

Report of the City Solicitor to the meeting of Corporate Governance and Audit Committee on Thursday 19th September 2019

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Subject:

Terms of reference for a Community Governance Review for a new Local Council in the Shipley ward

Summary statement:

This Council has received a valid petition requesting a Community Governance Review (CGR) for a proposed new Local Council in the Shipley ward. The Committee must now make arrangements for the CGR, and as a first step must agree its terms of reference. This report summarises the relevant background issues and proposes draft Terms of Reference; and is intended to initiate the CGR process.

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Portfolio:

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Overview & Scrutiny Area:

Corporate

1. SUMMARY

- 1.1 This Council has received a valid petition requesting a Community Governance Review (CGR) for a proposed new Local Council in the Shipley ward. The Committee must now make arrangements for the CGR, and as a first step must agree its terms of reference. This report summarises the relevant background issues, proposes draft Terms of Reference and is intended to initiate the CGR process.

2. BACKGROUND

- 2.1 In 2018 a group of residents from the Shipley area formed a group called Campaign for Shipley Town Council (CSTC) - with the purpose of raising interest in a new Local Council for Shipley Ward. Following the receipt of a petition, City of Bradford Metropolitan District Council (the Council) will undertake a Community Governance Review (CGR) of polling districts 22B, 22C, 22D and 22E within the Shipley ward. 22A is part of Baildon Town Council.
- 2.2 The petition area contained 10,429 local government electors at the date the petition was submitted, and therefore required at least 782 signatories to be valid. The petition attracted 999 valid signatures, and so it will now trigger a Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007. Although they have no special status for the purposes of the CGR, a copy of related submissions put forward by local government electors will be available for inspection at Shipley Library or at <http://www.cstc.uk/wp-content/uploads/2019/08/CSTC-Petition-Submission-Supporting-Information-FINAL-2019-05-29.pdf>
- 2.3 A map identifying the position of the proposed new parish is attached in Appendix 1 and forms a reference document for the draft terms of reference.

Community Governance Review

- 2.4 The CGR requires Bradford Council to make suitable arrangements to review and make recommendations relating to the changes to local governance arrangements proposed within the petition. The review is subject to the overriding criteria that the local governance arrangements to be secured within the area under review reflect the identities and interests of the community in that area, and secure effective and convenient local government.
- 2.5 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.
- 2.6 The first requirement of the CGR is to establish Terms of Reference outlining

the issues that the CGR will deal with and how it will be run. A suggested draft document is shown in Appendix 1. This will need to be considered by the Committee and then, if agreed, be formally adopted by it as the basis for the CGR.

- 2.7 The conduct of the CGR is the responsibility of the Governance and Audit Committee, which is required to determine its own procedure and consultation arrangements.

3 OTHER CONSIDERATIONS

- 3.1 None.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 Local Parish Councils are independent bodies which run their own affairs. However Bradford Council acts as the billing authority for any precept charged by them. The Bradford Council and Local Councils Charter sets out all other matters regarding mutual financial arrangements.

- 4.2 The operating and administrative costs of the CGR will include notional charges for various officers across the Authority. At this early stage the likely expenses include costs of sending letters to householders in the area, and any other person or body who appear to have an interest at an estimated cost of £3,000.00.

- 4.3 In the event that the CGR results in a recommendation that a new Local Council should be formed then:

- i) A new Local Council would be formally constituted after the first elections are held, and
- ii) Bradford Council would set a 2020-21 local precept on its behalf at the Council Budget Meeting in February 2020.

- 4.4 Bradford Council would continue to cover the costs of Parish Council elections and, through its Standards Committee, arrangements for dealing with alleged breaches of the Council's Member Code of Conduct. This requires it to meet the full cost of the first election of a new Local Council and subsequently 100% of the costs of local polling and count stations for elections held on the same day as Bradford Council elections. Under these arrangements Local Councils pay 50% of shared costs (excluding the costs of polling and counting stations) and 100% of wholly attributable costs. This is to be contrasted to the situation in which there is a stand-alone Local Council election, in which case that Local Council is required to pay 100% of the costs.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 This report relates to the decision to convene a CGR and the agreement by the Committee of the Terms of Reference for it. The Committee must then

give instructions and make the necessary appointments to enable a draft CGR report to be completed by nominated Council Officers, with appropriate reporting and oversight arrangements. The committee may also make legal support available by arrangement with the City Solicitor. After the draft report has been prepared it will be brought to the Committee on November 28th 2019 for its formal consideration. In the event that the draft report is accepted and approved, then, after formal recommendations are made by the Committee, the final text of CGR with its recommendations will be considered at Full Council on 14th January 2019.

