

<p>Cabinet 26 June 2019</p> <p>General Purposes Committee 25 June 2019</p>	
<p>Report of: Will Tuckley, Chief Executive</p>	<p>Classification: Unrestricted</p>
<p>Spitalfields and Banglatown Community Governance Review Update</p>	

<p>Originating Officer(s)</p>	<p>Matthew Mannion, Head of Democratic Services Steve Morton, Senior Strategy, Policy and Performance Officer</p>
<p>Wards affected</p>	<p>Spitalfields & Banglatown and Weavers Wards</p>

Executive Summary

Following receipt of a valid petition requesting that a Town Council be established in the Spitalfields area of the borough, a Community Governance Review was established which included a two-stage consultation process.

Cabinet and General Purposes Committee received a report on 26/27 February 2019 which provided results from the first stage consultation and proposed Draft Recommendations for the Review to be put to a second stage consultation period. Following consideration of the discussions at those meetings, the Chief Executive confirmed the Draft Recommendations and the second stage consultation was begun.

That consultation period closed on 28 May 2019 and this report provides Members with an update on the results of the second stage of consultation. Members are asked to review the report and may wish to highlight particular issues for the Chief Executive to consider informing his final recommendations to the Council.

The last stage of the process, following this report is for the Chief Executive to present a report setting out proposed Final Recommendations to the Council meeting to be held on Wednesday 17 July 2019.

Recommendations:

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

1. Note and comment on the report and appendix setting out the results of the second stage consultation exercise.

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 information from the second stage consultation process which will help to inform the Final Recommendations to be presented to Council.
- 1.2 This information is being presented to Committee to enable Members to review the information in an open and transparent setting.

2 ALTERNATIVE OPTIONS

- 2.1 This report is a noting report setting out information from the second stage consultation process.

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 Reports have been presented in September 2018 (to Cabinet) before the start of the first stage consultation based on the received petition and in February 2019 (to Cabinet and General Purposes Committee) before the commencement of the second stage consultation on the Council's Draft Recommendations for the review.

The Council's Draft Recommendations

- 3.4 At the beginning of March 2019, in advance of the second stage consultation, the Council published its Draft Recommendations for the Community Governance Review. These stated that the Council's preferred option was:

“Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.”

- 3.5 The Council highlighted a number of particular issues when coming to this draft recommendation, including:
 - That it did not believe that there was significant local support for the proposal (although it did recognise that there were committed campaigners both for and against).

- That it did not believe the creation of a parish would best reflect the interests of the community in that area with particular reference to the existence of diverse and complex communities with different needs that needed to be balanced.
- Concerns that establishment of a parish could have a negative impact on community cohesion.
- The Council did not consider that the original proposal would lead to the delivery of effective and efficient local governance in terms of value for money or service provision.

3.6 However, the Council also recognised that there were strong views within the community and that campaigners had proposed amendments to the original Parish Council proposals and that these should also be considered during the consultation.

Draft Recommendations for Consultation

3.7 The Council therefore consulted on three options:

- 1) Create a parish council (with three different suggested boundary options set out for consideration)
- 2) Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance. (stated as the Council's preferred option)
- 3) Reject the proposal to create a parish council and retain existing governance arrangements

3.8 The Council asked people about other (non-parish) forms of community governance.

Second Stage Consultation Process and Results

3.9 Appendix 1 to this report sets out in brief how the second stage consultation was conducted and the results of the consultation.

Consideration of Consultation Responses and Next Steps to a Final Recommendation

3.10 In making its final decision the Council needs to take into account its duty to ensure that community governance within the area under review:

- a) reflects the identities and interests of the community in that area, and
- b) is effective and convenient

3.11 Relevant considerations which should influence the Council's judgement against the two principal decision-making criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area. The government has further clarified criterion b) by stating that the effectiveness and convenience of local government (a parish council in this instance) is best understood in the context of a local authority's ability to

deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.

- 3.12 The Council is required by law to consult with local government electors for the area under review and any other person or body which appears to have an interest in the review. It must take into account any representations received in connection with the review. It is not required to conduct a ballot or poll as part of this process. If any ballot were to be undertaken at any stage, then its outcome would be purely advisory. It would also not be sufficient to meet the legal requirement to consult as set out above. Any decision taken solely on the basis of either consultation findings or a ballot would be open to challenge.
- 3.13 The next step in the process will be for the Chief Executive to present a report to Council setting out the proposed Final Recommendations to the Community Governance Review.
- 3.14 Members are therefore asked to review the Appendix to this report and highlight any issues, from the Appendix or elsewhere, that the Chief Executive should consider when preparing the Final Recommendations report.

4 EQUALITIES IMPLICATIONS

- 4.1 An initial equality assessment was prepared to inform the Council's Draft Decommendations for further consultation. A final equality assessment is being prepared to inform the Council's final decision.

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.
 - Data Protection / Privacy Impact Assessment.
- 5.2 The regulations require that the Council must conclude its review within 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.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report recommends that the Mayor in Cabinet / General Purposes Committee note and comment on this report and appendix setting out the results of the second stage consultation exercise. There are no direct financial implications at this time, however, depending on what final recommendation is made to the Council in July, there may be financial implications arising which will be set out in the future Council report.

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.
-

Linked Reports, Appendices and Background Documents

Linked Report

- Reports presented to Cabinet (26 September 2018, 27 February 2019) and
- General Purposes Committee (26 February 2019)

Appendices

- Appendix 1 – Phase Two Consultation Findings Report.

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

- None.

Officer contact details for documents:

N/A