

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

11 December 2017

Agenda Status: Public

Directorate: Borough Secretary

Report Title	Terms of reference – Community Governance Review, Hunsbury Meadows
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1. Purpose

- 1.1 A petition has been presented by Hunsbury Meadows Parish Council to undertake a Community Governance Review

2. Recommendations

- 2.1 That Council approve the Terms of Reference as set out below and receives a further report on the result of the consultation and other relevant matters for final recommendation and approval at a future meeting of Council.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Northampton Borough Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 to consider the following Parish matters.
- 3.1.2 This review is to consider the request to include the new Pineham Housing Developments within the boundaries of Hunsbury Meadows Parish and not be left within Upton Parish.
- 3.1.3 In undertaking this review the Council has considered the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government, published in March 2010, which reflects Part 4 of the Local Government and Public Involvement in Health Act 2007

and the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625). (The 2007 Act transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England) Also, The Local Government Finance (New Parishes) (England) Regulations 2008

3.1.4 These Terms of Reference will set out clearly the matters on which the Community Governance Review is to focus. We will publish this document on our website and also in hard copy. Hard copies will be made available at The Guildhall and the Parish Council Offices.

3.1.5 Purpose of the Review

3.1.6 The Council is undertaking a Community Governance Review at this time following the receipt of a petition from Hunsbury Meadows Parish Council requesting a formal review process to take place to consider the proposal for the Parish Boundary include the new estate of Pineham Village and the new Pineham Barns school within the boundary of Hunsbury Meadows Parish, as indicated on the attached map.

3.1.7 The Council must have regard to the need to secure community governance within the area under review such that it

- reflects the identities and interests of the community in that area,
- and is effective and convenient,
- and takes into account any other arrangements for the purposes of community representation or community engagement in the area.

3.1.8 Community Governance Reviews

3.1.9 A Community Governance Review is a review of the whole or part of the district to consider one or more of the following:

- creating, merging, altering or abolishing parishes;
- the naming of parishes in the style of new parishes;
- the electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and
- grouping parishes under a common parish council or de-grouping parishes

3.1.10 Determination as follows:

- review parish electoral arrangements including boundaries and report recommendations to Council
- increase/reduce number of parish councillors
- change parish arrangements where agreed
- consider the results of the consultation exercise

3.1.11 Consultation

3.1.12 The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review. A Timetable is set out in Appendix 1

In coming to its Recommendations in a Review, the Council will take account of the views of local people and stakeholders and report the results of such consultation as part of a final report to the next appropriate meeting of Council

The Council will:

- publish these Terms of Reference and take submissions via its website
- promote the process by means of general press releases and social media
- provide key documents on deposit at the Borough Council offices in The Guildhall, Northampton, noticeboards in Hunsbury Meadows and Upton, and the Hunsbury Meadows and Upton Parish Offices. There will be provision for collection of paper submissions or details of where to submit, at these locations, with postal submissions accepted at the Borough Council office (Northampton Borough Council, The Guildhall, St Giles Square, Northampton NN1 1DE).

3.1.13 This Council will notify Northamptonshire County Council that a review is to be undertaken; they are a formal consultee of this process.

Electorate forecasts

Parish	Current Electorate	Forecast electorate
Hunsbury Meadows	964	1348
Upton	5264	4880

3.1.14 Parishes

3.1.15 The Council notes the government's Guidance that community cohesion should be taken into account in this review (DCLG AND LG BCE, Guidance on community governance reviews revised edition, March 2010, S.67-76).

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity.

With regard to parish boundaries, the Council considers that the boundaries between parishes will normally reflect the 'no-man's land' between communities represented by areas of low population or pronounced physical barriers. These barriers will be either natural or man-made: they might include for example watercourses, marshland, and moorland or man-made features such as parks, canals, railways, major road and motorways - those barriers that oblige the residents of an affected area to have little in common with the remainder of the parish to which they may have been allotted

Should a reorganisation of parish boundaries occur as a result of the review, the Council will aim to select boundaries that are and are likely to remain easily identifiable

3.1.16 Electoral arrangements

Electoral cycle

3.1.17 Changes to parish electoral arrangements normally come into effect at the next scheduled ordinary parish elections. Parish elections will take place in Northampton in May 2019 and then every four years thereafter.

3.1.18 Reorganisation of Community Governance Orders and Commencement

3.1.19 The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council's offices and copies provided to the parish clerks for East Hunsbury and Upton Parish Councils.

