

Council Report

Council – 27th June 2018

Title

Community Governance Review - Orgreave Parish Council – Implementation of Final Recommendations

Is this a Key Decision and has it been included on the Forward Plan?

Not applicable

Director Approving Submission of the Report

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Ward(s) Affected

Rother Vale, Brinsworth & Catcliffe

Executive Summary

At its Annual Meeting on 23 May 2018 the Council received a report on the outcome of the public consultation on the Community Governance Review for Orgreave and made Final Recommendations, including the establishment of a new parish of Waverley. The consent of the Local Boundary Commission for England was required before those recommendations could be implemented and has now been granted. The recommendations have been publicised in the local press and on the Council's website. The purpose of this report is to confirm the decision of the Commission and to seek the approval of Council for the making of the Reorganisation of Community Governance Order required to bring the Final Recommendations into effect.

Recommendations

That Council approve the making of the draft Reorganisation of Community Governance Order and associated map which form Appendices 1 and 2 to this report.

Appendices

- Appendix 1 Draft Reorganisation of Community Governance Order
- Appendix 2 Draft Map
- Appendix 3 Letter from the Local Government Boundary Commission for England dated 7 June 2018
- Appendix 4 Calculation of the budget requirement for the proposed parish of Waverley
- Appendix 5 Chart showing Band D Council Tax for parish and town councils in Rotherham for 2018/19

Background Papers

- Report to the meeting of Council on 3rd June, 2015 - "Community Governance Review Orgreave Parish"
- Report to the meeting of Council on 13th December, 2017 – "Community Governance Review - Orgreave Parish Council"
- Report to the Annual Meeting of Council on 23rd May 2018 - Community Governance Review - Orgreave Parish Council – Final Recommendations
- Guidance on Community Governance Reviews [Department for Communities and Local Government and the Local Government Boundary Commission for England, March 2010]
- Model Community Governance Reorganisation Order
- A Guidance Note and Checklist for Newly Established Local (Parish and Town) Councils [National Association of Local Councils]

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

Community Governance Review - Orgreave Parish Council Review of the Constitution

1. Recommendations

- 1.1 That Council approve the making of the draft Reorganisation of Community Governance Order including the associated map which form Appendices 1 and 2 to this report.

2. Background

- 1.1 At its Annual Meeting on 23 May 2018 Council received a report setting out the results of the consultation exercise, which finished on 16 April 2018, and made recommendations as to the outcome of the Community Governance Review. Council made Final Recommendations, including the creation of a new parish of Waverley.
- 1.2 The Local Government Boundary Commission for England has now given its consent to the making of a Reorganisation of Community Governance Order to implement the Final Recommendations. The Commission's decision letter forms Appendix 3 to this report.
- 1.3 The Final Recommendations have now been publicised, as required by law, by an advertisement in the local press and a notice on the consultation part of the Council's website. The members of the public who asked to be kept informed of progress on the community governance review have been sent a link to the update and documents on the Council's website.

3. The Draft Reorganisation of Community Governance Order

- 3.1 The Draft Order at Appendix 1 is a draft of the Order required to implement the Final Recommendations made by Council at its Annual Meeting. The Order sets out the new arrangements for community governance, including the electoral arrangements and the figure for the budget requirement for the new parish of Waverley. The map associated with the Draft Order forms Appendix 2.
- 3.2 Local Town and Parish Councils normally set their own precepts to cover their annual expenditure. This is then collected on their behalf by the Council as part of the annual Council Tax bill. If the Draft Order is approved, Waverley Community Council will have no elected members until after the elections in May 2019 and will therefore be unable to set its own precept for the 2019/20 municipal year. The Draft Order therefore includes a figure for the budget requirement for the new community council for 2019/20.

4 Key Issues

- 4.1 As above, the draft Reorganisation of Community Governance Order at Appendix 1 and the associated map at Appendix 2 would implement the Final Recommendations made by Council at its Annual Meeting.
- 4.2 The Draft Order must include a figure for the budget requirement for the new community council for 2019/20. At Appendix 4 is a schedule showing the

calculations for the budget requirement for the proposed parish of Waverley which draws upon “*A Guidance Note and Checklist for Newly Established Local (Parish and Town) Councils*” issued by the National Association of Local Councils. The schedule identifies expenditure relating to the establishment and administration of the new community council. The budget figure proposed for the parish of Waverley is £43,950 for 2019/20 which would be equivalent to a Band D Council Tax liability of £66.00. The current additional Band D liability for the parish of Catcliffe is £105.50, which is being paid by Waverley residents who live in the Waverley North polling district, and the current additional Band D liability for the parish of Orgreave is £38.76, which is being paid by Waverley residents who live in the Waverley South polling district.

