



2.5 That a steering group of key local stakeholders is established to act as a



#### **4. Reasons for Recommendations**



inconvenient as the Sutton Coldfield parliamentary constituency is simply too large to be constituted a single ward. For the interim electoral arrangements for the proposed parish council, Full Council is recommended to approve that the proposed parish council adopts the current 4 City Council ward boundaries for Sutton Coldfield (Appendix 1).

- 6.6 The Community Governance Review is also required to consider the number of councillors for the proposed new parish council. The legal requirement is that a parish council must have a minimum of five members; there is no upper limit in law. National research conducted by Aston University in 1992 suggested almost all parish councils serving over 20,000 people had between 13 and 31 councillors.
- 6.7 Full Council is recommended that the proposed new parish council should as part of the interim electoral arrangements have 24 councillors, with the four wards in the parish being identical to the City Council wards in Sutton Coldfield and each ward returning six councillors.
- 6.8 Full Council is recommended to approve that the first elections to the proposed parish council take place in 2016 with further elections in 2018, to take account of electoral changes following the outcome of the Boundary Commission Review and once every four years thereafter to coincide with the City Council local elections.

## **7. Initial Precept and Budget for the New Council**

- 7.1 Should Full Council approve the creation of a new parish council, with elections to the new parish council to be held in May 2016, Regulation 3(2) of the Local Government Finance (New Parishes) (England) Regulations 2008 No 626 requires the Council to anticipate a precept from the new parish council for 2016-17. The amount must be stated in the reorganisation order. Regulation 4 requires this to be a special item, i.e. it will be charged only on council tax payers in Sutton Coldfield. Regulation 3(4) also obliges Birmingham City Council to state in the reorganisation order the budget requirement for the town council for 2016-17 (this will be the same figure as the precept). It further provides that, in calculating its budget requirement for that year, the parish council cannot calculate an amount that is greater than the amount stated in the reorganisation order.
- 7.2 Because an entirely new parish council is being created where none currently does not apply. Therefore, as legislation presently stands, there is no risk to the City Council that a referendum will be triggered as a result of its decision on the anticipated precept. The proposed new council may find itself subject to those rules in 2017 onwards if the Government extends it to larger town and parish councils.
- 7.3 The national average precept for existing town and parish council is just over £50 a year for a Band D property. If a precept of £50 was set for the proposed parish council, then residents in higher band properties would pay more than this ( £100 a year in a Band H property) and those in lower band properties would pay less, (£39 a year in a Band B property). It was made clear to local electors in the supporting information for the postal consultative ballot what the impact of the national average precept of £50 a year would be for a Band D property in Sutton Coldfield. Setting the precept of £50 a year for a Band D property would generate in the region of

£1.8m for the proposed parish council based on the tax base for Sutton Coldfield in 2014/15.

- 7.4 It is important to stress that, whatever amount for the anticipated precept is included in the reorganisation order, it is impossible to guarantee that the impact on individual council tax bills will be precisely the same as assumed above. This is because the actual tax base for 2016-17 will be used in calculating council tax bills and it could differ from the estimate given in paragraph 7.3. While the estimate will be reviewed before the reorganisation order is made to take account of the latest information about housing completions and other relevant factors, there remains a possibility that the actual tax base will differ marginally from the estimate; and that therefore the actual amount of council tax to be paid by households could differ slightly from the figures shown above.
- 7.5 The proposed parish council, once granted parish council status, would have the right to decide their level of precept in perpetuity. However, for the purpose of planning the number and nature of services it provides, it is important that its budget for the first year is set early on to assist the planning process.
- 7.6 Full Council is therefore recommended to agree, as the basis for initial consultation, that the anticipated precept for 2016-17 should be set at £50 per Band D property. The final decision on the precept will be taken in approving the reorganisation order.

