



**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

**COMMUNITY GOVERNANCE REVIEW**

**PARISHES OF BALSALL AND BERKSWELL**

**DRAFT PROPOSALS**

**COMMENTS ON THE REVIEW SHOULD BE MADE BY**

**30 May 2018**

<b>Contents</b>	<b>Page</b>
<b>Introduction</b>	<b>3</b>
<b>Summary of the consultation responses</b>	<b>3</b>
<b>Options considered</b>	<b>5</b>
<b>How does the review proceed from here?</b>	<b>14</b>
<b>Summary of the questions on which we would welcome comment</b>	<b>15</b>

## Community Governance Review – Parishes of Balsall and Berkswell

### Introduction

1. The Community Governance Review was triggered on 1<sup>st</sup> November 2017, when Solihull Metropolitan Borough Council received a petition, bearing 773 signatures, requesting that the Council undertake a Community Governance Review in the parishes of Balsall and Berkswell. The petition proposed that the Council consider, but does not limit its review, to merging both parish councils to create one new parish council for the total area.
2. On 20<sup>th</sup> December 2017, the Council published the Terms of Reference for the review and the document was open for consultation until 28 February 2018.
3. This draft proposal document will consider the initial submissions in the review and will lay down the draft proposals for consultation. This document will contain the main recommendations that Solihull Council considers important at this early stage of the review and the comments received on these draft proposals will be considered carefully in the final recommendations document.

### Consultation Responses

4. To invite submissions, the Council was guided by the consultation and publicity table in the Terms of Reference document. The following methods of consultation and publicity were completed –
  - Online consultation questionnaire on Solihull Council’s website
  - Press release issued to local media
  - Notice boards in both parishes
  - Letters to local businesses, schools, voluntary groups and community organisations that operate in the review area
  - Social Media – Solihull’s Twitter feed and Facebook
  - Invite submissions from both Parish Councils, Solihull MBC Meriden Ward Councillors and the Member of Parliament for Meriden Constituency.
  - Email distribution to electors (Berkswell Society, The Communicator, U3A, ParentMail and the church magazine).
  - Documentation available in Libraries and Council House reception
5. The terms of reference document included four questions to consult on and to aid responses to the initial consultation. These four questions were featured on Solihull Council’s webpages and a total of 50 individuals responded. A further 27 separate written submissions and two separate multi signatory letters, one signed by 114 residents and one signed by 40 residents were submitted.
6. Question 1 asked - *Do you consider the **current** parish arrangements in Balsall and Berkswell –*
  - *reflect the identities and interests of the community in that area;*
  - *is effective and convenient, and*
  - *takes into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.*

Of the 50 people who responded to this question, 10 people said yes and 40 said no. The general comments to this question were -

- the two parishes are different with separate identities
- some residents in Balsall Common are represented by parish Councillors in Berkswell Parish Council
- Balsall Common has grown and so the current boundary needs reviewing
- 10 respondents were content with the current arrangements.

7. Question two asked – *Do you think that there should be a change to the current boundary arrangements for Balsall and Berkswell?*

Of the 50 people who responded to this question, 39 said yes and 11 said no. Some of the comments were -

- The vast majority of people who said yes to changing the boundary suggested the proposed High Speed 2 (HS2) railway line as a boundary.
- Of the people who said No, some residents were concerned about the size of Balsall Parish increasing significantly
- Some people said that the two parishes should merge

8. Question three asked – *If the two parish councils are merged to create one new council, what name would you suggest for the new parish council?*

Not everyone answered this question, with most respondents saying that they did not want to see a merger of the two parish councils. The minority who did respond suggested names to reflect both areas, such as Balsall and Berkswell Parish Council.

9. Question four asked – *If the two Parish Councils are merged to create one new Parish Council, do you think the new Council should be divided into separate wards which would reflect the identities of the local communities?*

Of the 50 who responded, 37 answered yes and 13 said no. Again, most respondents said they did not want to see a merger of the two councils but could see the need for equal representation if a merger went ahead.

10. In addition to the online questionnaire, 28 written representations were received. 12 of the responses strongly objected to merging the two parish councils, 5 said they wanted to see the boundary between Balsall and Berkswell Parish Council moved to the proposed HS2 railway line and the remainder said that change was needed to the current arrangements to reflect the two different communities.

