

Appendices

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Item No.
APPENDIX

NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	PARISH COUNCILS: COMMUNITY GOVERNANCE REVIEWS
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	26 September 2008
Key Decision:	NO
Listed on Forward Plan:	NO
Within Policy:	YES
Policy Document:	NO
Directorate:	Chief Executive's
Accountable Cabinet Member:	Councillor B Hoare
Ward(s)	Nene Valley, East Hunsbury, West Hunsbury

1. Purpose

- 1.1 To report on the Wootton and East Hunsbury Parish poll and the Upton Parish petition and to propose a way forward for these matters.

2. Recommendations

- 2.1 That Cabinet recommends in principle to Council either;
- (a) the undertaking of a community governance review of the seven parishes within the Borough that will include the matters raised by Wootton and East Hunsbury and Upton Parishes; or
 - (b) the undertaking of a community governance review of either or both of Wootton and East Hunsbury and Upton Parishes without a concurrent review of the remaining five parishes, which may be held at a later date.
- 2.2 That in light of whichever option in 2.1 above is recommended, a further report on the terms of reference, governance arrangements and resource

implications be submitted to Cabinet before Council consider this matter in order that Council may make a final decision based on all the facts.

3. Issues and Choices

3.1 Report Background

Wootton and East Hunsbury Parish Poll

3.2 Following a meeting of the Parish Council on 21st May 2008 the Borough Council was requested to undertake a parish poll on the question:-

“That the existing Parish is split to create two new parishes each separately serving the areas of:

- Wootton, Wootton Fields & Simpson Manor
- East Hunsbury”

3.3 Consequently the parish poll was held on 19th June 2008 organised by the Borough Council in accordance with the Local Government Act 1972. There voted in favour of the proposition 381 and 85 against. This was a turnout of 3.8%.

3.4 The Council must now respond to the result of the poll and consider whether a review which would follow the provisions of the Local Government & Public Involvement and Health Act 2007, should be carried out bearing in mind the low turnout. The steps involved in a review are set out in paragraph 3.11 below.

Upton Parish Petition

3.5 On 8th September 2008 Upton Residents Association presented a petition to Council under the provisions of the Local Government & Public Involvement & Health Act 2007. The petition requested that Upton Parish boundary be reviewed in the light of recent and proposed development in the area. Under the 2007 Act the following steps have to be undertaken to confirm competency of the petition:-

- that signatures are on the current electoral register for the Parish of Upton;
- that the competent signatories represent 10% or more of the electorate of the existing Upton Parish (in this case 250); and
- that the petition defines the detail of the requested review showing the revised boundaries requested.

3.6 The petition has been verified and unfortunately it is not complete in that 30 of the signatories were not on the electoral register for the parish area as required in the legislation. This took the total of valid signatures to below the required 250.

3.7 The Council is obliged by the 2007 Act to respond to the petition. Notwithstanding the fact that the petition is not competent the Council could still exercise its discretion under the 2007 Act to carry out a review. The issues identified by the Upton petition are logical and their proposals are likely to address the current anomalous situation and therefore it appears sensible that a review be undertaken. The Council can undertake a review of its own volition in these circumstances.

Parish Reviews

3.8 Under the Local Government and Public Involvement and Health Act 2007 community governance reviews provide an opportunity for principal councils to review and make changes to the arrangements in place in their areas. The reasons for carrying out a review may be due to changes in population, new development or in reaction to specific local issues. The guidance issued by the Department of Communities and Local Government and The Electoral Commission recommends that such reviews should be considered every 10-15 years if circumstances do not require an earlier review.

3.9 There are two triggers for a review. Firstly, the Council itself can decide to carry out a review as part of its community governance arrangements and secondly, it can be requested to do so via a petition as applies in the Upton case. Notwithstanding the 10-15 year review cycle described above reviews can be considered and undertaken on any frequency.

3.10 The last parish review of Northampton was carried out in 1991 so it would seem opportune to consider the feasibility of a review of all seven parishes at this time. The Council may also consider a review of unparished areas to consider whether additional parishing may be appropriate. If so, the steps set out in para 3.11 below would need to be carried out for each parish. This is likely to be the more resource intensive option.

3.11 A parish review comprises the following steps;

- the Council must set the terms of reference of the review and publish them;
- in the case of a petition being received the review must be carried out within 12 months of its receipt by the Council;
- the Council must consult with any other public authorities, schools, residents associations, community forums or similar within the area;
- the Council must consult with businesses based in the area and people who may work within the area (but not live there); and
- the results of the consultation must be analysed and together with recommendations agreed by the Council submitted to the Electoral Commission (within 12 months of starting the review).

3.12 In respect of a parish poll it is at the discretion of the Council as to whether a review should be carried out. If so the 12 months runs from the date of exercising the discretion.

3.13 Options

3.13.1 A borough-wide parish review could be undertaken that would automatically include the Wootton and East Hunsbury and Upton parish issues raised in the poll and the petition.

3.13.2 A review of just one or both of the parishes of Wootton and East Hunsbury and Upton could be undertaken. This would represent the minimum response required of the Council by the 2007 Act.

3.13.3 If 3.13.2 above were adopted a community governance review of the remaining five parishes could be undertaken at a later date and guidance suggests that this should be in the next few years.

3.13.4 Whichever of these options is pursued will require a further report on the terms of reference, governance arrangements and resource implications of the proposed way forward.

4. Implications (including financial implications)

4.1 Policy

There is no standing policy on these matters.

4.2 Resources and Risk

Once Cabinet have indicated in principle what is to be recommended to Council, a further report dealing with, amongst other things, resource implications will be prepared to inform Cabinet further before Council are asked to make a decision.

Clearly the option to carry out a full community governance review would be more expensive and would require staff time to be invested.

4.3 Legal

Under the Local Government Act 1972 and the Local Government and Public Involvement and Health Act 2007 the Council is required to respond to the parish poll and the parish petition.

4.4 Equality

There are no implications arising from this report but there may be in terms of any subsequent report on the methodology of any review undertaken.

4.5 Consultees (Internal and External)

Wootton and East Hunsbury Parish Council and Upton Parish Council have approached the Council via the mechanisms allowed by the Local Government Act 1972 and the Local Government and Public Involvement and Health Act 2007.

This report sets out the Council's response to these approaches. There has not been wider consultation but clearly there will need to be as part of any review.

How the Proposals deliver Priority Outcomes

This report reflects a response to improve community engagement and governance triggered by provisions of the Local Government Act 1972 and the Local Government and Public Involvement and Health Act 2007 and by concerned citizens.

4.6 Other Implications

None applicable

5. Background Papers

Wootton and East Hunsbury Parish Poll – 19th June 2008
Upton Parish Petition – 8th September 2008

Guidance on Community Governance Reviews – April 2008 Department for Communities and Local Government/The Electoral Commission

Report Author, Title and Extension

David Kennedy, Chief Executive x7726

Ross Thompson Elections Team Leader x 7332

Frazer McGown Meetings Services Team Leader x7101

CABINET REPORT

SIGNATORIES

Report Title	NAME OF REPORT AS IT IS TO APPEAR ON THE AGENDA
Date Of Call-Over	DD / MM / YYYY

Following Call-Over and subsequent approval by Management Board, signatures are required for all Key Decisions before submitting final versions to Meetings Services.

Name	Signature	Date	Ext.
Monitoring Officer or Deputy			
Section 151 Officer or Deputy			