

COUNCIL

14 November 2016

UPDATE ON COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTHWEST

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
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Ward Councillors	Oakham North West - Mr R Gale and Mr A Mann	

DECISION RECOMMENDATIONS

That Council:

1. Notes the results of the consultation on the Draft Recommendations;
2. Approves the timetable and next steps for this review detailed in Paragraph 5 of this report.

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 11 July 2016 Council approved the draft recommendations for the Community Governance Review of Barleythorpe and Oakham North West and the scope of the consultation on those draft recommendations.
- 1.2 This report provides an update on the result of the consultation on the draft recommendations and a timetable which details the key dates and actions in order to proceed with this review.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The parish area of Barleythorpe currently has no Parish Council but operates a Parish Meeting. Historically, there have not been a sufficient number of electors in

the Barleythorpe parish to form a Parish Council.

- 2.2 The parish area of Oakham has a Town Council comprising 12 town councillors covering four parish wards (Oakham North West/Oakham North East/Oakham South West/Oakham South East). Each Ward has around 2000 electors.
- 2.3 Barleythorpe is a parish in its own right and does not form part of the parish of Oakham. It is, however, situated within the Oakham North West Ward of Rutland County Council along with the North West Ward of the Parish of Oakham (Oakham Town Council).
- 2.4 In February 2015 Rutland County Council agreed that a Community Governance review be undertaken. The terms of reference for the Review were agreed by Full Council and published in January 2016; the initial consultation on these terms of reference commenced on 29 January 2016 and concluded on 29 April 2016. This consultation set out a number of options and requested respondents to indicate a preferred option and provide comments on the options.
- 2.5 In order to comply with timescales set within statutory guidance and detailed within the timetable and terms of reference for this review (http://www.rutland.gov.uk/council_and_democracy/elections_electoral_registra/community_governance_reviews.aspx), the Council must publish draft recommendations which reflect the identities and interests of the community in the area under review and provide for effective and convenient community governance. These draft recommendations were approved by Council on 11 July 2016 and are summarised below:
- a) That the existing Barleythorpe and Oakham North West parish areas are amended as reflected in Maps A-E;
 - b) That a new Parish Council is created in the Parish of Barleythorpe;
 - c) That the name of this Parish Council should be "Barleythorpe Parish Council"; and
 - d) That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable provided at paragraph 7.2 below.

Full details of the draft recommendations can be found on the website at:

http://www.rutland.gov.uk/council_and_democracy/elections_electoral_registra/community_governance_reviews.aspx

Details of the consultation on these draft recommendations can be found at Paragraph 3 to this report.

- 2.6 In June 2016 the number of Electors was 823, in September this had risen to 888. The Council must recommend the creation of a Parish Council should there be over 1000 local government electors (Section 94 of the Local Government and Public Involvement in Health Act 2007).
- 2.7 The number of electors in the parish of Barleythorpe is increasing due to the housing development of Oakham North with a predicted electorate of approximately 2000 by the year 2022. Given the current size of the electorate and

the projected increase in the population it is likely that the threshold for making the recommendation to create a Parish Council could be triggered before the Review is completed, or very soon afterwards.

3 CONSULTATION

3.1 The consultation on the draft recommendations began on 30 July 2016 and ended on 23 September 2016. A letter was delivered to all households in the area under review and the following organisations were also provided with details of the review and draft recommendations:

- Oakham Town Council
- Barleythorpe Parish Meeting
- Barleythorpe Neighbourhood Forum
- Langham Parish Council
- Braunston Parish Council
- Leicestershire and Rutland Association of Local Councils
- Ward Members for Oakham North West
- Larkfleet (Developers)
- Charles Church
- Hawksmead
- Bellway (Developers)
- Oakham Town Partnership
- Rutland Agricultural Society
- Voluntary Action Rutland
- Catmose College - Headmaster
- Catmose College - Governors
- Harington School
- RCC Planning Policy
- RCC Education
- RCC Highways
- RCC Street naming and numbering
- RCC Land Charges
- RCC Revenues and Benefits

A copy of the Draft Recommendations and accompanying Maps were also placed in the library and in the foyer at RCC along with spare response forms. A Survey Monkey electronic response form was provided on the RCC Website and detailed in Press Releases.

