Leeds CITY COUNCIL

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Report of: Assistant Chief Executive (Citizens and Communities) and City Solicitor

Report to: General Purposes Committee

Date: 19 October 2015

Subject: Community Governance Review recommendations on the creation of a new Town Council for Guiseley

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): **Guiseley and Rawdon**	☒ Yes	☐ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

1. General Purposes Committee, at its meeting on 12 February 2015, received a report in connection with the creation of a new Town Council for Guiseley. At that meeting Members proposed an amendment to the boundary of the proposed Town Council and agreed to make a recommendation to Full Council to establish a new Town Council comprising of polling districts GRC, GRD, GRI, GRJ and GRK.

2. At the General Purposes Committee meeting officers were unable to advise on the recommended implementation date as further work was required, particularly in regard to timing issues of introducing a precept for an amended Town Council boundary.

3. The decision whether or not to form a new Parish or Town Council is for Full Council only.

4. Since the last meeting of General Purposes Committee further work has been undertaken to consider the community governance reasons for proceeding on the basis previously proposed and since that time further representations have been received that should appropriately be reported to Members prior to a final decision being taken.

5. General Purposes Committee are requested to consider this additional information and determine whether or not a recommendation should proceed to Full Council to establish a Town Council for Guiseley.

Recommendations

6. That General Purposes Committee confirms whether or not a new Guiseley Town Council should be established.

7. If Members propose to recommend to Full Council that a Town Council should be established Members are also asked to confirm: -

    - which polling districts should be included within the new Town Council; and

    - the community governance reasons for recommending the new Town Council on the basis proposed.

1 Purpose of this report

1.1 To consider further information in regard to the creation of a new Town Council for Guiseley.

2 Background information

2.1 At its meeting on 12 February 2015, General Purposes Committee considered a report, which included Electoral Working Group's recommendations following the petition from electors in polling districts from the Guiseley and Rawdon Ward, to establish a new Town Council for Guiseley.

2.2 An amendment to the recommendations made by the Electoral Working Group was considered detailing an alternative boundary for the creation of a Guiseley Town Council based on polling districts GRC, GRD, GRI, GRJ and GRK (thereby omitting polling districts GRA and GRB from the original petition proposal).

2.3 Officers confirmed that the local authority is not bound by the defined area of a new Parish which is recommended in a petition and it is for the Community Governance Review process to make recommendations as to what new Parish or Parishes (if any) should be constituted in the area under review, including what their geographic boundaries should be.

2.4 The proposed amendment was put to the vote and General Purposes Committee resolved that Full Council be recommended to approve the creation of a Guiseley Town Council, at the earliest opportunity, to be comprised of polling districts GRC, GRD, GRI, GRJ and GRK. At the General Purposes Committee meeting officers were unable to advise on the recommended implementation date as further work was required, particularly in regard to timing issues of introducing a precept for an amended Town Council boundary.

2.5 Further information is now available to help General Purposes Committee make a recommendation as regards whether a new Guiseley Town Council should be created or not.

3 Main issues

3.1 <u>The Petition</u>

3.1.1 The petition was submitted on 29 August 2014 in accordance with the Local Government and Public Involvement in Health Act 2007 (the Act) and verified by officers. Terms of Reference for the Community Governance Review were agreed by General Purposes Committee at its meeting on 23 October 2014. The principal authority, in this case Leeds City Council, has a period of 12 months to consider and respond to the petition from the date the Terms of Reference are agreed.

3.1.2 The area covered by the review had 11,039 local government electors and as such required any petition to be signed by at least 1,104 of those electors in accordance with the Act. The petition was signed by 1,179 local government electors in the area affected by the review.