11. 114 residents signed a multi signatory letter supporting a proposal to move the boundary between Balsall and Berkswell Parish Council to along the proposed route of the HS2 railway line. 40 residents signed another multi signatory letter entitled “Stop the merger” wishing to keep Berkswell Parish independent.

## Options considered as part of initial consultation

### **Option A - To do nothing**

12. The petition has shown that there is an appetite amongst local residents for a change to the current arrangements. The Council must have regard to the need to secure that community governance within the area under review:
- reflects the identities and interests of the community in that area;
  - is effective and convenient, and
  - takes into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.<sup>1</sup>
13. The current boundary between Balsall and Berkswell Parish runs through the middle of a populated area of Balsall Common. Electors residing to the east of the boundary are within the Berkswell Parish and those living to the west, are in the Balsall Parish. The petition has highlighted the need for a change to the current arrangements in that the current boundary does not reflect the identities and interest of local people and is not effective and convenient local government. Doing nothing is not a preferred option in this review.

### **Option B - Other forms of (non-parish) community governance**

14. The other non-parish arrangements for the purposes of community representation are –
- Area Committees
  - Neighbourhood Management
  - Tenant Management Organisations
  - Area/Community Forums
  - Resident's and Tenant' Associations
  - Community Associations
15. These options are not considered appropriate for the area under review. What sets Parish Councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government, independent of other councils and budgets and possess specific powers. The Council notes that this is an important distinction to make. Parish councils are the foundation stones for other levels of local government in England.

### **Option C – To disband one or both parish councils**

16. One of the options put forward during the consultation was to disband both parish councils and where appropriate to revert their powers back to Solihull Metropolitan Borough Council.
17. Parish Councils are the first tier of local government and are statutory bodies. They serve electorates and are independently elected and raise their own precept (a form of council tax). The precepts for Balsall and Berkswell Parish Councils for 2018/19 are outlined below

Balsall Parish Council	£75,318
Berkswell Parish Council	£26,956

---

<sup>1</sup> Section 93 (5), LGPIHA 2007

18. Parish councils work towards improving community well-being and providing better local services. Through an extensive range of discretionary powers parish councils can provide and maintain a variety of important and visible local services including allotments, bridleways, burial grounds, bus shelters, car parks, commons and open spaces, community transport schemes, community safety and crime reduction measures, events and festivals, footpaths, leisure and sports facilities, litter bins, public toilets, planning, street cleaning and lighting, tourism activities, traffic calming measures, village greens and youth projects<sup>2</sup>.
19. The 2007 Act requires the Council to consider recommending the alteration of, or abolition of, an existing parish council as a result of the review. In this option, if one or both parish councils were abolished, the powers would not be redistributed to another parish. The whole area would be unparished with no community governance arrangements in place.
20. The Government's Guidance states that abolition of a parish should not be undertaken unless clearly justified. Any decision the Council takes on whether to abolish a parish will not be taken lightly, given that to abolish parish areas would remove a tier of local government. It is doubtful, 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<sup>3</sup>.
21. Exceptionally, there may be circumstances where abolition may be the most appropriate way forward. Under the 2007 Act provisions, the Borough 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 (under past arrangements for governance reviews) 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. 8 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.
22. Any option to disband the parish councils would mean that, where appropriate, powers would revert back to Solihull MBC and no parish precept would be collected. It would also result in compulsory redundancies for parish council employees. If one or both parish councils are disbanded, then Regulations provide for the transfer of property, rights and liabilities of the parish council to the new successor parish council, or where none is proposed to the principal Council itself<sup>4</sup>, i.e. Solihull Metropolitan Borough Council.

### **Draft Recommendation One – Option 1**

The Council welcomes comments on the option to disband one or both parish councils, leaving all or part of the area unparished.

