalities and Safeguarding Annual Report for 2015/16 for publication.***
- 2) ***Members noted progress made against the 2015/16 Corporate Equalities & Safeguarding Action Plan in Appendix 2 to the report.***
- 3) ***Members approved the Corporate Equalities and Safeguarding Action Plan for 2016/17, as detailed in Appendix 3 to the report.***

FM/13 **TRAINING AND DEVELOPMENT ANNUAL REPORT 2015/16**

The Director of Finance and Corporate Services presented the report to Committee, highlighting the issue of mandatory training, a matter being reviewed to address the attendance rates, including the methods of training delivery. The Chairman queried training provision when the current external contract terminates in 2017. The Director stated that this service will most likely transfer back in-house. Councillor Wheeler commented on the omission of Member training from the report. The Chief Executive confirmed that this information was available and could be reported to Council if required.

**RESOLVED:**

- 1) *Members noted the training activity across the Council in 2015/16.*
- 2) *Members approved the training and development priorities for 2016/17.*

FM/14 **HEALTH AND SAFETY ANNUAL REPORT 2015/16**

The Director of Finance and Corporate Services delivered the report to Committee, confirming that the Council had again achieved the ROSPA Gold Award standard. The Chairman noted the Committee's appreciation of the work of those officers involved in gaining this recognition.

Councillor Atkin queried the evacuation procedures for the residents of the Oaklands facility. The Chief Executive confirmed that the Oaklands emergency plan had been drafted in accordance with Fire Authority instruction.

**RESOLVED:**

*Members noted the key health and safety achievements and performance for the year ending March 2016 and endorsed the health and safety action plan that sets down the priority actions for 2016/17.*

FM/15 **COMPLIMENTS, COMPLAINTS AND FREEDOM OF INFORMATION (FOI) REQUESTS OCTOBER 2015 TO MARCH 2016**

The Chairman queried the situation relating to out of time FOI's. The Director of Finance and Corporate Services responded, stating that these referred to instances where the requested information was either complex and/or there were discussions regarding the ability to provide such information, for example, over conflicts with the Data Protection Act. The Chairman requested that future reports contain a comments column, in which such update information could be included.

**RESOLVED:**

*Members considered and noted the complaints and FOI requests, as detailed in the report.*

FM/16 **CORPORATE SERVICES DIRECTORATE – SERVICE PLAN 2016/17****RESOLVED:**

*Members approved the Service Plan for the Corporate Services Directorate as the basis for service delivery for 2016/17.*

FM/17 **CHIEF EXECUTIVE'S DIRECTORATE – SERVICE PLAN 2016/17**

The Chief Executive presented the report to Committee.

Councillor Wheeler noted, in particular, the Economic Development Team and their excellent work on behalf of the Council.

**RESOLVED:**

***Members approved the Service Plan for the Chief Executive's Directorate as the basis for service delivery over the period 1 April 2016 to 31 March 2017.***

FM/18 **STAFFING AMENDMENTS – COMMUNITY AND PLANNING DIRECTORATE**

The Director of Community and Planning Services presented the report to Committee, undertaking to regularly report back to the Committee with updates on progress.

**RESOLVED:**

***Members approved the following staffing amendments:***

- a) Appoint a Rosliston Forestry Centre Project Officer on a two year contract in partnership with the Forestry Commission.***
- b) Appoint a Business Improvement Assistant on an 18 month contract.***
- c) Appoint a Cultural Services Modern Apprentice on a 2 year contract.***
- d) Increase the contract of a Service Assistant role by one day per week for 18 months.***
- e) Appoint a replacement Planning Services Modern Apprentice on a 2 year contract, a 12 month extension to that previously approved.***

FM/19 **COMMITTEE WORK PROGRAMME 2016/17**

**RESOLVED:**

***Members considered and approved the updated work programme.***

FM/20 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**MINUTES**

***The Exempt Minutes of the Meeting held on 28<sup>th</sup> April 2016 were received.***

**TO RECEIVE QUESTIONS FROM MEMBERS OF THE COUNCIL  
PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

*The Committee was informed that no questions had been received.*

**DEBTS SUBMITTED FOR WRITE-OFF: FORMER TENANTS ARREARS  
(Paragraph 3)**

*The Committee approved the recommendations made in the Report.*

**LAND IN SWADLINCOTE (Paragraph 3)**

*The Committee approved the recommendations made in the Report.*

**LAND IN MELBOURNE (Paragraph 3)**

*The Committee approved the recommendations made in the Report.*

The meeting terminated at 6.50pm.

COUNCILLOR J HARRISON

CHAIRMAN