



REPORT TO:	OVERVIEW AND SCRUTINY – CORPORATE AND COMMUNITY COMMITTEE
DATE:	17 th AUGUST 2021
SUBJECT:	COMMUNITY GOVERNANCE REVIEW
KEY DECISION:	YES
PORTFOLIO HOLDER:	CLLR NIGEL WELTON
REPORT AUTHOR:	DEMOCRATIC SERVICES DELIVERY MANAGER
WARD(S) AFFECTED:	ALL TOWN WARDS
EXEMPT REPORT?	NO

SUMMARY

The Boston Town Area Committee (BTAC) has requested the Council to consider conducting a Community Governance Review of the town wards of the Borough area under section 80 of the Local Government and Public Involvement in Health Act 2007. The details of the request from BTAC are set out in Appendix A.

RECOMMENDATIONS

That the Corporate and Community consider the information and options contained in the report and make a recommendation to Cabinet on whether a Community Governance Review should be undertaken.

REASONS FOR RECOMMENDATIONS

To provide Cabinet with views on the proposal for a community governance review.

OTHER OPTIONS CONSIDERED

To not comment.

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. A copy of the report and minutes of the meeting are attached for information at Appendix 1.
- 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.

2. Community Governance Review Process

- 2.1 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.
- 2.2 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.
- 2.3 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.

2.4 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.

2.5 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.

3. Considerations

In considering whether a Community Governance Review should be triggered for the Boston town area, there are a number of matters that should be taken into account, which have a direct strategic, financial and operational impact on the Borough Council as set out in the table below:

Considerations	Impact
The overheads of a Town Council would be substantially higher than those currently incurred by BTAC. As an example, a Town Clerk’s starting salary could be in the region of £55k and it’s assumed a wider team of administrative staff would be required (Deputy Town Clerk; Office Administrator, plus those directly delivering services); as well as the costs associated with other operational considerations, such as professional advisors (HR/finance/ICT), premises and four-yearly elections.	This would likely result in a significant increase in Council Tax for the community to maintain services at the same level as those currently funded by the BTAC levy.
The estimated cost of the CGR is in the region of £10,000.	If the CGR took place as part of a wider review of local government in Lincolnshire, it would likely be at no cost to the Borough Council.

Where the Town Council would be based.	An early practical consideration is where a Town Council would be based. There appear two options 1) rent or buy its own premises; 2) take office space within the Municipal Buildings (if available).
Community Governance Order	If the outcome of the CGR was to create a Boston Town Council, legal support and expertise would be required to draft a Community Governance Order.
Transitional Arrangements	<p>The creation of a Town Council requires a series of general principles to be agreed with the Borough Council as part of the transfer of responsibilities including:-</p> <ul style="list-style-type: none"> • To be established in a safe and legal manner; • Vesting day; • Transfer of assets, liabilities and responsibilities either limited to what is required by legislation or wider services; • Introduction of a precept to ensure there is adequate financial resources for the Town Council to operate in an efficient and effective manner; • Ward boundaries and number of Councillors to be elected; • Recruitment process for the employment of appropriate staff; • Develop draft documents, policies and procedures; • Payroll, banking and financial systems in place to enable the new Council to operate effectively; • Arrangements for appropriate officer support for the new Town Council prior to recruitment to permanent posts.

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 are:-

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

6. Next Steps

6.1 If Full Council was to agree to trigger a Community Governance Review for the Boston Town Wards outside of any future local government reorganisation for Lincolnshire, the expectation would be for it to commence in October/November 2021 for completion within a year. As there are no elections scheduled for 2022 this would provide the time necessary to concentrate on the CGR process.

6.2 The first step in the CGR process would be to convene a cross party working group of Members and appropriate officers to agree a terms of reference giving consideration to the current arrangements, including wards, number of members and ratio of electors. Guidance sets out that “the terms of reference should be appropriate to local people and their circumstances and reflect the specific needs of their communities.” The working group would also consider the method of consultation with the public and stakeholders and agree a communications and consultation plan.

6.3 The working group may also consider requesting assistance from external organisations with experience and expertise in the conduct of CGRs e.g. National Association of Local Councils, other local authorities who have conducted similar reviews.

7. Conclusion

7.1 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.

7.2 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.

7.3 Members are asked to consider if this would be achieved by conducting a CGR of the Boston Town wards or whether the current governance arrangements of the town wards being an unparished area with the Boston Town Area Committee raising a precept for a special area expense account to deliver specific services, is effective and the preferred method.

FINANCIAL IMPLICATIONS

The cost of undertaking a Community Governance Review is estimated at £10,000 based on similar reviews carried out by other authorities. There is no existing budget provision for the review.

If the outcome of a review was in favour of creating a Boston Town Council there would be financial implications arising from the decision including the setting of a parish precept for the new council, impacts on the special area expenses precept currently raised by BTAC, staff and accommodation costs for the new council, transfer of assets etc.

A new Town Council would likely require a level of financial support from the Borough Council to enable its formation.

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

Boston Town Area Committee

APPENDICES

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

APPENDIX A	BTAC report and minutes
APPENDIX B	Guidance on the conduct of Community Governance Reviews

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

REPORT APPROVAL

Report author:	Lorraine Bush
Signed off by:	James Gilbert – Interim Deputy Chief Executive (People)
Approved for publication:	N/A

Minute:

16 COMMUNITY GOVERNANCE REVIEW

The Democratic Services Delivery Manager presented a report, which set out information relating to the possibility of conducting a Community Governance Review (CGR).