<sup>2</sup> [www.nalc.gov.uk](http://www.nalc.gov.uk)

<sup>3</sup> DCLG Guidance, paragraph 121

<sup>4</sup> The Local Government (Parish and Parish Councils) (England) Regulations 2008 No. 625

## Option D - Changing the current boundary

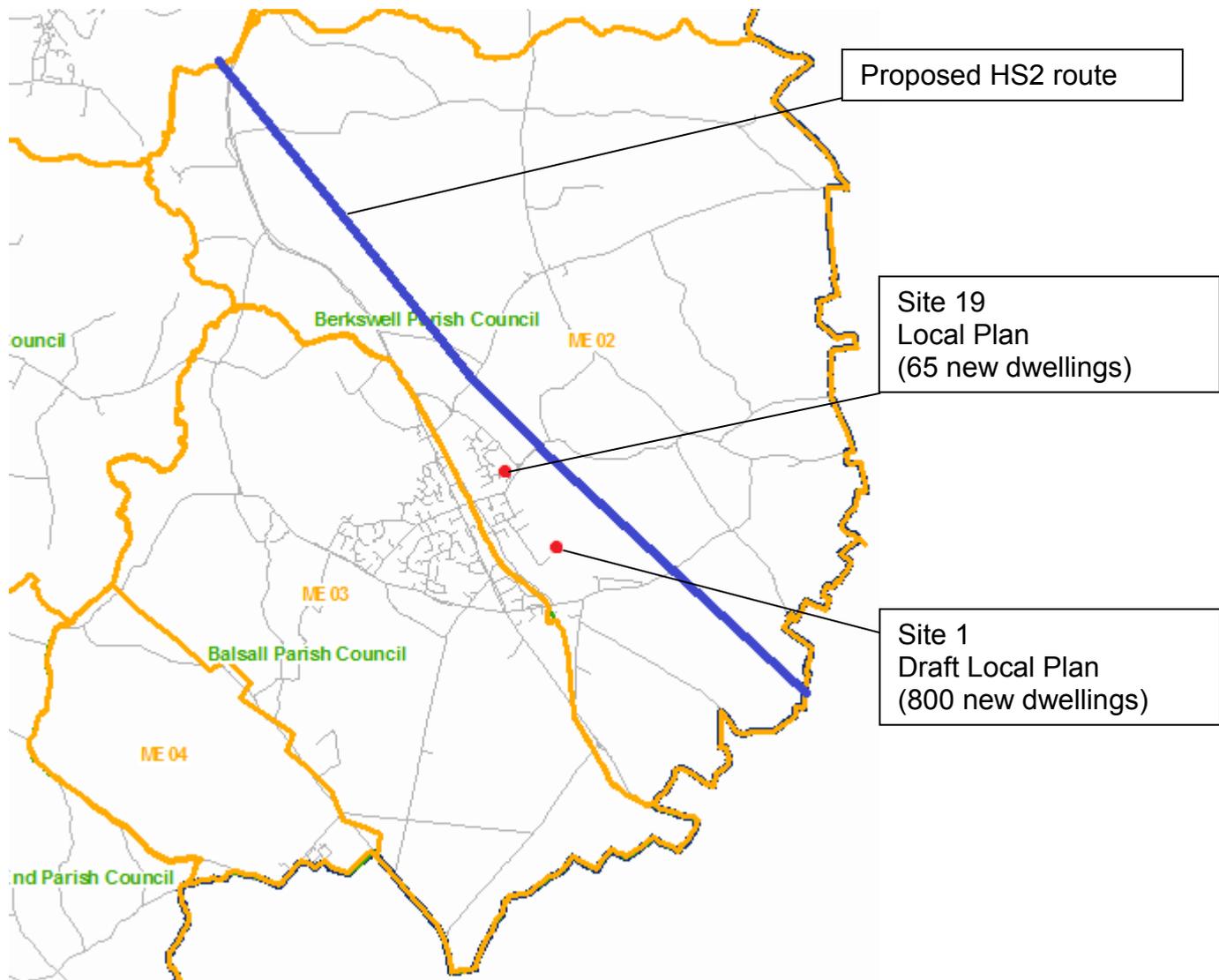
23. The current boundary runs through the centre of Balsall Common village. The initial consultation has shown that a large number of residents have favoured an option to move the existing boundary line to the proposed High Speed 2 (HS2) railway line. This would mean that electors living in Balsall Common, but represented by Councillors in Berkswell Parish Council would in future be represented by Balsall Parish Council. The Council notes that the construction work for HS2 is likely to happen between 2017 and 2026<sup>5</sup>. The proposed HS2 railway is shown using the blue line in Map A below.
24. Moving the current boundary to the proposed HS2 railway line would impact approximately 810 properties or 1536 electors, using the current electorate statistics, and would change the number of electors falling under each parish council.
25. The Council is required to take into consideration any change in the number of electors which is likely to occur in the period of five years beginning the day when the review starts. If the boundary line is moved to the proposed HS2 railway line, then this would also affect site 19 in the Local Plan for 65 new dwellings and the large development site known as “Barrett’s Farm”, which is site 1 on the Draft Local Plan for 800 new dwellings, as shown on the Map A below. Moving the boundary to the HS2 line would place these two sites within the boundary of Balsall Parish, meaning approximately 1,644 additional electors, as well as the additional 970 electors resulting from sites 2, 3, 22 & 23 from the Draft Local Plan and the Local Plan respectively.

