

Appendices: 8



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

3rd June 2019

Agenda Status: Public

Directorate: Chief Executive

Report Title	Community Governance Review of the Borough- Potential options for consultation and further actions.
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1. Purpose

- 1.1 To report to Full Council on the work of the Cross Party Community Governance Review Working group (the 'Working Group') and consider the report of Opinion Research Services (ORS) on the first stage of public consultation.
- 1.2 To consider the recommendation made to Full Council by the Working Group on the 15th May, 2019.
- 1.3 To consider two further proposals put forward by the Working Group as a result of the Community Governance Review (CGR) i.e., Duston Parish Council extensions of boundaries and creation of a parish council for Kingsthorpe (**Appendices D and E**).

2. Recommendations

- 2.1 It is recommended that Full Council:
- 2.2 consider the report of Open Research Services on the first stage of the Community Governance Review consultation process and its conclusions (**Appendix A**).
- 2.3 approve the recommendations made by the Working Group at its meeting on the 15th May, 2019 to allow the two following options discussed at the Working Group to go forward for stage two of the Community Governance Review consultation process:
 - a) Option 'A' with enclosed map (**Appendix B**)
 - b) Option marked 'B' with enclosed map (**Appendix C**)

- 2.4 approve the recommendations made by the Working Group at its meeting on the 15th May, 2019 to allow the following two submissions to go forward for further consultation with their relevant communities:
- a) Submission by Duston Parish Council to extend its boundaries as shown in the enclosed plan (**Appendix D**)
 - b) Submission from the Whitehills & Spring Park Residents Association to create a new parish council titled at this stage Kingsthorpe Parish Council (**Appendix E**)
- 2.5 delegates to the Chief Executive in consultation with the Working Group power to approve the form of the second stage of consultation under the CGR process to be carried out by Opinion Research Services.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Working Group was established by Full Council on the 9th July, 2018 to oversee the CGR Review pursuant to Part 4 of the Local Government & Public Involvement in Health Act 2007 of the unparished areas of Northampton. There are already ten parish councils within the Borough of Northampton. At its meeting on the 10th September, 2018, Full Council resolved that a CGR be undertaken in respect of the whole of the Borough area, rather than in respect of the unparished areas only.
- 3.1.2 A CGR is the process used to consider whether existing parish council arrangements should be changed in any way. This may include altering the boundaries of existing parishes, changing the names of existing parishes, creating a new parish council, abolishing existing parish council's, considering the electoral arrangements for parish councils deciding on the style of a parish (enabling it to be known as a town, community, neighbourhood or village council, rather than a parish council).
- 3.1.3 The exact responsibilities vary between councils and to some extent the activities carried out by any new parish or town council created as a result of its CGR will be shaped by the CGR process and will then be within the remit of those elected to any new parish or town council.
- 3.1.4 A new parish council would be able to hold any relevant historic property including property of a civic and ceremonial nature, hold and manage building and land and potentially develop and support new community services not within the strict statutory remit of district, unitary and county councils.
- 3.1.5 Parish councils are also able to perform functions on behalf of other local authorities where so allowed by statute. This would be a decision that would lie with the new unitary council of Northamptonshire.

The report from Opinion Research Services (ORS)

- 3.2.1** The enclosed report from ORS (**Appendix A**) is part of the CGR process which the council appointed ORS to carry out. The report now being considered by Full Council covers the first phase of the CGR consultation process and it's for Full Council at its present meeting and with regard to the results of the ORS report to consider which options should now go forward for phase two of the CGR consultation process. Full Council has two options put forward for consideration by the Working Group which the council will need to consider.
- 3.2.2** Full Council is not bound to accept any option presented to it, but should be aware that careful consideration was given by the Working Group to the two options which are recommended for acceptance for stage two of the consultation process.
- 3.2.3** The ORS report before Council involved a questionnaire process and the involvement of focus groups and public forums as detailed from pages 12 to 26. In addition there was submissions from West Hunsbury Parish Council and the Weston Favell Residents Association as detailed on page 40 of the ORS report. Also, six residents from Far Cotton and Delapre area of Northampton supported the creation of a community council, but as yet we have not received such a proposal.
- 3.2.4** The conclusions of the ORS report are set out on pages 42 and 43 of the report and Council will note that there was divided opinion on the issue of having a Town council and there was no substantial majority for any of the three options put forward at this first stage of the ORS consultation exercise. However, there does seem to be support for having an organisation which promotes the interests of the town, preserves its historic identity and heritage and delivers services at a local level and especially within the context of a large unitary authority.
- 3.2.5** It should be noted that the second phase of the consultation to be carried out by ORS will be a larger consultation exercise which will last a minimum period of six weeks and require wider public involvement in the Borough area and should be completed by the end of July, 2019. Being a holiday period it is important to avoid the August period of the year for any consultation process.

3.3 Two Option put forward for consideration by the Working Group

- 3.3.1** Option 'B' (**Appendix C**)
The Working Group considered this proposal for consideration which was discussed and it was resolved that it should go forward for consideration by Full Council as a potential option for public consultation under the second part of that process. The enclosed plan shows the proposal which if accepted by Full Council for the next stage of consultation will need to include more detail on possible services and costs that could be incurred. At this stage it is not easy to give accurate financial figures because this is dependent on what services etc. such a Town Council would provide. This of course, applies to any option put forward at this stage.

