

General Purposes Committee

AGENDA STATUS: PUBLIC

Report Title	Northampton Community Governance Review
Date of Meeting:	24 January 2012
Directorate:	Chief Executive's Office
Ward(s)	All

1. Summary

- 1.1 To seek agreement to the proposed processes for undertaking a borough wide Community Governance Review in Northampton, including the establishment of a Councillor Steering Group to oversee the review and make recommendations to Council in relation to new or amended community governance arrangements.
- 1.2 The review process will respond specifically to the boundary issues raised by the Wootton and East Hunsbury parish poll and the petition presented to Council by Upton Residents Association in 2008 and extend the opportunity to create new parish council arrangements to those areas of the town in which they do not currently exist.

2. Recommendations

That General Purposes Committee:

- 2.1 Agrees the proposed processes for undertaking a borough wide Community Governance Review in Northampton which will respond specifically to the boundary issues raised by the Wootton and East Hunsbury parish poll and petition submitted to Council by Upton Residents Association in 2008 and extend the opportunity to create new parish council arrangements to those areas of the town in which they do not currently exist.
- 2.2 Agrees to the establishment of a Councillor Steering Group to oversee the review and to make recommendations to Council in relation to proposals for new or amended community governance arrangements. It is recommended that the Steering Group comprises representation from all political groups on the council.

3. Report Background

3.1 Report Background

- 3.1.1 Under the Local Government and Public Involvement in Health Act 2007 local authorities now have the power to stimulate debate around the creation of parish councils in currently unparished areas.

- 3.1.2 A Community Governance Review provides an opportunity for principal authorities (district councils in two-tier areas) to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.
- 3.1.3 The government has emphasised that recommendations made in Community Governance Reviews ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services.
- 3.1.4 Government guidance further states that it is good practice to conduct a full Community Governance Review at least every 10 to 15 years and to keep the area under review in the interim.
- 3.1.5 Northampton Borough Council has historically encouraged community engagement in local government through the involvement of local people in key decisions affecting their local areas, a wide range of participative forums and community engagement activities as well as consultations on key budget and policy decisions.
- 3.1.6 A parish poll was held on 19 June 2008 by Wootton and East Hunsbury Parish Council in accordance with the Local Government Act 1972. The vote was in favour of the proposition to split the existing parish into two new parishes to serve
- Wootton, Wootton Fields and Simpson Manor
 - East Hunsbury
- 3.1.7 The poll received sufficient support from local residents for the Council, as the principal council for determining community governance matters, to carry out a review of the existing parish boundaries.
- 3.1.8 In addition Upton Residents Association presented a petition to full council under the provision of the Local Government and Public Involvement and Health Act 2007 requesting that the existing parish boundary be reviewed and extended to include Sixfields to align with the new ward boundaries. The petition, when validated, fell short of the required 250 signatures required to initiate a Community Governance Review under the Act.
- 3.1.9 The current Conservative administration have made a commitment to “support any areas of the town that wish to become parishes and will work constructively with residents who wish to set up a Parish Council and make the process as straightforward as possible.”

3.2 Issues

- 3.2.1 The Community Governance Review will need to respond to three separate issues within the town
- The need to respond directly to the outcome of the Parish Poll in Wootton and East Hunsbury and the specific request for the creation of two new parishes to replace the existing parish council.

- The need to review the arrangements in parts of the town which are already parished and which may, as a result of the review, wish to propose alternative options to the existing parishes.
- To carry out an open review of the remainder of the town which currently has no parished arrangements in place in a way which allows the opportunity, as part of the initial consultation, for local people to submit proposals for possible options which can then be formally consulted on as part of the second stage of the consultation process.

3.2.2 In order to accommodate the needs of each of the three approaches required within the review it is proposed that the review should incorporate a full consultation phases before final proposes are produced. This will enable specific consultation in Wootton and East Hunsbury as well as more general consultation in other parts of the town. The initial consultation phase will also enable the opportunity for the development of any community-based proposals for alternative arrangements in areas of the town which are currently un-parished or where there is community interest in changes to exiting parished arrangements.

3.2.3 Proposals developed by the community for new or amended parish arrangements as part of the consultation phase of the review will be required to demonstrate that they meet the recommended minimum requirements for a petition under the Local Government and Public Involvement in Health Act 2007Act.

