

**Establishment of Morecambe Town Council – the  
Lancaster City Council (Reorganisation of Community  
Governance) Order 2009**

**4<sup>th</sup> February 2009**

**Report of the Chief Executive**

**PURPOSE OF REPORT**

To approve an Order for the creation of a Morecambe Parish with effect from 1<sup>st</sup> April 2009 and the establishment of a Morecambe Town Council with effect from the next ordinary elections following that date.

This report is public

**RECOMMENDATION**

- (1) That the draft Order be approved as set out at Appendix B, including a precept for 2009/10 of £220,500 as recommended by the Morecambe Town Council Working Group.**
- (2) That a Shadow Morecambe Parish Council be established with effect from 1<sup>st</sup> April 2009 comprising the City Council Ward Councillors for Bare, Torrisholme, Heysham North, Westgate, Harbour and Poulton Wards.**
- (3) That having considered the recommendations of the Working Group in relation to other issues to assist with the establishment of a Morecambe Town Council:**
  - (a) The Head of Democratic Services arrange two ‘Prospective Councillor’ training events at Morecambe Town Hall during April 2009 for members of the public wishing to stand for election to the Town Council.**
  - (b) The existing Working Group be extended until the Shadow Parish Council is inaugurated on 1<sup>st</sup> April 2009 to enable further consideration to be given to any matters which may arise.**
  - (c) The Chief Executive be requested to report back to the next meeting of Council on the implications for the City Council to enable decisions to be taken on the remaining requests of the Working Group as set out in paragraph 2.6.2 of the report.**

**1.0 Introduction**

- 1.1** Following the receipt of a Petition for the creation of a Town Council for Morecambe under the Local Government and Rating Act 1997 and a subsequent change in legislation, the City Council took the decision under transitional arrangements on 18<sup>th</sup> December 2008 to support the proposal as follows:

- (1) *That Lancaster City Council confirm its support for the establishment of a Morecambe Town Council as set out in the Petition dated 31<sup>st</sup> January 2007 on the boundaries of the existing City Council wards of Poulton, Bare, Torrisholme, Westgate, Harbour and Heysham North, excluding the existing parished areas of Torrisholme and Westgate with the following electoral arrangements:*

<i>Town Council Ward</i>	<i>Proposed number of Councillors</i>
<i>Torrisholme Parish Ward</i>	<i>5</i>
<i>Bare Parish Ward</i>	<i>3</i>
<i>Poulton Parish Ward</i>	<i>5</i>
<i>Harbour Parish Ward</i>	<i>5</i>
<i>Westgate Parish Ward</i>	<i>5</i>
<i>Heysham North Parish Ward</i>	<i>3</i>
<i>Total</i>	<i>26</i>

*and that a draft Reorganisation Order as provided for under S86 of the Local Government and Public Involvement in Health Act 2007 be submitted to the next meeting of Council for approval to enable implementation of the Town Council from 1<sup>st</sup> April 2009.*

- (2) *That a Morecambe Town Council Working Group be established comprising the Ward Councillors for Poulton, Bare, Torrisholme, Westgate, Harbour and Heysham North Wards to consider an appropriate level of precept for recommendation to full Council to be included in the Reorganisation Order in (1) above.*
- (3) *That the Head of Financial Services be authorised to update the revenue budget accordingly in respect of the cost of elections to the newly established Morecambe Town Council.*

## **2.0 Details of Proposal**

- 2.1 Since the decision was taken to establish a Morecambe Town Council, work has been undertaken to produce a draft formal Reorganisation Order for approval by Council at this meeting. Of the elements which need to be determined by full Council in order to finalise the Order, the boundaries and electoral arrangements (warding and councillor numbers) were agreed at the Council meeting in December. All that remains in order to complete the Order is for this Council to set a precept which will produce an appropriate working budget for the first year's operation of the Town Council.
- 2.2 Members should note that the legislation now in place, i.e. the Local Government and Public Involvement in Health Act 2007 does not permit the City Council to establish a Town Council. It is necessary therefore for the Order to create a Parish Council and the first meeting of the new Parish Council once elected will then be able to adopt the title of Town and elect a Town Mayor under the S245 of the Local Government Act 1972.
- 2.3 The Order also includes, in line with current legislation, the transfer of the Devonshire Road Allotments from the City Council to the Morecambe Town Council.
- 2.4 In accordance with (2) above, the Morecambe Town Council Working Group has met on three occasions to consider the options available to the future Town Council and to develop a potential draft budget.

