

MR. T. RIORDAN
15 APR 2015
CHIEF EXECUTIVE

CSU CR/ N. Grosvenor
 cc - A. Hannant

March 12th 2015
 Tel. 01 [REDACTED]

Complaint Maladministration - Re Procedure used for Guiseley Town Council Proposal

Dear Mr Riordan

I wish to complain about the above proposed change. Please will you get your office to examine my complaint of maladministration on the grounds of an incomplete and invalid consultation.

It is also my understanding that the Labour Group on the G&P committee are also not in agreement with what has occurred, although not being a member or supporter of any political party I do not know the exact reason for their disquiet.

A large number of electors in the Guiseley area are exasperated with the behaviour of political activists in our area. In short political activist have worked together to trigger a review of local government provision in our area, with a view to the possible establishment of a Town or Parish Council for Guiseley.

I am absolutely astounded that a proposal that may put extra costs onto an elector's rates may go through almost on the nod, and that this sort of thing is so easily possible by the activities of local activists political or otherwise. With regard to political parties, membership and voting rates are so low, that no party can any longer claim to be truly representative of the bulk of the electorate. Like wise other small non political groups should not be able to commandeer public funding in such a convenient way, especially at a time of austerity. When not wanted, as in the case of Southsea Town Council (now abolished) new councils are started, community resentment and a reduction in community cohesion can only be the result – not what any of us want.

I have conducted a forensic examination of the whole issue including the consultation process and share the disquiet of the Labour group on the G&P committee for a number of reasons. To assist your office with this matter I attach to my letter Appendix 1 Incomplete & Invalid Consultation. Amongst other points this shows almost 71.1% are against the proposal with only about 28.9% being in favour, a resounding defeat for the idea I am sure you will agree. The objectors to the proposal have a long list of rational, vehement, and valid reasons for objecting to the idea, whereas in comparison the activist petitioners say very little. Please will your office ask to see the actual comments made by the 378 electors and take time to read what the community up here has actually said – you will then see why I think as I do.

I have suggested that perhaps inadvertent Maladministration might have taken place, a serious complaint, not made lightly, however having researched the process used at some depth I think there is a case to answer on the grounds of incomplete consultation and unnecessary expense should the council come into being. The process may have been partially correct, but was the trigger to the process fair and democratic? Further was the consultation itself conducted in accordance with the law and official guidance? Surely as this is a major change in local administration a very big and intensive grade "A1" publicity campaign should have been adopted by Leeds City Council itself. Perusal of the Local Government Boundary Commissions extensive advice about instituting a new town or parish council and the Local Government and Public Involvement in Health Act 2007 only reinforces my opinion that all is not well with the procedure so far.

A Positive Way Forward

I can tell you from my own point of view and that of my friends and electors in the Guiseley area that a **good deal of heat could be taken out of the situation by the simple remedy** of a proper council officer organised local vote perhaps alongside the May elections or soon after.

Continued

If every elector is asked, and local civic organisations included as they should be, and all can vote on the issue as they wish, then the main reasons for objection that is, incomplete consultation, extra precept and need or not for a further tier of local government can be amicably resolved, without further damage to Leeds City Councils (LCC) reputation and for community cohesion in our locality. I look forward to the hearing about the results of your investigation when you write back with the outcome.

Yours sincerely, [REDACTED]

[REDACTED] [REDACTED]

See Appendix 1 Follows

Appendix 1 Incomplete & Invalid Consultation

First of all a number of main issues stand out that are unsatisfactory about the consultation used in this case.

It is worth noting that Section 100 subsection (4) of the Local Government and Public Involvement in Health Act 2007 requires that the guidance is complied with.

Was the Consultation Compliant with the Legislation?

It is my understanding that the Neighbourhood Development Forum itself was not formally consulted about the proposal which seems to be an alarming oversight (In view of Local Government Boundary Commission Guidance and the "2007 Act"). Nor was Aireborough Civic Society asked to comment on the proposal or other civic groups of which there are plenty in Guiseley and Rawdon

Extract 2007 Act (My under lining and highlighting)

"Section 93 Duties when undertaking a review

(1) The principal council must comply with the duties in this section when undertaking a community governance review.

(2) But, subject to those duties, it is for the principal council to decide how to undertake the review.