- 4.3 The chart at Appendix 5 shows the current additional Band D liabilities in 2018/19 for all the town and parish councils in the Borough with the proposed figure for Waverley included for comparison. Waverley would be different from other parishes in that significant numbers of dwellings will continue to be built each year until the current planning consents have been implemented with the consequent increase in the numbers of residents liable to pay Council Tax. The residents of Waverley are members of a not-for-profit management company which is responsible for the public areas of the Waverley site and its role includes inspecting, maintaining, cleaning and landscaping those areas. The management company collects an annual service charge [which cannot exceed £175 pa until January 2022] from each household.

5. Options considered and recommended proposal

Option 1

- 5.1 To approve the making of the draft Reorganisation of Community Governance Order required to implement the Final Recommendations. This is the recommended option because the Final Recommendations were informed by the consultation responses received from local people and organisations.

Option 2

- 5.2 To not approve the making of the draft Reorganisation of Community Governance Order. This would leave the arrangements for community governance for Catcliffe, Orgreave and Waverley as they are at present, notwithstanding the views of local people and organisations as expressed in the consultation. This option is not recommended.

6 Timetable and Accountability for Implementing this Decision

- 6.1 If approved the Reorganisation of Community Governance Order will be executed on behalf of the Council. The law requires the decision to make the Order to be published together with the reasons for making the Order and the Council to take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons.

6.2 A copy of the Order and its map must be placed on deposit at the Council's principal office together with a map which shows the effects of the order in greater detail than the map included in the order and must be made available for inspection at all reasonable times. The Council must publicise that the documents are available for public inspection.

6.3 The Council must also inform the following of the making of the Order:

- the Secretary of State;
- the Local Government Boundary Commission for England;
- the Office of National Statistics; and
- the Director General of the Ordnance Survey;

7 Financial and Procurement Implications

7.1 Section 4 of this report and Appendices 4 and 5 set out relevant information in relation to the calculation of the budget requirement for the proposed new parish of Waverley.

7.2 The costs shown at Appendix 4 are the estimated costs of operating the parish for 2019/20. Primarily they consist of salary costs for a clerk and associated running costs, following guidance issued by the National Association of Local Councils. It should be noted that several day-to-day running costs of being in business are unknown and can only be estimated, including office accommodation. These costs have been estimated by using figures published by similar parish councils in the borough.

The Band D Council Tax liability of £66.00 has been calculated based on a projected Band D taxbase for Waverley.

7.3 The cost of parish council elections are normally recharged to the parishes concerned.

8 Legal Implications

8.1 The legal implications arising from this report are set out in the body of the report.

8.2 Where an area is being transferred between an existing parish to a new parish, as is proposed in the Final Recommendations, the Reorganisation of Community Governance Order should deal with the distribution of property, rights and liabilities of parish councils affected by the Order. However in this case Catcliffe and Orgreave Parish Councils have confirmed that they do not have property, rights or liabilities in the Waverley North and Waverley South polling districts respectively.

9. Human Resources Implications

9.1 There are no human resources implications arising from this report.

10. Implications for Children and Young People

- 10.1 There are no direct implications for children and young people arising from this report.

11. Equalities and Human Rights Implications

- 11.1 There are no equalities and human rights implications arising from this report.

12. Implications for Partners and Other Directorates

- 12.1 There are implications for existing Parish Councils as set out in the body of this report.

13. Risks and Mitigation

- 13.1 The budget requirement for the proposed new parish must be set at an appropriate figure otherwise either the new community council will not have sufficient resources to be effective or local residents in the new parish will be paying more in Council Tax than is required to fund the activities of the community council. This risk is mitigated by the calculation being informed by the National Association of Local Council's guidance and by taking into account the levels of Council Tax in other parishes within the Borough.

- 13.2 If the draft Order is made there is the risk of legal challenge from anyone aggrieved by the outcome of the community governance review but that risk is mitigated by the thorough consultation exercise which has been undertaken.

- 13.3 There is a further risk that, notwithstanding the support from local people for a new parish for Waverley, that as and when elections are held there may be insufficient people willing to stand for election to the new parish council. The Council's officers will be engaging with relevant local organisations including the parish councils to support the community of Waverley to prepare for the establishment of the new parish council.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director of Legal Services