

## Local Government Reform Advisory Committee

**Date :** Tuesday 21st July 2020

**Time :** 6.00pm

**Venue:** This is a virtual meeting of the Committee to be held using Zoom and live-streamed via YouTube

*To watch the live meeting on YouTube, please follow the instructions below:-*

1. Click or visit the following link [www.kettering.gov.uk/youtube](http://www.kettering.gov.uk/youtube)
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**Administrator:** Anne Ireson (01536) 534398  
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***The membership of this Committee is: -***

*Councillors Lloyd Bunday, Ian Jelley, Clark Mitchell, Russell Roberts, Mark Rowley, Mick Scrimshaw and Lesley Thurland*

**Substitutes:-** *Councillors Maggie Don, Anne Lee, Shirley Stanton and Mike Tebbutt*

## **AGENDA**

1. Apologies
2. Minutes of the meeting of the Committee held on 19<sup>th</sup> June 2019 to be approved as a correct record and signed by the Chair.
3. Declarations of Interest\*
  - Disclosable Pecuniary Interests
  - Personal Interests
4. Any items of urgency the Chair decides should be considered
5. Local Government Reform Update (***presentation***)
6. Kettering Town Council Set-Up Arrangements (***attached***)
7. Calendar of Meetings – September 2020 onwards (***attached***)

\* Members are asked to make any declarations of financial or other interests they may have in relation to items on this agenda. Members are reminded to make a declaration at any stage throughout the meeting if it becomes apparent that this may be required when a particular item or issue is considered.

**BOROUGH OF KETTERING**

**LOCAL GOVERNMENT REFORM ADVISORY COMMITTEE**

**Meeting held: 19<sup>th</sup> June 2019**

**Present:** Councillor Russell Roberts (Chair)  
Councillors Lloyd Bunday, Ian Jelley, Clark Mitchell, Mick Scrimshaw and Lesley Thurland

**Also Present:** Councillors James Hakewill, Shirley Stanton and Mike Tebbutt  
Graham Soulsby (Managing Director)  
Martin Hammond (Executive Director)  
David Pope (Committee Administrator)

**19.LGR.01 APOLOGIES**

None.

**19.LGR.02 MINUTES**

**RESOLVED**

that the minutes of the meeting of the Advisory Committee held on 10<sup>th</sup> April 2019 be approved as a correct record and signed by the Chair.

**19.LGR.03 DECLARATIONS OF INTEREST**

None.

**19.LGR.04 LOCAL GOVERNMENT REFORM – GOVERNMENT DECISION AND UPDATE**

Members received a report, supplemented by a presentation from the Managing Director explaining the Secretary of State's (SoS) decision in relation to Local Government Reform in Northamptonshire published on 14<sup>th</sup> May. The report outlined the next steps in the reform process and sought Members' views.

The Managing Director reported that the only modification to the reform proposals was to alter the implementation date of the proposed unitary authorities so that the new councils would be fully operational from 1<sup>st</sup>

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April 2021. It was noted that this decision was subject to the parliamentary legislative process and the establishment of a Children's Trust spanning the two unitary authorities. It was anticipated that the final version of the Structural Change Order would be ready around November 2019.

The decision letter received from the Ministry of Housing, Communities and Local Government (MHCLG) requested the views of the council, specifically in regard to whether it supported the idea of the shadow authority arrangements coming into being after the elections had taken place in May 2020. Informal discussions between the eight local authorities had concluded that this proposal appeared a sensible way to proceed.

Members were also asked to consider what their preference was should there be a need for a by-election between May 2020 and March 2021. The current statutory rules meant that no bye-election would take place in the last six months of the outgoing authorities. Members of the Committee considered this issue and were happy for the current situation regarding by-elections to be retained going forward.

Cllr Scrimshaw stated that there had been a great deal of uncertainty to date in relation to local government reform in the county and noted the importance of clarity in the process. The timescale for implementation of reform as currently set out needed to happen without further delay.

**RECOMMENDED** that:

- i) The Committee recommended the suggested approach in regard to shadow authority arrangements contained in the letter from MHCLG (dated 14 May 2019);
- ii) That the Committee recommended the continuation of the current statutory rules with regard to any KBC member vacancies that may occur in the period May 2020 to March 2021.

#### **19.LGR.05 COMMUNITY GOVERNANCE REVIEW – TIMETABLE**

A report was submitted which sought agreement for a timetable for consultation in relation to the Community Governance Review (CGR) for Kettering town as well as agreement of the potential start date for any new Town Council for Kettering.