## 2.5 Precept

- 2.5.1 The Working Group comprising the Ward Councillors for the area to be included in the Town Council met on 6<sup>th</sup>, 13<sup>th</sup> and 19<sup>th</sup> January 2009 initially in the form of workshops and considered information relating to the powers and responsibilities of Parish Councils and the details of the Council Tax base and potential precept levels for the area.
- 2.5.2 The majority of members agreed that whilst setting a very basic precept would allow the Council to function in the initial twelve months it would also fetter their ability to explore all expenditure options and it was felt that the principle of enabling the new Town Council to look at providing 'added value' to some existing services provided by the City Council should underpin the calculation of a 'reasonable' budget.
- 2.5.3 A proposed budget has therefore been developed as set out in Appendix A to this report in the sum of £220,500.
- 2.5.4 In order that this level of budget is available for the Town Council in 2009/10 the Working Group is recommending that the City Council set a precept of £220,500 for inclusion in the Reorganisation Order, attached as Appendix B to this report. This figure equates to approximately £19.31 per annum at Band D equivalent for properties in the Morecambe Town Council area.
- 2.5.5 The map which will be included in the Order will be displayed at the meeting.
- 2.5.6 Members should note that the Town Council will not be bound by any of the proposals put forward by the Working Group and may utilise as much or as little of the resultant budget as it wishes. The only constraints will be that it will not be able to spend more than the available budget.

## 2.6 Other Recommendations

- 2.6.1 In considering the potential operation of the Town Council in order to estimate a reasonable budget, a number of other issues have arisen on which the City Council will need to make a decision.
- 2.6.2 The recommendations of the Working Group are set out below:

That the City Council be requested:

- (a) To allow Morecambe Town Council (and its committees) to meet, free of charge, in Morecambe Town Hall
- (b) To hold two 'Prospective Councillor' training events at Morecambe Town Hall during April 2009 for members of the public wishing to stand for election to the Town Council
- (c) To maintain the existing Working Group until the 'Shadow Town Council is inaugurated on 1<sup>st</sup> April 2009.
- (d) To consider the possible provision of clerical assistance to the new Town Council, if requested and at cost, from 1<sup>st</sup> April until such time as they are able to recruit a Town Clerk. Full details to be negotiated with the Chief Executive.
- (e) To retain the precept income until such time as the elected Town Council can establish a bank account (which will probably be after the elections on 4<sup>th</sup> June 2009)

- 2.6.3 With regard to (b) above, whilst the City Council would not normally hold events for prospective election candidates this year as these will be run by the County Council, they have previously been held for Parish candidates and the proposal would meet the obligations now placed on the City Council to promote electoral participation and are considered best practice. The minimal costs can be contained within existing budgets and it is therefore recommended that Council agree to this request.
- 2.6.4 With regard to (a), (d) and (e) a further report is being prepared to Council on the implications for the City Council to enable Members to give the requests full consideration. It is recommended therefore that Council today agree to recommendation (c) above to enable the Working Group to consider the content of this report and offer any further views to Council.

### **3.0 Next Steps**

- 3.1 Once the draft Order has been approved, the final Order will be made and sealed with an effective date of 1<sup>st</sup> April 2009.
- 3.2 The Council must also publish the decision and give reasons for that decision. A copy of the Order including a map will be placed on deposit for public inspection and provided to a long list of bodies including the Secretary of State, the Electoral Commission, the Office of National Statistics, Ordnance Survey, the Audit Commission and the County Council.
- 3.3 Any appeal at this stage is by way of judicial review.
- 3.4 The City Council will set up a Shadow Parish Council to make initial plans and decisions for the commencement of the new Town Council. This will comprise the City Council Ward Councillors for the area of the new Town Council. The Shadow Council has full decision-making powers and can co-opt other members if desired. However, no decisions are binding on the new Council once it has been elected, although it will be constrained by the funding level set. Whilst the Shadow Council has full decision making powers it would be unusual for any decisions to be taken on services to be provided, but some 'small scale' decisions will be required such as when and where to hold the first Annual Meeting after the elections.