In accordance with the Guidance issued by the government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's office at The Guildhall, St Giles Square, Northampton NN1 1DE. Prints will also be supplied, in accordance with regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

The provisions of the Order will take effect for financial and administrative purposes on 6 November 2018.

The electoral arrangements for a new or existing parish council will come into effect at the next elections to the parish council. Should this not coincide with the next ordinary local elections, the Council might have need to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year, with councillors serving a shortened first term to allow the parish electoral cycle to return to that of the district

3.1.20 Consequential matters

General principles

3.1.21 The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- the setting of precepts for new parishes;
- provision with respect to the transfer of any functions, property, rights and liabilities;

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate portion.

4. Decision details

- 4.1 The draft terms of reference contained in the Annex to this Report have been developed by taking into consideration the legislative requirements for undertaking a Community Governance Review, as well as the need to make the Review process as understandable and accessible as possible.
- 4.2 The publication of the Terms of Reference on the Council's website (as recommended) will allow the first round of consultation to begin on Monday 13 November

5. Implications (including financial implications)

5. Policy

- 5.1.1 The proposals in this report are in accordance with the council's community engagement strategy and supportive of the administration's commitment to enhancing local democracy and local participation in community decision-making.

6. Resources and Risk

- 6.1.1 Financial Implications – It is anticipated that the initial consultation phases of the review process can be carried out at minimal cost to the council by effective use of existing resources to ensure maximum publicity and opportunity for engagement through community groups, forums and other interested parties. It is also anticipated that local councillors will have a key role to play in engaging their local communities with the review.
- 6.1.2 The financial costs associated determining public support for any specific proposals submitted for consultation with directly affected residents are more difficult to quantify at this stage as it is not possible to predict the level of community interest in developing specific proposals for their local areas.
- 6.1.3 If community interest were to be determined by direct postal consultation with potentially affected residents then the Council would incur the cost associated with the distribution of postal questionnaires to each potentially affected elector and the cost of a reply paid option for return of completed questionnaires. Both costs would again be variable dependent on number of specific proposals subject to consultation and number of replies to the consultation questionnaire returned to the council.
- 6.1.4 Non – financial Implications – the consultation phases of the review will require support from relevant council officers from within existing resources which may impact on other aspects of council activity. It is not anticipated that any impact will be significant. Additional resources will be required to

undertake validation of proposals submitted for specific consultation and to count referendum ballot papers should that option be the one which is taken forward.

7 Legal

- 7.1 A Community Governance Review must be conducted in accordance with provisions of the Local Government and Public Involvement in Health Act 2007, and other relevant statutory provisions.
- 7.2 The review will be undertaken in accordance with government guidance for the conduct of Community Governance reviews and ensure compliance with appropriate legislation and electoral law.

8. Equality

- 8.1 No specific positive or negative implications have been identified for any sections of the community, including those with protected characteristics. Any proposed changes emerging from the review and relevant consultation activities may have perceived adverse and beneficial impacts for all diversity groups and could feasibly impact on all residents of the Borough, whether or not they are registered to vote in any referendum processes because the boundaries of Parish Councils within the town could be altered. There are no equality issues identified arising from the Terms and Conditions
- 8.2 The public's lack of understanding of the Community Governance Review is generally the greatest risk and could lead to poorly attended public meetings and little public participation in the process.
- 8.3 A comprehensive consultation programme will be implemented as part of the first stage of the review process with further opportunities for public participation on specific proposals which may impact directly on their local area in subsequent stages of the review. Consultation documents will be sent to all parties identified which will include press releases, Official Notices, possible open forums and other forms of local advertising as suitable methods of conveying information about the Review to citizens of Upton and Hunsbury Meadows.

9. Other Implications

None

10. Background Papers

None

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	What happens	Timescale	Date
Commencement	Community Governance Petition is received		6 November 2017
Preparation	The petition is validated; research and information gathering; local briefings and meetings; Terms of Reference for the review are prepared agreed by Council and published	Two months	6 November – 5 January
Stage One	Initial submissions are invited	Two Months	6 January- 5 March
Stage Two	Consideration of submissions received – Draft Recommendations are prepared	Two months	6 March- 5May
Stage Three	Draft Recommendations are published – consultation on them	Three months	6 May- 5 August
Stage Four	Consideration of submissions received – Final Recommendations are prepared	Two months	6 August – 5 October
	Final Recommendations are published – concluding the review		6 October
	Council resolves to make a Reorganisation Order		6 November