



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	BTAC
DATE:	11 DECEMBER 2013
SUBJECT:	FORMATION OF A NEW TOWN COUNCIL
PORTFOLIO HOLDER:	COUNCILLOR PETER BEDFORD
REPORT AUTHOR:	CHIEF EXECUTIVE
EXEMPT REPORT?	NO

SUMMARY

This report is for information only and briefly sets out the process for the formation of a Town Council.

RECOMMENDATIONS

That the Committee discuss and note the information within the report.

REASONS FOR RECOMMENDATIONS

The report was requested by the Committee.

ALTERNATIVES CONSIDERED

Not to discuss the item.

REPORT

In a report to this Committee on 13 February 2013 I set out the then current procedure for the formation of a new Parish Council which could then be designated a Town or Community Council.

The Government have been anxious to make this procedure simpler to encourage more Parish Councils to be formed in line with the localism agenda.

There was a consultation from October 2012 to 9 January 2013 and Central Government published a response to the consultation in September 2013.

At Appendix A I show the flow chart showing the process as it was then in summary.

The number of signatures required from the community in the petition to the local authority is:-

50% of the electors for areas with fewer than 500 electors
250 electors for areas with between 500 and 2500 electors
10% of electors for areas of over 2500 electors

On receipt of the petition the Local Authority would agree the terms of reference for the Community Governance Review. There was no time limit set for this. Once the Terms of Reference were agreed the Authority would have to complete the review in a 12 month period.

The community would be consulted as part of the Governance Review.

If at the end of the review the Authority wishes to recommend a new Council this would be set up with a reorganisation order.

The Council would come into being after elections either special elections or at the next electoral cycle depending on timing.

Changes proposed following consultation:-

These changes will be implemented by September 2014.

The Government will change the law to limit the timescales to 12 months from receipt of the petition, rather than the agreement of the Terms Of Reference. They feel this will still give time for the complex Community Reviews to take place.

They will legislate to reduce the number of signatures required on the petition. This will be 7.5% of electors in the area for all except very small communities. The Government will make it easier for Community Forums to transition to Parish Councils. These proposals are a little vague in the response and we will have to wait the legislation to see what it means. However in this case BTAC are already an established entity. Neighbourhood Forums will need neighbourhood plans approved at a referendum by electors before they can proceed to a petition stage. Neighbourhood Forums with their plan approved will then be able to initiate the Community Governance Review although the decisions on it will rest with the Local Authority.

There will be amendments to how the Community Review itself is carried out with particular reference to clearer definitions about “effectiveness” and “convenience”.

There will be more guidance on elections following a successful review and an internal review of the decision. There will be no right of appeal.

Detailed guidance on the evidence that would need to be supplied to the Community governance Review can be found at:

www.communities.gov.uk/publications/localgovernment/guidancecommunitygovernance2010

This runs to over 50 pages and indicates how complex the process is, if it is done properly.

CONCLUSION

I will be reporting to the Cabinet in due course about this, should it become necessary. The review will take 2 F.T.E to complete in 12 months and with consultation will cost around £70,000. The Borough Council will meet this sum.

FINANCIAL IMPLICATIONS

None immediately and the report gives an estimate of costs should the matter proceed.

LEGAL IMPLICATIONS

None.

ANY OTHER IMPLICATIONS

None.

CONSULTATION

None.

APPENDICES

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

APPENDIX A

Original DCLG Consultation Paper on BTAC - Chart

BACKGROUND PAPERS

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

Document title	Where the document can be viewed
Guidance on community governance reviews	www.gov.uk

CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
BTAC	13 th February 2013

Appendix A

The current process for setting up a new parish council