The Boston Town Area Committee (BTAC) had issued a request that the Council considered conducting a Community Governance Review of the town wards of the borough area under section 80 of the Local Government and Public Involvement in Health Act 2007. The details of the request from BTAC were set out in Appendix A. The Committee was asked to consider the information and options contained in the report and make a recommendation to Cabinet on whether a CGR should be undertaken.

The purpose of a CGR was to secure an arrangement that would bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services

The CGR had to take account of the identities and interests of the community in that area and those arrangements for community representation and engagement already in place.

Members were asked to consider if this would be achieved by conducting a CGR of the Boston Town wards or whether the current governance arrangements of the town wards – being an unparished area with BTAC raising a precept for a special area expense account to deliver specific services – was effective and the preferred method.

The report set out the issues considered by BTAC, which led to the Committee's decision to request that a 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. A copy of the report and minutes of the meeting were attached to the report for information at Appendix 1.

Cabinet's consideration of the request had concluded that the views of Scrutiny Members be sought before making a recommendation to Full Council.

The report outlined the CGR process and the guidance a principal council had to have regard to, issued by the Secretary of State and the Electoral Commission, was attached to the report at Appendix B. It also set out a number of matters that should be taken into account that would have a direct strategic, financial and operational impact on the Borough Council.

There was an alternative process to a standalone CGR, which would be for Town Councils to be created following local government reorganisation of an electoral area or combined electoral areas.

If Full Council was to agree to trigger a Community Governance Review for the Boston Town wards outside of any future local government reorganisation for Lincolnshire, the expectation would be for it to commence in October/November 2021 for completion within a year. As there were no elections scheduled for 2022 this would provide the time necessary to concentrate on the CGR process.

The first step in the CGR process would be to convene a cross-party working group of Members and appropriate officers to agree terms of reference, considering the current arrangements, including wards, number of members and ratio of electors. Guidance set out that “the terms of reference should be appropriate to local people and their circumstances and reflect the specific needs of their communities.” The working group would also consider the method of consultation with the public and stakeholders and agree a communications and consultation plan.

The working group might also consider requesting assistance from external organisations with experience and expertise in the conduct of CGRs, e.g. the National Association of Local Councils and other local authorities who had conducted similar reviews.

The options available for consideration were to:

- a) Recommend that a Community Governance Review for the town centre wards be triggered;
- b) Recommend that a Community Governance Review not be undertaken at this time;
- c) Recommend that a Community Governance Review be re-considered when the direction of local government reorganisation for Lincolnshire was known.

The Chairman invited the Deputy Leader, as Portfolio Holder, to address the Committee regarding a suggestion made at a Member Briefing on the topic, that the CGR could cover the whole borough area to include the parish councils. The Deputy Leader pointed out that this would have much higher cost implications and would require external assistance as there was insufficient internal resources available to conduct such a wide-ranging review.

Members’ comments included:

- The need to protect the borough’s precious heritage assets, such as the Regalia and the Guildhall and consider the loss of borough status
 - The interests of a section of Wyberton residents who, following the last ward boundary review, paid the BTAC precept, but were not represented by BTAC or by a parish council
 - Parish councils should be asked their views
 - Concern about the cost of a Town Council, how it would be run and how it would affect the role of the Mayor
- 8
- The need to raise public awareness of the area’s governance arrangements, but recognition of a level of apathy

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- The interests of a section of Wyberton residents who, following the last ward boundary review, paid the BTAC precept, but were not represented by BTAC or by a parish council
- Parish councils should be asked their views
- Concern about the cost of a Town Council, how it would be run and how it would affect the role of the Mayor
- The need to raise public awareness of the area’s governance arrangements, but recognition of a level of apathy

The Democratic Services Delivery Manager advised the Committee that the borough ward boundaries could not be changed by a CGR and that parish councils would have to be consulted before including them in a CGR.

The BTAC Chairman referred to the greater responsibilities that BTAC had taken on in recent years, such as maintenance of public conveniences and the running of events, including the Christmas Market, yet the Council had the power to direct how BTAC spent its money, which was not acceptable. A borough-wide review should be undertaken in order to include the parishes, as parish councils would be affected by this and any future Local Government Review (LGR). The report did not indicate what it cost BTAC currently to run its services and could not identify what a Town Council would pay or what services it would take on from the Council.

The BTAC Chairman advised the Committee that he would be happy to go back to BTAC to ask if its Members would be prepared to wait until the parish councils were consulted to find out if they wanted a borough-wide review.

Invited to comment by the Chairman, the Portfolio Holder for Finance expressed a preference for the option to re-consider a CGR when the direction of local government reorganisation for Lincolnshire was known. There was no evidence that creation of a Town Council would achieve the aims of a CGR or that local democracy needed to be improved. The estimated costs for a CGR were £10,000 aside from officer time and then there would be the cost of running a Town Council. In addition, if LGR took place, a Town Council would be established in any case.

The Deputy Leader pointed out that a budget had not been identified for a borough-wide CGR and suggested that the Council should go ahead with a town ward review, as recommended by BTAC, so that the process was not delayed.

The BTAC Chairman pointed out that BTAC currently paid significant recharges to the Council for its services. Costs did increase in relation to localised democracy. However, he considered that most of Members' questions and concerns could only be addressed by carrying out a CGR.

The time was right to the review to be borough-wide so that parishes could be included and the Council had money in reserves in order to fund it.

The Committee then unanimously:

RESOLVED to recommend that Cabinet considers a borough-wide community governance review (CGR) and refers back to the Boston Town Area Committee, if necessary, to request the Committee's views.