

**Barrow Borough Council**  
**Council**  
**19 July 2022**  
**Community Governance Review**

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**Report from:** Head of Legal and Governance  
**Report Author:** Debbie Storr/Samantha Bagshaw  
**Wards:** All wards in the unparished area

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**1.0 Summary and Conclusions**

- 1.1 At its meeting on 7 December 2021, Council resolved to hold a Community Governance Review to establish if there was support in Barrow for the creation of one or more local councils in the unparished area.
- 1.2 The purpose of this report is to consider the Draft Recommendations of the Community Governance Working Group (CGWG), having taken into account the results of the First Stage Consultation with residents, stakeholders and other local authorities.

**2.0 Recommendations**

- (1) That Council note the Consultation Process and work undertaken by Officers and the Member Working Group on the Community Governance Review following publication of the Terms of Reference in February 2022;**
- (2) That the draft recommendations as set out at APPENDIX 1 of the report be agreed and published as part of a Second Stage Public Consultation process commencing on Monday 25th July and closing on Friday 26th August 2022 inclusive and that the revised timetable to the Terms of Reference (attached as APPENDIX 2A) be agreed.**
- (3) That it be noted that any further submissions or representations received as part of the Second Stage Public Consultation will be considered by Council at an extraordinary meeting to be scheduled in September 2022;**
- (4) That as part of the report back, the CGR Working Group will also consider and make recommendations to Council, on the provisions of a**

**Re-organisation Order, the Community Governance Review final recommendations and such other matters as may be required to be considered in drafting final recommendations for the Shadow Westmorland and Furness Council and the potential formal creation of a Barrow Town Council;**

### **3.0 Background and Proposals**

- 3.1 At a meeting of Council on 19 October 2021, Council agreed to look into conducting a Community Governance Review (CGR) in accordance with the Local Government and Public Involvement in Health Act 2007 and whether this should be for the whole Borough or the unparished area of the Borough.
- 3.2 Also on 19 October 2021, Council agreed to the establishment of a Community Governance Working Group (CGWG)), to consider the practicalities of any such review, the Terms of Reference of the review and timetable for a CGR for recommendation to Council.
- 3.3 The members of the CGWG, Councillors Brook, Edwards, Husband, McClure and Morgan, began to hold regular meetings. The group considered the issues and options open to them, made more complex by the concurrent process of Local Government Reorganisation. Officers advised that in accordance with the terms of the Cumbria (Structural Changes) Order 2022, the power to give effect to a community governance review resulting in the creation of a new Barrow Town Council is vested in the Shadow Unitary Authority of Westmorland and Furness Council, not Barrow Borough Council. Ultimately, therefore, the Shadow Authority will need to decide whether to adopt the outcome of the CGR.
- 3.4 The significant challenges of carrying out a CGR at the same time as going through major local government reorganisation were considered by the group. The working group also considered the merits of appointing Charter Trustees, whose role it is to maintain the continuity of a town or city charter after a district with borough or city status has been abolished, until such time a parish council (which description includes a “town council”) can be established.

### **Community Governance Review**

- 3.5 At a full Council meeting on 7 December 2021, the CGR Working Group, made recommendations on the conduct of a CGR. The Council resolved (in essence) to:
  - a) Conduct a CGR in accordance with the Local Government and Public Involvement in Health act 2007, for the unparished area of the Borough;
  - b) Advise the Department for Levelling Up, Housing and Communities (DLUHC) that it supports provision for the establishment of Charter Trustees for the Barrow Area to protect the Borough’s Civic history and identify;

- 3.6 The purpose of the Review was to ascertain whether there was support for one, or more, parish councils to cover the whole of the unparished area of the borough.

### **The CGR Working Group**

- 3.7 The CGR Working Group met in January and February 2022 to discuss how to take forward the Community Governance Review.
- 3.8 The group considered the timetable for the review and discussed methodology for an effective public consultation process.
- 3.9 Members had regard to the Guidance on Community Governance Review, published by the then Department for Communities and Local Government, which sets out the recommended approach to holding Community Governance Reviews.
- 3.10 Members were consulted on and reviewed proposals for engagement with the public, partners, stakeholders and third sector groups and interested local authorities.
- 3.11 The Review began on 7 February 2022 with the publication of the agreed Terms of Reference and indicative timetable (**APPENDIX 2**) and map of the unparished area of Barrow (**APPENDIX 3**). Once the Terms of Reference of the Review were published, the principal authority has one year in which to complete the Community Governance Review (CGR) and for a decision to be made on whether to create one or more new parish council(s).
- 3.12 The First Stage consultation ran from 7 February 2022 until 14 April 2022. Details of the consultation process can be found in **APPENDIX 4**, and a summary of comments received as part of the consultation process at **APPENDIX 5**.
- 3.13 Following the close of the first stage of consultation officers met with the working group to consider the consultation response and to draw together a draft set of recommendations.

### **Electoral Arrangements for the Proposed new Parish Council**

- 3.14 Under the Terms of Reference of the CGR the following matters must be taken into account:
- Name and style of the new council including alternative styles e.g. community council
  - Electoral arrangements, including the ordinary year in which elections are held, number of wards and boundaries, number of electors per ward
  - The number of parish councillors for the new council
- 3.15 The details of the CGR Working Group's consideration of proposed electoral arrangements for the new parish council can be found at **APPENDIX 6**.

