



Committee: COUNCIL BUSINESS COMMITTEE

Date: THURSDAY, 26 MAY 2016

Venue: MORECAMBE TOWN HALL

Time: 6.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the duration of the 2016/17 municipal year.

3. **Minutes**

Minutes of meeting held on 10 March 2016 (previously circulated).

4. **Items of Urgent Business Authorised by the Chairman**

5. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

6. **Community Governance Review: Petition to Create an Aldcliffe with Stodday Parish Council (Pages 1 - 11)**

7. **Taking of Decisions Between Meetings (Pages 12 - 15)**

8. **Appointments to Committees and Changes to Membership (Page 16)**

To approve the changes on the sheet attached and any other changes reported at the meeting.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Janet Hall (Chairman), Eileen Blamire, Joan Jackson, Roger Mace, Abi Mills, John Reynolds and Andrew Warriner.

(ii) Substitute Membership

Councillors Tracy Brown, Susie Charles, Tim Hamilton-Cox, Terrie Metcalfe and Susan Sykes.

(iii) Queries regarding this Agenda

Please contact Tessa Mott, Democratic Services - 01524 582074 or email tmott@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on 18 May 2016.

COUNCIL BUSINESS COMMITTEE

**Community Governance Review:
Petition to create an Aldcliffe-with-Stodday
Parish Council
26 May 2016**

Report of Democratic Services Manager

PURPOSE OF REPORT

To agree the Terms of Reference document and the consultation timetable for the Community Governance Review for the proposed Aldcliffe-with-Stodday Parish Council.

This report is public.

RECOMMENDATIONS

- (1) **To agree the Terms of Reference for the Community Governance Review for the proposed Aldcliffe-with-Stodday Parish Council.**
- (2) **To agree the consultation timetable and additional meeting dates if needed.**

1.0 Introduction

1.1 Council, at its meeting on 13 April 2016, was advised that a valid petition had been received which would commence a Community Governance Review to consider the creation of a new parish council for an area to be called Aldcliffe-with-Stodday Parish Council.

1.2 A copy of the report to Council is attached at Appendix A, together with a copy of the relevant minute at Appendix B.

2.0 Proposal Details

2.1 Council has asked this Committee to develop and oversee the process for the Community Governance Review. Attached to this report at Appendix C is a draft Terms of Reference document which will form the basis of discussion at the meeting.

2.2 Council Business Committee will also need to agree the process for consultation and the timetable to be followed. The Review must be concluded by April 2017.

2.3 The Review must also consider all aspects of the creation of the parish

council, including the electoral arrangements that would be need to be adopted (for example warding arrangements, the number of councillors for the area, etc). It must also consider the initial precept arrangements should a new parish be created.

3.0 Conclusion

3.1 In conducting the Community Governance Review, Council Business Committee should consider all aspects of the process to be undertaken. Although there is no standard format for carrying out a review, thought must be given to the most appropriate way to conduct a review which best suits the needs of this area and can depend largely on the size and scale of the review to be carried out.

3.2 In all cases, the review period must not exceed 12 months in duration and it is expected that the final recommendations for this review will be reported back to Council in December 2016. Should the outcome be that a new parish council should be created, it would be expected that a reorganisation order would be effective for the next financial year commencing 01 April 2017.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None</p>
<p>LEGAL IMPLICATIONS</p> <p>Chapter 3 of Part 4 of The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions about such matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. Principal councils are required, by Section 100(4) of the 2007 Act, to have regard to guidance issued by the Secretary of State when undertaking reviews and the guidance has been followed in drafting this report to Council.</p>
<p>FINANCIAL IMPLICATIONS</p> <p>The cost of the review will be met from existing budgets. If, ultimately, a new parish is formed within the district, then that would have implications for council tax setting as the new parish would have powers to precept, the same as other parishes within the district. As an indication of the likely size (in tax base terms) of any future parish, at present there are around 150 Band D equivalent properties within the area. As context, currently the smallest parish within the district is Roeburndale, with just over 20 Band D equivalents, but it has never precepted separately. There are a number of other parishes that have tax bases at or below 150. Timing considerations around precept and tax setting for the new parish will need to be taken account of in detailed planning, but at present it is thought that reaching a decision by December 2016, or thereabouts, should be fit reasonably well.</p>

