

**Report of: Head of Licensing and Registration**

**Report to: General Purposes Committee**

**Date: 12 February 2015**

**Subject: Community Governance Review recommendations on whether to create a new Town Council for Guiseley**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): <b>Guiseley and Rawdon</b>		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

## Summary of main issues

1. The Council received a petition from electors in polling districts from the Guiseley and Rawdon ward on 29 August 2014 asking for the creation of a new Town Council for Guiseley.
2. The petition was validated by Electoral Services staff and met the requirements of the Local Government and Public Involvement in Health Act 2007.
3. Following the receipt of a valid petition the Council was required to decide whether to undertake a Community Governance Review. The Council had the option not to do so as it had previously carried out such a review in the area concerned within the past 2 years.
4. General Purposes Committee agreed to undertake a review, and approved the Terms of Reference on 23 October 2014.
5. Public consultation was carried out during the period 24 October – 28 November 2014. The Council's Electoral Working Group (EWG) met on 8 December 2014 to consider any representations received and additional background information before making their recommendations for General Purposes Committee's consideration which are given in this report.
6. EWG were also provided with a document pack containing electoral arrangements, statistics, representations, details of existing community organisations and proposed

precept information on 8 January 2015, for further comment by 16 January 2015. No further comments were received. This pack is attached at Appendix A.

## **Recommendations**

7. That General Purposes Committee notes the recommendations as detailed in 3.6 of the report as made by EWG following the Community Governance Review and either
  - 7.1. Confirm that there are no recommendations to be made to Full Council as there is no Order confirmed; or
  - 7.2. Confirm the request for a Town Council for Guiseley as the authority's final proposals and sent to Full Council for approval.

## **1 Purpose of this report**

- 1.1 To consider EWG's recommendations regarding the petition from electors in polling districts from the Guiseley & Rawdon ward and subsequent Community Governance Review to establish whether a new Town Council for Guiseley should be created.

## **2 Background information**

- 2.1 The Council received a valid petition from electors in polling districts from the Guiseley and Rawdon ward on 29 August 2014. Following receipt of the petition the Council was required to decide whether to undertake a Community Governance Review.
- 2.2 The Council had the option not to undertake a review as it had already completed a Community Governance Review of the area in question during the past 2 years.
- 2.3 The petition was submitted in accordance with the Local Government and Public Involvement in Health Act 2007 (the Act).
- 2.4 The area covered by the review had 11,039 local government electors and as such would need any petition to be signed by at least 1,039 of those electors in accordance with the Act. The petition has been signed by 1,179 local government electors in the area affected by the review.
- 2.5 The petition defined on a map the area to which the review is to relate. A map was submitted with the petition and the geographical area is defined as that currently known as Guiseley.
- 2.6 The petition asked for the creation of a new Parish, and a new Parish (Town) Council called Guiseley to serve the community. A copy of the map illustrating the boundaries of the proposed new Town Council area is attached at Appendix B.
- 2.7 A Community Governance Review must in any event make recommendations as to what new Parish or Parishes (if any) should be constituted in the area under review. If the review recommends that a new Parish should be constituted, the review must also make recommendations as to the name of the new Parish, whether or not the new Parish should have a Parish Council, and whether or not the new Parish should have one of the alternative styles (in the case of this review – a Town Council). However, where a new Parish has 1,000 or more local government electors, the review must recommend that the Parish should have a Council.
- 2.8 The Council has the power to undertake a Community Governance Review of the whole or part of its area other than in response to a valid community governance petition. As a result, the Council could commence a separate review of a wider area than the petition area if it so wished, and could then make recommendations as to new Parishes, the aggregation of Parishes, or the alteration or abolition of Parishes in a wider part of its area.

- 2.9 At its meeting on 23 October 2014, General Purposes Committee agreed to undertake a Community Governance Review, and approved the Terms of Reference for a Community Governance Review of the area affected by the petition.

### **3 Main issues**

- 3.1 The Council is required to undertake a Community Governance Review within 12 months. In these circumstances the stages of the review are as follows:
- petition validated (this has been undertaken by Electoral Services)
  - Terms of Reference for the review agreed (agreed by GPC on 23 October 2014)
  - Council consults with local people on the proposal (public consultation was carried out between 24 October – 28 November 2014)
  - Council takes into account any representations received (all representations were considered by EWG at their meeting on 8 December 2014.
  - Council makes recommendations whether a new Town Council should be implemented (the reason for this report)
  - Interim governance arrangements agreed and precept set
  - Election held (the timetable for the review has been set so the elections to any new Parish can coincide with the Parliamentary Election, Leeds City Council Elections and all out Parish and Town Council Elections on 7 May 2015 to help to reduce costs)
- 3.2 When undertaking a Community Governance Review, a principal Council must have regard to guidance issued by the Department of Communities and Local Government. The stages outlined above take account of the requirements of the legislation and the available guidance. However, subject to this, it is for the Council to decide how to undertake the review. 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 purposes of community representation or community engagement in respect of the area under review. EWG considered this at this meeting on 8 December 2014 before agreeing their recommendations.
- 3.3 In order for any required election to take place jointly with the Parliamentary, Leeds City Council and all out Parish and Town Council Elections on 7 May 2015, this review needs to be finalised by no later than 28 February 2015 in order to make the necessary changes to the registers before publication on 1 March 2015. Also, it should be noted that the last date for publication of the Notice of Election for a Parish or Town Council Election to take place on 7 May 2015 is 30 March 2015, after this date the election could not take place on 7 May. This makes the timetable critical with no allowance for any slippage.

