Appendices 4

NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Northampton Community Governance Review – Stage 1 Recommendations

AGENDA STATUS: **PUBLIC**

Committee Meeting Date:	20 June 2012
Policy Document:	No
Directorate:	Customers & Communities
Accountable Cabinet Member:	Cllr David Mackintosh

1. Purpose

1.1 To consider the proposals received for new Parish Councils and boundary changes to existing Parish Councils to be taken forward into the detailed consultation stage of the Community Governance Review.

2. Recommendations

2.1 To approve that the following proposals received in Stage 1 of the Community Governance Review be the subject of detailed consultation in Stage 2 of the Review:

2.1.1 The Parklands Ward proposal for a new Parish Council.

2.1.2 The Rectory Farm proposal for a new Parish.

2.1.3 The Sunnyside Ward and Obelisk Ward proposal for a new Parish Council.

2.1.4 The West Hunsbury Ward proposal for a new Parish Council.

2.1.5 The Westone Ward proposal for a new Parish Council.

2.1.6 The St James Ward proposal for a new Parish Council.

2.1.7 The Hunsbury Meadow proposal for a new Parish Council.

2.1.8 The proposal for a boundary change to the north of Wootton & East Hunsbury Parish Council.

2.1.9 The proposal for a boundary change between Wootton & East Hunsbury Parish Council and Collingtree Parish Council.

2.1.10 The proposal for a boundary change between Hardingstone Parish Council and Great Houghton Parish Council.

2.1.11 The proposal for a boundary change to the east of Upton Parish Council.

2.1.12 The proposal for a division of Wootton & East Hunsbury Parish Council into two separate Parishes.

2.2 To approve the recommendation of the Steering Group that the three proposals received by petition which did not meet the community support threshold requirement as set out in the Community Governance Review Terms of Reference are not the subject of detailed consultation in Stage 2 of the Review. The three proposals were a proposal for Moulton Leys, Castle Ward and Phippsville Ward.

3. Issues and Choices

3.1 Report Background

3.1.1 Northampton Borough Council is carrying out a Community Governance Review (CGR) this year – asking residents if they want a Parish, Community, Neighbourhood or Village Council in their local area. It also offers the opportunity for those areas which already have parish councils to propose any changes or amendments that they would like to see to the existing arrangements or boundaries. The Terms of Reference of the CGR are at **Appendix 1.**

3.1.2 The Local Government and Public Involvement in Health Act 2007 (the "2007 Act") sets out the duties that the Council must comply with when undertaking a Community Governance Review:

- *The Council must consult the local government electors for the area under review and any other person or body (including a local authority) which appears to the principal council to have an interest in the review.*

- *The Council must 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.*

- *In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes and their institutions)*
  - *a) that have already been made, or*

- *b) that could be made;*

for the purposes of community representation

- *The Council must also take into account any representations received in connection with the review.*

3.1.3 The Review must also be conducted in accordance with the Terms of Reference. The Council's Terms of Reference contain criteria consistent with the statutory criteria.

3.1.4 Relevant considerations which influence judgements against the two principal criteria (ie. of having regard for the need to secure that any community governance reflects the identities and interests of the local community and that it is effective and convenient), include the impact on community cohesion and the size, population and boundaries of the proposed area. Recommendations made in Community Governance Reviews should therefore bring about:

- improved community engagement,
- better local democracy and
- result in more effective and convenient delivery of local services.

3.1.5 Broadly, the CGR is being carried out in two stages:

Stage 1: Petitions & Consultation – Proposals were brought forward by residents for the setting up of a new Parish, Community, Neighbourhood or Village Council in a defined geographical area in the form of petitions. Proposals on minor changes to existing Parish Council boundaries have also been brought forward. The deadline for petitions and minor boundary change proposals was 18 May 2012. Those proposals made by petition, the proposals for minor boundary changes together with the proposals made in relation to Wootton & East Hunsbury and Upton parishes in 2008 have now been considered by the Steering Group who have recommended to General Purposes Committee which proposals should be the subject of detailed consultation in Stage 2 of the process.