### **4.0 Conclusion**

- 4.1 Having made the decision to create a Morecambe Parish and establish a Morecambe Town Council with effect from 1<sup>st</sup> April 2009, the City Council is required to set a precept to provide a budget for the first year of the Town Council in order that the Reorganisation Order can be made prior to 1<sup>st</sup> April and the precept included in the budget report to the next meeting of the City Council.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The proposal for a parish for Morecambe is in accordance with Council's policy which highlights its strong commitment to Town and Parish Councils as a means of addressing the UK democratic deficit and affording local people a greater say on how their localities are shaped.

**FINANCIAL IMPLICATIONS**

The financial implications of the creation of any new Parish or Town Council have been previously considered by Council and a sum of £15,000 has been included in the 2009/10 draft budget to cover the cost of the 2009 elections. The making of the Orders and support to a shadow Town Council will have resource implications in Democratic, Legal and Financial Services and whilst the costs can be contained within existing budgets may affect progress with other pieces of work contained within the respective Business Plans. In particular the requirement to service the Shadow Council and steer the implementation of the new Town Council may affect progress in other areas or result in a reduced level of service in Democratic Services – such as reduced support to Overview & Scrutiny Task Groups and/or Cabinet Liaison Groups or a reduction in member development support. The transfer of allotments will result in a minor transfer of income, but this will be offset by a corresponding reduction in the contribution to the allotments reserve.

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no comments to add.

**LEGAL IMPLICATIONS**

With effect from April 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act 1997 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007. Transitional arrangements were put in place in February 2008 to allow for any Petitions which had not been determined by the Secretary of State before the commencement of the new legislation to be determined by either the DCLG or the Local Council.

Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 provides for the City Council to set a precept on behalf of the newly established parish.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has assisted with the drafting of the Order and her comments have been incorporated in the report.

**BACKGROUND PAPERS**

Model Order provided by the Department of Communities and Local Government  
Guidance on community Governance  
Reviews published by the Electoral Commission

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**APPENDIX A****POTENTIAL COSTS**

<b>APPLICATION</b>	<b>COST £'s</b>
Clerks Salary	30,000
Office Equipment and Consumables	3,000
Office Accommodation	5,000
Website Development	5,000
Administration Costs	3,000
Membership Fees	2,500
Audit Fee	2,000
Insurance	2,000
Elections	5,000
Allotments	2,000
Parks and Open Spaces	30,000
Environmental Projects Added value	30,000
Special Projects	30,000
Grants	12,000
Quality Status	2,000
PCSO's	44,000
Mayoralty	1,500
Civic Sunday	1,500
Badge of Office	2,000
Training	3,000
Communications	5,000
<b>TOTAL</b>	<b>----- 220,500</b>

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT  
2007**

**The Lancaster City Council (Reorganisation of Community Governance)  
Order 2009**

*Made on the      day of February 2009*

*Coming into force in accordance with article 1(2)*

Lancaster City Council (“the Council”) received a petition under Section 11 of the Local Government and Rating Act 1997, and the Secretary of State agreed with the Council in accordance with paragraph 10 of the Local Government and Public Involvement in Health Act 2007 (Commencement No. 3, Transitional and Saving Provisions and Commencement No. 2 (Amendment) Order 2008 that the petition should be treated as if it constituted recommendations made in a community governance review for the constitution of a new parish under Section 87 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”);

The Council has decided to give effect to those recommendations and, in so doing has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council in accordance with Section 100 of the 2007 Act, has had regard to guidance issued under that section:

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act and of all other powers enabling it in that behalf.

**Citation and commencement**

1.—(1) This Order may be cited as the Lancaster City Council (Reorganisation of Community Governance) Order 2009.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on the 1st April 2009.

(3) Article 8 and Schedule 1 shall come into force on the ordinary day of election of councillors in 2009.