Members were reminded that at the previous meeting of the Committee the announcement of the European Election had thrown the original CGR timetable into question and it had been agreed to bring a revised

timetable back to this meeting. Since that meeting a further complication had arisen in that the commencement date for the new unitary authorities has been moved back a year until 2021 as set out in minute 19.LGR.04 above.

As a consequence the Committee was asked to consider whether it wished to see the suggested changes proposed within the CGR to come into effect in May 2020, as originally expected, or in May 2021. Although the decision could impact the timetable for the CGR consultation process, the review would still require conclusion within twelve months of its start date, that being March 2019.

The Committee considered two alternative consultation timetables as follows:

<b>Stage</b>	<b>May 2020 start</b>	<b>May 2021 start</b>
Consultation plan submitted to Council	24 <sup>th</sup> July 2019	24 <sup>th</sup> July 2019
Consultation period	29 <sup>th</sup> July to 15 <sup>th</sup> September 2019 (7 weeks)	1 <sup>st</sup> September to 31 <sup>st</sup> October 2019 (8 weeks)
Results of consultation reported to Council	25 <sup>th</sup> September 2019	11 <sup>th</sup> December 2019
Publish draft recommendations for further consultation	1 <sup>st</sup> October to 15 <sup>th</sup> November 2019	15 <sup>th</sup> December to 15 <sup>th</sup> February 2020
Final recommendation to full Council	11 <sup>th</sup> December 2019	28 <sup>th</sup> February 2020
Council fixes precept for town council	26 <sup>th</sup> February 2020	February 2021

Members noted that the May 2021 start date would allow an additional week for the initial consultation and a longer period for the second consultation.

Councillor Jim Hakewill addressed the committee and expressed his preference for a 2020 start date for any new Town Council for Kettering.

Members were also provided with an initial draft consultation document and were requested to provide feedback on the design and content outside of the meeting, and by 5<sup>th</sup> July 2019. It was noted that the consultation would be available online and as a hard copy.

**RECOMMENDED** that the start date for any new Town Council for Kettering be May 2021 with the relevant Community Governance Review timetable detailed above being recommended to Council.

*(The meeting started at 5.00pm and ended at 5.35pm)*

Signed \_\_\_\_\_  
(Chair)

DJP

<b>Committee</b>	<b>LOCAL GOVERNMENT REFORM ADVISORY COMMITTEE</b>	Item 6	Page 1 of 6
<b>Report Originator</b>	Martin Hammond Executive Director	<i>Fwd Plan Ref No:</i> -	
<b>Wards Affected</b>	All	21 <sup>st</sup> July 2020	
<b>Title</b>	<b>KETTERING TOWN COUNCIL SET UP ARRANGEMENTS</b>		

**Portfolio Holder: Cllr Russell Roberts**

**1. PURPOSE OF REPORT**

To agree a series of steps to support the establishment of a Kettering Town Council.

**2. INFORMATION**

2.1 At its meeting on 13<sup>th</sup> January 2020, Council agreed in principle to set up a Town Council for Kettering, which would come into effect on 1<sup>st</sup> April 2021. Council in September needs to formally sign this off after the second round of consultation did not produce any change in public opinion on the matter. Originally, it had been intended that this sign up would have happened in April, so six months of preparation time has been lost.

2.2 Until it comes into being, this Council is in “loco parentis” for the Town Council and needs to make decisions on its behalf.

2.3 There are a number of issues which need addressing early on to enable planning to proceed. These are:-

- Assumptions about accommodation for the Town Council.
- Assumptions about assets and facilities currently in use by the Mayor
- Assumptions about the creation of a coat of arms for the new Town Council
- Assumptions about the transfer of any other assets and functions before vesting day.
- Town twinning responsibilities
- The appointment of a temporary clerk to the Town Council

2.4. Taking each in turn:-

**Accommodation**

2.5 The choice is between leasing some existing space within the Municipal Offices to the Town Council, or asking the Town Council to set up in a separate location completely. Both will entail some costs. The Town Council is likely to need:

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- Meeting space big enough for 20 members, officers and public
- A Mayor's Parlour
- Some office space for at least one or two staff but potentially more

- 2.6 Space exists within the Municipal Offices; it is conceivable that the existing parlour, members' room and possibly existing Leader's Office could be leased to the Town Council, with the option of hiring out the existing Chamber as a Council meeting space as required. That would provide some income for the unitary authority, but would take up valuable ground floor space in the Municipal Offices. (At this stage, we do not know what role the unitary authority might want the Municipal Offices to play in terms of service delivery and/or corporate HQ.)
- 2.7 The disadvantage of this arrangement is that it would potentially confuse the outgoing Borough Council and the incoming Town Council in people's minds, and a clean break would be harder to achieve in terms of perceptions about their respective roles and responsibilities.
- 2.8 If members prefer an "off site" option, then a search has to be begun soon to find alternative accommodation.