A summary of the responses received can be found below:

	QUESTION 1			QUESTION 2			QUESTION 3			QUESTION 4		
	<i>Do you support the proposed boundary changes?</i>			<i>That a new Parish Council is created in the Parish of Barleythorpe.</i>			<i>That the name of this new Parish should be called "Barleythorpe Parish Council".</i>			<i>That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable below.</i>		
	Y	N	-	Y	N	-	Y	N	-	Y	N	-
BARLEYTHORPE	98	2	4	97	5	2	98	3	3	94	3	7
OAKHAM	53	9	2	56	7	1	55	7	2	54	8	2
OTHER	1	1	3	1	1	3	1	1	3	1	1	3
TOTAL	152	12	9	154	13	6	154	11	8	149	12	12
	173			173			173			173		

Y	YES
N	NO
-	NOT ANSWERED

A total of 173 responses were received. Out of these responses 88% (152) were in favour of the proposed boundary changes and 89% (154) were in favour of the creation of a Parish Council for Barleythorpe.

- 3.2 The responses and comments received from this consultation can be viewed on the [Community Governance](#) page of the Council website.
- 3.3 The Constitution Review Working Group were provided with an update report on the Community Governance Review for Barleythorpe and Oakham North West at their meeting on 23 September 2016. The following points were noted at this meeting:
- i) Certain areas where boundary changes were being proposed may have developments which would be subject to Community Infrastructure Levy (CIL). CIL would be paid to the Parish where the development was situated. Confirmation would be sought as to whether an interim parish council can receive CIL funds;
 - ii) Implications regarding S.106 Agreements in the area under review also needed clarification;
 - iii) The timetable suggested that the Interim Council is set up from June 2017, this was to ensure there was sufficient time between the Re-organisation Order coming into effect on 1 April 2017 to establish the structure and governance arrangements. The timetable had been included as part of the consultation;
 - iv) Consideration should be given to the Parish Meeting setting a small budget for 2017/18 which would then be handed to the interim council;

- v) The group agreed that the interim council should contain members of the Parish Meeting, the Neighbourhood Forum Group and Ward Members;
- vi) The Interim Council would need to look to employ a Clerk;
- vii) The group agreed that the interim council should consist of 8 members plus 2 advisory members (an RCC officer, plus an experienced member of another Parish Council – the Chair of Langham Parish Council was recommended for this role); and
- viii) An update would be provided to Full Council in November in order to gain approval for the next steps including the creation of the interim council. Once approved officers could start to liaise with Barleythorpe Parish Meeting and the Neighbourhood Forum Group.

4 OVERVIEW OF IDENTIFIED IMPLICATIONS RESULTING FROM PROPOSED BOUNDARY AMENDMENTS

- 4.1 **Street Naming and Numbering** have confirmed that the proposed amendment shown in Map B would not change the address of the properties affected. All the properties in Coleridge Way currently have an Oakham address.
- 4.2 **Highways** have confirmed that there are no identified implications from the proposed amendments to the boundary. Highways highlighted that Barleythorpe Parish will become responsible for the energy costs for all street lighting. This arises from the proposal that was agreed by Cabinet in March 2016, not from the Draft Recommendations.
- 4.3 **Planning Policy** provided the comments below:

There are a number of potential planning and housing implications from the proposed parish boundary changes and some initial investigation has been carried out, but so far the implications appear to be quite minor. Oakham and much of Barleythorpe already share a Planned Limit of Development which limits the impact of a parish boundary move. A more detailed check regarding funds held under section 106 agreements and other planning issues will be required to be undertaken during the consultation period and any implications fed back.