6. LEGAL APPRAISAL

- 6.1 The functions of the Governance and Audit Committee in relation to community governance reviews are to:
- i) Determine the validity of community governance petitions under section 80 of the Local Government and Public Involvement in Health Act 2007 (The Act).
 - ii) Consider the Council's duties in responding to a community governance petition and determine what that response should be in accordance with Sections 83, 84 and 85 of the Act.
 - iii) Determine the terms of reference of a community governance review under Section 81 of the Act.
 - iv) Carry out a community governance review under Section 82 and in accordance with Section 93 of the Act and make recommendations in accordance with Sections 87 to 92 of the Act for the approval of full Council.
- 6.2 The power to take decisions about the creation of Local Councils and their electoral arrangements is delegated to principal councils under part 4 of the Local Government and Public Involvement in Health Act 2007. The Council is also required to have regard to statutory guidance issued by the Secretary of State (see under Background Documents).
- 6.3 Following the undertaking of the community governance review, the Committee must make recommendations as to whether a new Local Council should be constituted. In deciding which recommendations to make, it must have regard to the need to secure that community governance reflects the identities and interests of the community in that area, and is effective and convenient. The Act also provides that it must also take into account any other arrangements that have already been made (apart from those relating to parishes and their institutions) or that could be made, for the purpose of community representation or community engagement.
- 6.4 Statutory guidance provides that the recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements

would meet the criteria set out in the 2007 Act.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

7.1.1 The Committee is required to conduct the CGR in such a way as to ensure that community cohesion is not impacted as a consequence of the Review and any decision from it. It is a matter for its own discretion how it achieves this requirement. In order to comply with the Council's Public Sector Equality Duty, any disproportionate impacts on protected characteristic groups should be considered. An Equality Impact Statement should be stipulated as a mandatory component in the CGR report.

7.2 SUSTAINABILITY IMPLICATIONS

7.2.1 There are no sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

7.3.1 There are no gas emission impacts.

7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 There are no community safety implications so far as is known at this time.

7.5 HUMAN RIGHTS ACT

7.5.1 There are no human rights implications from the terms of reference.

7.6 TRADE UNION

7.6.1 None.

7.7 WARD IMPLICATIONS

7.7.1 The Community Governance Review relates to polling districts 22B, 22C, 22D and 22E within the Shipley ward. The consequences of the creation of a new parish council and the related local governance arrangements will be included in the CGR report.

7.8 IMPLICATIONS FOR CORPORATE PARENTING

7.8.1 None.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

7.9.1 The conduct of consultations will involve eliciting personal opinions. However there is no requirement for identifying data to accompany any part of the report that contains such material; and so no foreseeable impact upon

privacy.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None.

9. OPTIONS

Option 1

9.1 The Committee may choose to approve the Terms of reference outlined in Appendix 1.

Option 2

9.2 The Committee may choose to approve the Terms of Reference outlined in Appendix 1 with amendments.

9.3 In each case the Committee must also give directions and make such appointments as are required to commence the CGR procedure

10. RECOMMENDATIONS

10.1 That the Terms of Reference highlighted in Appendix 1 for a Community Governance Review for a proposed new Local Council in Shipley be approved subject to any amendments required by the Committee.

10.2 That the Committee authorise officers to conduct the Community Governance Review in accordance with the Local Government and Public Involvement in Health Act 2007 and the statutory guidance which relates to it.

11. APPENDICES

11.1 Appendix 1: Terms of Reference: Shipley Community Governance Review.

12. BACKGROUND DOCUMENTS

12.1 Petition submitted by residents from Shipley in May 2019 (available for viewing at Shipley Library).

12.2 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

12.3 Bradford Council and Local Councils Charter (updated 2015)
<https://www.bradford.gov.uk/media/4129/bradford-council-and-local-councils-charter-2015.pdf>

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

Draft Terms of Reference: Shipley Community Governance Review

Summary:

City of Bradford Metropolitan District Council (the Council) through its Governance and Audit Committee will undertake a Community Governance Review of the Shipley ward and polling districts 22B, 22C, 22D and 22E in order to consider the community governance arrangements within it. These terms of reference set out the terms of that review.

Legal basis for the Review:

The Council is obliged to undertake the review because it has received a request to that effect within a petition submitted to it under Section 80 of the Local Government and Public Involvement in Health Act 2007 (LGPIHA07). The Governance and Audit Committee has determined that the petition is valid.

Subject of the Review:

The Review is to consider whether to recommend the creation of a new parish and, if so, whether it should be named Shipley Town Council.

Conduct of Review:

The Governance and Audit Committee of the Council will undertake the Review in accordance with Article 9 of the Council's Constitution and in compliance with its duties set out in Section 93 of LGPIHA07. It will:

- i. Consider the relevant facts objectively, acting impartially transparently and independently
- ii. Seek to ensure that the community governance arrangements within the area of the Review (as per the attached map) reflect the identities and interests of the community within it and are effective and convenient.
- iii. Take into account any other community governance arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the same area.
- iv. Consult with Local government electors for the area under review and with any other person or body who appears to have an interest in the review and take their representations into account.
- iv. Record its conclusions within a final written report, together with its recommendations, the reasons for them and any consequential matters arising from its conclusions.

Provisional timetable for the Review

Date	Action
19 September 2019	Terms of reference presented to Governance and Audit Committee
20 September to 1 November 2019	Subject to approval by the GAC, consultation period, with representations invited
1 November 2019	Closing date for representations
28 November	Governance and Audit Committee to receive report with recommendations from the Governance Review
14 January 2020	Subject to approval by the GAC, Council to receive report with recommendations
Elections	To be determined

Map of the area covered by the Review