3.3.2 Option 'A' (**Appendix B**)

This option was considered by the Working Group and is the option shown as Option A in the ORS report on page 6 which was originally approved by Full Council for the first stage of consultation. This option has of course, already received consultation under phase one of that process. Comment has also been enclosed (**Appendices F and G**) from those same members of the Working Group who supported this option. This option will also require more information on possible services and their costs in order to assist the public during the second consultation phase.

3.3.3 Both options 'A' and 'B' are recommended by the Working Group to Full Council for adoption to stage two of the consultation process which will last six weeks and involve the public of the existing Borough area. Both these options as already indicated will require more information on the potential services and their costs in order to provide those consulted with as much reasonable information as possible to assist their consideration. The obvious point is that it is not easy to provide accurate information on the finances of any future town council until you know which services it will be responsible for, which could, of course, be diverse. However, an exercise will be carried out by the relevant officers to provide where possible this information and this will be submitted to a future meeting of the Working Group for consideration prior to stage two of the consultation process as part of finalising the documentation to be the basis of this phase of the consultation process. In order to assist members of Council a copy has been provided (**highlighted in Appendix H**) of the Financial Implications section of the report which was presented to the Working Group on the 15th May, 2019.

3.4 Consultation Process

3.4.1 The Local Government Public Involvement in Health Act 2007 under Part 4 requires the Council to have regard to the need to secure that community governance within the area under review:

- a) reflects the identities and interests of the community in that area, and
- b) is effective and convenient

3.4.2 When conducting a CGR, the Council is under a duty to consult:

- a) the local government elections for the area under review; and
- b) any other person or body (including a local authority) which appears to the Council to have an interest in the review

The Council as part of this statutory process has already carried out the first phase of this consultation process and will shortly embark though ORS on the final and more extensive stage of public consultation. The Working Group will be involved in approving the documentation etc. for this second phase of consultation.

3.4.3 It is recommended that Full Council delegate to the Chief Executive in consultation with the Working Group the power to determine the nature of methodology of the second phase of consultation.

3.5 Two separate proposals for first creating a parish council and second extending existing parish council boundaries

3.5.1 Duston Parish Council

Duston Parish Council has submitted an application as part of the CGR process (**Appendix D**) to extend their parish boundary into two specific adjacent areas. This application will need the initial approval of Full Council and will involve more consultation with the communities concerned before returning to Full Council for consideration and decision.

3.5.2 Whitehill & Spring Park Residents Association

The above application has been received (**Appendix E**) from the above Residents Association to create a new parish council titled at their suggestion Kingsthorpe Parish Council. This has been submitted as part of the existing CGR process and will require further consultation before returning to Full Council for consideration and decision.

4. Implications (including financial implications)

4.1 Policy

4.1.1 One of the Council's strategic priorities as set out in its 2018-2020 Corporate Plan is to build stronger and more resilient communities. Conducting a community governance review contributes to this policy.

4.2 Resources and Risk

4.2.1 On 9th July 2018 Full Council agreed to delegate a budget to undertake any specialist activity associated with undertaking a CGR, to be resourced from the MTFP Cashflow Reserve. The cost of undertaking the consultation will be taken from this budget.

4.3 Legal

4.3.1 The body of the report refers to some provisions of the LGPIHA 2007. Relevant provisions of the LGPIHA 2007 in relation to the Terms of Reference for the CGR are set out below.

4.3.2 The terms of reference of a community governance review are the terms on which the review is to be undertaken. (Section 82(1)).

4.3.3 The terms of reference of a community governance review must specify the area under review. Section 81(2))

4.3.4 Subject to the requirement for the terms of reference to specify the area under review, and sections 83 and 84 (which make provision regarding terms of reference for the review when a petition or application is received), it is for the Council

- a) To decide the terms of reference of any CGR which the Council is to undertake; and
- b) To decide what modifications (if any) to make the terms of reference (Section 81(4)).

- 4.3.5 As soon as practicable after deciding terms of reference, the Council must publish the terms. (Section 81(5)).
- 4.3.6 As soon as practicable after modifying terms of reference, the Council must publish the modified terms (Section 81(6)).
- 4.3.7 In undertaking a CGR, the Council must comply with the term of reference of the review. (Section 79(2)(b)).
- 4.3.8 A principal council “begins” a community governance review when the council publishes the term of reference of the review (Section 102(6)).
- 4.3.9 It is important that CGR consultation is a fair consultation. A fair consultation should:
- a) Consult at a time when its proposals are still at a formative stage;
 - b) Give sufficient reasons for its proposal to permit and intelligent consideration and response;
 - c) Give adequate time for consideration and response; and
 - d) Conscientiously take into account the product of consultation in finalising any proposals.

These principles should be taken into account and followed when planning and conducting the total consultation process.

5. Equality

- 5.1 Equalities issues will need to be considered in detail at all stages of the CGR, in particular when conducting public consultation and formulating recommendations. Equality impact assessments will be carried out at relevant stages.

6. Other Implications

- 6.1 None

7. Background Papers

- 7.1.1 None

George Candler
Chief Executive