3.1.3 An analysis of the 1,179 electors who signed the petition in favour of the proposal to establish a new Town Council gives the following breakdown by polling district:

Polling District	No. of electors	August 2014 electorate	% of electorate who signed the petition
GRA	7	360	1.94%
GRB	29	1,081	2.68%
GRC	330	2,114	15.60%
GRD	512	2,618	19.59%
GRI	14	973	1.44%
GRJ	62	1,694	3.66%
GRK	225	2,199	10.24%
TOTALS	**1,179**	**11,039**	**100.00%**

3.2 The Consultation

3.2.1 The public consultation was carried out during the period 24 October 2014 to 28 November 2014.

3.2.2 An analysis of the 378 electors who responded to the consultation shows the following breakdown of those electors that supported the proposal for a new Town Council, and those against the proposal: -

Resident in Polling District	For the proposal	Against the Proposal
GRA	1	13
GRB	5	58
GRC	19	25
GRD	17	35
GRI	1	4
GRJ	7	41
GRK	22	33
Address not provided	36	61

3.2.3 It is clear that the majority of electors who responded are not in favour of establishing a new Town Council for Guiseley.

3.2.4 A summary of all responses received to the consultation is included at Appendix A, which includes all the relevant information General Purposes Committee considered at its meeting on 12 February 2015.

3.2.5 Also attached are further representations received on 16 February 2015 and 15 April 2015 for the committee's consideration at Appendices B, C, D and E respectively.

3.2.6 Appendix B is a representation from a Ward councillor asking for reconsideration of the decision to include polling district GRI in the new Town Council.

3.2.7 Appendix C is a representation asking for reconsideration of the earlier recommendation to form the new Town Council. Since this letter was received, further email correspondence has also been received and this is also included in the appendix.

3.2.8 Appendix D is representation we have received from the Aireborough Neighbourhood Forum.

3.2.9 Appendix E is a representation from a resident who has requested that his comments be brought to the attention of General Purposes Committee.

3.2.10 The Council has also received 41 further representations from residents in the area since the public consultation ended. A breakdown of those additional representations is included in the table below:

Resident in Polling District	**For the proposal**	**Against the Proposal**
GRA		
GRB		
GRC		12
GRD		7
GRI		
GRJ		14
GRK		8

3.2.11 A summary of those additional responses is included at Appendix F.

3.2.12 Although these representations have been received after the formal consultation period ended, the Act states that the council must take into account any representations received in connection with the review.

3.3 Community Governance Reasons for the Decision

3.3.1 It is important that the recommendations of General Purposes Committee provide the community governance reasons for recommending a new Town Council by reference to the statutory criteria mentioned below and take account of representations made to the Council as part of the public consultation. This is particularly important if the results of the consultation suggest that electors are not in favour of establishing a new Town Council. Under the Act the principal council must both publish its recommendations and ensure that those who may have an interest are informed of them. In making recommendations and in taking a

decision as to whether or not to give effect to a recommendation, the principal council must have regard to the statutory criteria.

3.3.2 The statutory criteria are given in Section 93 of the Act. The Act requires principal councils to have regard to the need to secure that community governance within the area under review will:

- reflect the identities and interests of the community in that area; and
- is effective and convenient.

3.3.3 In deciding what recommendations to make, the principal council must 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 under review.

3.3.4 The principal council must also take into account any representations received in connection with the review.

3.3.5 After taking a decision on the extent to which the council will give effect to the recommendations made in a community governance review, the council must publish its decision and its reasons for taking that decision.

3.3.6 In recognition that Members of General Purposes Committee at its meeting on 12 February 2015 resolved to amend the recommendations before it, Members are asked to specify the community governance reasons for recommending the new Town Council for Guiseley on the basis of the amended boundary, and by reference to the statutory criteria detailed above, so that the report to Full Council can incorporate the full reasoning and rationale.