### **Mayoral Assets**

- 2.9 The Council has already agreed that the mayoral chains, robes, insignia, plate and memorabilia should transfer to the Town Council. That leaves decisions to be made about the mayoral car, which is currently leased. The annual cost of the lease is £5,070 per annum. The Lease is due to end on 31<sup>st</sup> March 2021 but can be extended by mutual agreement with the Lease Company.
- 2.10 The cost of providing a Mayor's Attendant/Driver is approximately £11,000 per annum. Given the smaller geography of Kettering Town, it is less clear whether a car (and therefore also a driver) would be needed, or be affordable for the Town Council. It would be necessary to determine this issue before a precept was arrived at by the end of this year. Currently, the Civic Office is also supported by 0.5 FTE of a Democratic Services Officer post providing administrative and secretarial support.

Members views are sought.

### **Coat of Arms**

- 2.11 A travelling assumption has been made that the Town Council could re-adopt the Coat of Arms in use by the former Borough of Kettering up until 1974. The original inserts into the chain of office and mace have been retained and can be exchanged. The process is much simpler if a future parish, or town, is roughly the



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same in area as a former Urban District, which is largely the case in Kettering. The transfer is enacted by Royal Licence and starts once the new Town Council is in existence and has approved the transfer. The College of Arms' advice is to begin the process and prepare the various documents so that they are ready for execution by the new Town Council when the time comes. The process is expected to take approximately six months if the former Borough of Kettering (up until 1974) Coat of Arms is proposed for adoption by the new Town Council.

- 2.12 The fee for a transfer of Arms by Royal Licence, followed by Certificate of the Kings of Arms, currently stands at £3,650. These fees will rise at the end of the year by the rate of inflation. Additional work carried out by the College of Arms, such as producing digital images, would incur additional costs of between £1,000 and £2,000.
- 2.13 Approval is sought to commence this process and commit those funds.

### **Town Twinning**

- 2.14 Kettering is twinned with Lahnstein, Germany, Kettering Ohio, and now with Falmouth, Jamaica. Small grants are paid to these twinning organisations by the Borough Council, which also pays small grants for twinning arrangements outside Kettering town. The most successful twinning arrangements are those where ownership is embedded in the local community and not with local authorities. A strong level of community involvement exists within the Lahnstein twinning arrangements and it has already been agreed that the Jamaica arrangements should be supported by the local community.
- 2.15 It is suggested, therefore, that the responsibility for twinning support lies with the appropriate town council, and not with the unitary council. Therefore, the precept for the Town Council in its first year should allow for a sum of approximately £2,000 for twinning support.

### **Transfer of Assets and Functions**

- 2.16 The Borough Council has agreed in principle to transfer the market charter. This transfer has to be reflected in one of consequential orders submitted to Parliament dealing with aspects of local administration not yet covered in the Structural Change Order. The transfer implies that the Town Council can determine the future management arrangements for the markets, although it may want to come to an agreement with the unitary council about the best way of doing that. One of the consequent decisions will be whether the market stalls and other equipment are also transferred to the Town Council and how these are stored.

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- 2.17 The only statutory duty placed on town and parish councils is the provision of allotments, where there is demand for them. The Local Government (Parishes and Parish Councils (England) Regulations 2008 requires the transfer of any land to the relevant local council which immediately before the order creating the new parish council was held by the principal Council for the purposes of the various Allotment Acts. There are a number of such sites in Kettering Town which will therefore transfer to the Town Council on its creation. All of them are managed by local associations, so there is almost no expenditure transfer involved and no income transfer. In the short term, any operational services provided by the Borough Council can continue to be provided by the new unitary until it and the Town Council agree what future support arrangements might be.
- 2.18 A neighbourhood plan is being developed by a community group in the Headlands Area. In law, the Town Council will inherit this work when it is created. It will be for the Town Council to determine how it engages those people who have been leading the process and how the Plan is finalised, submitted and sustained thereafter.
- 2.19 In law, town and parish councils have “first refusal” on whether or not to take control of any closed churchyards within their area, for maintenance purposes. This question will need to be asked of the Town Council once it has been established.
- 2.20 No other commitments about the transfer of functions or assets have been made, on the basis that this is a decision that the unitary council will wish to make within an overall devolution policy. How soon such decisions will be made is unknown, and it is now inevitable that the new Town Council will come into being before these decisions are made. This will have an implication for how the Town Council is eventually staffed, what support services it requires and from where and what its accommodations needs are. Unless members indicate otherwise, it is assumed that this Council is not making any functional transfer decisions before 1<sup>st</sup> April 2021.

### **Interim Clerk**

- 2.21 To enable new members to be supported and to make arrangements for meetings, the transfer of assets, banking, insurance and other arrangements, and the set-up of accommodation, it will be advisable to appoint a temporary clerk to be in place for a period before and after the May 2021 elections (say, from mid-March to mid-July). This would enable the new Town Council to be supported until such time as they make a permanent appointment. The cost of the temporary post can be borne by the precept raised on behalf of the Town Council. A rough estimate based on the salary of town clerks elsewhere in the area would be a four-month appointment costing about £7,000.

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2.22 Members are asked to agree that a temporary clerk be appointed and that delegated authority be granted to SMT to make the appropriate arrangements to appoint someone.

### **3. CONSULTATION AND CUSTOMER IMPACT**

3.1 Consultation has already taken place on the establishment of a Town Council. This report deals in the main with practical considerations about bringing the new Council into being.

3.2 Allotment Associations will need to be advised about the impending transfer of ownership of allotments to the new Town Council.

### **4. POLICY AND RESOURCE IMPLICATIONS**

4.1 The resource implications are dealt with in the body of the report. If members agree to progress being made with the coat of arms and other associated set up costs, then a new budget line of about £6000 will be needed for the period up to the end of March 2021 to meet these costs, which can be met from reserves.

4.2 A report will need to be submitted to this Council later this year, indicating the first year costs of the Town Council, so that a precept can be levied by the Borough Council at its February meeting.

### **5. LEGAL AND EQUALITY IMPLICATIONS**

None other than those referred to in the report above.

### **6. CLIMATE CHANGE IMPLICATIONS**

None identifiable

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### 7. RECOMMENDATION

- 7.1 The views of the Committee on each of these issues is sought; i.e. in relation to
- a) Accommodation preferences
  - b) Continued provision of a Mayoral car and driver
  - c) Seeking College of Arms approval to restore the pre 1974 coat of arms
  - d) Transferring funds and responsibility for town twinning
  - e) Transferring market stalls and other equipment
  - f) Determining any other transfers of functions or assets
  - g) Appointing an Interim Clerk
  - h) Funding items (c) and part of (g) above .
- 7.2 The Committee is asked to note the requirement to transfer allotment land to the Town Council, to offer to transfer closed churchyard maintenance responsibilities, and to adopt any neighbourhood plan process.

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#### Background Papers:

Previous reports to this committee  
and Council

Various statutory regulations.

Date 7<sup>th</sup> July 2020  
Contact Officer M Hammond

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<b>Report Originator</b>	M Hammond	<i>Fwd Plan Ref No:</i> -	
<b>Wards Affected</b>	All	21 <sup>ST</sup> July 2020	
<b>Title</b>	<b>CALENDAR OF MEETINGS SEPTEMBER 2020 ONWARDS</b>		

**Portfolio Holder: Cllr Russell Roberts**

**1. PURPOSE OF REPORT**

To agree a reduced calendar of meetings in 2020/21, in view of the likely reduced workload for the Council in its final half year.

**2. INFORMATION**

- 2.1 It is usual practice for Annual Council to agree the calendar of meetings each year. This year, both the Covid-19 pandemic and the imminence of local government reform mean we need a different approach. It was felt that it was appropriate to explain and seek agreement to the changes being proposed for the next few months, before they were published on the agenda of Council. Technically, the changes proposed below represent an alteration to the constitution and therefore need Council approval anyway.
- 2.2. As we progress towards the creation of two unitary authorities (UA) the forward planning work for KBC will slow and come to an end, although day-to-day service delivery will be unchanged. Most forward planning work is carried out at member and senior officer level, but as UA work intensifies, their time will be increasingly devoted to those preparations. As shadow arrangements have now come into place, existing resources will be increasingly diverted onto UA work. This will be immediately true for the democratic services, HR and financial teams and for SMT/heads of service and activity managers; precisely the people who support the preparation of reports and meetings. The shadow authority has now established task and finish groups, and scrutiny arrangements which will begin to consume member time and officer time.
- 2.3. The pandemic has also disrupted the cycle of meetings with virtual meetings being held only for decision-making purposes, rather than for deliberative, engagement and consultative purposes. It is unlikely that a move away from virtual meetings will be achievable in the months leading up to Christmas.
- 2.4 Not all meetings in the calendar (eg Executive Committee ) may be needed.

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### **2.5 PROPOSAL**

- a) The following meetings are removed from the calendar:-
- Member Development Group
  - Budget Consultation process and meetings
  - Research and Development Committee
- b) No new Task and Finish Groups are established during the rest of 2020/21.
- c) Planning Committee will continue on an increased frequency, Planning Policy and Employment Committees will also continue in being, as will the Tenants Forum, and Council meetings will continue on their usual frequency.
- d) The following committees and forums have their last meetings as indicated:
- The geographic forums and East Kettering Liaison Forum – autumn 2020
  - Monitoring and Audit Committee - 3<sup>rd</sup> February 2021
  - Executive Committee – 17<sup>th</sup> February 2021
- e) The following meetings will take place when required, so no dates have been placed in the calendar:
- Standards Advisory Committee
  - Licensing Committee
- f) A final Council on the 24<sup>th</sup> March is proposed, as a way of bringing the life of the Council to a close.

### **3. CONSULTATION AND CUSTOMER IMPACT**

There are no plans to consult more widely.

### **4. POLICY AND RESOURCE IMPLICATIONS**

Fewer meetings will free up member and officer time for critical planning work for the new councils.

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**5. LEGAL AND EQUALITY IMPLICATIONS**

None

**6. CLIMATE CHANGE IMPLICATIONS**

None

**7. RECOMMENDATION**

7.1 That the attached calendar of meetings be approved for submission to Annual Council

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Background Papers: N/a

Date July 2020  
Contact Officer M Hammond

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## Programme of Meetings - 1<sup>st</sup> July 2020 to 31<sup>st</sup> March 2021

MEETING	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
Annual Council			9 <sup>th</sup>						
Council			23 <sup>rd</sup>			16 <sup>th</sup>		24 <sup>th</sup>	24 <sup>th</sup>
Executive	8 <sup>th</sup>		15 <sup>th</sup>	14 <sup>th</sup>	11 <sup>th</sup>	9 <sup>th</sup>	13 <sup>th</sup>	17 <sup>th</sup>	
Monitoring & Audit	14 <sup>th</sup>				25 <sup>th</sup>			3 <sup>rd</sup>	
Planning Committee	15 <sup>th</sup> / 29 <sup>th</sup>	11 <sup>th</sup> / 25 <sup>th</sup>	8 <sup>th</sup> / 22 <sup>nd</sup>	6 <sup>th</sup> / 20 <sup>th</sup>	3 <sup>rd</sup> / 17 <sup>th</sup>	1 <sup>st</sup> / 15 <sup>th</sup>	19 <sup>th</sup>	16 <sup>th</sup>	16 <sup>th</sup>
Planning Policy Cttee			1 <sup>st</sup>	12 <sup>th</sup>		8 <sup>th</sup>			
JCF			16 <sup>th</sup>				13 <sup>th</sup>		
Kettering Town Forum				5 <sup>th</sup>					
A6 Towns Forum				21 <sup>st</sup>					
Rural Forum				13 <sup>th</sup>					
East Kettering Liaison Forum						2 <sup>nd</sup>			
Employment Committee			30 <sup>th</sup>				27 <sup>th</sup>		
LGRAC	21 <sup>st</sup>								

MEETING	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
Joint Planning Committee			3 <sup>rd</sup>	28 <sup>th</sup>					
Tenants' Forum			16 <sup>th</sup>	21 <sup>st</sup>	18 <sup>th</sup>	23 <sup>rd</sup>	20 <sup>th</sup>	10 <sup>th</sup>	10 <sup>th</sup>
Licensing Committee*									
Standards Advisory Cttee*									

\*to be convened as necessary