

**Community Governance Review:
Petition to Create an Aldcliffe-with-Stodday Parish
Council
13 April 2016**

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To advise Council of receipt of a valid petition requesting the creation of a Parish Council for Aldcliffe-with-Stodday and to seek the Council's views in taking the necessary Community Governance Review forward.

This report is public

RECOMMENDATIONS

- (1) To consider the options set out in 3.2 of the report for allocating or establishing a Committee to develop terms of reference, determine consultation plans and agree a timetable for a Community Governance Review of the Aldcliffe and Stodday area.**
- (2) That the Committee be consulted throughout the process and be involved in the preparation of final proposals to Council in Autumn 2016.**

1.0 Introduction

- 1.1 The Local Government and Public Involvement in Health Act 2007 transferred responsibility for the creation of new parish councils from the Department for Communities and Local Government to principal councils. A 'community governance review' must be undertaken and completed before a new parish can be created.
- 1.2 There are provisions in the Act for community governance petitions, which must meet the conditions laid out in Section 80 of the Local Government and Public Involvement in Health Act 2007. A petition must be signed by the following number of electors (as amended by The Legislative Reform (Community Governance Reviews) Order 2014:

<u>Petition area</u>	<u>Required number of signatories</u>
<500 electors	37.5% of the electors
500-2,499 electors	At least 187 of the electors
>2,500 electors	At least 7.5% of the electors

- 1.3 Petitioners should be local government electors on the most recently published register inclusive of monthly notices of alteration.
- 1.4 Where a request is made for a new parish to be created, the petition must define the area of the new parish (on a map or otherwise).

2.0 Details

- 2.1 The City Council has received a petition for the creation of a new Parish Council, to be called Aldcliffe-with-Stodday Parish Council. The petition includes a map which indicates the area of the new parish. A copy of the map is attached at Appendix A.
- 2.2 The area of the proposed new parish council does not have any existing parish arrangements. The register to be used for the calculation of electorate for the petition was the register published on 01 December 2015. The electorate for the area of the new parish is 218. The petition has been checked and the number of electors who have signed is 122, well in excess of the 37.5% required to trigger a community governance review.
- 2.3 When a principal council, such as Lancaster City Council, receives a valid petition, it must carry out a community governance review. The first stage of carrying out the review is to set a timetable and establish and publish terms of reference for the review. These 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. Once the terms of reference have been published the Council has a maximum of one year to complete the review. The review concludes when the Council publishes its final recommendations.
- 2.4 The proposed timetable for the Aldcliffe-with-Stodday community governance review is as follows:

Report to Council	April 2016
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
Agreement of final proposals by Council and publication of recommendations	December 2016
Publication of any reorganisation order	December 2016 to April 2017

3.0 Proposal and Options

- 3.1 As set out in 2.3 above, terms of reference for the review need to be established, agreed and published and it is recommended that a Committee of Council meet to formulate those terms of reference.

3.2 Council could choose to delegate the responsibility for setting the terms of reference for the Community Governance review of Aldcliffe-with-Stodday and overseeing the review to a Committee of Council which is already established. The most appropriate would seem to be Council Business Committee, and special meetings of the Business Committee could be convened as necessary. Alternatively, Council may wish to establish a new Committee, on the basis of proportional representation, to deal with this Community Governance review. If a new Committee is to be established, Council will need to decide how many Members should serve on the Committee and whether groups should be encouraged to nominate relevant ward Members, who are most in touch with the Aldcliffe and Stodday communities or to co-opt them in a non-voting advisory capacity.

4.0 Conclusion

4.1 It is clear in this case that there is considerable support for the creation of a parish council for Aldcliffe-with-Stodday, demonstrated by the number of electors who have signed the petition.

4.2 Council is asked to consider the most appropriate decision making process for the City Council to adopt. Members should be involved at all stages of the process before any final recommendations are brought before Council in December 2016 and the most effective way to do this would seem to be either by establishing a new Committee of Council or delegating the matter to Council Business Committee.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None

LEGAL IMPLICATIONS

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.

FINANCIAL IMPLICATIONS

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.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None.

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 has been consulted and has no further comments.

BACKGROUND PAPERS

Petition

Contact Officer: Lisa Vines

Telephone: 01524 582070

E-mail: lvines@lancaster.gov.uk

Ref: