

## COUNCIL

9 January 2017

# COMMUNITY GOVERNANCE REVIEW BARLEYTHORPE AND OAKHAM NORTH WEST

### 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	
Contact Officer(s):	Debbie Mogg, Monitoring Officer	01572 758358 dmogg@rutland.gov.uk
	Natasha Brown, Corporate Support Coordinator	01572 720991 nbrown@rutland.gov.uk
Ward Councillors	Oakham North West - Mr R Gale and Mr A Mann	

### DECISION RECOMMENDATIONS

That Council:

1. Approves the final recommendations for the Community Governance Review of Barleythorpe and Oakham North West (Appendix A)
2. Delegates the making and approval of the Rutland County Council (Reorganisation of Community Governance) Order 2017 (Draft attached at Appendix B) to the Electoral Registration Officer in consultation with the Leader of the Council; and
3. Authorises the Director for Resources, in consultation with the Leader to set the precept for the new Parish of Barleythorpe in accordance with para.4 of this report and approves that those funds be transferred to the interim Council once it has been appointed in April 2017.

## 1 PURPOSE OF THE REPORT

- 1.1 To ensure that local governance arrangements reflect the identities of the community and provide for effective and convenient local government in accordance with the findings from the review and feedback from consultations on the terms of reference and draft recommendations.

- 1.2 To obtain approval for the final recommendations and reorganisation order in order to give effect to the findings of the review.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 In February 2015 Rutland County Council agreed that a Community Governance review be undertaken for the parish of Barleythorpe and the parish ward of Oakham North West. 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.
- 2.2 During consideration of the responses to the initial consultation a number of consequential amendments to the Parish Boundaries were identified to be included in the draft recommendations.
- 2.3 The draft recommendations below 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 (Section 5.6).

Full details of the draft recommendations including maps and the responses to the consultation can be found on the website at:

[http://www.rutland.gov.uk/council\\_and\\_democracy/elections\\_electoral\\_registra/community\\_governance\\_reviews.aspx](http://www.rutland.gov.uk/council_and_democracy/elections_electoral_registra/community_governance_reviews.aspx)

- 2.4 On 1 December 2016 the number of electors was 953. 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).
- 2.5 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.
- 2.6 In November 2016 the Council approved the timetable and next steps for the review which included the proposal that the Final Recommendations and Reorganisation Order reflect the Draft Recommendations and support the creation of a Parish Council for Barleythorpe. (Section 5, Report 206/2016)

2.7 The Final Recommendations detailing the outcome of the review including details of the amendments to the Parish areas are included at Appendix A to this report.

### **3 REORGANISATION ORDER**

3.1 Once the council has approved the final recommendations which include the creation of a parish council for Barleythorpe and amendments to the parish boundaries, the Council must then approve a reorganisation order. AEA guidelines state that there should be a period of time after the Final Recommendations are published to allow unforeseen matters to emerge before adopting the recommendations and making the order. This is the reason that Council are being asked to delegate the making and approval of the order to the Electoral Registration Officer in consultation with the Leader.

3.2 The Reorganisation Order sets out the mechanics of the establishment of the parish and its council. The order must include the budget requirement for the parish council for the financial year 2017/18 and any other provisions needed to bring the parish council into being including elections and transitional arrangements (Appendix B).

3.3 Once the order is made, the Council must deposit at its main office a copy of the reorganisation order, and a map which shows the effects of the order in detail. The order and the map must be available for public inspection at all reasonable times and the County Council must publicise its availability for inspection. The Council must also notify the relevant agencies (including the Secretary of State for Communities and Local Government, the LGBCE, the Office of National Statistics, the Director General of the Ordnance Survey, any other principal council (e.g. a county council) whose area the order relates to).

### **4 PRECEPT**

4.1 The Parish Council precept is the sum of money levied from each household in the parish to fund the Parish Council. It is collected by the Council on behalf of the Parish Council in addition to Council Tax paid to the County Council.

4.2 Currently some properties in Coleridge Way sit within the Barleythorpe Parish Boundary and others sit within the Oakham North West Parish Boundary. The result of the reorganisation order is that all the properties in Coleridge Way will now be within the Oakham North West Parish Boundary and therefore will pay the corresponding precept levied by Oakham Town Council for 2017/18.

4.3 A precept for the new Barleythorpe Parish Council needs to be set by Rutland County Council for the year 2017/18, in the following year the interim council will set the precept.

4.4 The interim council will require a budget for 2017/18 in order to cover its costs for work anticipated in the first year. This will include costs for:

	£ (Approx)
Parish Notice Boards	1000
Clerks Remuneration (based on £11 per hour/15 hours pw)	10000
Membership to LRALC	250
Website set up costs	500*

Street lighting costs	10
Hire of meeting space	1200
General Budget	5000
<b>TOTAL PRECEPT 2017/18</b>	<b>17960**</b>

\* The Interim Parish Council may be entitled to apply for funding from the Transparency Fund which has been set up in order to assist smaller Parish Councils with complying with the Smaller Authorities Transparency Code

\*\* This is the indicative budget for the interim council for 2017/18. This budget may be different in future years and it will be the responsibility of the interim council to set a budget for 2018/19 and the elected parish council will set the budget for 2019 and beyond.