Stage 2A: Consultation on Stage 1 proposals – Those proposals which are approved by this Committee to be the subject of detailed consultation in Stage 2 of the process will be published. There will be a 6-week consultation period for questionnaires to be completed by the public on these proposals. The deadline for this stage is 10 August. The Steering Group will consider the results of the consultation and recommend to Council which proposals should be the subject of a referendum (advisory polls).

Stage 2B: Local Referendums (advisory polls) - local referendums will be carried out where required, to advise the Council when it makes its decision as to which proposals (if any) should be implemented. The planned date for any such referendums to take place is mid-November. The Steering Group will consider the results of the referendums and all the consultation responses and make recommendations to Council who will, in December 2012 also consider the results of the referendums and all the consultation responses and agree new parishes and boundary changes and any other new community governance arrangements.

3.1.6 The 2007 Act requires the CGR process to be concluded within 12 months of publishing the Terms Of Reference of the review – see **Appendix 1**. (Concluding the review in this context refers to the Council publishing the recommendations made in the review). The Terms of Reference were published on the Council's website on Monday 6 February 2012.

3.1.7 The Council will support new Parishes in setting up their Councils and in undertaking Councillor elections.

3.1.8 The necessary resources to undertake a Borough wide Community Governance Review in Northampton were approved by Cabinet at their meeting on 18 January 2012 subject to approval of the proposed processes by General Purposes Committee on 24th January 2012.

3.1.9 The proposed processes for undertaking a Borough wide Community Governance Review in Northampton were approved by General Purposes Committee at their meeting on 24 January 2012.

3.1.10 A CGR Steering Group was set up at the end of January consisting of three Conservative members, two Labour members and one Liberal Democrat member – Cllr Mackintosh, Cllr Eldred, Cllr Larratt, Cllr Mason, Cllr Wire, and Cllr Beardsworth. The Steering Group has met on several occasions over the last four months to agree processes and documents, to consider timetables and Terms of Reference.

3.1.11 The Steering Group met on 28 May to consider the petitions, minor boundary change proposals and other consultation responses received during Stage 1. The proposals received from Upton and Wootton & East Hunsbury parishes in 2008 together with the additional consultation responses in respect of these proposals received in Stage 1 were also considered by the Steering Group. The purpose of this Steering Group meeting was to formulate recommendations to be put to this General Purposes Committee as to which of those proposals received during Stage 1 should be subject to detailed consultation in Stage 2. The Steering Group considered information in the following sections of this Report and decided to make the recommendations contained in this Report.

3.1.12 In deciding which proposals to recommend, the Steering Group considered the Terms of Reference of the Review and the statutory criteria set out in paragraph 3.1.2. The Steering Group considered the community support requirement where relevant for each proposal ie. whether a proposal met the threshold or fell within the minor boundary change de minimis. In relation to Upton and Wootton & East Hunsbury parishes the Steering Group considered the outcome of the 2008 petition and poll respectively together with the consultation responses received as part of this CGR. Rather than conducting a full analysis at this stage of whether the statutory criteria would be met in relation to each proposal, the Steering Group considered whether it was obvious that the proposal could not make a positive contribution to reflecting the identities and interests of the local community or that it would not be effective and convenient. That is, the Steering Group adopted an inclusionary approach, declining to adopt only those proposals which obviously could not

contribute to relevant matters. Only if it was obvious that these criteria could not be met, would the Steering Group have decided not to recommend that the proposal be the subject of detailed consultation in Stage 2. If it was not obvious then the Steering Group have recommended the proposal to be taken forward for detailed consultation in Stage 2.

3.1.13 The General Purposes Committee is required to conduct its own consideration of the proposals and consultation responses received in Stage 1. It is asked to consider in the same way as the Steering Group did (ie. as set out in paragraph 3.1.12 above) which proposals should go forward for detailed consideration in Stage 2 of the Review. To assist the General Purposes Committee make its decision, all of the consultation responses received in Stage 1 of the Review are attached as **Appendix 2.** Some personal details have been removed from the documents.

3.1.14 Having considered this information, the General Purposes Committee is asked to decide whether it agrees with the recommendations of the Steering Group as to which proposals should be taken forward for detailed consideration in Stage 2 of the Review or whether it wishes to decide that different proposals should be the subject of detailed consultation.