(3) The principal council must consult the following—

(a) the local government electors for the area under review; No compliance because LCC are relying on a self selecting group: only and those "in the know"

(b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review. No compliance
Neighbourhood Development Forum not formally consulted in writing as a body

(4) The principal council 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 No compliance 71.1% against in a rushed consultation of only days.

(b) is effective and convenient.

(5) 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)—

(a) that have already been made, or No compliance Aireborough Development Forum, Aireborough Civic Society and others

(b) that could be made,

for the purposes of community representation or community engagement in respect of the area under review.

(6) The principal council must take into account any representations received in connection with the review. 71.1% against 28.9% for

(7) As soon as practicable after making any recommendations, the principal council must—

(a) publish the recommendations; and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council begins the review."

Has Elector and Rate Payer Opinion been respected?

During the short consultation period of only days almost 71.1% were against – only 28.9% were for a Town Council, so the proposal should have been dropped straight away, at the February meeting of the G&P committee.

Extract Guidance

"Section 23 Local people may have already expressed views about what form of community governance they would like for their area, and principal councils should tailor their terms of reference to reflect those views"

Other Points

- Apparently the petition support numbers (1179) for a local government review has been conflated by some to mean high support for a Town Council, when good written evidence (from the consultation period itself, although short) not hearsay, supports the opposite conclusion, that the idea of a town council should be rejected.
- The legislation allows that any valid petition is only a trigger to a review that will follow naturally from such a petition, it is the consultation itself that the Principle Counsel should take into account of, nothing else. No where does it say in the legislation or guidance that the petition itself is the deciding factor when a Principle Authority makes a decision on such a matter.
- The consultation period given in this case has not been consistent with periods allowed elsewhere in the city, for example 5 months (LCC document 13 014 359) to consider a similar proposals, not just about a month or less as in our case.

Other Points – Natural Justice

Was the Consultation a True Measure of Elector Opinion?

- The time taken to get the support for just a review of local government provision was very large compared with the time allowed for consultation. About 9 months to get 1179 signatures against 31 days to object to or support the proposal. Indeed the internet IPetition still appears to be open today 16th March 2015 and still stands at only 205 names after 15 months of operation!
- The other major flaw in this IPetition method of trying to gather support for a review is of course that it only really records those in favour of the proposal and does not record those against, a self selecting group.
- Similarly the other 974 signatures that activists must have obtained door to door were only for those in favour again a self selecting group.
- Looking at the actual consultation itself, the density of the written opposition to the proposal as an expression of real public opinion and rejection of the proposal is immense. Detailed reading (I have read them all) shows that 268 electors were against with another 54 partners mentioned in writing as being opposed whereas only 108 were in favour with 23 partners mentioned. There were 2 don't knows. Total responses 453 counting partners in the submitted texts excluding 2 don't knows.

Were Elector Objections reasonably Consistent Over Time?

- Public opinion over time, when given this small chance to comment is overwhelmingly against the idea, indeed the chart entitled Elector Opinion GTC Consultation shows that public opposition was consistent at an average of 10.6 no's per day and every day from the 30th October until the 28th November when the consultation closed reaching a peak of opposition on the 26th November 2014 at 62 no's in one day.
- Over the same time period, support for the idea was very poor, on some days (16) there was no support received at all, and there was only an average support of 4.3 yes's per day again reaching a peak of 39 yes's on the 27th November 2014.

Did the Electors have sufficient Information About the Proposal?

- I know some who supported the petition door to door only believed they were triggering a process to consider the first stage of the proposal, and may not have wanted to support the idea once examined. Indeed some have said this in the consultation itself, saying in effect I have changed my mind, I don't want a Town Council.

- An important issue here is what information if any, were the door to door supporters given at the time of signing the petition. Would it not have been better if LCC officers had been asked to provide factual information about the powers and likely costs of such a council, to be given out at that time! As regards the I Petition it is instructive to note the information given on the I Petition web site. I can find no mention of powers, precepts, and so on. I include an extract from the I Petition web site for your perusal.

"Guiseley Town Council

This is a petition addressed to Leeds City Council under Section 80 of The Local Government and Public Involvement in Health Act 2007 (hereinafter referred to as 'The Act').

We the undersigned, each being a local government elector for the area defined below call upon Leeds City Council to conduct a Community Governance Review in accordance with Section 81 of The Act.

