



NORTHAMPTON
BOROUGH COUNCIL

CROSS PARTY WORKING GROUP – COMMUNITY GOVERNANCE REVIEW

Agenda Status: Public

Directorate: Chief Executive

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| Report Title | Community Governance Review Terms of Reference. |
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1. Purpose

- 1.1 Following the first meeting of the Community Governance Review ('CGR') Cross Party Working Group on 31st August 2018, it is now necessary for the Working Group to consider the Terms of Reference for the CGR with a view to recommending Terms of Reference to Full Council for approval.

2. Recommendations

That the Working Group recommend to Full Council at its meeting on 10th September 2018:

- 2.1 that a CGR under Part 4 of the Local Government and Public Involvement in Health Act 2007 be undertaken in respect of the whole Borough area, rather than in respect of the unparished areas only
- 2.2 that the draft Terms of Reference at Appendix 1 of this report are approved; and
- 2.3 that it delegates authority to the Working Group to determine the timetable for the Community Governance Review to be included in the Terms of Reference, (including determining the date of commencement of the CGR).

3. Issues and Choices

3.1 Report Background

- 3.1.1 On 31st August 2018, the Cross Party Working Group considered the enclosed copy reports (at Appendix 2) and concluded that before formulating any options for a proposed Town Council that could go forward for consultation via a CGR, it would be useful to consider the early views of

existing Parish Councils and Residents Associations, particularly on issues relating to the size of a proposed Town Council, how this would relate to existing Parish Councils and the issue of community geography in the unparished area of Northampton.

3.1.2 While the early consultations referred to in paragraph 3.1.1 above can take place and be fed into the CGR process, it is important due to time constraints, to commence the CGR process. It is therefore recommended that these consultations take place as part of the CGR process, once the CGR has formally commenced. Taking account of the discussions of this Group and the desire of the Group to carry out early consultation with existing Parish Councils and Residents Associations, it is suggested that the CGR will need to cover the whole Borough area in order to canvass as wide a view as possible and to provide the Working Group and Full Council with a comprehensive view of canvassed opinion which can be carefully considered before any decisions are made by Full Council.

3.1.3 An alternative is conducting a CGR which only covers the areas of the Borough that are currently unparished. On 9th July 2018 Full Council agreed that a CGR under Part 4 of the Local Government and Public Involvement in Health Act 2007 be undertaken in respect of the unparished areas of the Borough of Northampton. The CGR has not yet commenced. Therefore, it is possible for the Working Group to recommend to Full Council that the CGR be undertaken in respect of the entire Borough area, (rather than only the unparished area) and to recommend Terms of Reference for the CGR that refer to a Borough wide review being undertaken.

3.1.4 The Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007') states that a CGR commences when the Council publishes the Terms of Reference.

3.1.5 Section 81 of the LGPIHA 2007 states:

- 1) *The terms of reference of a community governance review are the terms on which the review is to be undertaken.*
- 2) *The terms of reference of a community governance review must specify the area under review.*
- 3) *Sections 83 and 84 make further provision about the terms of reference of community governance reviews.*
- 4) *Subject to subsection (2), and sections 83 and 84, it is for a principal council--*
 - a. *to decide the terms of reference of any community governance review which the council is to undertake; and*
 - b. *to decide what modifications (if any) to make to terms of reference.*
- 5) *As soon as practicable after deciding terms of reference, the principal council must publish the terms.*
- 6) *As soon as practicable after modifying terms of reference, the principal council must publish the modified terms.*

Sections 83 and 84 are not relevant in this context as they relate to situations when a community governance review petition or application is received by the Council.

3.2 Decision details

3.2.1 A set of draft Terms of Reference for the Community Governance Review are set out at Appendix 1.

3.2.2 The draft Terms of Reference at Appendix 1 state that the area that the CGR will cover, will be the whole Borough. The draft Terms of Reference include a timetable. While the timetable outlines the different stages of the review, the timings have been left blank. It is recommended that the Working Group asks Full Council to delegate authority to it determine the timetable, which it would do after seeking specialist advice on a timetable that would be both efficient and lawful.

3.2.3 The draft Terms of Reference explain that the Council will consult on plans to create a new Town Council for Northampton and potentially for other areas of the Borough where communities are interested in forming new town or parish councils. They further explain that the consultation will ask questions on any proposals for changes to existing parish arrangements – if any.

3.2.4 It is recommended that the Working Group recommend to Full Council at its meeting on 10th September 2018:

- a) that a CGR under Part 4 of the Local Government and Public Involvement in Health Act 2007 be undertaken in respect of the whole Borough area, rather than in respect of the unparished areas only;
- b) that the draft Terms of Reference at Appendix 1 of this report are approved; and
- c) that it delegates authority to the Working Group to determine the timetable for the Community Governance Review to be included in the Terms of Reference (including determining the date of commencement of the CGR).

3.2.5 The reason for these recommendations is to ensure that a CGR can be commenced as soon as possible. The CGR process needs to be both lawful and effective in canvassing the opinion of Northampton's residents and various organisations involved in the life and work of the Borough.

3.2.6 The Terms of Reference can be modified by the Council at a later date if required.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There is no specific policy reference for this report.

4.2 Resources and Risk

4.2.1 Full Council has already approved a budget of £30,000 to be used to undertake any specialist activity in connection with a CGR.

4.2.2 A full analysis of risks will be undertaken upon the commencement of the CGR.

4.3 Legal

4.3.1 The legal framework for conducting CGRs is referenced in the body of this report and in the report at Appendix 2. Members of the Group are asked to note the following points in particular:

4.3.1.1 The Council is required to have regard to two key criteria in progressing a Community Governance Review. These statutory requirements are to have regard to the need to secure that community governance across the Borough:

- reflects the identities and interests of the community in that area; and
- is effective and convenient.

4.3.1.2 Any consultation needs to be meaningful consultation in accordance with the principles set out by the Courts in case law, and certain principles must be adhered to in relation to consultation as follows:

- the consultation must be undertaken when proposals are at a formative stage;
- sufficient reasons for the proposals and information must be given to permit intelligent consideration and response;
- adequate time must be given to consider and respond to the proposals; and
- the product of the consultation must be conscientiously taken into account in finalising any proposals, consistent with the Council's duties and best value obligations.

4.4 Equality

4.4.1 There are no equality implications arising directly from this report. However, upon the formal commencement of a CGR process, equalities issues will need to be considered in detail at all stages, in particular when conducting public consultation and when formulating recommendations. Community impact assessments would be carried out at relevant stages of the process.

4.5 Other Implications

4.5.1 None

5. Background Papers

5.1 None.