3.1.15 The General Purposes Committee is asked to note that it is not being asked to conclusively rule out any particular proposals at this stage – this is for Full Council to decide at the end of the CGR process when it will consider all proposals and representations received in the course of the review in order to decide what proposals (if any) to implement. Further, the Council must keep in mind its duty to consider any representation made during the course of the review.

3.2 Issues

3.2.1 *Proposals for new Parish Councils* – twelve petitions for new Parish Councils were set-up by different individuals. Two of these proposals were withdrawn before the deadline of 18 May 2012. Three of the proposals did not meet their threshold number of signatures (as outlined in the CGR Terms of Reference) before the deadline date. Therefore the Steering Group has not recommended that these proposals be the subject of detailed consultation in Stage 2 of the CGR process. The remaining seven proposals did meet their threshold number of signatures by the deadline date of 18 May 2012. In addition, three signatures were received in support of a Parish Council being established in two other areas, but no such petition had been set-up. A summary of the signatures received for all petitions set-up is included as **Appendix 3**.

3.2.2 The seven proposals submitted by petitions which met the community support threshold as set in the CGR's Terms of reference were as follows:

	Proposal	Lead Petitioner	Area Covered	Signature Threshold
1	Parklands Ward	Cllr Mike Hallam	Parklands Ward	375
2	Rectory Farm	Cllr David Mackintosh and Rectory Farm	The majority of Rectory Farm Ward excluding the western section jutting out into Talavera	250

	Proposal	Lead Petitioner	Area Covered	Signature Threshold
		Residents Association	Ward	
3	Sunnyside Ward and Obelisk Ward	Cllr Nilesh Parekh and Cllr Mary Markham	Sunnyside Ward and Obelisk Wards	667
4	West Hunsbury Ward	Cllr Brian Oldham	West Hunsbury Ward	355
5	Westone Ward	Cllr Matthew Lynch	Westone Ward	336
6	St James Ward	Cllr Suresh Patel	St James Ward	372
7	Hunsbury Meadow	Owen Coop	Also known as Banbury Lane, to the south of Upton Parish Council	250

3.2.3 A map of Northampton identifying each of these proposed new Parishes is attached as **Appendix 4**.

3.2.4 The Steering Group considered the community support requirement for each proposal and was satisfied that this had been met for each of these seven proposals. The Steering Group was also satisfied for each of the seven proposals that it was not obvious that the proposal could not make a positive contribution to reflecting the identities and interests of the local community or that it would not be effective and convenient.

3.2.5 It is recommended that each of these seven new parish proposals should be taken forward into Stage 2 detailed consultation.

3.2.6 It is recommended that the three proposals received by petition which did not meet the community support threshold requirement as set out in the Community Governance Review Terms of Reference are not the subject of detailed consultation in Stage 2 of the Review. The three proposals were a proposal for Moulton Leys, Castle Ward and Phippsville Ward.

3.2.7 *Proposals for minor boundary changes to existing Parish Councils* – the CGR allows for minor boundary changes to be requested by affected Parish Councils without the need for a petition to be completed. A letter was sent to each Parish Council advising them of the CGR on 3 February 2012.

3.2.8 The following minor boundary changes were requested in writing by the following Parishes:

	Parishes Affected	Area Affected	Registered Electors in Parish	Registered Electors Affected
1	Wootton & East Hunsbury	Area to the north of Wootton & East Hunsbury also known as Simpson Manor, currently unparished	13,363	232
2	Wootton & East Hunsbury and Collingtree	Area to the immediate north of part of Belfry Lane in Collingtree park	13,363 and 902	1
3	Hardingstone Parish Council and Great Houghton	Minor boundary changes	1,654 and 524	Nil

3.2.9 A map of Northampton identifying each of these proposed boundary changes is attached as **Appendix 4**.

3.2.10 The Steering Group considered the community support requirement for each proposal and was satisfied that this had been met for each of these three minor boundary change proposals. The Steering Group was also satisfied for each of the three proposals that it was not obvious that the proposal could not make a positive contribution to reflecting the identities and interests of the local community or that it would not be effective and convenient.

3.2.11 It is recommended that each of these three proposed minor boundary changes to existing Parish Councils should be taken forward into Stage 2 detailed consultation.