- 4.5 Using the above budget as a guide, this will equate to a Band D equivalent of approx. £25.42 for Barleythorpe residents for 2017/18. If the general budget was increased to £20,000, giving a total budget of £32,960, this would equate to a Band D equivalent of £46.65 for Barleythorpe residents for 2017/18. As a comparison with other similar sized parishes the Band D equivalent precept levied by Whissendine Parish Council for 2016/17 was £34.35 and the Band D equivalent precept levied by Empingham Parish Council for 2016/17 was £33.74.
- 4.6 Council are asked to delegate the authority to set the final budget amount for the interim council for 2017/18 to the Director for Resources, in consultation with the Leader and approve that those funds be transferred to the interim Council once it has been appointed in April 2017.

## **5 CREATION OF AN INTERIM PARISH COUNCIL**

- 5.1 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:
- 5.1.1 The number of Parish Councillors shall not be less than five (Local Government Act 1972 Section16);
- 5.1.2 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.
- 5.1.3 The National Association of Local Councils suggests that the minimum number of councillors should be seven and the maximum 25.
- 5.1.4 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.

- 5.2 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 It is proposed that the 8 Members for the interim Council be appointed from the existing Barleythorpe Parish Meeting, the Barleythorpe Neighbourhood Forum Group, local businesses and residents 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.
- 5.4 A letter inviting expressions of interest will be sent to local community groups including the Barleythorpe Neighbourhood Forum Group and the Barleythorpe Parish Meeting, local businesses and residents. The Ward Members for Oakham North West will be asked to encourage expressions of interest from a cross section of the residents of Barleythorpe.
- 5.5 The Constitution Review Working Group, in consultation with the Ward Members will complete a selection process from the expressions of interest received and will then make a recommendation to Council in respect of the appointments. Council will be asked to approve the interim councillors at their meeting on 13 March 2017.
- 5.6 In accordance with the timetable below an interim Parish Council will be established by June 2017.

TASK	Timescales
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"> <li>- Electoral Arrangements</li> <li>- Consequential amendments to Boundaries</li> <li>- Establishment of a precept for 2017/18 for the new parish</li> </ul>	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 above)	February – May 2017
Council approves appointments to the interim council	13 March 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)

## **6 CONSULTATION**

- 6.1 In accordance with guidance issued by the Department for Communities and Local Government the review included consultation with relevant parties including Ward Councillors, Parish Meetings and Community Groups, other interested organisations, households in the area under review, as well as relevant departments of RCC. The Constitution Review Working Group was updated on the progress of the review. Council was provided with updates and recommendations for approval at relevant points in the review.
- 6.2 The terms of reference and draft recommendations were the subject of a thorough phase of consultation. The two periods of consultation were 29 January – 29 April 2016 and 30 July – 23 September 2016. Each consultation involved a letter being issued to every household in the area under review; all relevant documentation made accessible on the RCC website, in the library and in the foyer at RCC; a Survey Monkey electronic response form was provided on the RCC Website and detailed in Press Releases.
- 6.3 The documentation relating to this review, including the details of the consultations and responses and comments received from the consultations can be viewed on the [Community Governance](#) page of the Council website.
- 6.4 The Constitution Review Working Group considered the report on the final recommendations at a meeting on 16 December 2016 proposals for amendments and additions to the report have been incorporated.

## **7 ALTERNATIVE OPTIONS**

- 7.1 A series of options were put forward for the possible outcome of this review during the first stage of consultation on the terms of reference. 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 were approved by Council in July 2016. 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 those recommendations.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 The principal authority (RCC) would normally set the precept for the first year of the new council. This is discussed in detail at Section 4 of this report. In subsequent years it will be for the interim/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.
- 8.2 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.
- 8.3 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.
- 8.4 There are minor cost implications of setting up a new Parish to RCC generally but these can be contained within existing resources. These costs include the support from staff and the cost of the consultation.

## **9 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply with 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.
- 9.2 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.

9.3 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.

9.4 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>.

9.5 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.

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

## **10 EQUALITY IMPACT ASSESSMENT**

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

## **11 COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no community safety implications.

## **12 HEALTH AND WELLBEING IMPLICATIONS**

12.1 There are no health and wellbeing implications.

## **13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

13.1 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.



- 13.2 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 recommendations have been identified as being anomalous, this will be addressed by the consequential amendments to the boundaries as detailed in the maps.

#### **14 BACKGROUND PAPERS**

- 14.1 There are no additional background papers to the report.

#### **15 APPENDICES**

- 15.1 Appendix A – Final Recommendations
- 15.2 Appendix B - Rutland County Council (Reorganisation of Community Governance) Order 2017
- 15.3 Appendix C – Maps A – D
- 15.4 Appendix D – Suggested Parish Boundary Changes
- 15.5 Appendix E – Final Parish Boundaries

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