The effects of the Community Infrastructure Levy are likely to be minor although there is a slight emphasis towards regeneration in Oakham in the Infrastructure Project List. In any case, the Infrastructure Project List is subject to regular review.

The Local Plan Review and the Neighbourhood Plan covering Oakham and Barleythorpe are still being developed and can readily address the proposed changes in the Parish boundary. There is a possibility that a Barleythorpe Parish Council might wish to develop a Neighbourhood Plan in the future that covers just that Parish, but that might be the case whether or not the Parish boundary changed.

The residential properties which would transfer are a mix of market and affordable housing. The properties would move into an urban parish for affordable housing lettings and asset management purposes, but the impact would be limited as they

are already generally regarded as being in Oakham from an operational perspective.

4.4 **The Education Department** have confirmed that there are no identified implications in respect of the proposed boundary changes for the Catmose College Site and provided the comment below:

“These proposals are unlikely to have any impact on Catmose College. Funding and admissions are not determined by such specific local criteria, so there will be no impact on them, nor on Catmose’s ‘catchment’ area. If there are implications regarding utility bills as a result of the boundary changes, Catmose may wish to articulate its concerns at the consultation stage.”

4.5 **Precept Levied to Households**

4.5.1 Currently some properties in Coleridge Way sit within the Barleythorpe Parish Boundary and others sit within the Oakham North West Parish Boundary. The 2016/17 precept Band D equivalent for Barleythorpe is 14p and for Oakham this is £54.47.

4.5.2 Should the proposed boundary changes proceed to the final recommendations all properties in Coleridge Way will be within the Oakham North West Parish Boundary and therefore will pay the corresponding precept levied by Oakham Town Council for 2017/18 and beyond.

4.5.3 It is important to note that should the creation of a Parish Council for Barleythorpe proceed to final recommendations, any Interim/ Parish Council will also look to levy a precept, which will be paid by residents in the Barleythorpe Parish Area. It is difficult to determine the actual amount as it is for the Interim/Parish Council to decide the budget that they require, but taking into account elector figures from June 2016, the following comparisons can be made with similar sized Parish Councils:

Parish Council	Elector Numbers (8/6/16)	Precept 16/17 (£)	Band D (£)
Barleythorpe	823	73.91	0.14
Whissendine	1036	19041.01	34.35
Langham	1151	19251.92	32.48
Empingham	703	13918.09	33.74

4.5.4 It is proposed that RCC would determine the precept for the Interim Parish Council for 2017/18. It would not be anticipated that the initial interim council would need to set a full precept for 2017/18 and would only need to cover its costs for work anticipated in the first year. This may include costs for:

- Parish Notice Boards
- Clerks Remuneration

- Membership to LRALC
- Election Costs

4.6 **Community Infrastructure Levy Charge (CIL) and S.106 Agreements**

- 4.6.1 RCC is obliged to pay over a proportion of CIL receipts to the local parish council where the development paying CIL is located. The proportion is 15% of CIL receipts unless the Parish has an adopted Neighbourhood Plan in which case it is 25%. This would be split between the parishes if a single development for which a CIL charge is raised covers parts of each parish.
- 4.6.2 Officers are looking at the allocation of funds from historic s.106 agreements.

5 **TIMETABLE AND NEXT STEPS**

- 5.1 No adverse implications have been identified; the result of the consultation on the draft recommendations indicated support for the creation of a Parish Council for Barleythorpe and the related boundary alterations from the majority of respondents; and the electorate in the area under review is steadily increasing and expected to rise to 2000 by the year 2022. It is therefore proposed that the Final Recommendations and Reorganisation Order (to be presented to Council in January 2017) reflect the Draft Recommendations (Detailed at 2.5 above) and support the creation of a Parish Council for Barleythorpe.
- 5.2 The timetable published as part of the original terms of reference has been updated in order to provide further detail below:

TASK	Timescales (12 months - indicative)
Draft recommendations are published – further consultation commences	Three Months June to September 2016
Consideration of submissions received – Final Recommendations are prepared	Two months September to November 2016
Update and Approval of Next Steps – Full Council	14 November 2016
Final recommendations approved by Full Council and published – concluding the review*	January 2017
Council resolves to make a Reorganisation Order to include <ul style="list-style-type: none"> - Electoral Arrangements - Consequential amendments to Boundaries - Establishment of a precept for 2017/18 for the new parish 	January 2017

Officers to liaise with local community and interest groups in order to establish the membership of the Interim Parish Council with support from LRALC (See 5.3 below)	February – May 2017
Order Comes into effect	1 April 2017
Interim parish established and first meeting to be held.	By June 2017
Clerk Appointed by Interim Parish Council	By July 2017
Set Budget/approval of Precept for 2018/19 (Interim Council)	Submit to RCC by December 2017
Election of Parish Councillors (For one year term of office*)	May 2018
Set budget/approval of Precept (Parish Council)	Submit to RCC by December 2018
Election of Parish Councillors (Four year term)	May 2019 (then every four years)

5.3 Creation of an Interim Parish Council

5.3.1 Rutland County Council have worked with Leicestershire and Rutland Association of Local Councils (LRALC) to provide guidance on the creation of a Parish Council.

5.3.2 LRALC identified two types of interim arrangements in the lead up to the creation of the Parish Council “real”. These are shadow parish councils and interim parish council. The creation of an Interim Council is considered to be the most appropriate form of governance for the period leading up to the election of Councillors in May 2018 for the following reasons:

- Members are formally appointed by RCC
- They have the same statutory powers as the actual parish council
- They have the power to set a precept and control and access these funds
- Any assets and funds transfer directly to the elected parish council in May 2018

5.3.3 There is no set method of calculation for the number of Members; however in deciding this the Council must have regard to the legal provisions and considerations below:

- i) The number of Parish Councillors shall not be less than five (Local Government Act 1972 Section16);
- ii) When considering the number of councillors to be elected for the parish the principal council must have regard to the following factors under

Section 95 (6-7) Local Government and Public Involvement in Health Act 2007:

- The number of local government electors for the Parish;
- Any change in that number which is likely to occur in the period of five years beginning the day when the review starts.

iii) The National Association of Local Councils suggests that the minimum number of councillors should be seven and the maximum 25.

iv) The pattern of existing Parish Council sizes in similar sized Parishes, the take up of seats at elections, any particular demands on the parish, the level of precept and service provision and other local circumstances that may be relevant.

5.3.4 Taking the above considerations into account, along with LRALC Guidance and in consultation with the Constitution Review Working Group it is proposed that the interim council should consist of 8 members plus 2 advisory members (an RCC officer, plus an experienced member of another Parish Council). The Elected Parish Council would have 8 Councillors, the same number of members as the Interim Council.

5.3.5 It is proposed that the 8 Members for the interim Council be appointed from the existing Barleythorpe Parish Meeting, the Barleythorpe Neighbourhood Forum Group, along with the 2 Ward Members for the area of the Review. These individuals would then be the parish council's representatives for the period up to the election of councillors in May 2018.

5.3.6 In accordance with the timetable above an interim Parish Council will be established by June 2017.

6 ALTERNATIVE OPTIONS

6.1 In January 2016 Council agreed the terms of reference for this review and approved the scope of the consultation and a number of alternative options were put forward as part of the initial consultation. 58% of respondents indicated that Option 3 (*Retaining the common boundary and reviewing the existing community governance arrangements for residents living in the parish area of Barleythorpe – this would include reviewing the current electorate, the impact of future developments and the establishment of any new Parish Council covering the parish area of Barleythorpe*) was their preferred option.

