

Appendices: 4



**NORTHAMPTON**  
BOROUGH COUNCIL

# **COUNCIL**

## **5<sup>th</sup> November 2016**

**Agenda Status: Public**

**Service Area: Chief Executive**

<b>Report Title</b>	<b>Community Governance Review of the Borough – Potential options for consultation and further actions</b>
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### **1. Purpose**

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- 1.1 To report to Full Council on the work of the Cross Party Community Governance Review Working Group (the 'Working Group').
- 1.2 To consider the recommendations made to Full Council by the Working Group on 12<sup>th</sup> October 2018.
- 1.3 To consider a recommendation regarding the practical steps that need to be undertaken to commence the Community Governance Review ('CGR').

### **2. Recommendations**

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It is recommended that Full Council:

- 2.1 approves the updated draft Terms of Reference for the CGR attached as Appendix 1 and delegates to the Chief Executive in consultation with the Chair of the Working Group the power to make any necessary amendments to the Terms of Reference prior to publication;
- 2.2 approves the recommendations made by the Working Group at its meeting on 12<sup>th</sup> October 2018 and therefore:
  - a) approves the 3 options set out in this Report at paragraph 3.2.6, to go forward for consultation as part of the CGR; and
  - b) delegates to the Chief Executive in consultation with the Chair of the Working Group power to approve the appointment of appropriate contractors to carry out the consultation element of the CGR on behalf of the Council

- 2.3 instructs the Chief Executive to publish the final Terms of Reference for the CGR and delegates to the Chief Executive in consultation with the Chair of the Working Group the power to determine the nature, form and methodology of the consultation and authorises the commencement of the CGR consultation.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Working Group was established by Full Council on 9<sup>th</sup> July 2018 to oversee a CGR, conducted pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007 ('LGPIHA 2007'), of the unparished areas of Northampton. There are already 10 parish councils within the Borough of Northampton. At its meeting on 10<sup>th</sup> September 2018, Full Council resolved that a CGR be undertaken in respect of the whole 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 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 or abolishing an existing parish, creating parish councils, abolishing existing parish councils, considering the electoral arrangements for parish councils, the grouping or de-grouping of parish councils and the style of a parish (enabling it to be known as a town, community, neighbourhood or village, rather than a parish).
- 3.1.3 Typically parish and town councils look after facilities such as bus shelters, parks, playgrounds, public seats, public toilets, clocks, cemeteries and burial grounds, village greens and various leisure and recreation facilities. They can provide and support crime prevention services, traffic calming measures and coordinate community and voluntary sector activity, for example work to improve a park or open space, community litter picking or community health activities.
- 3.1.4 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 this CGR will be shaped by the CGR, and will then be within the remit of those elected to any new parish or town council.
- 3.1.5 A new parish council would be able to hold any relevant historic property, including insignia and property of a civic and ceremonial nature, hold and manage land and buildings, ranging from allotments through to community buildings and assets and potentially develop and support new community services.
- 3.1.6 Parish councils are also able to perform functions on behalf of other local authorities. Any new parish or town councils created as a result of the CGR could therefore perform functions on behalf of the new unitary for West Northamptonshire (should the new unitary be created). It would be a matter for the new unitary council to decide which, if any, functions it wanted a parish/town council to carry out and it would be a matter for the parish/town council to decide which functions it wished to take on.

## **3.2 Decision details**

### **Terms of Reference**

- 3.2.1 On 10<sup>th</sup> September 2018 Full Council approved draft Terms of Reference for the CGR. However, the proposed timeframe for the CGR contained within the Terms of Reference was not completed at this time, pending further consideration by the Working Group.
- 3.2.2 The Working Group have considered the Terms of Reference again. While the Working Group considered a proposed timetable as part of the Terms of Reference, the Terms of Reference presented to Full Council for approval only contain a general timetable for the CGR, as further consideration of the consultation process and timeframe is required. It is anticipated that external consultants with an expertise in consultation will assist with this.
- 3.2.3 The draft Terms of Reference at Appendix 1 show the proposed changes that have been made to the draft Terms of Reference that were approved by Full Council on 10<sup>th</sup> September 2018.
- 3.2.4 Full Council is therefore asked to approve the updated draft Terms of Reference for the CGR attached as Appendix 1 and delegate to the Chief Executive in consultation with the Chair of the Working Group the power to make any necessary amendments to the Terms of Reference prior to publication. Following further planning stages, the timetable for consultation is likely to become more specific and the Terms of Reference may need to be updated to include this detail.
- 3.2.5 In order to formally commence a CGR, in accordance with section 81 of the LGPIHA 2007, the Council would need to publish the Terms of Reference on which the review is to be undertaken. It is recommended that Full Council instruct the Chief Executive to publish the final Terms of Reference.