3.4 Electoral Arrangements

3.4.1 If members are minded to recommend approval of the new Town Council, the electoral arrangements for suggested wards, ward names and number of Councillors for the new Town Council are proposed as follows: -

Polling Districts	Electorate	Name	Number of Councillors
GRC	2,080	St Oswald's Ward	2
GRD	2,628	Oxford Road Ward	2
GRI	972	Queensway Ward	1
GRJ	1,705	Tranmere Ward	2
GRK	2,183	Green Meadows Ward	2
TOTALS	**9,568**		**9**

3.4.2 The term of office of sitting Parish and Town Councillors would ordinarily be four years. However, this may differ if the first Election falls outside of the normal cycle. This is because ordinary Parish and Town Council elections are held once every four years with all Councillors being elected at the same time. The standard Parish and Town council electoral cycle was for elections in 2015 and every four years after 2015. New or revised parish electoral arrangements come into force at ordinary Parish or Town council elections, rather than Parish or Town council

by-elections, so they usually have to wait until the next scheduled Parish and Town council elections. However, they can come into force sooner only if the terms of office of sitting Parish Councillors are cut so that earlier Parish and Town council elections can be held to fit with the normal cycle.

3.4.3 Therefore, should the Town Council be established, the first elections would be in May 2016, with the initial terms of office of sitting Town Councillors being cut to three years to coincide with the next Parish and Town Council elections in 2019, at which time the terms would revert back to four years.

3.5 Appointment of Town Council Officials

3.5.1 Following the election of Town Councillors, officers from the council's Governance Services team would make the necessary arrangements to host and clerk the initial Town Council meeting, whilst the appointment of a new Parish Clerk is arranged by the new Town Council.

3.5.2 At the first meeting of the Town Council councillors would also need to make arrangements to appoint a Section 151 Officer. This officer could also act as the Town Clerk should that be considered appropriate.

3.5.3 Should any of the official appointments be remunerated, the Town Council would need funds to make such appointments. Ordinarily such funds would come from the Town Council precept.

3.6 The Precept

3.6.1 Should the proposal to establish the Town Council proceed, further work will be needed to determine an anticipated council tax precept for the Council's first year of operation. The anticipated precept would need to be agreed by Full Council and included in the order establishing the Town Council.

3.6.2 Following the 2014 petition, a precept of £15.00 per band D property was put forward, but that was for the area originally proposed and was based on 2014/15 data and information. If members agree to recommend the establishment of the Town Council, officers will work with the petitioners and other interested parties to determine a suitable anticipated precept to be considered by Full Council at a meeting to be held in February 2016.

3.6.3 It should also be noted that the Local Government Finance (New Parishes)(England) Regulations 2008 (SI 628/2008) requires that if a billing authority makes an order in accordance with 83(2) of the Local Government and Public Involvement in Health Act 2007 to establish a new parish, that order needs to include an anticipated precept for the relevant year.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Details are attached in appendices A, B, C, D, E and F

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 an 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.

4.5.2 The report prepared for Full Council will contain details from the Local Government Boundary Commission for England's Guidance on Community Governance Reviews which states that, "where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make."

4.5.3 The guidance goes on to say, "In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area."

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 On the basis of all of the issues covered in this report, not least the need for General Purposes Committee to specify the community governance reasons for

recommending the new Town Council for Guiseley on the basis of an amended boundary, as well as the fact that further representations have now been received, Members are asked to reconsider this issue and determine their recommendation to Full Council on whether or not to establish Guiseley Town Council.

6 Recommendations

6.1 That General Purposes Committee confirms whether or not a new Guiseley Town Council should be established.

6.2 If Members propose to recommend to Full Council that a Town Council should be established Members are also asked to confirm:

- which polling districts should be included within the new Town Council; and
- the community governance reasons for recommending the new Town Council on the basis proposed.

7 Background documents

7.1 None

Appendices

A. Information Pack from Officer's Report to General Purposes Committee on 12 February 2015

B. Cllr Campbell's emails dated 16 February 2015 and 1 March 2015

C. Resident's letter received 15 April 2015 and subsequent email received 11 May 2015

D. Email from Aireborough Neighbourhood Forum

E. Resident's letter received 30 July

F. Additional representations received after the official consultation period