


<p>Cabinet 27 February 2019</p> <p>General Purposes Committee 26 February 2019</p>	 TOWER HAMLETS
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Spitalfields Community Governance Review – Draft Recommendations</p>	

Originating Officer(s)	Matthew Mannion, Committee Services Manager Steve Morton, Senior Strategy, Policy and Performance Officer
Wards affected	Spitalfields & Banglatown and Weavers Wards

Executive Summary

Following receipt of a valid petition requesting a Town Council be established in the Spitalfields area of the borough, a first stage consultation has taken place on the proposals set out in the petition. The first stage consultation closed on 31 December 2018.

The responses to the first stage consultation have now been analysed and this, along with research undertaken by officers has resulted in the preparation of Draft Recommendations in respect of the community governance arrangements in this part of the borough.

This report seeks the views of the Cabinet and General Purposes Committee, in representing the Executive and Non-Executive branches of the Council, on the draft recommendations before the Chief Executive takes a final decision. The final agreed Draft Recommendations will be put out to a second stage consultation exercise from Monday 4 March to Sunday 26 May 2019, a period of twelve weeks.

Once the second stage consultation is completed, Final Recommendations will be prepared for presentation to Council in July 2019 for a final decision.

Recommendations:

The Mayor in Cabinet / General Purposes Committee is recommended to:

1. Review and comment on the Community Governance Review Draft Recommendations, summary consultation responses and second stage consultation information set out in Appendix 1.
2. Review and note the full first stage consultation analysis in Appendix 2.
3. Review and note the equality analysis set out in Appendix 3.
4. Review and comment on the updated Terms of Reference set out in Appendix 4.

1. REASONS FOR THE DECISIONS

- 1.1 Following receipt of a valid petition the Council is required to undertake a Community Governance Review. This report presents draft recommendations on the review following the first stage consultation.

2. ALTERNATIVE OPTIONS

- 2.1 This report is presented for consultation and alternative options to the draft recommendations could be proposed.

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. Following receipt of that petition, the Council began the process of conducting a Community Governance Review. A report was presented to Cabinet on 26 September 2018 and, following further discussion, a 1st Stage Consultation on the proposals was conducted. This completed on 31 December 2018.
- 3.3 Summary information on the 1st stage consultation and the responses received is set out in Appendix 1 to this report alongside the draft recommendations. A full consultation analysis is set out in Appendix 2.

Preparation of Draft Recommendations

- 3.4 Officers have analysed the responses to the consultation and undertaken separate research into the community governance options that could be proposed. Appendix 1 sets this out in more detail and provides the proposed Draft Recommendations. In addition, Appendix 3 sets out the Equalities Impact Assessment in relation to the draft recommendations.
- 3.5 Members are requested to review this document and comment where appropriate. Any comments received will be considered by the Chief Executive before he takes the decision to finalise the Draft Recommendations and begin the second stage consultation.

Second Stage Consultation – further information

- 3.6 In addition to the draft recommendations, Appendix 1 also sets out some information on the consultation planning for the second stage consultation.

Process and Timeline

- 3.7 At the commencement of the first stage of the CGR consultation, the review's Terms of Reference set out a timetable for the whole CGR process. Following a request from campaigners to alter the initial proposals, this included a twelve week first stage consultation, followed by an eight week second stage consultation.
- 3.8 The above change was seen as useful in providing an extended first stage consultation to enable a wide range of views to be sought. Officers now recommend a twelve week second stage consultation on the Council's draft recommendations. The timetable has therefore been adjusted to take this into account. The revised timetable does reduce the amount of time available to process the results of the review but on balance is seen as the best use of the time available.
- 3.9 The proposed updated Terms of Reference (timetable) is set out in Appendix 4 to this report.

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 £15k-£20k and this can be contained within existing directorate budgets. Any Council officer time to support this process will also be contained within existing staffing budgets.
- 6.2 In addition, should the establishment of a Parish Council be agreed at the end of the process, any additional costs associated with the establishment process would need to be approved through the Council's financial approval process.

7. COMMENTS OF LEGAL SERVICES

- 7.1 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.
- 7.5 Under Part 3.1.1.6 of the Council's Constitution functions relating to community governance are delegated to the Chief Executive.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Draft Recommendations for the CGR and summary consultation analysis
- Appendix 2 – First Stage Consultation detailed response analysis (to follow)
- Appendix 3 – Equality Analysis (to follow)
- Appendix 4 – Amended Terms of Reference for the CGR

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

- None.

Officer contact details for documents:

N/A