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

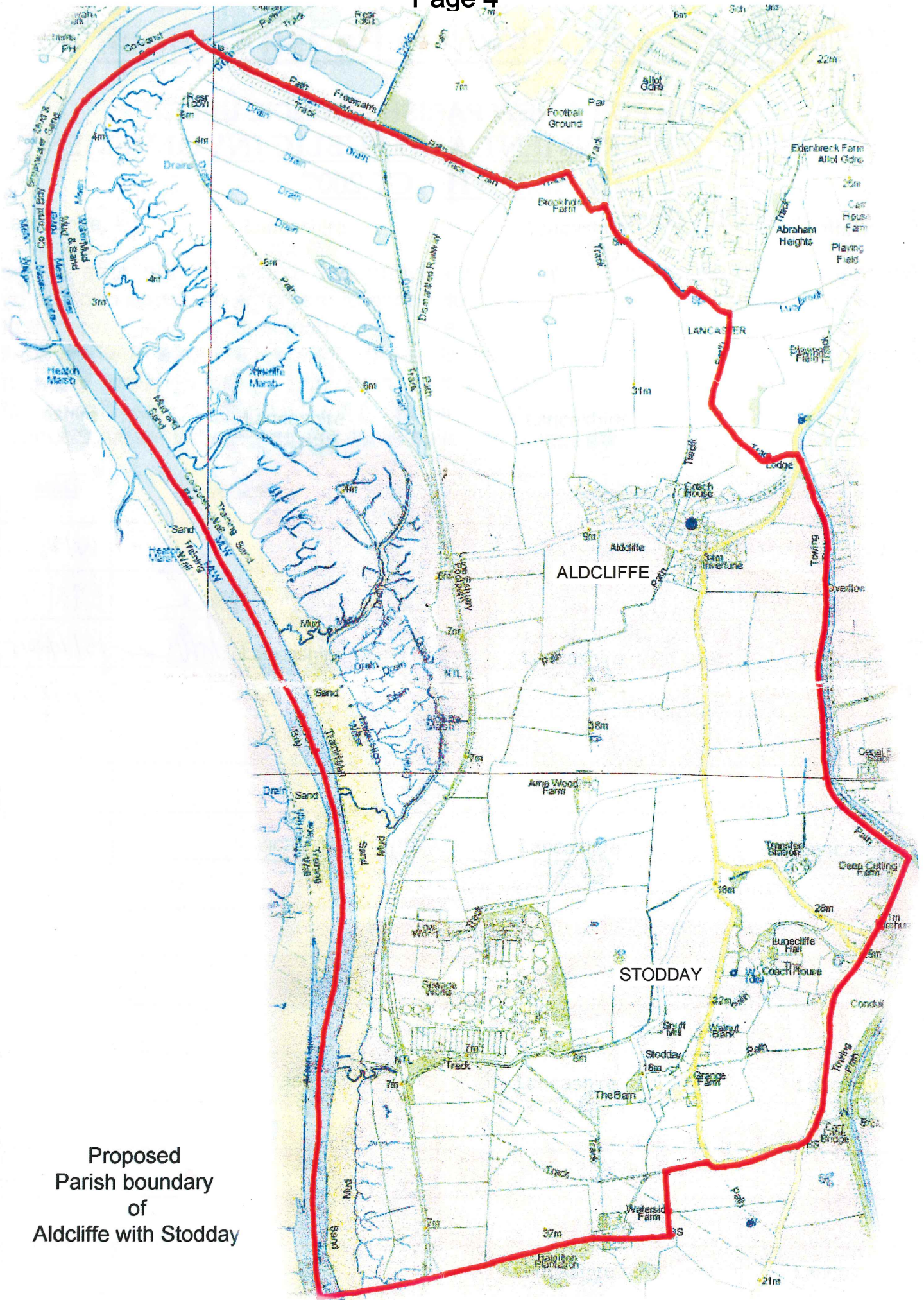
The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Contact Officer: Lisa Vines
Telephone: 01524 582070
E-mail: lvines@lancaster.gov.uk
Ref:



Proposed
Parish boundary
of
Aldcliffe with Stodday

179 COMMUNITY GOVERNANCE REVIEW: PETITION TO CREATE AN ALDCLIFFE-WITH STODDAY PARISH COUNCIL

The Chief Executive submitted a report which advised Council of the receipt of a valid petition requesting the creation of a Parish Council for Aldcliffe-with-Stodday and sought the Council's views in taking the necessary Community Governance Review forward.

