

Appendices: 2



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

2019

Agenda Status: Public

Directorate: Chief Executive

Report Title	Council Response – MHCLG Letter
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1. Purpose

- 1.1 To seek Council's approval to the response to the Ministry of Housing, Communities and Local Government (MHCLG) letter to the Council's Chief Executive.

2. Recommendations

- 2.1 That Council approves the draft response attached at appendix 2 to this report.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Secretary of State for the Ministry of Housing, Communities and Local Government ("Secretary of State") formally announced on 14th May 2019, that he had decided to implement, with one modification the proposal for Unitary Local Government in Northamptonshire.
- 3.1.2 Consequently, Paul Rowsell C.B.E, Head of Governance, Reform and Democracy Unit at MHCLG wrote to the Council outlining the decision of the Secretary of State and has sought the Council's views, in particular on electoral matters. A copy of Mr Rowsell's letter is attached at **Appendix 1**.
- 3.1.3 The Secretary of State is seeking views on the establishment of elected shadow councils in May 2020; the cancellation of the Borough/District elections, scheduled for May 2020; that the elections to the shadow councils are held on the basis of three-member wards resulting in the West Northamptonshire Unitary Council having 93 members; that Parish elections are held as scheduled in May 2020.

- 3.1.4 All the Council's in both the West and North unitary areas have sought their Councils views on the Secretary of State's request. The following resolutions have been approved:

Daventry District Council – Resolved

That Daventry District Council supports the proposal of the Secretary of State for Ministry of Housing, Communities and Local Government that the district council elections due to be held in May 2020 are cancelled and the elections to the shadow authorities take place at this time, on the basis of 3 Member wards which would result in West Northamptonshire Council having 93 Members."

Northamptonshire County Council – Resolved

That Elected Shadow Authorities for North and West Northamptonshire be established after elections to be held in May 2020; that the sovereign Councils across Northamptonshire, through the North and West Joint Committees, undertake the preparatory work leading up to the establishment of the elected Shadow Councils; the Terms of Reference for these Joint Committees may need to be expanded to include further delegations in order for them to undertake the work required for the preparation for the Shadow Councils and a further report will be brought to Council for approval; that the elections to the Shadow Councils in May 2020 should be held on the basis of three-member wards resulting in 93 members in the West Northamptonshire Unitary Council and 78 in the North; that the District/Borough Elections currently scheduled for 2020 should be cancelled. Whilst a consequence of this will be that the current District/Borough Councillors will have been in position for 6 years leading up to the establishment of the West and North Northamptonshire Unitary Councils, it would not, in our view, be a good use of tax payer monies to hold elections for a term of only one year; that the Parish elections which are scheduled to take place in 2020 should go ahead as planned. However, if the proposals for the next election for the Unitary Council to take place in 2025 is accepted and implemented by the Structural Changes Order, then the next Parish Election should then be postponed to 2025, to align with the Unitary Council election cycle; the extended term of office for Councillors arising from the cancellation of the District/Borough Elections may result in additional casual vacancies. As the law currently stands, elections to fill casual vacancies would not normally take place within 6 months of the date the Councillor would normally have retired. The Council notes this position."

South Northamptonshire Council

Key Points Raised

- Support use of 3 members for each County Council Ward
- Remove the need for a By-Election from May 2020
- OK with the Terms of Reference for the Joint Committee being altered by the Structural Change Order.
- Do not want composition of District/County Council members of the Joint Committee altered by the Structural Change Order.

- Support alignment of Parish and Town Council elections

Kettering Borough Council

Working Group agreed to support the shadow authority starting in May 2020, with enhanced Terms of Reference for joint committees up to then, and the usual 6 month moratorium on by-elections.

Borough Council of Wellingborough

TBC

East Northamptonshire Council

Agreed

(1) That the unitary update be noted.

(2) That the Chief Executive and Leader of the Council be authorised to advise MHCLG that:-

(a) this Council's preference is for the Shadow Authorities to come into being after the elections to it in 2020 and for the District and Borough Council elections scheduled for May 2020 to be cancelled; and

(b) this Council would not be in favour of filling any casual vacancies to ENC that arise and would seek an adjustment to extend the existing "six month rule" to 12 months.

Corby Borough Council

"Corby Borough Council (CBC) confirms that its view on the two options of either a) forming a Shadow Council soon after the Structural Change Order (SCO) is finalised or b) otherwise using the Joint Committee to make decisions up until the 2020 elections to the new Shadow Council, is the latter, ie option b).

CBC also agrees to the cancellation of the District and Borough elections in 2020, there being election to the new Shadow Council instead.

CBC also agrees with the proposed three-member wards based upon the current county divisions.

CBC does not agree with any proposal for co-opting new councillors.

CBC requests in respect of the 2020 elections that the SCO does deal with the issues of the appointment of Returning Officer, and the Parish/Town Council elections."

- 3.1.5 A draft response letter to MHCLG (appendix 2), outlining the Council's views is attached for Council's consideration and approval.

4. Implications (including financial implications)

4.1 Policy

4.1.1 None specifically.

4.2 Resources and Risk

4.2.1 If approved the Council's in the West will need to resource and implement elections for the new West Northamptonshire Council.

4.3 Legal

4.3.1 The changes will be implemented through parliamentary order, known as the Structural Changes Order and other legislation as required.

4.4 Equality

4.4.1 None specifically arising from this report.

4.5 Other Implications

4.5.1 None

5. Background Papers

5.1 Council Resolutions from Councils mentioned in this report.

Francis Fernandes
Borough Secretary and Monitoring Officer