The three thresholds are:

- For an area with less than 500 local electors, the petition must be signed by at least 50% of them
- For an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them
- For an area with more than 2,500 local electors, the petition must be signed by at least 10% of them.

3.2.4 Any signatories to the proposals would have to be validated against the electoral register for the area to which the proposal relates. It would therefore be necessary for any proposals submitted to include defined area to which the proposal relates.

3.2.5 The second stage of the review process will consider the proposals received for new and amended parish council arrangements which, where validated and approved, will then be published in draft and subject to a further phase of consultation. Proposals to create new parishes where none have existed previously will be subject to a local referendum to determine community support for he proposal. The outcome of referenda will not be binding but will be used to inform the recommendations to Council on the adoption of any proposals for new parishes.

3.2.6 Guidance recommends that community governance and any review processes undertaken should include information on alternative means of involvement in the local community, other than the specific creation of town and parish councils, recognising that these will not be appropriate to all communities. Northampton has a strong history of public involvement in decision making, consultative forums and in supporting community based organisations.

3.2.7 It is proposed that any proposals made or interest expressed in establishing community bodies or groups, other than parish council arrangements, received as part of the community governance review should be followed up separately with relevant groups and communities outside of the subsequent stages of the review process.

3.3 Choices (Options)

- 3.3.1 The constitution requires that the decision to undertake a Community Governance Review is one which should be determined by the Council. General Purposes Committee is requested to approve, under its delegated authority, the decision to commence a borough wide Community Governance Review..
- 3.3.2 The Local Government and Public Involvement in Health Act 2007 Act requires that, where a Community Governance Review is undertaken by a principal council, it is completed and any decisions on recommendations to be implemented made within 12 months of the commencement date of the review.
- 3.3.3 In order to facilitate the required decision making at various stages of the review process within the timescales required for the overall review process, General Purposes Committee is asked to agree that a Councillor Steering group is established to oversee the review and to make recommendations to Council in relation to proposals for new or amended community governance arrangements.
- 3.3.4 The Steering Group will comprise representation from all political groups on the council. It will be supported by an officer project group which will provide technical and procedural advice on the review process and validate proposals received during the consultation phase.
- 3.3.5 Local people will be consulted on the outcome of any proposals for new parish council arrangements for their local area in a local referendum. It is proposed that any local referenda are held concurrently with the elections for Police and Crime Commissioners scheduled to take place on 15th November 2012.
- 3.3.6 This approach would allow for maximum participation of local people in direct decision-making on proposals for additional governance arrangements in their local area through a direct ballot process. However, in order to reduce the potential costs associated with such a process it is proposed that participation in any referenda would be through direct participation in polling stations and that postal voting arrangements would not apply.
- 3.3.7 This approach would enable a clear indication of community support for any proposals to be determined. It is proposed that, in order to reduce ambiguity, subjectivity and assure communities of the probity of any decisions resulting from local referenda, that participation rates required for proposals to be enacted should be predetermined by the council and published at the time of consultation on draft proposals.
- 3.3.8 Alternatively for some changes to existing parish council arrangements, it may be decided that a second phase of consultation, to include a formal opportunity for comment to be made by individual residents on the electoral role who are potentially affected by any proposals, would be more appropriate and cost effective than a referendum.

- 3.3.9 A similar approach would be taken to determining the level of support for proposals as would be required for a referendum in order to assure councillors and local people that support is sufficient to make formal recommendations on the proposals.
- 3.3.10 Final recommendations, following the outcome of referenda or formal consultation outlined in the approaches set out above, will be made to Council by the CGR Councillor Steering Group for determination within the 12 month timescale required by government guidance.
- 3.3.11 Proposed timetable for the review is attached as appendix 1 to the report.

4. Implications (including financial implications)

4.1 Resources and Risk

- 4.1.1 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 role to play in engaging their local communities with the review and additional support will also be provided by Northamptonshire County Association of Local Councils.
- 4.1.2 Overall Project Management support for the review will be provided by the Council's Partnership Director with officer support from within existing resources as required to support the consultation and engagement processes required as part of the review process.
- 4.1.3 The financial costs associated with the two options for 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.
- 4.1.4 If community interest in specific proposals were to be determined by referenda concurrently with elections for Police and Crime Commissioners the Electoral Commission will insist on a division of costs, so although there will probably be some cost-saving by doing these on a combined basis, it will depend on what proportion the Commission requires NBC to fund in light of the ballots.
- 4.1.5 It is anticipated that the Council would be expected to fund a proportion based on half the costs of the ballot in each referendum area, plus a proportion of the overall administration. However, the NBC proportion of the administration costs could be reduced if the referendum did not include the issue of poll cards or a postal ballot as it would be expected that those costs would be met in full by the Electoral Commission for the PCC ballot only.
- 4.1.6 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.