3.4 If a decision is taken to create a new Town Council they will have the ability to produce a Neighbourhood Plan for their area.

3.5 Recommendations of Electoral Working Group (EWG) – EWG met on 8 December 2014 to consider the following information from the review. This information was also supplied to Members of EWG via email on 8 January 2015, for further comment by 16 January 2015:-

- A map of the area affected by the review, and its relation to other nearby Parish or Town Councils and existing polling districts
- Any other 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 area under review (e.g. residents associations, community forums, tenant management organisations, Community Committee(s))
- The need to secure that community governance in the area under review reflects the identities and interests of the community in that area, and is effective and convenient
- Details of any developments in the area under review which is likely to occur in the period of five years from the start of the review
- Demographic information on population size for the area under review and any change which is likely to occur in the period of five years from the start of the review
- Electorate information for the area under review including the number of local government electors for the Town Council, any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years from the start of the review, the desirability of fixing boundaries which are, and will remain, easily identifiable, and any local ties which will be broken by the fixing of any particular boundaries
- Details of any likely precept or any change to an existing precept as a potential consequence of a review
- Details of any Council land or property that will transfer to any new Town Council on formation
- Details of any representations made during the public consultation and
- Officer recommendations regarding the electoral arrangements for the area under review which will include:
  - The ordinary year in which elections are held;
  - The number of Councillors to be elected to the Council

- The division (or not) of the Town Council into wards for the purpose of electing Councillors
- The number and boundaries of any such wards
- The number of Councillors to be elected for any such ward and
- The name of any such ward

3.6 A copy of the information that was provided to EWG is at Appendix B which includes the above information. After careful consideration of the above information, EWG also considered the need to secure that community governance arrangements reflect the identities of the community in the area and have recommended:-

- That the request for a Town Council for Guiseley be rejected on the grounds that electors in polling districts GRA and GRB (covering the areas of Hawksworth and Menston) do not consider themselves to be part of the Guiseley area and are against their inclusion in a Town Council for Guiseley
- That the petition organiser is asked to reconsider the boundary to exclude the above mentioned polling districts, and to submit a new petition for consideration

3.7 GPC is asked to consider the report and information to EWG at Appendix B as well as the recommendations made by EWG, and to agree whether final proposals need to be submitted to Full Council.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 All local government electors for the area under review and any other person or body who appears to have an interest in the review has been consulted on the proposal, and GPC is asked to take into account all representations received in connection with the review. GPC is also asked to have regard to the need to secure that the community governance arrangements for the area reflect the identities and interests of the community in the area and are effective and convenient. In deciding what recommendations to make to full Council, GPC is also asked to take into account any other arrangements (apart from those relating to Parishes and their institutions), that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An equality screening document has been completed for this review and has concluded that the consultation arrangements have helped ensure all people affected by the review were given an opportunity to comment which includes and opportunity to raise any equality, diversity, cohesion or integration issues.

### **4.3 Council policies and City Priorities**

- 4.3.1 This review does not affect the Council's budget and policy framework, although reviewing local electors' needs does support the Council's aims to be the best city for communities, and in particular the four year priority to increase a sense of belonging that builds cohesive and harmonious communities.

### **4.4 Resources and value for money**

- 4.4.1 No additional human resources are required to carry out the review.
- 4.4.2 There is no budget to carry out Community Governance Reviews so the cost of this review will have to be met from within existing budget. The cost of carrying out this review was estimated at £2,000. This is mainly costs from printing and publishing Notices in local press.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 Under the Council's Constitution, General Purposes Committee alone has the delegated authority to receive final recommendations for any Community Governance Review. General Purposes Committee is then authorised to make appropriate recommendations to Full Council if necessary to give effect to the final recommendations of the review by the making of an Order under S86 of the Act. Neither power is delegated to the Chief Executive.

### **4.6 Risk Management**

- 4.6.1 There is always a risk of challenge to the decision. There is no right to appeal as such, although if local electors disagreed with the final recommendations they could lobby the Full Council not to give effect to them, or a decision by Full Council could be challenged by way of judicial review on the usual principles.

## **5 Conclusions**

- 5.1 That EWG have properly considered any representations received and the additional information listed at 3.5 of this report to determine their recommendations whether a new Town Council for Guiseley should be established.

## **6 Recommendations**

- 6.1 That General Purposes Committee notes the recommendations as detailed in 3.6 of the report as made by EWG following the Community Governance Review and either
- 6.1.2 Confirm that there are no recommendations to be made to Full Council as there is no Order confirmed; or
- 6.1.3 Confirm the request for a Town Council for Guiseley as the authority's final proposals and sent to Full Council for approval.

## **7      Background documents**

- None