


<p><b>Cabinet</b></p> <p>26 September 2018</p>	
<p><b>Report of:</b> Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Spitalfields Community Governance Review</b></p>	

<b>Lead Member</b>	<b>Mayor John Biggs</b>
<b>Originating Officer(s)</b>	Robert Curtis, Head of Electoral Services Matthew Mannion, Committee Services Manager Steve Morton, Senior Strategy, Policy and Performance Officer
<b>Wards affected</b>	Spitalfields & Banglatown and Weavers Wards
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	N/A
<b>Reason for Key Decision</b>	N/A
<b>Strategic Plan Priority / Outcome</b>	<b>All</b>

### **Executive Summary**

This report seeks to outline the necessary next steps regarding the launch of a Community Governance Review (CGR) in the Spitalfields area following the presentation of a petition to the Council under Part 4 of the Local Government and Public Involvement in Health Act 2007.

The Community Governance Reviews Order 2015 specifies that the petition requires the inclusion of the signatures of at least 7.5% of the registered electors (3784) within the area concerned. The petition has been validated by the Head of Electoral Services as containing 324 signatures which is in excess of the 284 required. The receipt of a valid petition requires that the Council conduct a CGR for at least the area in question. The petitioners are specifically looking to establish a 'Town Council' in the Spitalfields area with 3 Parish Wards.

This report sets out the proposed Terms of Reference for the review as well as supporting information for the consultation period.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Review and agree the proposed Terms of Reference of the Community Governance Review as set out in Appendix 1.
2. To note that the Terms of Reference trigger a Community Governance Review of the Spitalfields area, based on the map submitted with the original petition.
3. To review and note the draft consultation brochure set out in Appendix 2 to the report, the final version of which will be included as part of the consultation documentation.

### **1. REASONS FOR THE DECISIONS**

- 1.1 Following receipt of a valid petition the Council is required to undertake a CGR.

### **2. ALTERNATIVE OPTIONS**

- 2.1 There is no alternative to the requirement to undertake a CGR, however the Council could decide to undertake a review of the whole borough rather than just the area referenced in the petition.

### **3. DETAILS OF THE REPORT**

- 3.1 The power to establish Parish Councils within London was re-established by the Local Government and Public Involvement in Health Act 2007. Local authorities can consider whether it would be in the local interest to establish parish councils through a Community Governance Review (CGR).
- 3.2 A CGR can be triggered by the receipt of a valid petition from a specific area requesting that such a review be undertaken. The Council received such a petition on 23 July 2018.
- 3.3 The text of the petition states

“We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.

We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under Section 83 of

the Act. We hope that the outcome of this review leads to the creation of a new local council for Spitalfields to be called Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council area includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate Goods Yard site (only that part within Tower Hamlets).”

- 3.4 A map was provided with the petition, a version of which is included in the Terms of Reference in Appendix 1 to this report. The petition was “jointly organised and circulated by Spitalfields Forum, the Spitalfields Society and Spitalfields Community Group”.

#### *Community Governance Review*

- 3.5 A CGR is a review of part or the whole of the borough to consider one of more of the following:
- Creating new parishes
  - Abolishing, merging or altering parishes
  - Electoral arrangements for parishes
- 3.6 The review should consider whether governance arrangements continue to reflect local identities and facilitate effective and convenient local government. In carrying out a review the Council is required to:
- Consult local people and consider any representations
  - Consult other bodies that may have an interest in the review
  - Consider the wider picture of community governance e.g. if there are already established local forums or associations.
- 3.7 The 2007 Act allows the principal authority (Tower Hamlets Council) to determine the Terms of Reference for the Review and the proposed terms are attached in Appendix 1.
- 3.8 There are two approaches that the Council could take in response to this petition. The Council could conduct a review of the Spitalfields area along the lines proposed in the petition, or the Council could conduct a wider review of the whole borough. This report is proposing to only undertake a review of the Spitalfields area at this stage as this is the only area of the borough which has been subject to a petition expressing an interest in this form of local governance. However, should it become apparent that a full-borough review was desirable then a further report would be prepared to separately consider that issue. Due to the timelines set out in the regulations, a full-borough review could not delay the conclusion of this specific review.
- 3.9 Whilst the review request was based on the map provided in the petition, the Council will also look to specifically consult with the surrounding area as there may be different views on the best boundary for such a body. For example, the Council will look to contact all local government electors within the Weavers and Spitalfields & Banglatown Wards.