- 3.16 The recommendations for Council to consider are set out in **APPENDIX 1** of the report. If Council approve the recommendations, the next stage would be to publish these as agreed draft recommendations and invite further representations as part of a second stage consultation. The requirement to consider the response to consultation, to accommodate the decision-making processes of this authority and the Shadow Authority, necessitates an adjustment to the timetable for CGR. The new timetable is set out at **APPENDIX 2A**.

#### **4.0 Consultation**

- 4.1 The consultation process undertaken is as set out in the report and appendices.

##### **The Second Stage of the Public Consultation**

- 4.2 If Council approves the Draft Recommendations contained in this report, the next stage in the Community Governance Review is to publish these agreed Draft Recommendations and invite representations as part of a Second Consultation Stage. Any responses received will be considered by the CGR Working Group and reported to an extraordinary meeting of Council in September. If Council approves the Final Recommendations, they will be sent to the Shadow Westmorland and Furness Council meeting in October for approval.

#### **5.0 Alternative Options**

- 5.1 As part of the review, the option to create Charter Trustees for Barrow was considered as an alternative, or an interim provision, to creating a new local council. Members supported the decision to inform government that the provision of Charter Trustees may be necessary should it prove impossible to create a town council due to reorganisation of local government. It is intended that a subsequent 'mopping up order' will make provisions to deal with ancillary matters, including the provision for Charter Trustees should they be needed.

#### **6.0 Contribution to Council Plan Priorities**

- 6.1 A new local council will help delivery of local governance within the borough and contribute to the priorities and objectives of the Westmorland and Furness Council moving forward.

#### **7.0 Implications**

##### **Financial, Resources and Procurement**

- 7.1.1 The costs of the Community Governance Review are met by the funds set aside for Barrow Borough Council-specific Local Government Reorganisation costs. Where procurement is required, this is carried out in accordance with Council policy. The Community Governance Review is time intensive and to provide resilience and expertise, the Council has retained a specialist advisor and counsel to work alongside existing Officer and Member resources.

- 7.1.2 If the recommendations are accepted the Shadow Authority will need to issue a precept for the new Town Council.
- 7.1.3 The costs of the election will need to be incurred by Westmorland and Furness Council; those costs may be recovered from the Town Council, and the proposals for this will be recommended in the subsequent report.
- 7.1.4 The purpose of the precept will need to be established and there will need to be consideration whether there are any impacts upon the current Council Tax requirement and harmonisation.

## **Legal**

- 7.1.5 In undertaking a Community Governance Review the Council has a number of statutory duties as set out in the Local Government and Public Involvement in Health Act 2007. Under section 93(3) of the Act, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Borough Council to have an interest in the review. This was complied with as set out in the report.
- 7.1.6 Under section 93(4) of the Act the Council must have regard to the need to secure that community governance within the area under review:-
  - a) reflects the identifies and interests of the community in that area, and
  - b) is effective and convenient.

These are therefore key tests that must be applied when considering representations and proposals as part of the CGR.

- 7.1.7 Under section 93(5) of the Act the Council must take account of other arrangements (other than e.g. parish councils) that have already been made or could be made, for the purposes of community representation or community engagement in the area under review. The review has had regard to the guidance from Government on this, and the Cumbria (Structural Changes) Order 2022 under which Barrow Borough Council will cease to exist from 1 April 2023.
- 7.1.8 A new parish (“town”) council is created by means of a Re-organisation Order. The Re-organisation Order should be made, ideally, in October of any year. The new parish council is created with effect from the 1 April in the year concerned although the first election of the parish council will not take place until the following May. The Order will calculate the budget requirements for the first year of operation of the new parish council.
- 7.1.9 The Shadow Westmorland and Furness Council will be responsible for deciding whether to make a reorganisation order in accordance with the recommendations flowing from the CGR.

## **Local Government Reorganisation**

- 8.1 The process of Local Government Reorganisation was a key factor underpinning actions taken – crucially regarding the timing of the Community Governance

Review given that Barrow Borough Council would cease to exist on 31<sup>st</sup> March 2023. Knowing that the new Shadow Authority for Westmorland and Furness would make the final decision on whether to create a town council for Barrow, underlined the need for a clear mandate for the creation of a new authority to be given by the people of Barrow.

- 8.2 Council Tax harmonisation must be established as part of the Westmorland and Furness budget setting process; any impacts from the creation of Barrow Town Council must be incorporated and recognised.

### **Equality and Diversity**

- 9.1.1 Have you completed an Equality Impact Analysis?

Yes, the report has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

### **10 Risk**

Attached at **Appendix 7** is a risk matrix for consideration

### **Contact Officers**

[dstorr@barrowbc.gov.uk](mailto:dstorr@barrowbc.gov.uk)

### **Appendices Attached to this Report – *If none, please state none or delete section***

<b>Appendix No.</b>	<b>Name of Appendix</b>
1	Draft Recommendations of Stage 1 of the Community Governance Review
2	Terms of Reference of the Review
2A	Timetable for Completion of the Review
2B	Parish and Parish ward electorate figures
3	Map of the unparished area of Barrow
4	Report on the Public Consultation
5	Summary of Comments from the Consultation
6	Report on Draft Recommendations for Electoral Arrangements for any new Parish Council in Barrow
7	Risk Assessment

### **Background Documents Available**

<b>Name of Background document</b>	<b>Where it is available</b>

<p>1 Full Transcript of Comments via Survey</p> <p>2 Full Transcript of Comments Received by email on the CGR</p>	<p><a href="https://www.barrowbc.gov.uk/_resources/assets/attachment/full/0/9808.docx">https://www.barrowbc.gov.uk/_resources/assets/attachment/full/0/9808.docx</a></p>
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