

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	14 th May 2009	AGENDA ITEM NUMBER
TITLE:	COMMUNITY GOVERNANCE REVIEW	
WARD:	MIDSOMER NORTON	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Copy letter and sample petition request</p> <p>Appendix 2 – Background and legal framework</p> <p>Appendix 3 – Draft terms and reference</p> <p>Appendix 4 – Draft procedure</p>		

1 THE ISSUE

1.1 The Council needs to respond to a valid petition calling for a community governance review. The report recommends how the review should be conducted.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 Functions relating to undertaking the review (including adjustments to the procedure and timetable) and making recommendations pursuant to the provisions of the Local government and Public Involvement in Health Act 2007 be delegated to the Electoral Registration Officer, in connection with Group Leaders.
- 2.2 The draft terms of reference be approved.
- 2.3 The draft procedure be approved.
- 2.4 The final decision on the review be taken by Council.
- 2.5 That the review focuses exclusively on the area administered by Norton Radstock Town Council.

3 FINANCIAL IMPLICATIONS

- 3.1 This is the first community governance review this Council has undertaken. Experience elsewhere of reviews focussed on one or two parishes within an area suggests a budget of £5,000 to £10,000 should be sufficient to fund any necessary press advertisement and public consultation.
- 3.2 Every effort will be made to absorb the costs within the existing budgets of Legal and Democratic Services and Policy and Partnerships.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*

5 THE REPORT

- 5.1 A petition calling for a review of community governance arrangements for the two Midsomer Norton Wards served by Norton Radstock Town Council (NRTC) was received on the 4th March 2009 (see Appendix 1). The petition is a valid one and accordingly the Council is obliged to undertake a review as requested.
- 5.2 The Council has discretion to include within its review additional areas if it considers it appropriate. The effect on the other two Wards served by NRTC will need to be considered as part of the review. There appears to be no compelling case for including any other area in the review so it is not recommended (see 2.5 above).
- 5.3 Appendix 2 contains details of the legislative background. Appendix 3 outlines draft Terms of Reference for the review and Appendix 4 outlines a draft procedure.

6 RISK MANAGEMENT

- 6.1 The Council has no choice about whether to undertake the review so no assessment is relevant.

7 EQUALITIES

- 7.1 The need to treat people equally will be considered as part of the review.

8 CONSULTATION

- 8.1 *Overview & Scrutiny Chairs ; Section 151 Finance Officer; Chief Executive; Monitoring Officer and Group Leaders.*

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 *Social Inclusion; Customer Focus; Young People; Human Rights; Corporate*

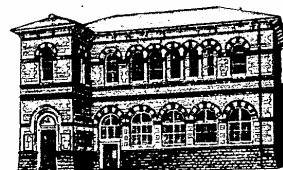
10 ADVICE SOUGHT

10.1 The Council's Head of Paid Service and Section 151 Officer (Strategic Director – Resource Support Services) have had the opportunity to input to this report and have cleared it for publication. The Monitoring Officer is the author of this report.

Contact person	Vernon Hitchman, Electoral Registration Officer and Monitoring Officer Telephone Number. (01225) 395171
Background papers	None that are not published
Please contact the report author if you need to access this report in an alternative format	

Campaign for an independent
Midsomer Norton Town Council

www.MidsomerNortonTownCouncil.co.uk



Midsomer Norton Town Hall

27 February 2009

Dear Leader and Chief Executive B&NES

**Petition for an independent
Midsomer Norton Town Council**

Please find enclosed a petition for an independent Midsomer Norton Town Council.

The petitioners have signed the following statement:

I/we, the undersigned, live in Midsomer Norton and believe that we should have our own town/parish council.

The petition relates to, and the 900 petitioners are all registered electors of, the two wards of Midsomer Norton; Midsomer Norton Redfield and Midsomer Norton North.

We would now request that the local authority move to the next stage and conduct a Community Governance Review. We look forward to working with you and to the review being completed as soon as possible.

We sincerely hope that the outcome will be an independent Town Council for Midsomer Norton and look forward to the newly founded body having a long and fruitful positive working relationship with its residents and Bath & North East Somerset Council.

Yours sincerely



**Paul Myers
Midsomer Norton Resident**

APPENDIX 2

1. A community governance review is a review of the whole or part of the principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes.
2. Section 81 of the 2007 Act requires the principal council to draw up terms of reference for the review. These must specify the area under review. It is for the principal council to decide these terms of reference. However, as soon as practicable after deciding them the principal council must publish them. The principal council "begins" a community governance review when it formally publishes the terms of reference of the review.
3. The principal council must comply with the duties in section 93 of the 2007 Act when undertaking a community governance review and the guidance issued by the Secretary of State and the Electoral Commission. However, subject to these duties, it is for the principal council to decide how to undertake the review. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.
4. The fundamental statutory considerations remain. The principal council must 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
 - is effective and convenient.
5. In addition, 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.
6. The principal council must take into account any representations received in connection with the review. As soon as practicable after making any recommendations, the principal council must publish the recommendations and take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
7. The principal council must conclude the review within the period of 12 months starting with the day on which the review begins.
8. **The principal council may conduct a review of its own volition or in response to a valid CGR petition.**
9. In the case of a petition, there is a duty to undertake the review (unless one has been done within the last 2 years, and in the Council's opinion, the petition covers the whole or significantly the same area as the last one covered).
10. The valid petition thresholds are:
 - (i) Area with less than 500 electors – at least 50% must be signatories
 - (ii) Area between 500 and 2,500 electors – at least 250 signatories

- (iii) Area with more than 2,500 electors – at least 10% of them must be signatories

11. **THE OUTCOME OF A CGR**

In a nutshell the principal council has the power to create, amalgamate and/or abolish a parish Council or Councils (a so called “Re-organisation Order”). Consultation would have to take place with the Electoral Commission in respect of any impact on the electoral arrangements.