### *Process and Timeline*

- 3.10 Taking account of the Regulations, government and boundary commission guidance and previous reviews at other local authorities, it is proposed to undertake a two-stage consultation process with final recommendations being presented to a meeting of Council by the end of July 2019. A more detailed timeline is set out in the Terms of Reference in Appendix 1 to this report.

#### *First stage consultation*

- 3.11 The first stage consultation would be triggered following the agreement of this report. The consultation would be open to everyone in the borough to contribute but the Council has specific duties to consult with local government electors, businesses, groups and others who would be directly affected by the proposed Parish Council. In addition to the Terms of Reference a consultation document is in preparation that will set out background information on the process and on what a Parish Council is and what it can do.
- 3.12 Following the first stage consultation, officers and Members will review the submissions received before preparing draft recommendations that will themselves be put out for review during a second round of consultation.

#### *Powers of the Parish Council*

- 3.13 Parish Councils are not tasked with statutory responsibilities relating to the provision of housing, social care, education and waste collection etc. They are a statutory consultee in relation to planning but they are not a Planning Authority. However, they have the option to exercise a variety of powers and duties including the delivery of a number of specific local services that add to those provided by the principal council such as those on parks and open spaces, community centres, leisure facilities, crime prevention and more. More information on example powers and duties are set out in the draft consultation document attached to this report at Appendix 2.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 The CGR will be undertaken taking account the Council's approach to equality analysis in order to comply with the general equality duty in the Equality Act 2010. In drafting recommendations, the Council will need to take account of the impact of any proposals on people with protected characteristics. The Council and Cabinet reports setting out any draft or final recommendations following the review will set out the relevant equalities information to inform those final decisions.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are

required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 The regulations require that the Council must conclude its review with a period of twelve months starting on the day on which the council received the CGR application. The timetable is concluded when the council publishes the final recommendations made in the review. Government guidance is that the same timetable is applicable to the consequential matters that emerge in a review.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 It is estimated that the cost of the full CGR will be in the region of £10k-£20k including consultation materials and officer time based on CGRs undertaken elsewhere. However, this is the first CGR undertaken by Tower Hamlets and so this is purely an estimate. The additional cost will be contained within existing directorate budgets.

6.2 In addition, should the establishment of a Parish Council be agreed at the conclusion of the process, there would be costs associated with the establishment process and the Parish Council itself would have its own ongoing financial requirements. More details on these issues will be set out during a later part of the consultation process.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 Section 83 of the Local Government & Public Involvement in Health Act 2007 (the 2007 Act) requires the Council to respond to a valid community governance petition and undertake a Community Governance Review (CGR) with terms of reference that allow for the petition to be considered.

7.2 Section 81 of the 2007 Act requires the Council to adopt and publish terms of reference for conducting the CGR and which must specify the area under review. Section 79(2) provides that the CGR must be conducted in accordance with the Act and the terms of reference adopted for the CGR by the Council.

7.3 Section 100 of the 2007 Act provides that the Council must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England in conducting the CGR. Section 93 provides that the CGR must be completed within 12 months and the commencement date is defined as the day on which the Council receives a valid community governance petition.

- 7.4 Section 93 of the 2007 Act also sets out the duties the Council must comply with when undertaking a CGR. The Council must consult with local government electors for the area under review and any other person or body (including a local authority) which appears to have an interest in the review. In carrying out the CGR the Council must also have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area and that the community governance is effective and convenient. In addition, in deciding what recommendations to make the Council must take into account any other arrangements that have already been (or could be) made for the purposes of community representation or community engagement in respect of the area under review. More generally, the Council must take into account any representations received in connection with the review.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Terms of Reference for the Community Governance Review
- Appendix 2 – Draft consultation brochure.

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None.

### **Officer contact details for documents:**

N/A