### **Suggested options for consultation**

- 3.2.6 On 12<sup>th</sup> October 2018, the Working Group considered the report attached as Appendix 4 of this report. At this meeting the Working Group considered options that could go forward for consultation in the CGR process. The Working Group agreed to recommend to Full Council that the following 3 options go forward for consultation:

#### **3.2.6.1 Option 1**

The first option is making no change to the community governance arrangements in the Borough, leaving the currently unparished area unparished, and leaving the current parishes unchanged.

#### **3.2.6.2 Option 2 – (Map at Appendix 2)**

The second option proposes the creation of a town council covering the whole of the unparished area of the Borough.

This option is shown on the map at Appendix 2. The area shaded blue/grey is the area that is currently unparished. This option proposes the blue/grey area becomes a new town council. (The existing parishes in the Borough are shaded green).

### **3.2.6.3 Option 3 – (Map at Appendix 3)**

This option proposes:

- the creation of a town council that covers an area that is broadly similar to the area of the parliamentary constituency of Northampton South. This area is shaded yellow on the map at Appendix 3;
- an alteration to the boundary of the existing Duston Parish, so that the area of the existing parish is extended to take in some of the adjacent unparished area. The proposed extension is shown in purple hatching on the map at Appendix 3; and
- the creation of 6 new parish councils in the remainder of the unparished area (which amounts broadly to the parliamentary constituency on Northampton North). The areas shaded purple on the map at Appendix 3 show the proposed new parishes.

3.2.7 The report considered by the Working Group is at Appendix 4. That report contains further narrative in relation to each of the proposed options at paragraphs 3.2, 3.3 and 3.4.

3.2.8 While the 3 options set out in paragraph 3.2.6 above would be put forward for consultation (if the recommendation in this report is approved), the consultation may elicit other suggestions for community governance in the Borough of Northampton.

3.2.9 Full Council is therefore asked to approve the 3 options set out in this report at paragraphs 3.2.6 above to go forward for consultation as part of the CGR, (which include options for a proposed town council).

### **Consultation Process**

3.2.10 The LGPIHA 2007 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.

3.2.11 When conducting a CGR, the Council has a duty under the LGPIHA 2007 to consult:

- a) the local government electors 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.

3.2.12 It is therefore very important that the Council carries out a robust consultation process. As the consultation will be carried out over a wide geographical area and cover a large number of people and bodies, it is proposed that external contractors are appointed to carry out the consultation on behalf of the Council. Full Council is therefore asked to delegate to the Chief Executive in consultation with the Chair of the Working Group power to approve the appointment of appropriate contractors to carry out the consultation element of the CGR on behalf of the Council.

3.2.13 It is anticipated that the Working Group will be involved in the formulation of the consultation documentation and methodology, in its role of overseeing the CGR.

3.2.14 It is recommended that Full Council delegate to the Chief Executive in consultation with the Chair of the Working Group the power to determine the nature, form and methodology of the consultation and that Full Council authorises the commencement of the CGR consultation.

#### **4. Implications (including financial implications)**

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##### **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 priority.

##### **4.2 Resources and Risk**

4.2.1 On 9<sup>th</sup> July 2018 Full Council agreed to delegate a budget of up to £30,000 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.

4.3.1.1 The terms of reference of a community governance review are the terms on which the review is to be undertaken. (Section 81(1)).

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

4.3.1.3 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 to terms of reference.

(Section 81(4)).

4.3.1.4 As soon as practicable after deciding terms of reference, the Council must publish the terms. (Section 81(5)).

4.3.1.5 As soon as practicable after modifying terms of reference, the Council must publish the modified terms. (Section 81(6)).

4.3.1.6 In undertaking a CGR, the Council must comply with the terms of reference of the review. (Section 79(2)(b)).

4.3.1.7 The Council must notify the County Council for its area of the terms of reference for the review including any modification of those terms. (Section 79(3)(b)).

4.3.1.8 A principal council "begins" a community governance review when the council publishes the terms of reference of the review. (Section 102(6)).

4.3.2 It is important that the CGR consultation is a fair consultation. A fair consultation should:

- consult at a time when its proposals are still at a formative stage;
- give sufficient reasons for its proposal to permit and intelligent consideration and response;
- give adequate time for consideration and response; and
- 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 consultation.

#### **4.4 Equality**

4.4.1 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.

#### **4.5 Other Implications**

4.5.1 None.

### **5. Background Papers**

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5.1 None

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