3.2.12 *Proposal made in 2008 for boundary changes to Upton Parish Council* – Upton Grange Residents Association submitted a petition in 2008 requesting that the Parish boundary should be expanded as follows:

	Parishes Affected	Area Affected	Registered Electors in Parish 2012	Registered Electors Affected 2012
1	Upton	Area to the east of Upton Parish Council being the voting district SNUPB, currently unparished	2,737	636

3.2.13 A map of Northampton identifying this proposed boundary change is attached as **Appendix 4**.

3.2.14 The 2008 petition included 250 signatures which at the time was the threshold number required for a petition to be valid. When the names were validated against the electoral register, 20 were found not to be registered electors at the addresses recorded on the petition. Therefore the petition was deemed to be invalid.

3.2.15 However, a report was taken to Council in October 2008 that outlined the proposal of the Upton Grange Residents Association (and also outlined a separate proposal to split Wootton & East Hunsbury Parish Council as described in paragraph 3.2.19). It was concluded by Full Council that a CGR should be undertaken. However, in 2009 as the Local Government Boundary Commission for England was about to undertake a boundary review across Northampton Borough, a CGR was deferred until after the boundary review had been completed. The Council did offer to consider this proposal as and when a Community Governance Review was carried out.

3.2.16 As part of the current CGR, Upton Parish Council confirmed in an email dated 25 April 2012 that they supported the 2008 petition by Upton Grange Residents Association to review the current boundary of Upton Parish Council so that it is defined by Upton Way; with Upton Grange and the entirety of the Upton development consequently falling within the parish.

3.2.17 The Steering Group considered the outcome of the 2008 petition, the Terms of Reference and the consultation responses received as part of this CGR. The Steering Group was also satisfied that it was not obvious that the proposal could not make a positive contribution to reflecting the identities and interests of the local community or that it would not be effective and convenient.

3.2.18 It is recommended that this proposed boundary change to Upton Parish Council should be taken forward into Stage 2 detailed consultation.

3.2.19 *Proposal made in 2008 for the division of Wootton & East Hunsbury Parish Council into two separate Parishes* – a number of residents requested that a Parish Poll was undertaken in 2008 which proposed a split in the Parish Council as follows:

	Parishes Affected	Area Affected	Registered Electors in Parish 2012	Registered Electors Affected 2012
1	Wootton & East Hunsbury	To create two new parishes each separately serving the areas of • Wootton, Wootton Fields and Simpson Manor • East Hunsbury	13,363	13,363

3.2.20 A map of Northampton identifying this proposed Parish split is attached as **Appendix 4**.

3.2.21 The poll was carried out and resulted in 466 votes being cast, 381 in favour and 85 against. The turnout equated to only 3.8% of the local electorate.

3.2.22 A report was taken to Council in October 2008 that outlined the proposal (together with the proposal to change the boundary of Upton Parish Council, described in the earlier paragraphs). It concluded that a CGR should be undertaken. However, in 2009 as the Local Government Boundary Commission for England was about to undertake a boundary review across Northampton Borough, a CGR was deferred until after the boundary review had been completed. The Council did offer to consider this proposal as and when a Community Governance Review was carried out.

3.2.23 As part of the current CGR, one of the people who had been involved in asking for the parish poll to be undertaken in 2008 confirmed in an email dated 16 April 2012 that he still supported the proposal voted on in the 2008 poll to divide the current Wootton & East Hunsbury Parish Council into two Parishes defined by Wootton, Wootton Fields and Simpson Manor, and East Hunsbury.

3.2.24 In addition, a Parish Councillor at Wootton & East Hunsbury, also confirmed in a letter dated 17 May 2012, that he supported the proposal voted on in the 2008 Poll to divide the current Wootton & East Hunsbury Parish Council into

two Parishes defined by Wootton, Wootton Fields and Simpson Manor, and East Hunsbury.