Councillor Leytham, seconded by Councillor Phillippa Williamson, proposed:

“(1) That responsibility for setting the terms of reference for the Community Governance review of Aldcliffe-with-Stodday and overseeing the review be delegated to the Council Business Committee, with special meetings of the Committee being convened if necessary and final proposals considered by Council in Autumn 2016.”

A vote was then taken on the proposition, which was clearly carried.

Resolved:

(1) That responsibility for setting the terms of reference for the Community Governance review of Aldcliffe-with-Stodday and overseeing the review be delegated to the Council Business Committee, with special meetings of the Committee being convened if necessary and final proposals considered by Council in Autumn 2016.

LANCASTER
CITY COUNCIL

Promoting City, Coast & Countryside

COMMUNITY GOVERNANCE REVIEW

ALDCLIFFE-WITH-STODDAY

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

DRAFT TERMS OF REFERENCE

DRAFT

INTRODUCTION

Lancaster City Council has resolved to undertake a Community Governance Review following receipt of a petition for the creation of a Parish Council for Aldcliffe-with-Stodday.

The review will be conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a Review.

The Terms of Reference must specify the area under review and set out clearly the matters on which the review is to focus. The terms must be appropriate to local people and their circumstances and reflect the specific needs of their communities. The terms of reference should assist Lancaster City Council to prepare draft proposals.

What is a community Governance Review?

A Community Governance review can consider a range of topics affecting the community governance of the area under Review. These include the creation, merging, altering or abolishing of parish areas, the naming of parishes, the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding) and consequential matters such as resulting effects on the city wards or the setting of the commencement dates for any new arrangements.

Why is the council undertaking the review?

The Council is undertaking this Community Governance Review as a petition has been received requesting that a new parish council be created for an area spanning parts of the Marsh and Scotforth West Wards of the City Council, to be called Aldcliffe-with-Stodday Parish Council.

The area of the proposed parish council is defined in the map at Appendix A to these Terms of Reference.

In particular the review will consider

- a) Whether or not to create a parish council within a specified area to be known as Aldcliffe-with-Stodday Parish Council.
- b) Whether to create an alternative form of community governance for that area.

Who is undertaking the Review?

Lancaster City Council is responsible for undertaking any review within its electoral area. The Council is responsible for agreeing the Terms of Reference for the review and agreeing the draft and final recommendations prior to any Community Governance Order being made.

The lead officer for this review is Mrs Lisa Vines, Election Manager, Lancaster City Council.

CONSULTATION

How the Council proposes to conduct consultations during the review

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.

In forming its recommendations during the review, the Council will seek the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007 (Section 93).

The Council intends to publish all correspondence received in the review and all decisions that it takes in the Review, giving its reasons for taking those decisions. The Council is mindful of government guidance that “community governance reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind those decisions”.

The Council will endeavour to ensure that local government electors and any other person or body with an interest in the Review has every opportunity to express their views. The Council recognises the importance of ensuring full consultation and encouraging stakeholders to contribute to the Review.

The Council proposes to use general press releases, its website, the placing of key documents on deposit at the Town Halls in the Customer Contact Centres, relevant parish council contacts and direct personal communication with all registered electors in the area covered by the review to achieve these objectives. The Council is mindful of the costs of a Review, and it will endeavour to ensure that the consultation process is cost effective and that only reasonable costs are incurred.

Timetable for the Review

The review must be completed within twelve months, with publication of the terms of reference as the starting point.

The timetable for the Community Governance Review to consider the creation of a parish council for Aldcliffe-with-Stodday is as follows:

Action	Date
Publication of Terms of Reference	May 2016
Introductory Stage – submissions are invited	May 2016
Preparation of draft proposals	June 2016
Publication of draft proposals	July 2016
Consultation on draft proposals	August 2016
Preparation of final proposals	September 2016
Publication of final proposals	October/November 2016
Publication of Recommendations	December 2016
Publication of any Reorganisation Order (including any precept calculated on behalf of the new parish)	December 2016 to February 2017

CONSULTATION

Receipt of Petition

Those signing the petition to start a review must be local government electors on the most recently published register.

The petition was received on 01 December 2015 and the electors were checked against the electoral register published on 01 December 2015 which was the most recent register at that time.