Pursuant of Section 80(4) of the Act we recommend the council designates the neighbourhood of Guiseley, part of the ward of Guiseley and Rawdon and comprising of all of the town of Guiseley and that part of LS29 included in the Ward, bounded by Yeadon and Menston and that a town council is established for this defined area.

We further recommend that this town be called Guiseley."

Elector Reasons for the Rejection of a proposed Guiseley Town Council

- For your information of all the reasons given, the major reasons given for objection were 23% on the grounds that a Town Council was not worth the extra precept, and another 23% of reasons saying that the present civic arrangements provided by the city council by providing councillors, the councillor forum and supporting the Neighbourhood Development Forum were all that were required, nothing more, nothing extra. So 46% of reasons given tell us electors don't want to pay more rates and are satisfied with LCC current provision.
- Again further analysis of the reasons for objection show that 7% of the reasons electors gave, thought that the process itself undemocratic and **5% of reasons were that inadequate publicity** had been given out about the proposal; not a good result for LCC I am sure you will agree.

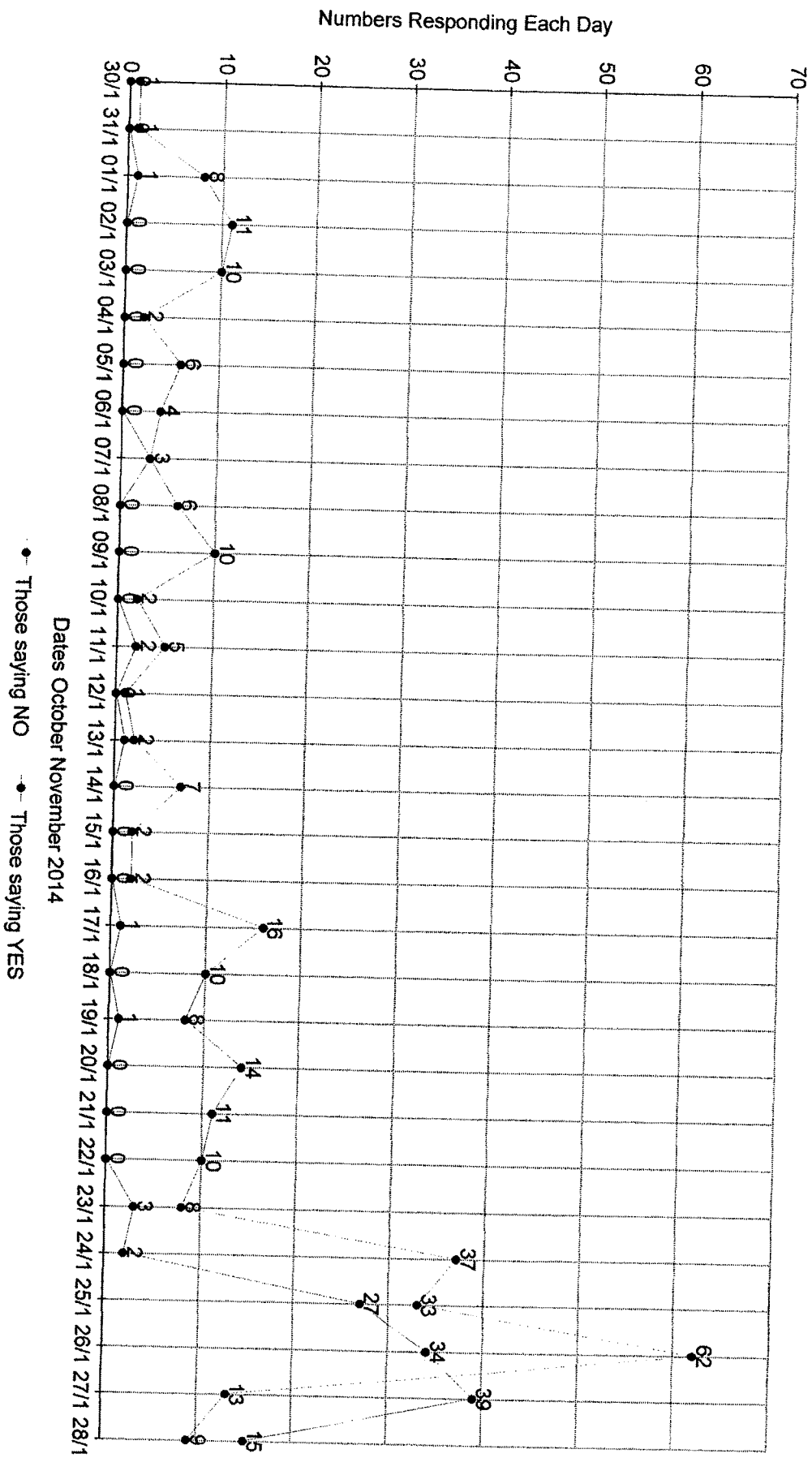
I might add that this situation is perhaps a replay of the "Welcome to Leeds" signs of about 7 years ago, not a happy episode for the council! The city council has worked hard since that time to overcome the local ill feeling engendered by the insensitive imposition of the signs, so it would be a pity if local opinion were to be ignored in this case, and the opinion of LCC regressed once more on the Town Council issue with negative effects on our community cohesion.

