

## **COUNCIL BUSINESS COMMITTEE**

### **Community Governance Review: Petition to create an Aldcliffe-with-Stodday Parish Council – Second Stage Consultation Responses 3 November 2016**

#### **Report of Democratic Services Manager**

##### **PURPOSE OF REPORT**

To consider the responses received to the second stage of the consultation process for the proposal to create Aldcliffe-with-Stodday Parish Council and to agree the Order for submission to Council on 14 December 2016.

**This report is public.**

##### **RECOMMENDATIONS**

- (1) To agree the draft Order for the creation of Aldcliffe-with-Stodday Parish Council for submission to Council on 14 December 2016.**

##### **1.0 Background**

- 1.1 Council Business Committee, at its meeting on 08 September 2016, considered a report of the Chief Officer (Governance) and agreed revisions to the draft Terms of Reference Document for the second stage of the consultation process of the Community Governance Review for the proposed Aldcliffe-with-Stodday Parish Council.
- 1.2 The Local Government and Public Involvement in Health Act 2007 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 any representations that are received into account by judging them against the criteria in Section 93 of that Act.
- 1.3 Section 93 Sections (6) and (7) state that the principal council must take into account any representations received in connection with the review, and that as soon as practicable after making any recommendations the principal council must publish the recommendations and take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

## **2.0 Consultation**

- 2.1 As well as all households in the area of the proposed Aldcliffe-with-Stodday Parish Council, all first stage consultees were sent a copy of the revised Draft Terms of Reference with notification of the deadline to respond.
- 2.2 The second stage of consultation opened on Thursday 29 September 2016, and closed on Friday 14 October 2016.

## **3.0 Responses to the Consultation**

- 3.1 No responses to the second stage of the consultation have been received.

## **4.0 Draft Order for the creation of the Aldcliffe-with-Stodday Parish Council**

- 4.1 Attached to this report is a draft Order for consideration by Council Business Committee. Once agreed, this will be submitted to Council for approval on Wednesday 14 December 2016. Approval of the order will signify that there is agreement by the Council to the creation of the Parish Council and the order will be effective from 01 April 2017.

## **5.0 Conclusion**

- 5.1 Overwhelming support for the creation of a new parish has been demonstrated by both the number of signatures on the petition and by the responses received to the first stage of the consultation.
- 3.2 The Terms of Reference document and the draft Order, once agreed, will be submitted to Council for final approval on 14 December 2016.

**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.

Once the new parish is formed there are implications for council tax setting as the new parish would have powers to precept, the same as other parishes within the district. Council Business Committee have agreed that the precept for 2017 should be £25 for a Band D equivalent property, and as there are currently 145 Band D equivalent properties within the proposed area this would generate an initial precept amount of £3,625. The level of precept for 2018 would be decided by the Parish Council once it has been established.

By agreeing the order in December 2016 for implementation on 01 April 2017, precept and tax setting for the new parish is achievable for the new financial year.

**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**

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**Ref:**

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### The Lancaster City Council (Reorganisation of Community Governance) Order 2017

Made this day of 2017

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

Lancaster City Council (“the council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) has undertaken a community governance review and made recommendations dated 14<sup>th</sup> December 2016.

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and 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.

#### Citation and Commencement

1. (1) This Order may be cited as the Lancaster City Council (Reorganisation of Community Governance) Order 2017.
- (2) This Order shall come into force on 1<sup>st</sup> April 2017.
- (3) Article 8 shall come into force on the ordinary day of election of councillors in 2017.
- (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 Aldcliffe-with-Stodday to be heldon the ordinary day of election for councillors in 2017; this order shall come into force on the day after 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 2017” 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 this order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 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 outlined with a blue line on the map.
- (2) The name of the new parish shall be Aldcliffe-with-Stodday.

#### Parish Precept

5. (1) The parish precept for 2017 shall be £25 per Band D equivalent property in within the boundary of the new parish.
- (2) The parish precept for 2018 onwards shall be determined by the new parish, once constituted.

#### Parish Council for the Parish of Aldcliffe-with-Stodday

6. (1) There shall be a parish council for the parish of Aldcliffe-with-Stodday.

- (2) The name of that council shall be "The Parish Council of Aldcliffe-with-Stodday".

**Elections for the parish of Aldcliffe-with-Stodday**

7. (1) Elections of all parish councillors for the parish of Aldcliffe-with-Stodday shall be held on the ordinary day of election of councillors in 2017, 2019 and every four years thereafter.
- (2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2017 for the parish of Aldcliffe-with-Stodday shall be two years.
- (3) The term of office of every parish councillor elected on the ordinary day of election in 2019 and thereafter shall be four years.

**Number of parish councillors**

8. The number of councillors to be elected to the new parish shall be 5.

**Annual meeting of the parish council**

9. The annual meeting of the new parish council in 2017 shall be convened by the Democratic Services Manager 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 office 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.

**Transitional provision**

11. Until the councillors elected to the council of the new parish of Aldcliffe-with-Stodday at the elections to be held on the ordinary day of election of councillors in 2017 come into force, the new parish shall be represented by those persons who immediately before 1<sup>st</sup> April 2017 are the elected councillors for the city wards of Marsh and Scotforth West.

**Order date**

12. 1<sup>st</sup> April 2017 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

IN WITNESS whereof the Common Seal of )

Lancaster City Council was hereunto affixed )

in the presence of :- )

.....  
Chief Officer