**Table 1 – Electorate figures if the boundary line is moved to the proposed HS2 railway line**

	<b>Balsall Parish Council</b>	<b>Berkswell Parish Council</b>
Current electorate	4,687	2,649
Current electorate if boundary is moved	6,223	1,113
<b>Electorate using five year forecast based on current boundary</b>	<b>5,657</b>	<b>4,293</b>
<b>Electorate using five year forecast if boundary is moved</b>	<b>8,837</b>	<b>1,113</b>

<sup>5</sup> High Speed Two Phase One Information Paper – [www.gov.uk/hs2](http://www.gov.uk/hs2)

**Map A – Proposed HS2 route and two proposed housing developments affected by a change in the boundary**



26. If the boundary line is moved, then the five year electorate forecast increases considerably for Balsall Parish. Any significant change in electorate to either parish will have an impact on the parish council's finances, as electors living within a parish boundary are expected to pay a precept to their parish council.
27. Another option suggested was moving the boundary to the west, to the A452 (Kenilworth Road), which is a main road that runs through the centre of Balsall Common. The Council considers that boundaries should normally reflect the "no mans land" between communities represented by areas of low population. The Council considers that this option would not be in the interests of effective and convenient parish arrangements.

### **Ratio of councillors to electors if the boundary is moved**

28. Under the current arrangements Balsall Parish Council has ten elected councillors to represent an electorate of 4,687. Berkswell Parish Council has seven elected councillors to represent 2,649 electors. Should the boundary move to the proposed HS2 railway line, then the number of electors will change for both Parish Councils, to reflect the change in electorate.
29. When the Council comes to consider electoral arrangements of parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning the day when the review starts. Using the five year electorate forecast, Balsall Parish Council will have an electorate of 8,837 and Berkswell Parish Council will have electorate of 1,113 – see Table 1.
30. The Aston Business School found the following levels of representation<sup>6</sup> -

<b>Electorate</b>	<b>Councillor Allocation</b>
Less than 500	5-8
501 - 2,500	6-12
2,501 – 10,000	9-16
10,001 – 20,000	13 – 27
Greater than 20,000	13 - 31

31. The National Association of Local Councils (NALC) has suggested that the minimum number of councillors should be seven and the maximum 25<sup>7</sup>.
32. If the boundary is moved to the proposed HS2 route, using NALC's guidance, the number of elected Councillors for Berkswell Parish Council should remain at seven. The number of elected councillors for Balsall Parish Council could potentially increase, to compensate for the additional 2,506 electors.