3.2.25 As part of the current CGR, Wootton and East Hunsbury Parish Council wrote to the Council on 17 May 2012, to advise whether the question and outcome of the 2008 Parish Poll remains relevant to local residents today. They had held a meeting on 16 May 2012 and come to the formal decision that as the poll was not called for by the Parish Council, it was not for the Parish Council to say whether or not it was still relevant. They did point out that they are mindful that local residents should be able to have their say on the proposals to split. They added that any further consultation would need to ensure that residents fully understand both the financial and neighbourhood/community implications of a split. They also advised that they will now begin to assess what these impacts might be and will be carrying out their own feasibility study of the proposed split.

3.2.26 As part of the current CGR, discussions have been held with Northamptonshire County Association of Local Councils (NCALC). In relation to the 2008 Parish Poll at Wootton & East Hunsbury, NCALC advised the Council that they believed there was extremely limited support for splitting the Parish. NCALC also advised that they would see the split as a very retrograde step.

3.2.27 The Steering Group considered the outcome of the 2008 poll, the Terms of Reference and the consultation responses received as part of this CGR. The Steering Group was also satisfied that it was not obvious that the proposal could not make a positive contribution to reflecting the identities and interests of the local community or that it would not be effective and convenient.

3.2.28 It is recommended that this proposed split of Wootton & East Hunsbury Parish Council into two separate parishes should be taken forward into Stage 2 detailed consultation.

3.3 Choices (Options)

3.3.1 The choice is whether each of the petitions received, each of the three minor boundary change proposals and each of the two proposals from 2008 are to be taken forward into Stage 2 for detailed consultation and potentially a local referendum, or not taken forward into Stage 2.

3.3.2 None of the twelve proposals are dependent on another proposal.

3.3.3 If a proposal is taken forward, it will be consulted on across Northampton Borough and within its own local area. After the consultation process, if recommended by the CGR Steering Group and approved by Council, the proposal may go to a local referendum.

3.3.4 If a proposal is not taken forward, no further consultation will be undertaken on that proposal. However, it should be noted that when it makes its decision at the end of the consultation stage as to which proposals (if any) to implement, Full Council will consider all proposals received during the course of the

review and will have regard to its duty to consider any representation received in connection with the review.

4. Implications (including financial implications)

4.1 Policy

4.1.1 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.

4.2 Resources and Risk

4.2.1 Financial implications – Overall Programme 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. External specialist advice will be obtained as required.

4.2.2 The financial costs associated with the Stage 2 consultation and potential referendums for determining public support for specific proposals with directly affected residents are still difficult to quantify at this stage as it is not possible to predict the level of community interest in consulting and voting on specific proposals for their local areas. In addition, the ultimate cost of consultation will be determined by the methods chosen for undertaking the detailed consultation and for carrying out the local referendums and these detailed methods have not as yet been discussed and agreed by the Steering Group. A reserve has been set up in order to fund the Community Governance Review.

4.2.3 The Stage 2 plan is to advertise widely and to make consultation documents and questionnaires available as downloads from the Council's website, as an online survey, available at public buildings, two central public briefings, and emailed to specific community groups. There is currently no plan to post questionnaires to individual households in affected areas as this method is not believed to deliver any greater level of participation and would be costly. The cost of any associated mailshot, should this method be utilised, would need to be reviewed and agreed in terms of available budget.

4.2.4 As a result of the tax base changes (which will depend on which proposals Full Council decides to implement), this may directly impact on the council tax of all residents of Northampton Borough. Moving properties from the unparished area and into a new parish would impact on the special expenses calculations, and the council taxpayers in both the new (and rearranged) parishes and the unparished area would be affected. It is not possible at this early stage to calculate what the effect of this would be. The Borough Council would be responsible for setting the precept before parish elections if this was necessary.

4.2.5 Non-financial/Staff implications - the Stage 2 consultation phase 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.

4.2.6 Resources will be required to make the necessary calculations of those households who would be moving into or out of an existing Parish Council area and those moving into a new Parish Council area, to enable Council Tax and Parish Precept bills to be calculated accurately for 2013/14.

4.2.7 Risk - A key risk is in relation to the timely calculation of the Council Tax Base and the resultant Council Tax and Parish Precept bills for 2013/14. The Council Tax Base has to be calculated as at 30 November each year. With the referendums likely to complete in mid-November there is a risk that there is insufficient time to make the adjustments to the Council Tax database and accurately calculate the Tax Base, especially if there are any delays to the completion of the referendums and the counting of the ballots. In addition, there are major changes to Council Tax going through at the same time, being the new Council Tax Support, replacing the current Council Tax Benefit system, and the proposed changes to the awarding of Council Tax exemptions and discounts. Mitigating actions are being implemented.

