

Report of the City Solicitor to the meeting of Governance and Audit Committee on Thursday 29 September 2016.

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Subject:

Trident Community Council boundary change – petition requirement

Summary statement:

This report seeks to establish whether Trident Community Council should be requested to present a valid petition to trigger Bradford Council undertaking a community governance review in respect of the requested boundary change.

Parveen Akhtar
City Solicitor

Portfolio:

Corporate

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Overview & Scrutiny Area:

Corporate

1. SUMMARY

This report seeks to establish whether Trident Community Council should be requested to present a valid petition to trigger Bradford Council undertaking a community governance review in respect of the requested boundary change.

2. BACKGROUND

2.1 A Local Council is a tier of local government. It can be known as a parish, town, community or village council. It has members (councillors) elected by the people who live in its area. A Local Council is an independent organisation and its decisions, assets and liabilities are solely its own responsibility. In Bradford there are currently 19 Local Councils, with Bingley Town Council most recently established in April 2016 following a decision by Bradford Council in October 2015.

2.2 Before establishing a new Local Council or making any boundary changes to existing Local Councils Bradford Council must undertake a community governance review (CGR). This provides an opportunity for Bradford Council to review and make any appropriate changes to local governance within an area. The aim of the review is to ensure that local governance continues to be effective and convenient and that it reflects the people and interests of local communities.

2.3 In undertaking the review, the Council must have due regard to the relevant parts of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972 and Guidance on Community Governance Reviews issued by the Department of Communities and Local Government and the Electoral Commission.

2.4 “The Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient; relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.” Guidance on Community Governance Reviews – Department of Communities and Local Government (DCLG), and the Local Government Boundary Commission for England.

2.5 Bradford Council recently established a new process for running CGRs with consequent changes to the Council’s constitution. The key phases of the process are:

- a) CGR triggered – either through receipt of a valid petition or decision by Bradford Council
- b) CGR terms of reference prepared, and taken to Governance and Audit Committee for consideration and approval (the terms of reference would include details of consultation activity with local people and any other person or body which appears to have an interest in the review).
- c) The CGR process is run by Bradford Council officers.



- d) The outcome of the CGR/consultation is collated, and taken to Governance and Audit Committee for consideration. The committee then make a recommendation to full Council on the outcome of the CGR.
 - e) Full Council make a decision and the Secretary of State and other parties are informed.
- 2.6 A community governance petition is a petition for a community governance review to be undertaken. If the petition area has more than 2,500 local government electors, as is the case here, the petition must be signed by at least 7.5% of the electors. Certain other requirements must be met in order for the petition to be valid - it must define the area to which the review is to relate, specify one or more recommendations which the petitioners wish a CGR to consider making, and if the specified recommendations include the alteration of the area of an existing parish (as here) the petition must define the area of the parish as it would be after alteration.
- 2.7 If a valid petition is received, which complies with these requirements, the Council must undertake a CGR (unless it has undertaken a CGR in the previous two years which is not the case here). When undertaking the CGR, it must consult the local government electors for the area under review, and any other person or body which appears to the Council to have an interest in the review. It 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) that have already been made or that could be made, for the purpose of community representation or community engagement in the area under review. The Council must take into account any representations received in connection with the review.
- 2.8 If a CGR is undertaken, it must make recommendations as to whether the parish should be abolished or not, whether the area of the parish should be altered, whether the name of the parish should be changed, and whether it should or should not have a council. The CGR must be concluded within the period of 12 months starting with the day on which Bradford Council receives the community governance petition.

3. OTHER CONSIDERATIONS

- 3.1 On 22 June, Trident Community Council wrote to Bradford Council's City Solicitor requesting that their geographical boundary be extended. A copy of this letter can be found at appendix 1.
- 3.2 Prior to creating a formal Community Council in 2010, Bradford Trident was set up as one of the national New Deal for Communities partnerships – a regeneration programme established in 1998 in some of the country's most deprived areas. The Community Council was set up to formalise the governance of the area once the New Deal for Communities new funding ceased. Community support by Bradford Trident has more recently been extended to include the area of Canterbury. They now wish for that additional area to be part of Trident Community Council, to ensure



that all the communities they support are represented through the democratic processes of Trident Community Council.

- 3.3 It is worth noting that unlike all other Local Councils in the Bradford district Trident Community Council does not charge a precept, relying on the funding and legacy from the New Deal for Communities programme.
- 3.4 As already outlined a community governance review (CGR) can be triggered either through the local community providing Bradford Council with a petition with a statutory number of signatures (in this case 7.5% of the electorate) or alternatively Bradford Council can at any time choose to undertake a review.
- 3.5 This report therefore seeks to establish whether a petition should be requested, or whether it is deemed unnecessary in these circumstances.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 If a CGR is undertaken, there will be some officer time involved, and in addition if it is deemed appropriate to carry out a mail shot as part of the consultation process, there will be costs involved in that. These costs would be borne by Bradford Council.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

This report deals only with whether the Community Council should be requested to produce a valid petition to trigger the community governance review. The detail of the CGR, should it be undertaken, and consequent impacts on the governance arrangements, would be presented at a future meeting of this committee.

