



REPORT TO:	BOSTON TOWN AREA COMMITTEE
DATE:	24 th MARCH 2022
SUBJECT:	COMMUNITY GOVERNANCE REVIEW – INFORMAL PUBLIC CONSULTATION
KEY DECISION:	NO
PORTFOLIO HOLDER:	CLLR NIGEL WELTON
REPORT AUTHOR:	DEMOCRATIC SERVICES DELIVERY MANAGER
WARD(S) AFFECTED:	ALL WARDS
EXEMPT REPORT?	NO

SUMMARY

The Boston Town Area Committee (BTAC) has requested the Council to consider conducting a Community Governance Review (CGR) of the town area of the Borough under Part 4 of the Local Government and Public Involvement in Health Act 2007, with a view to establishing a Town Council within the area of the town wards. This was subsequently considered by the Corporate and Community Committee on 17 August 2021, when a recommendation was put forward to extend a CGR to the whole of the Borough area. At the meeting of the Cabinet held on 20 October it was agreed to refer the matter back to BTAC, proposing that an informal public consultation process be undertaken prior to the request for a CGR being re-considered by Cabinet.

RECOMMENDATIONS

1. That the Committee considers the proposals set out in the report at Section 5 and identifies a preferred option.
2. If the preferred option is for informal consultation to be undertaken within the town area, the Parish Councils be contacted prior to the consultation being commenced to ascertain if there are any other CGR issues within the parished areas of the Borough which could be incorporated into the consultation exercise.

3. That the wording of any informal consultation exercise be determined by the Assistant Director – Governance, in consultation with the Chairman of the Boston Town Area Committee and the Portfolio Holder for Democratic Services.
3. That the decisions of BTAC be reported to the Cabinet for information.

REASONS FOR RECOMMENDATIONS

To ascertain views on the proposal for an informal public consultation exercise to be undertaken on the conduct of a community governance review, to assess public interest and appetite prior to resources being committed to a formal review process.

OTHER OPTIONS CONSIDERED

As set out in the report.

REPORT

1. Background

- 1.1 At the meeting of the Boston Town Area Committee held on 7 October 2020 consideration was given to a proposal to request a Community Governance Review (CGR) be carried out for the town wards of the Borough area with a view to creating a Boston Town Council to operate in the same way as a parish council.
- 1.2 The BTAC meeting was attended by Katrina Evans, Chief Executive of the Lincolnshire Association of Local Councils, and Justin Griggs of the National Association of Local Councils, who provided members with background details of the requirements of a CGR and experiences of where other authorities had carried out similar reviews.
- 1.3 The potential for local government reorganisation for Lincolnshire has been a factor in the request from BTAC as a means of protecting the town's identity and history for future generations.
- 1.4 Cabinet considered the request from BTAC at its meeting held on 12 May 2021. Following thorough debate it was agreed to refer the matter to the Corporate and Community Committee to enable scrutiny of the proposal prior to formal consideration and final decision by Full Council.
- 1.5 At the meeting of the Corporate and Community Committee held on 17 August 2021, after wide ranging debate on the potential area for review, it was recommended to Cabinet that a borough-wide community governance review should be considered and referred back to the Boston Town Area Committee, if necessary, to request the Committee's views. A copy of the report and minutes are attached at Appendix A.
- 1.6 During debate at the meeting of the Corporate and Community Committee it was suggested that, if the informal consultation was to be extended to Borough wide, then the parish councils should be contacted in the first instance to ascertain if they felt there were any issues in their particular areas which would necessitate consideration of a CGR.

- 1.7 If any issues were identified these could then be incorporated into any informal consultation exercise to be carried out.
- 1.8 It is not within BTAC's remit or gift to instigate a CGR for the parished areas of the Borough.
- 1.9 Cabinet considered the recommendation from the Corporate and Community Committee at its meeting on 20 October and decided that it be recommended to BTAC that an informal public consultation exercise on the option of conducting a Borough wide community governance review should be undertaken to assess public appetite and interest in the proposal prior to committing further resources. A copy of the minutes of the Cabinet meeting are attached at Appendix B.

2. Informal Consultation Process

- 2.1 The method for an informal consultation process would be to publish a simple survey on-line, with yes / no options, for a period of 4 weeks. Hard copy forms would also be available from the Council offices.
- 2.2 The responses from the informal consultation would be considered by the appropriate forums and recommendations made on whether or not to formally request a CGR. If the preference was for a CGR to be triggered the final decision would rest with Full Council.