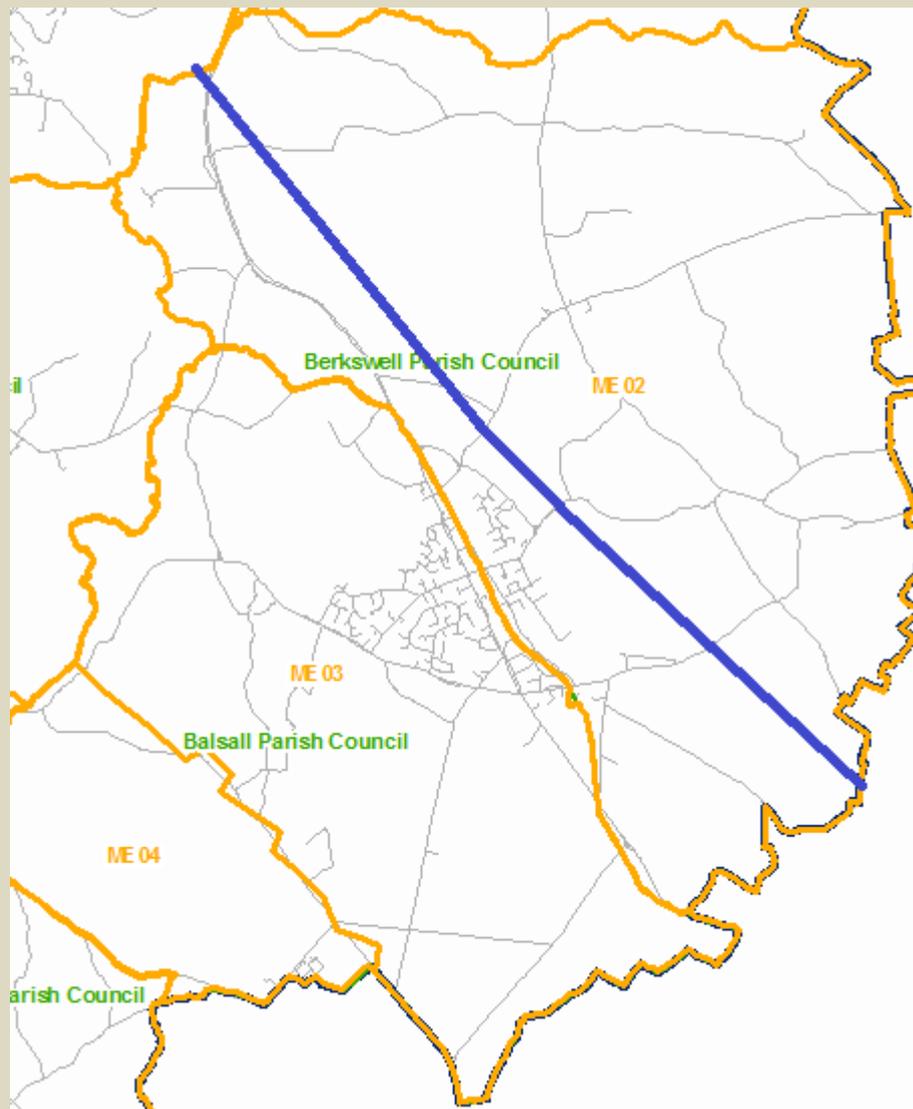
---

<sup>6</sup> Guidance, para 154

<sup>7</sup> Guidance, para 155

## Draft Recommendation Two – Option 2

The Council welcomes comments on a proposal to move the boundary between Balsall and Berkswell Parishes to the proposed High Speed 2 railway line route (the blue line in the map below) and seeks views on the future number of elected councillors on each Parish Council.



## Option E - Merge the two parish councils

33. This option had a mixed response amongst the initial consultation. The petition that was submitted triggering the review asked the Council to consider merging the two parish councils and if a merger was approved then warding arrangements be considered to reflect the areas below -
- Temple Balsall, Fen End and Meer End
  - Balsall Common and village centre
  - Berkswell village and rural areas
34. A total of 24 responses during the initial consultation expressed very strongly that a merger should not happen, including a multi signatory letter signed by 40 residents entitled “Stop the merger”, whilst 6 respondents told us that a merger should happen.
35. If the two parish councils are merged then this would create one new parish council for the total area. A “new parish” is defined in legislation<sup>8</sup>, which includes amalgamating two or more parishes, which also means that all electors in the review area would pay a parish precept to the single new parish council. Regulations provide for the transfer of property, rights and liabilities of the parish councils to the new successor parish council, or where none is proposed to the principal Council itself<sup>9</sup>. In this option, any property, rights and liabilities would be transferred to the new parish council.
36. Using the five year electorate forecast, if the two parishes are merged together then the total electorate could be up to 9,950 electors. It is worth noting that all of the proposed development sites, indicated in the Local Plan and the Draft Local Plan are located in and around the built up area of Balsall Common.