Unnecessary Expense

As there is no absolute legal requirement to have a Town Council, and the electors have rejected the proposal more than 2 to 1 during the brief consultation, surely to impose a precept is an unnecessary expense for the rate payers.

.....END.....

Elector Opinion GTC Consultation Day by Day Plot Objection and Support



Mulcahy, John

From: [REDACTED]
Sent: 11 May 2015 12:14
To: Mulcahy, John
Subject: Releasing Complaint to G&P Committee - Expiditing Complaint to Stage 2
Attachments: DofCLG1.jpg

Dear Mr. Mulcahy

Thank you for our letter dated the 6th May 2015 received by me on Friday 8th May 2015 giving me Leeds City Council's (LCC) view on my complaint about the proposed Guiseley Town Council procedure so far. Needless to say I do not accept the LCC view to quote your letter *"that it has met the requirements of the legislation in respect of this"*.

I think that LCC legal have taken a very narrow view generally and I presume from your letters penultimate paragraph presumably concentrated on the validity of the petition itself.

I reiterate a few short factual points, which I would like the council officer attending and presumably advising the politicians at the meeting to make too them. All points are factual and supported by the letter from the Ministry so there should be no problem for the officer of allegations of undue influence or political interference.

Factual Points

a. The Local Government and Public Involvement in Health Act 2007 Section 100 subsection (4) says that the council conducting the process must adhere to the guidance document provided for this purpose.

This gives the guidance some legal standing similar to that of a Statutory Instrument that often accompanies legislation.

b. The 10% of self selecting electors supporting the petition are just a trigger to process. The 10% is an *"indication of support of for changes"*

It is the consultation itself which they should take into account.

The ministries letter makes this point par. 3 because they qualify the 10% indication of support with 4 bullet points that must be complied with as part of the stutory duties the council must perform.

c. The result of the consultation was by my calculation including partners 71.1% against and 29.9% for. The guidance says in Section 93 subsection (6) *"The principal council must take into account any representations recieved in connection with the review"* Well 71.1% Against 28.9% For.

d. The guidance says in Section 93 subsection (5) para. a *"In deciding what reccommendation to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)*

(a) that have been made or

(b) that could be made

for the purposes of community representation or community engagement in respect of the area under review"

Guiseley already has 3 Councillors on LCC and in addition the officially supported Neighbourhood Development Forum (NDF).

23% of objectors points of objection were precisely about this point. They feel the NDF together with existing councillors is all

that is required. Incidentally another 23% of objectors points were about the unwanted possible additional precept. The proposal is deeply unpopular.

Permission Given & Other Actions Requested

1. I enclose a letter from the Ministry of Communities and Local Governments team that deal with these matters. This letter to me, I think supports my objections.

You have my permission to circulate my original letter, appendix and chart, to the committee and the letter from the Ministry.

Sorry about the spelling mistake in the original letter principle should of course be principal.

2. Please in all haste complete Stage 2 of the complaints procedure with your Director so that I can somewhat reluctantly escalate the complaint to the Local Government Ombudsman within a few days.

3. Please anonymise my name, address, and telephone number from all documents I have sent. I don't want my family to be exposed in any way by my personal actions or views.

Yours sincerely

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