3. Community Governance Review Process

- 3.1 A Community Governance Review is a review of the whole or part of a district to consider one or more of the following:
 - Creating, merging, altering or abolishing parishes;
 - The naming of parishes and the style (i.e. whether to call it a town council or village council etc.) of new parishes;
 - The electoral arrangements for parishes – the ordinary year of election, the size of the council, the number of councillors to be elected and parish warding;
 - Grouping parishes under a common parish council, or de-grouping.
- 3.2 Under the legislation the Borough Council must aim to ensure that community governance in the area under review:-
 - Reflects the identities and interests of the community in that area;
 - Is effective and convenient;
 - Brings about improved community engagement;
 - Better local democracy;
 - Results in more effective and convenient delivery of local services.
- 3.3 When considering this, the Council should take into account a number of factors, including:
 - The impact of community governance arrangements on community cohesion; and
 - The size, population and boundaries of any new local community or parish.
- 3.4 A Community Governance Review involves the following stages:-
 - (i) Setting a terms of reference of the review

- (ii) Publishing the terms of reference (for the purposes of the Act, the review formally commences when the terms of reference are published);
- (iii) Undertaking consultations with the local government electors for the area and any other person or body who appear to have an interest in the review (3 months);
- (iv) Considering representations;
- (v) Preparing and publishing the draft proposals;
- (vi) Undertaking consultations on the draft proposals (3 months);
- (vii) Considering representations;
- (viii) Publishing recommendations;
- (ix) Final recommendations considered by Full Council;
- (x) Making an order to bring into effect any decisions arising from the review;
- (xi) A review must be concluded within 12 months of the publication of the terms of reference.

3.5 When undertaking a CGR a principal council must have regard to the guidance issued by the Secretary of State and the Electoral Commission. However, subject to this, it is for the Council to decide how to undertake the review.

4. Creation of Town Councils Following Local Government Re-organisation

4.1 An alternative process to standalone CGR, is for Town Councils to be created following local government reorganisation of an electoral area or combined electoral areas.

4.2 Examples of this include Cornwall, Cheshire and most recently Northamptonshire in 2019/20.

4.3 The review of Northamptonshire created two unitary authorities to replace the County Council and the all the district councils in the county area. The previous Borough Councils for Corby, Kettering, Northampton, and Wellingborough were replaced by Town Councils.

4.4 It may be possible to source information and experiences from these newly formed Town Councils on the process for creating a town council, if this was the outcome of the CGR process.

5. Options

5.1 The options available for consideration include:-

- a) Recommend that an informal consultation exercise be undertaken on the proposal for a Community Governance Review for the town centre area;
- b) Recommend that prior to an informal consultation exercise be undertaken on the proposal for a Community Governance Review for the town centre area, Parish Councils be contacted to inform them of the proposed consultation and asked to consider if there were any issues within their particular parishes which they felt would necessitate a CGR and any issues identified be incorporated into the informal consultation exercise;

- c) Recommend that a Community Governance Review is not undertaken at this time.
- d) Recommend that a Community Governance Review be re-considered when the direction of local government reorganisation for Lincolnshire is known.

6. Conclusion

- 6.1 The purpose of a community governance review is to secure an arrangement which will bring about improved community engagement, better local democracy and will result in more effective and convenient delivery of local services.
- 6.2 It must take account of the identities and interests of the community in that area and those arrangements for community representation and engagement already in place.
- 6.3 Members are asked to consider undertaking an informal public consultation on this proposal to canvass views prior to any financial and physical resources being committed to a formal review process.

FINANCIAL IMPLICATIONS

The cost of undertaking an informal consultation process would be minimal and could be accommodated within current budgets.

LEGAL IMPLICATIONS

Section 81 of the Local Government and Public Involvement in Health Act 2007 provides that it is for the Council to decide the terms of reference of any community governance review.

The legal requirements for recommendations arising from a community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council and how it is styled (e.g. parish, town or village).

The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None.

EQUALITY AND SAFEGUARDING IMPLICATIONS

None.

OTHER IMPLICATIONS

None.

CONSULTATION

Monitoring Officer

APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX A	Report and minutes of the Corporate and Community Committee – 17 August 2021
APPENDIX B	Minutes of the meeting of the Cabinet – 20 October 2021

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Local Government and Public Involvement in Health Act 2007	https://www.legislation.gov.uk/ukpga/2007/28/contents

CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
BTAC	7 October 2020
Cabinet	12 May 2021
Corporate & Community Committee	17 August 2021
Cabinet	20 October 2021

REPORT APPROVAL

Report author:	Lorraine Bush
Signed off by:	Mark Stinson
Approved for publication:	N/A