## **8. Implementation**

- 8.1 If Full Council agrees to create a new parish, it must make a reorganisation order. The reorganisation order will set out the electoral arrangements, the precept, the transition arrangements and the transfer of any assets liabilities and services. The reorganisation must become effective by no later than 1<sup>st</sup> April in any year if elections are to be held for the new parish council in the following May. If Full

include:-





## **10. Consultation**

- 10.1 Three consultation papers were published in February 2015 setting out proposals for the wider city wide devolution arrangements together with an initial analysis of the Sutton Coldfield specific proposal for a Town Council.  
Paper one - Introduction and Background: setting the overall context.  
Paper two Future of Community Governance in Birmingham: looking at local democratic structures.  
Paper three Sutton Coldfield Initial Analysis (Short Report & Full Report).
- 10.2 A range of consultation activities, on the proposals set out in Papers 1, 2 & 3, were undertaken in March 2015 including:-  
A partners round table discussion with 10 major city-wide partners,  
A Sutton Coldfield Specific Discussion Group drawn from the

10.5 On 26 May 2015, Council Business Management Committee gave authority to undertake a postal consultative ballot, with residents on the Local Government electoral register in the Parliamentary constituency of Sutton Coldfield, on the proposal for a Sutton Coldfield Town Council. The following consultative ballot question was approved:  
*Should a Town Council be established in the Parliamentary Constituency of Sutton Coldfield within the City of Birmingham?*  
Electoral Reform Services were commissioned to conduct the Consultative postal ballot to be held in the Sutton Coldfield Constituency during the period 25 June - 16 July 2015.

10.6 Four Special Ward Committee meetings were held in Sutton Coldfield in June 2015 to provide residents with general information on town councils and the Sutton Coldfield specific proposals.

## **11. Compliance**

11.1 The recommended decisions are in line with the Leaders Policy Statement June Programme.

## **12. Financial Implications**

12.1 The City Council will need to ensure that the on-going relationship and costs in dealing with the proposed parish council is effectively resourced. The costs will need to be met from existing resource frameworks.

12.2 The next stages of the review will involve further costs to the City Council, although it is difficult to quantify them all accurately at present. The main impact will be on officer time, and this can be absorbed within existing budgets. It is not proposed to engage in expensive methods of public consultation on the reorganisation order. Consultation with the public and other interested parties will be promoted on the

12.3 The costs of administering the proposed new council between April and May 2016 (including the cost of reconfiguring the Council Tax computer software to enable effective administration and collection of the additional precept) are yet to be established.

12.4 It is proposed that elections to the proposed parish council will be held alongside the planned local elections to ensure the additional costs are minimised. The City Council can recharge the costs of elections to a parish council and the intention is to recover the additional costs of elections through the parish precept when the proposed new parish council will have significant resources at its disposal. For the avoidance of doubt where the parish elections are stand-alone polls, the parish council will be solely responsible for the cost of holding those elections. If combined with other polls those costs shall be shared in accordance with any rules/guidance in force at that time.

12.5 The impact of creating a parish council for Sutton Coldfield was drawn clearly to the attention of electors in the supporting material for the local postal consultative ballot.

The electors who took part in the ballot were made explicitly aware of the additional precept that would arise from the establishment of a parish council.

### **13. Legal Implications**

- 13.1 The Local Government and Public Involvement in Health Act 2007 sets out the powers associated with community governance reviews and provide the power for the Council to take decisions regarding matters arising from the review. Relevant provisions of the 2007 Act and other legislation have been mentioned throughout this report. The Council is required by Section 100(4) to have regard to the guidance issued by the Secretary of State relating to community governance reviews.
- 13.2 Upon agreeing to create a parish and parish council for Sutton Coldfield, the City Council must then approve a reorganisation order which sets out the mechanics of the establishment of the parish and its council. The order must include the budget requirement for the parish council for the financial year 2016/17 and any other provisions needed to bring the parish council into being including elections and transitional arrangements. As there is no land or property to be transferred to the proposed parish council at this stage (as that will be subject to separate agreements between the parish council and Birmingham City Council) the order will be relatively brief.
- 13.3 Once the order is made, the City Council must deposit at its main office a copy of the reorganisation order, and a map which shows the effects of the order in detail. The order and the map must be available for public inspection at all reasonable times and the City Council must publicise its availability for inspection. The City Council must also notify the relevant agencies.

### **14. Public Sector Equality Duty**

- 14.1 No adverse impact has been identified. An outline Equality Impact Needs Assessment (EINA) has been completed. The general impact of a town council is likely to strengthen the local democratic process and increase the say of local residents and stakeholders on local matters and leverage in additional resources for local investment via the precept and other means.

### **15. Background Papers**

- 15.1 Department for Communities and Local Government and the Local Government Boundary Commission for England Guidance on Community Governance Reviews.

### 15.3 Supporting information for the Community Governance Review

# Appendix 1