There were 218 electors registered as at 01 December 2015. In order to be valid, for an area with less than 500 electors the petition has to have been signed by at least 37.5% of the electors registered in that area. The petition contains 122 valid signatures which represents 55.96% of the registered electors in that area.

The petition provides a valid indication that there is sufficient support amongst the registered electors in the area for the creation of a parish council for Aldcliffe-with-Stodday.

Proposed Electoral Arrangements

The proposed area covered by Aldcliffe-with-Stodday Parish Council covers two polling Districts. Any parish council would therefore be warded, with Councillors elected to each Ward.

Aldcliffe Ward – made up of the element of the parish in polling district Scotforth West A (SCWA). It is proposed this would be represented by 3 Councillors. A new polling district would have to be created by the City Council within the Scotforth West Ward to facilitate these electoral arrangements.

Stodday Ward – made up of the element of the parish in Scotforth West D (SCWD). It is proposed this would be represented by 2 Councillors. A new polling district would have to be created by the City Council within the Scotforth West Ward to facilitate these electoral arrangements.

This would ensure that the Parish was represented by a total of 5 Councillors, which is in line with parishes of a similar size elsewhere in the district and is the legal minimum number of parish councillors required.

Elections would be proposed to take place on 04 May 2017. The initial term of office of those Councillors elected would be 2 years. Elections would then take place on 02 May 2019 (the next scheduled parish elections for the Lancaster District) allowing the electoral cycle to return to the four year term of office, in line with all other parishes in the district.

From 01 April 2017 until the election of Councillors, an interim Clerk would be provided by the City Council until the Parish is able to make its own appointment.

Parish Precept

Any parish council may raise funding through issuing a precept notice to the local billing authority (i.e. the City Council).

Generally, a parish council forecasts the amount of funding it will require for the following year and requests this funding from its local district council in the form of a precept. The billing authority generates this income by increasing the council tax for every property (chargeable for council tax) within the relevant parish area. Council tax rates must be set by 11 March each year.

The total number of chargeable properties is known as the council tax base. This takes account of:

1. The number of properties in each band during the year (i.e. including the results of changes and appeals)
2. Disabled relief
3. Discounts and exemptions
4. Provision for bad or doubtful debts
5. Allowance for growth

The tax base figures are expressed as Band D equivalents in accordance with the relevant regulations. The council tax base should be set by 31 December each year.

The City Council notes that the Regulations regarding the establishment of a precept for a new parish require Lancaster City Council to calculate the first anticipated precept for a newly constituted parish council and for the amount of that precept to be included in the Reorganisation Order.

The timescales for completing the community governance review make provision for this, on the basis that:

- A provisional tax base would be calculated by 31 December 2016; and
- The City Council would calculate and publish by 28 February the first precept for any new Aldcliffe-with-Stodday parish.

CONSEQUENTIAL MATTERS

General principles

Lancaster City Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order.

These may include:

The transfer and management or custody of property;

The setting of precepts for new parishes;

Provision with respect to the transfer of functions, property, rights and liabilities.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area estimated by the proper officers of the council as an appropriate proportion.

HOW TO RESPOND TO THIS CONSULTATION

Comments should be submitted to the Council's Elections Team. They can be submitted by letter or by email to:

Election Office

Lancaster City Council

Town Hall

Lancaster

LA1 1PJ

Email: elections@lancaster.gov.uk

The closing date for comments is: ???

TERMS OF REFERENCE PUBLISHED ON (DATE OF PUBLICATION)

COUNCIL BUSINESS COMMITTEE**26 May 2016****Taking of Decisions Between Meetings****Report of the Democratic Services Manager****PURPOSE OF REPORT**

To enable the Committee to consider the best approach to discuss the best approach to decision-making, when a decision is required before the next scheduled meeting.

This report is public

RECOMMENDATIONS

- (1) **That the Committee considers the options and information set out in this report.**

1.0 Introduction

1.1 This report has been drafted in response to a request from the Chairman and members of the Committee, who wish to discuss the best approach to dealing with decision-making, when a decision is required before the next scheduled meeting.

1.2 On 11 December 2013, Council halved the number of Council Business Committee meetings from 6 per year to 3 per year. Since the reduction was made, it has sometimes been difficult to respond in a timely manner to consultations, because meeting dates do not fit with response deadlines. Urgent Business Procedures have been used where necessary. The other issue which sometimes arises, because the number of Council meetings was also reduced as part of the same decision in 2013, is how to deal with changes to committee memberships. These can only be approved by this Committee or Council.

