

## County Council

23 September 2015

### Community Governance Review – Pelton Fell



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## Report of Colette Longbottom, Head of Legal and Democratic Services

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### Purpose of the Report

1. To present to Council the draft terms of reference and consultation documents which have been prepared for the Community Governance Review (“Review”) of Pelton Fell.

### Background

2. On 8 June 2015 the Council received a petition from Pelton Fell Community Partnership (“the Partnership”) in support of Pelton Fell having an independent Community Council.
3. The Council acknowledged receipt of the petition on 25 June 2015 and confirmed that it was considered to be valid because it contained sufficient signatures from local residents in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 (“the Act”) as amended. Whilst the Partnership had provided a map defining the area to which the Review is to relate the area identified has been transposed onto a map produced by the County Council and included in the consultation documents, in order to clearly show the area under consideration.
4. For the avoidance of doubt, it is understood that the petitioners are seeking a parish council to be known as a community council.
5. Initial comments on the request for Pelton Fell to have an independent community council have been sought from local members who have advised that they would support the wishes of the local people.

### Relevant Legislation

6. If a principal council receives a valid petition under section 80 of the Act, as amended, it is obliged under section 83 of the Act to undertake a community governance review that has terms of reference that allow for the petition to be considered.

## **Terms of Reference and Consultation Document**

7. Draft terms of reference have been prepared and are attached at Appendix 2. The terms of reference establish how the review and public consultation will be undertaken as well as setting out the timetable for the review. Members are advised that upon approval of the terms of reference by Council, the Review process will commence in accordance with the timetable contained in the terms of reference. The consultation document is attached at Appendix 3.

## **Conclusion**

8. The Council must undertake a community governance review that has terms of reference that allow for the valid petition to be considered under section 83 of the Act and therefore draft terms of reference and a consultation document have been prepared for approval for the area of Pelton Fell.
9. Constitution Working Group agreed at its meeting on 4 September 2015 to recommend that Council approve the draft terms of reference and consultation documents for the review of Pelton Fell.

## **Recommendation**

10. That the Council approve the draft terms of reference and consultation documents for the review of Pelton Fell.

## **Background Paper(s)**

CLG and Local Government Boundary Commission for England Guidance on Community Governance Reviews

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## **Appendix 1: Implications**

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**Finance** - The main costs will be in respect of a consultation and will be met from the budget identified for community governance reviews.

**Staffing** – The work will impact on staff time.

**Risk** - None

**Equality and Diversity** - None

**Accommodation** - None

**Crime and Disorder** - None

**Human Rights** - None

**Consultation** – See report

**Procurement** - None

**Disability Discrimination Act** - None

**Legal Implications** – A review will be undertaken in line with current legislation and Regulations.