- 4.1.7 A separate report to Cabinet on 18 January 2012 approved, in principle, budget provision to meet the costs associated with the review.
- 4.1.8 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.
- 4.1.9 Risks – The option to undertake local referenda on any specific proposals submitted by local communities for new or amended parish arrangements in their areas is dependent on guidance or the PCC poll allowing for local referenda to be combined with the PCC elections. Whilst there is no current indication that this would not be the case, guidance from the Electoral Commission, once issued may indicate otherwise. Should guidance indicate that combined referenda and elections cannot take place further consideration will need to be given to options to run referenda independent of PCC elections, for which the Council would bear the full cost, or alternative options for determining community support for proposals.
- 4.1.10 The Council has a requirement to respond directly to the outcome of the Parish Poll in Wootton and East Hunsbury and the specific request for the creation of two new parishes to replace the existing parish council. If the decision to carry out a full community governance review were not taken forward it would be necessary to carry out a review to respond specifically to the issue raised by the poll in that area.

4.2 Legal

- 4.2.1 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.
- 4.2.2 The option to undertake local referenda on any specific proposals submitted by local communities for new or amended parish arrangements in their areas is dependent on guidance or the PCC poll allowing for local referenda to be combined with the PCC elections. Whilst there is no current indication that this would not be the case, guidance from the Electoral Commission, once issued may indicate otherwise.

4.3 Other Implications

- 4.3.1 An Equality Impact Screening has been undertaken for the proposed review and has not identified any specific positive or negative implications 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.
- 4.3.2 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.

- 4.3.3 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 by the Steering and Project Groups 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 Northampton.
- 4.3.4 Provision will be made for members of public who have a disability, e.g. the documents are written in 12scale font and can be printed on yellow paper for those who may suffer from a visual impairment, the blind have access to ‘talking’ documents, those whose first language is not English have access to translation Services and the building in which any meetings will occur contain hearing loops and are accessible by those with severe mobility issues, such as wheel chair users.
- 4.3.5 Internal consultation has been carried out with councillors, officers and relevant officers who will be supporting the review process. The review will include extensive external and community consultation with opportunities for interested parties to participate in developing specific proposals for their local area and responding to those proposals through a ballot or consultation process before any formal decisions are made.

5. Background Papers

- 5.1 Guidance on community governance reviews, Communities and Local Government and the Local Government Boundary Commission for England, Crown Copyright 2010.
- 5.2 Community Governance Review Report, Cabinet 18th January 2012

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Indicative timetable for Community Governance Review

Stage	Activity	Timescales	Dates
Terms of Reference for review agreed by CGR Working Party/ Sub-Committee	Terms of Reference and first stage consultation published		3 February 2012
Stage One Consultation Period	Local Briefings and meeting to outline the terms of reference for the review and the process for submitting initial submissions for proposals for any new parish or community governance arrangements from communities	12 weeks	Monday 6 February - Friday 27 April
Consideration of submissions received from communities – draft recommendations for consultation prepared	Validation of submissions received and draft recommendations prepared for second stage consultation.	8 weeks	Monday 30 April – Friday 22 June
Stage Two Consultation period prior to local referenda in potentially impacted areas.	Local briefings on draft recommendations for new/ altered parished arrangements based on proposals put forward by local areas.	8 weeks	Monday 24 th September – Wednesday 14 November
Local referenda to be held on proposals in potentially impacted areas.			Thursday 15 November
Review of referenda results and preparation of final recommendations.	Review referenda results and develop final proposals for community governance recommendations	4 weeks	Monday 19 November – Friday 14 December
CGR Sub Committee considers final recommendations and publishes proposals to be put to Council for decision	Final recommendations are published in advance of decision by full council.	4 weeks	Monday 17 December – Friday 11 January
Decision to be taken by the Borough Council on implementation of the recommendations	Council to decide on the extent to implement the recommendations of the sub-group/ working party		January 2013