6. LEGAL APPRAISAL

- 6.1 The power to take decisions about any boundary changes of Local Councils is delegated to local government and local communities under part 4 of the Local Government and Public Involvement in Health Act 2007. Councils are required to have regard to statutory guidance issued by the Secretary of State (see under Background Documents).

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

There are no equality and diversity issues from the decision on whether to ask Trident Community Council to produce a petition to trigger the community governance review.

7.2 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications from the decision on whether to ask Trident Community Council to produce a petition to trigger the community governance review.



7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no gas emission impacts from the decision on whether to ask Trident Community Council to produce a petition to trigger the community governance review.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications from the decision on whether to ask Trident Community Council to produce a petition to trigger the community governance review.

7.5 HUMAN RIGHTS ACT

There are no human rights implications from the decision on whether to ask Trident Community Council to produce a petition to trigger the community governance review.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

The decision on whether Trident CC should be asked to prepare a petition would have a bearing on the wards that are covered by the Local Council – Little Horton and City Ward.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Option 1 – For Bradford Council to undertake a community governance review **without** the need for Trident Community Council to produce a petition.

9.2 Option 2 – To request that Trident Community Council **produce a valid petition** to trigger Bradford Council undertaking a community governance review.

10. RECOMMENDATIONS

The Committee's instructions are requested.

11. APPENDICES

- Appendix 1 – Letter from Trident Community Council to City Solicitor requesting a boundary change.

12. BACKGROUND DOCUMENTS

- Community Governance Review Guidance – Department for Communities and Local Government, and The Local Government Boundary Commission
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf



- Local Government and Public Involvement in Health Act 2007
<http://www.legislation.gov.uk/ukpga/2007/28/contents>



Appendix 1 – Letter from Trident Community Council to Bradford’s City Solicitor requesting a boundary change

Parveen Akhtar – City Solicitor
City Hall
Centenary Square
Bradford
BD1 1HY

22nd June 2016

Dear Parveen

Request to extend Community Council’s Boundary

I am writing on behalf of Bradford Trident Community Council to request a full Community Governance Review so that the Community Council can extend its boundaries to include Canterbury following requests and discussions from local residents and community groups in Canterbury to have formal representation. We have had an initial meeting with Kathryn Jones who has discussed the process with us.

Canterbury is a deprived and disadvantaged area and almost forgotten community well known for its social issues, similar to many inner city areas in Bradford and also to those in the present Community Council area. Canterbury is already part of the BD5 area so holding a Community Governance Review offers an opportunity to put in place strong, clearly defined boundaries. Bradford Trident already runs community development work in some areas of Canterbury along with the Better Start Bradford who have started delivering programmes to improve the lives on 0-3 year olds in the area, so we feel that extending our boundaries to include the ward of Canterbury would be a natural progression.

We feel strongly that Canterbury should be included in our Community Council area so that their interests are represented, local identity will continue to be reflected and also to help strengthen community action. The recommendation is to enlarge the Community Council area from its current boundary of Little Horton Lane to the residential area bordering with Horton Park. In terms of street boundaries, starting at Little Horton Lane, along Horton Park Avenue, turning onto Powell Avenue which leads onto Dawnay Road, turning onto Kettlewell Drive, Basil Street and Melba Road which leads onto A6177/Hudson Avenue back down to Little Horton Lane. This is a natural part of the BD5 boundary; a map of the proposed extended area is attached showing the easily identifiable borders.

The Community Council feels that the present boundary does not accurately reflect the community of interest of the area. We feel that the local people of Canterbury should be consulted and given the opportunity to be represented by the Community Council. Residents living in Canterbury have ties with the Community Council area and use local amenities and schools. Decisions are currently made about various services such as



environmental issues and planning development without the local Canterbury people having a direct say in what is happening in their area.

The Community Council is one of the only parish councils in the country to not set a precept, currently running on contributions from Bradford Trident, so we feel that following a full consultation, many of the Canterbury residents would be in favour of having representation on the Community Council.

Due to these reasons, we think it would make sense for the proposed area of Canterbury to become a designated ward of the Community Council and to elect Councillors to represent it on the Community Council. We feel that the Community Governance Review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services so in time, Canterbury will become empowered and capable of overcoming its own difficulties.

Thank you for your time and if you have any questions, please do not hesitate to contact me.

We look forward to hearing from you in due course.

Yours sincerely

Nasreen Khan
Chair

Enc

Cc Kathryn Jones
Carlton Smith
Becci Holmes