### Warding Arrangements

37. The 2007 Act requires that in considering whether a parish should be divided into wards for the purposes of elections of parish councillors, the Council should consider the following –
- Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient.
  - Whether it is desirable that any area or areas of the parish should be separately represented on the council.<sup>10</sup>
38. The Council will also have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected to each ward -
- The number of local government electors for the parish
  - Any change in the number or distribution of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts.
  - The desirability of fixing boundaries which are, and will remain, easily identifiable.
  - Any local ties which will be broken by the fixing of any particular boundaries.<sup>11</sup>

---

<sup>8</sup> Section 87 (2), LGPIHA 2007

<sup>9</sup> The Local Government (Parish and Parish Councils) (England) Regulations 2008 No. 625

<sup>10</sup> Section 95 (3), LGPIHA 2007

<sup>11</sup> Section 95 (4-5), LGPIHA 2007

39. If the two councils are merged together to create a single parish with three electoral wards (as indicated in the petition), then the electorate totals would be very different. The area known as Fen End, Meer End and Temple Balsall falls within polling district ME04 with a current electorate of 238 electors. This would significantly contrast with Balsall Common with a potential electorate of 6,223 (if the boundary is moved to incorporate all of Balsall Common). The government's guidance is that "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 not be appropriate where the parish encompasses a number of villages with separate identities".
40. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting a sufficient number of candidates to stand for parish ward elections. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies.
41. Furthermore, creating a small ward of this size may not be considered to be effective and convenient local government arrangements. However, the council is mindful that each case should be considered on its own merits and on the basis of the information and evidence provided during the course of the review<sup>12</sup>.
42. If the two parishes are merged together to create one parish for the total area, then two or more electoral wards could be created. A potential boundary could be the proposed HS2 railway line, as shown in Map A. This would mean that all electors living in Fen End, Meer End and Temple Balsall would be represented by the same parish ward councillors who represent electors living in Balsall Common.
43. If a new parish is constituted, then the Council is required to make recommendations as to the name of the council and whether the new parish should have a parish council, the electoral arrangements of that council and whether or not the new parish should have one of the alternative styles<sup>13</sup>.

### **Draft Recommendation Three – Option 3**

The Council welcomes comments on a proposal to merge Balsall and Berkswell Parishes into a single parish for the total area, also seeking views on whether/how the new parish should be warded.

---

<sup>12</sup> DCLG Guidance, para 160

<sup>13</sup> Section 87 (4-7), 89, LGPIHA 2007

**Option F - Any other options for consideration**

44. Before drawing up the final recommendations, the Council will take account of the views of local people. The 2007 Act requires the Council to consult with local government electors for the area under review and any other person or body who appears to have an interest in the Review. In doing so, the Council welcomes comments on any other options, not already highlighted in this report, to take into consideration. Any further options that are received will be taken into account by judging them against the criteria in the LGPIHA 2007<sup>14</sup>.

**Draft Recommendation Four – Option 4**

The Council invites any further comments or alternative suggestions for consideration.

---

<sup>14</sup> Section 93, LGPIHA 2007

### **How does the review proceed from here?**

45. The Council is keen for the outcome of this review to encompass the broadly held views of the residents of the affected areas. If you have an interest in this review or are impacted by its outcome as a resident, the Council would like to hear your views and we invite submissions and comments in response to the questions posed by the deadline of **30 May 2018**.
46. The Council will then consider all responses and will draw up final recommendations on parish governance arrangements for the area. The final proposals will be made in response to the outcome of those consultations. They may significantly change these draft proposals, because the Council will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies.
47. Once the final recommendations are published, there will then be a period before the Council publishes its recommendations in this Review, and this period allows time for any final submissions and arguments to be made covering matters which may not have arisen earlier in the review.
48. If changes to the existing structure of community governance in the affected areas are being recommended, the Review will be completed when the Council adopts a Reorganisation of Community Governance Order.