(4) For the purposes of:

(a) this article,

(b) article 5, and

(c) article 10 and all proceedings preliminary or relating to the election of parish councillors for the parish of Morecambe to be held on the ordinary day of election of councillors in 2009,

this Order shall come into force on the day after that on which it is made.

## **Interpretation**

### **2. In this Order—**

“City” means the City of Lancaster;

“map” means the map marked “Map referred to in the Lancaster City Council (Reorganisation of Community Governance) Order 2009” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 and 37A of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

## **Effect of Order**

**3.** This Order has effect subject to any agreement under section 99 of the 2007 Act (agreements about incidental matters) relevant to any provision of this Order.

## **Constitution of a new parish**

**4.—(1)** A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the City.

(2) The name of the new parish shall be Morecambe.

## **Calculation of budget requirement**

**5.** For the purposes of Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Morecambe the sum of £220,500.

## **Parish council for the parish of Morecambe**

**6. – (1)** There shall be a parish council for the parish of Morecambe.

(2) The name of that council shall be “The Parish Council of Morecambe”

## **Elections for the parish of Morecambe**

**7—(1)** Elections of all parish councillors for the parish of Morecambe shall be held on the ordinary day of election of councillors in 2009, 2011, and every four years thereafter.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2009 for the parish of Morecambe shall be two years.

(3) The term of office of every parish councillor elected on the ordinary day of election in 2011 and thereafter shall be four years.



### **Wards of the parish of Morecambe and numbers of parish councillors**

8.—(1) The parish of Morecambe shall be divided into six wards which shall be named as set out in column (1) of Schedule 1.

(2) Each ward shall comprise the area of the city ward specified in respect of the ward in column (2) of Schedule 1 and designated on the map by reference to the name of the ward and demarcated by orange lines.

(3) The number of councillors to be elected for each ward shall be the number specified in column (3) of that Schedule 1.

### **Annual meeting of parish council**

9.- The annual meeting of the new parish council in 2009 shall be convened by the Head of Democratic Services of the Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

### **Electoral register**

10. -The registration officer for the City shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

### **Transfer of property, rights and liabilities**

11.-The land, property, rights and liabilities described in Schedule 2 shall transfer from the Council to the new parish council on the date specified in column (2) of that Schedule.

### **Transitional provision**

12.-Until the councillors elected to the council of the new parish of Morecambe at the elections to be held on the ordinary day of election of councillors in 2009 come into office, the new parish shall be represented by those persons who immediately before 1st April 2009 are the elected councillors for the city wards of Bare, Harbour, Heysham North, Poulton, Torrisholme and Westgate.

### **Order date**

13.-1st April 2009 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the Council on the      day of February 2009.

Corporate Director

## SCHEDULE 1

article 8

## WARDS OF THE PARISH OF MORECAMBE

## NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Name of Parish Ward</i>	<i>Area of Ward</i>	<i>Number of Parish Councillors</i>
Bare	The whole of the city ward of Bare as shown on the map	3
Harbour	The whole of the city ward of Harbour as shown on the map	5
Heysham North	The whole of the city ward of Heysham North as shown on the map	3
Poulton	The whole of the city ward of Poulton as shown on the map	5
Torrisholme	That part of the city ward of Torrisholme shown on the map	5
Westgate	That part of the city ward of Westgate shown on the map	5

## SCHEDULE 2

article 9

## LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
Devonshire Road Allotments	1 <sup>st</sup> April 2009

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives effect to recommendations made by Lancaster City Council for the new parish of Morecambe, within the city of Lancaster City Council.

The parish of Morecambe will be created with effect from 1 April 2009. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2009.

Article 7 provides for parish elections in the parish of Morecambe in 2009, and 2011 and then to continue according to the established system of parish elections every four years.

Article 8 specifies the numbers of parish councillors for the new parish of Morecambe.

Article 8, Schedule 1 and the map establish the names and areas of the wards of the new parish of Morecambe and the numbers of councillors for each ward.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new wards of the parish of Morecambe. It is available, at all reasonable times, at the offices of Lancaster City Council.