

COUNCIL

Community Governance Review: Creation of an Aldcliffe-with-Stodday Parish Council

9 November 2016

Report of Council Business Committee

PURPOSE OF REPORT

To allow Council to consider agreeing an Order for the creation of a Parish Council for Aldcliffe with Stodday.

This report is public.

RECOMMENDATIONS OF COUNCIL BUSINESS COMMITTEE

- (1) **To agree the attached Order for the creation of Aldcliffe-with-Stodday Parish Council.**

1.0 Background

- 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. Council asked Council Business Committee to oversee and develop the process for the Community Governance Review to be concluded by April 2017.

2.0 Process

- 2.1 The first stage of the process was in May 2016 when Council Business Committee set a timetable for the Review and agreed draft terms of reference for consultation. The terms of reference were circulated by the Elections Manager to occupiers of all affected properties and other stakeholders as required by the Local Government and Public Involvement in Health Act 2007.
- 2.2 On 8 September 2016, Council Business Committee 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. The second stage of consultation opened on Thursday 29 September 2016, and closed on Friday 14 October 2016.

3.0 Consultation

3.1 Overwhelming support for the creation of a new parish was demonstrated by both the number of signatures on the original petition and by the responses received to the first stage of the consultation. No responses to the second stage of the consultation were 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 which was agreed by Council Business Committee on 3 November 2016 for submission to Council. Council's approval of the order will signify that there is agreement by Lancaster City Council to the creation of the new Parish Council and the order will be effective from 01 April 2017.

5.0 'Shadow' Arrangements

5.1 It is proposed in the Order that the new Parish Council will have five Councillors. Should there be a need for decisions to be made in the period between 1 April 2017 and the date of the elections in May 2017, the Order details 'transitional provisions' to allow a 'shadow' Parish Council to meet to take those decisions. The 'shadow' Parish Council will be comprised of City Councillors for the areas of the new parish. In this case it would be Marsh and Scotforth West Wards (Councillors Barry, Novell, Denwood, Kershaw and Mills). Clerking support will be available from Democratic Services, should a meeting be necessary.

6.0 Conclusion

6.1 Support for the creation of a new parish has been clearly demonstrated and Council is asked to approve the order so that arrangements can be made for the first set of parish elections in May 2017.

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

Council Business Committee has agreed that the precept for 2017 should be £25 for a Band D equivalent property, and as there are currently around 145 Band D equivalent properties within the proposed area this would generate an initial precept amount in the region of £3,625. The exact tax base would be confirmed in in the next few weeks. The level of

precept for 2018 would be decided by the Parish Council once it has been established. By agreeing the order now for implementation on 01 April 2017, precept and tax setting for the new parish is achievable for the new financial year. Any clerking support in the interim will be met from existing Democratic Services staff resources. The consultancy costs of information changes to enable the setting up of the new parish is expected to be in the region of £7k and this is to be met from other savings within the 2016/17 Revised budget.

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 drafted this report in her role as Democratic Services Manager.

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 (date) day (month) 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 9 November 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 1st 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 Chief Executive 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 1st April 2017 are the elected councillors for the city wards of Marsh and Scotforth West.

Order date

12. 1st 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 :-)

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Chief Officer