### **How to contact us or make a representation**

49. Comments should be submitted to the Democratic Services Section of the Council's Resources Directorate. They can be submitted either by letter or e-mail, or by using the online reply form on the Solihull MBC website.
50. You can send your comments to:

Matthew Rossi  
Electoral Services Manager  
Solihull MBC  
Council House  
Manor Square  
Solihull  
B91 9QS

Email – [electoralservices@solihull.gov.uk](mailto:electoralservices@solihull.gov.uk)  
Tel. 0121 704 8303

### **Date of publication of these draft proposals**

51. These draft proposals were published on 9 April 2018.

## Summary of the proposed options on which we would welcome comment

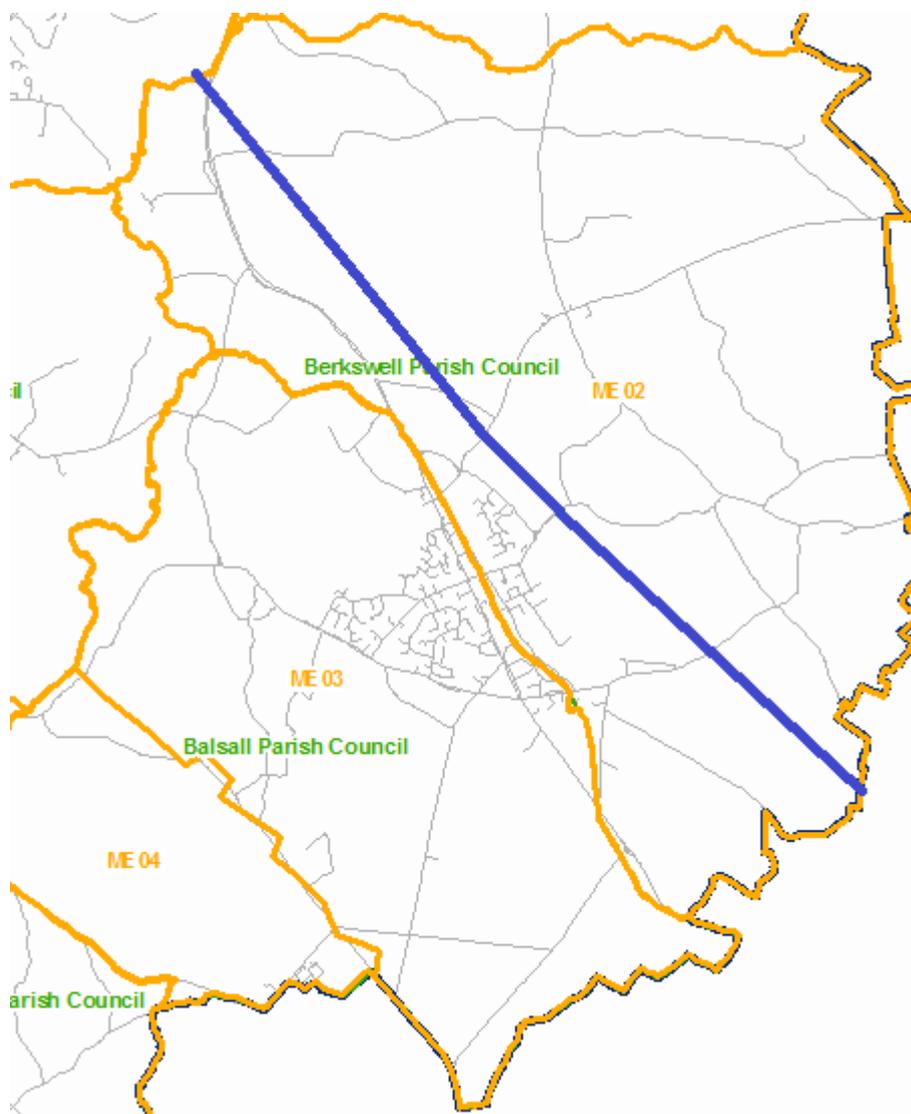
The Council invites comments on the following three proposed options. The deadline for submissions is **30 May 2018**.

### **Draft Recommendation One – Option 1**

The Council welcomes comments on the option to disband one or both parish councils, leaving all or part of the area unparished.

### **Draft Recommendation Two – Option 2**

The Council welcomes comments on a proposal to move the boundary between Balsall and Berkswell Parishes to the proposed High Speed 2 railway line route (the blue line in the map below) and seeks views on the future number of elected councillors on each Parish Council.



### **Draft Recommendation Three – Option 3**

The Council welcomes comments on a proposal to merge Balsall and Berkswell Parishes into a single parish for the total area, also seeking views on whether/how the new parish should be warded.

### **Draft Recommendation Four – Option 4**

The Council invites any further comments or alternative suggestions for consideration.