12. **OUTCOME**

- 13. As soon as practicable after the end of a review, the principal council must publish a notice and take any other steps as it considers sufficient to ensure interested persons are informed of the outcome including recommendations and how the review will be given effect.

14. **GUIDANCE ON THE CONDUCT OF A CGR**

The statutory guidance in respect of CGRs must be taken into consideration when planning and undertaking a review. The guidance may be downloaded from the DCLG website at www.communities.gov.uk .

15. **OTHER RELEVANT ISSUES**

The power to undertake a CGR is classified as a non-executive function [Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008].

A decision to conduct a review must reflect normal public law principles - i.e. not unreasonable or irrational and based on an assessment of relevant considerations – primarily those set out in paragraph 2.5 of this report and the statutory guidance.

APPENDIX 3

Community Governance Review – Terms of Reference

That a community governance review be carried out by Bath & North East Somerset Council under the provisions of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). The review shall comply with the legislative requirements, have regard for the associated statutory guidance and will be conducted in accordance with these terms of reference.

The review shall be of the community governance needs of the whole of the parished area of the Midsomer Norton, Radstock and Westfield wards. It shall have particular regard for the need to secure that community governance within the area under review:

- reflects the identities and interests of the communities in that area; and
- is effective and convenient.

When carrying out the Community Governance Review, the Council must also take into account other existing or potential community governance arrangements (other than those relating to parishes) in determining what parish arrangements to recommend.

Following the review the Electoral Registration Officer, following consultation with Group Leaders, will make recommendations to Council as to appropriate arrangements.

The review shall invite and take account of submissions from all interested parties.

APPENDIX 4

Community Governance Review – Procedure

Introduction

1. This procedure sets out how the Community Governance Review (“CGR”), to be initiated by Bath & North East Somerset Council (“the Council”) on 14th May 2009, shall be conducted.

2. The CGR shall be carried out in accordance with this procedure and with the CGR’s terms of reference. The review shall be undertaken and final recommendations made by the Electoral Registration Officer in consultation with Group Leaders (“the Working Group”), acting on behalf of the Council.

General Duties when Undertaking the Review

3. When undertaking the review the Working Group shall comply with the following general duties:

a) consult local government electors within the local authority area and any other person or body that appears to the Committee to have an interest in the CGR;

b) have regard to the need to secure that community governance within the Norton Radstock Town Council area:

i) reflects the identities and interests of the communities in the area; and

ii) is effective and convenient.

c) in deciding what recommendations to make, to take into account any other arrangements (that is apart from those relating to parishes and their institutions) that:

i) have been made, or

ii) could be made,

for the purposes of community representation or community engagement in respect of the area;

d) take into account any representations received in connection with the CGR;

e) as soon as practicable after making recommendations, publish them and take such steps as the Committee considers sufficient to secure that persons who may be interested in the review are informed of them; and

f) conclude the CGR in accordance with the timetable, or in any case within twelve months of the day on which it was initiated.

Intitiation of Review

4. The review will be initiated and public notice given.

Production of Consultation Document

5. The Electoral Registration Officer shall produce a consultation document. This shall describe the existing arrangements for satisfying community governance needs in the area. It shall also discuss the possibility of further meeting these needs through alternative parish arrangements and/or through alternative (non-parish) arrangements.

Approval of the Consultation Document

6. The consultation document shall be presented to the Working Group for approval.

Consultation Stage

7. During this stage the CGR will be publicised and local electors and other interested persons/bodies consulted. A number of consultation methods will be utilised. These may include:

- a) making publicly available the consultation document;
- b) public notice in the local press announcing beginning of consultation period and inviting comments;
- c) publicity on the Council's website;
- d) press release(s) and editorials;
- e) utilising existing Tenants and Residents Association meetings;
- f) holding a small number of specific 'drop in' sessions at strategic locations in the area where residents can receive information and have their queries and questions answered;
- g) using any forums that already exist where we communicate with residents routinely including Ward Co-ordination;
- h) internal consultation; and
- i) surveys.

Community Governance Report

8. The Electoral Registration Officer will consider the response to the consultation and produce a report setting out options for community governance arrangements for the Working Group to consider.

The Panel's Proposals

9. Taking into account the report the Working Group will authorise the ERO to make recommendations for community governance arrangements in the area.

10. The Council's Decision on Implementation

The Council shall determine to what extent it is to give effect to the recommendations of the CGR. It shall publish its decision, giving reasons, and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the decision and the reasons for it.

11. Making of Reorganisation Order, if Required

If necessary the Council may make a reorganisation order to give effect to the recommendations. A map giving a general outline of the area affected must accompany the order.