6.2 The draft recommendations and scope of the consultation on them was approved by Full Council in July 2017. The draft recommendations gave effect to the views of those local residents that responded to the initial consultation, they were informed by relevant legislation and guidance and reflect the responses received from the initial period of consultation. They were put forward as the most suitable way of achieving effective and convenient community governance, whilst retaining the identity of the area under review and protecting the interests of those that live within it. Submissions from the second phase of consultation have been considered in full and indicate that the people who live in the Barleythorpe area that responded to the consultation support the recommendations.

7 FINANCIAL IMPLICATIONS

- 7.1 Parish Councils have the power to levy a precept. The precept is a sum of money used to fund the Parish Council. It is a sum of money levied from each household and collected by the Council on behalf of the Parish Council from each household in addition to Council Tax paid to the County Council. The principal authority (RCC) would normally set the precept for the first year of the new council; this may be in consultation with those members that will make up the interim council. In subsequent years it will be for the elected Parish Council to set its own precept based on the running costs of the council and the services it plans to provide for that year.
- 7.2 LRALC would provide support to the interim/new parish council free of charge on the understanding that a recommendation to join as a full paying member was made as soon as was practicable. Based on the current electorate of the parish the combined annual NALC/LRALC fee would be approximately £250 (2016-17). LRALC/NALC fees can be included in the precept/budget for the council.
- 7.3 The cost of holding a contested election for any new councillors in 2018 will need to be assessed. This is currently predicted to be around £2000. The cost for the election can be included in the Budget set by the Interim Council for 2018/19.
- 7.4 There are minor cost implications of setting up a new Parish to RCC generally these costs have been support from staff and the cost of the consultation which can be contained within existing resources.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
- i) It must have regard to the need to secure that community governance within the area under review:
 - b) reflects the identities and interests of the community in that area; and
 - c) is effective and convenient.
 - ii) In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - d) that have already been made, or
 - e) that could be made for the purposes of community representation or community engagement in respect of the area under review.
 - iii) The Council must take in to account any representations received in connection with the review.
- 8.2 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community

Governance Reviews, published guidance on community governance reviews.

- The guidance states that the Council must have regard to the need to secure community governance within the area under review; it reflects the identities of the community in the area and is effective and convenient.
- The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.

8.3 Section 94 of the Local Government and Public Involvement in Health Act 2007 states as follow:

If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.

If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

8.4 The full Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government can be found at <https://www.gov.uk/government/publications/community-governance-reviews-guidance>.

8.5 In order to allow for Electoral Arrangements as proposed in the Terms of Reference it will be necessary to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in May 2018 and for the Councillors to serve a shortened first term (1 Year) to allow the parish council's electoral cycle to return to the ordinary cycle of local elections in 2019.

8.6 The Principal Council has the power to arrange and adopt the initial parish precept under Regulation 3, Local Government Finance (New Parishes) Regulations 2008.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no Health and Wellbeing implications

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 Responses to the consultations carried out in January/February and August/September of 2016 clearly indicate that people living on the Barleythorpe area support the creation of a Parish Council for this area.

- 12.2 The creation of a Barleythorpe Parish Council will provide for effective and convenient local governance as it will allow residents in the area to have input in decisions which affect them and will ensure that the interests of the community are represented through the provision of services to meet local needs in order to improve the quality of life and community well-being.
- 12.3 The Guidance issued by the Local Government Boundary Commission for England states that boundaries between parishes “need to be, and be likely to remain, easily identifiable” also “A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries...it is important that principal councils seek to address parish boundary issues at regular intervals.” The areas reflected in the draft recommendations have been identified as being anomalous and it is suggested that the final recommendations seek to address this by proposing the consequential amendments to the boundaries as detailed in the maps.
- 12.4 The Timetable and next steps proposed are in accordance with the Terms of Reference for this review and statutory guidance detailed in section 8 of this report.

13 BACKGROUND PAPERS

- 13.1 Terms of Reference for the Community Governance Review of Barleythorpe and Oakham North West approved 11 January 2016.

14 APPENDICES

- 14.1 There are no appendices.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.