2.0 Options and Options Analysis (including risk assessment)

2.1 There are three options set out below for Members to discuss. The Urgent Business Procedure, mentioned in Option 2, is set out in the Constitution and the relevant paragraph is below for information.

There will be occasions when an urgent decision is needed and the matter cannot wait for the next meeting of Council or the appropriate Committee. On

these occasions the Chief Executive is authorised to make the necessary decision following consultation with the Chairman of the relevant Committee. Any decisions made under this procedure must be reported to the next scheduled meeting of the decision-making body.

Although the urgent business procedure set out in the Constitution is carried out in consultation with the Chairman of the Committee only, in practice, it has been possible to obtain views of at least a few Members of the Committee on a consultation response to allow the Chairman to take those into account.

	Option 1: To call 'ad hoc' meetings to deal with consultation responses and any other pressing matters.	Option 2: To use urgent business procedures to deal with consultation responses and any other pressing matters.	Option 3: Mixture of option 1 and option 2, as appropriate.
Advantages	<ul style="list-style-type: none"> Allows members to have a discussion together about the consultation and for the appropriate officer(s) to present a draft response. Very useful for technical matters where Members may have lots of questions. Discussions will be in a public meeting. 	Allows decision to be taken at very short notice or if it would be impossible for the Committee to meet and be quorate (if a suitable date could not be found where the Committee would be quorate, for example.)	Allows the best approach to be utilised for each circumstance. For example, changes to Committee Memberships are easily effected using the urgent business procedures, however a complex consultation response may raise lots of queries and discussion, which would be ideally suited to a public meeting.
Disadvantages	<ul style="list-style-type: none"> Five clear days' notice must be given between publication of the agenda and the meeting, for the meeting to be lawful. A room is required. Cost of staff to keep the Town Hall open if the meeting is held at 6pm and there no other meetings that night. Officer resources 	<ul style="list-style-type: none"> Decisions can be taken without consulting any Member except the Chairman. Difficult to have a dialogue by email about a complex consultation. Also more difficult for Members to raise queries and receive answers and advice from expert officers. Discussions not public, although the decision will 	See other options – but this option 3 could help to minimise their potential impact.

	required to service meetings, including Senior Officer time to present consultation responses and answer questions.	be.	
Risks	Risk that adding in extra meetings will undermine the decision of Council in 2013 to reduce the number of meetings; a decision which has saved money and resources.	None identified. Business can be transacted in accordance with the Constitution at a meeting or via urgent business procedures.	See Options 1 and 2.

2.2 Further to the above, the Committee could recommend to Council that 'Changes to Committee Memberships' be included on the Council Agenda as a standing item (as it is for this Committee) so that there is an opportunity for group administrators to make changes at short notice at Council meetings.

3.0 Conclusion

3.1 The options set out above are to assist the Committee in discussions about the best approach for future decisions.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>
<p>LEGAL IMPLICATIONS</p> <p>There are no legal implications as a result of this report.</p>
<p>FINANCIAL IMPLICATIONS</p> <p>There are no quantifiable financial implications as a result of this report. It would be expected that any staffing costs for additional ad hoc meetings would be met from within existing resources and budgets, but this would be subject to meeting frequency and timing, etc.</p>
<p>OTHER RESOURCE IMPLICATIONS</p> <p>Human Resources: None.</p>

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The s151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer drafted this report in her role as Democratic Services Manager.

BACKGROUND PAPERS

None.

Contact Officer: Debbie Chambers

Telephone: 01524 582057

E-mail: dchambers@lancaster.gov.uk

Ref:

APPOINTMENTS TO COMMITTEES AND CHANGES TO MEMBERSHIPS

1. Councillor Peter Williamson (Cons) to become substitute member of Audit instead of full member.
2. Councillor Scott (NAI) to take Councillor Peter Williamson's place on Audit Committee (this being the Conservative place in the Regulatory grouping to be passed over to either Cllr Woodruff or Scott as a result of the PR adjustment).
3. Councillor Woodruff to take the seat on Licensing Act Committee passed over by the Labour group as a result of the PR adjustment.
4. Councillor Cooper to take Councillor Joan Jackson's place on Council Business Committee.