4.2.8 Another related risk is whether Council will approve the new Parish Councils and changes to existing Parish Council boundaries exactly as recommended to them at their meeting in December. If not, Council Tax and Parish Precept would have to be recalculated from that at 30 November, which may result in challenges from the public and risk the Council Tax Base not being set by the statutory date of 31st January 2013.

4.3 Legal

4.3.1 The legal implications are outlined in the body of this Report.

4.4 Equality

4.4.1 An Equalities Risk Impact Assessment was carried out at the start of the CGR process and has been reviewed and updated in April and again recently.

4.4.2 The Community Governance Review has to be carried out in accordance with Northampton Borough Council's legal duties and powers including the Equality Act 2010.

4.4.3 The first stage of the review process is consultation. No negative equalities impacts were identified at the start of this stage. It was recognised that community cohesion would need to be reassessed in relation to each valid proposal at Stage 2 consultation. It was also recognised that the make-up of each community affected by a valid proposal would need to be analysed at Stage 2 consultation.

4.4.4 Feedback from the public briefings and the briefings given at Forum meetings did not identify any particular equalities changes or improvements required to the planned approach for Stage 2 consultation.

4.4.5 Now that seven petitions for new Parish Councils which have met the community support requirement as set out in the Terms of Reference have been received, three proposals for boundary changes to existing Parish Councils and support for the 2008 proposals to change Upton and Wootton & East Hunsbury Parishes have been received, further due regard has been given to the potential equality impacts of the proposals in each case and to the combined impact of proposals for the creation of more than one parish council.

4.4.6 Profiles have been obtained of groups with protected characteristics across Northampton, as well as profiles of registered electors, postal votes, numbers of properties in each Ward and voting district. This information has been assessed to ensure that the next Stage 2 consultation exercise will be accessible by all groups. This assessment did not identify any particular equalities changes or improvements required to the planned approach for Stage 2 consultation.

4.4.7 The Consultation document to be made available to the public for Stage 2 has been drafted. This document includes a respondent profile which will identify those with protected characteristics and inform the consultation of the perceived impacts of individual and collective proposals on those groups.

4.4.8 The Equalities Risk Impact Assessment will be revisited at the end of the Stage 2 consultation process before proposals are taken to local referendums or recommended to Council for approval.

4.5 Consultees (Internal and External)

4.5.1 The consultees on Stage 1 and planned for Stage 2 of the Community Governance Review are as follows:

- General public of Northampton Borough through public briefings
- Community groups across Northampton
- Parklands Residents Association
- St James Residents Association
- Neighbourhood forums
- Northampton Federation of Residents Associations
- Northampton Voluntary & Community Sector Forum
- Northampton Forums – Lesbian, Gay Bisexual, Transgender, Questioning Peoples; Disabled; Pensioners; Diverse Communities; Youth
- Parish Councils – Billing; Collingtree; Duston; Great Houghton; Hardingstone; Upton; Wootton & East Hunsbury
- Northamptonshire Police and NHS Northamptonshire
- Northamptonshire County Council
- Northamptonshire schools
- Northamptonshire County Association of Local Councils (NCALC)
- NBC Councillors

- NBC Senior officers
- NBC officers who will be supporting the review process

4.6 Other Implications

4.6.1 The Community Governance Review supports the council's commitment to demonstrating community leadership, ensuring residents can influence local service delivery and working in partnership with the community to deliver great outcomes for Northampton and local people. It also supports the commitment of the current administration to support the principles of localism and enhanced participation in democracy at a local level.

5. Background Papers

5.1 General Purposes Committee report – meeting dated 24 January 2012
5.2 Cabinet report – meeting dated 18 January 2012
5.3 Full Council report – meeting dated 27 October 2008 entitled "Parish Councils Community Governance Reviews"
5.4 Guidance on Community Governance Reviews – Department for Communities and Local Government and the Local Government Boundary Commission for England, March 2010

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