

COUNCIL	AGENDA ITEM 4
21 December 2009	PUBLIC REPORT

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HAMPTON VALE AND HAMPTON HARGATE COMMUNITY GOVERNANCE REVIEW

R E C O M M E N D A T I O N S
FROM: the Governance Arrangements Committee
<p>That Council:</p> <ol style="list-style-type: none"> 1. Accepts the recommendation of the Governance Arrangements Committee to: <ol style="list-style-type: none"> (i) establish the current unparished area of Hampton Vale and Hampton Hargate, as defined in the report, as a parish; (ii) Approve the creation of a parish council for Hampton Hargate & Hampton Vale consisting of 14 Councillors to be elected(7 representing Hampton Hargate and 7 representing Hampton Vale); (iii) Name the parish council as appropriate. 2. Authorises the Solicitor to the Council in consultation with the Executive Director of Operations and the Cabinet Member for Neighbourhoods, Housing and Community Development to settle any administrative matters in accordance with this report for the purpose of making a Reorganisation order to take effect on the 1 April 2010.

1. PURPOSE OF REPORT

1.1 The report seeks Council's approval of the recommendations of the governance arrangements committee to create a new parish for Hampton Hargate and Hampton Vale with a new parish council and requests the Council to consider making a Reorganisation Order to bring the parish council into being.

2. BACKGROUND

2.1 The Local Government and Public Involvement in Health Act 2007 (the 2007 Act) devolved power from the Electoral Commission to local authorities to create and name parish councils and make arrangements for their electoral arrangements.

2.2 A petition was submitted to Peterborough City Council containing signatures exceeding 10% of local government electors of Hampton Hargate and Hampton Vale. The petition requested the formation of a single parish council for the neighbourhood of Hampton Hargate and Hampton Vale. The petition was verified using the electoral register. This petition prompted a duty to begin the process for a community governance review.

2.3 A community governance review is a two stage process: firstly it requires the Council to consult with the public with a view to making a decision on whether the governance arrangements for the area reflect the identities and interests of the local community. Secondly the review body makes

recommendations following the consultation and if the Council adopts those recommendations it must make and publish a Reorganisation order.

- 2.4 At its meeting on 10 December 2008, Council approved the terms of reference for the Governance Arrangements Committee to carry out a community governance review for Hampton Hargate and Hampton Vale. This report considers the recommendations of that Committee and whether to adopt those recommendations.

3. THE HAMPTON COMMUNITY GOVERNANCE REVIEW PROCESS

- 3.1 A comprehensive consultation to seek the view of residents within Hampton Hargate and Hampton Vale began on 17 August 2009 and concluded on 16 November 2009. A leaflet with a detachable free post response form was delivered to all properties including local businesses in the Hampton Hargate and Hampton Vale areas, there were press releases, advertisements were placed in Your Peterborough and the Hampton Gazette, information placed on Peterborough City Council's and the Hampton Websites and a table at Hampton's Autumn Fair on Sunday 13 September also provided the opportunity for residents to seek further information and respond. A summary of residents' comments is attached at **appendix B**.
- 3.2 A public meeting was held at the Deaf Blind UK conference centre in Hampton on 22 October 2009 (minutes attached at **appendix C**) providing residents and ward councillors with the opportunity to question the County Executive Officer of the Cambridgeshire & Peterborough Association of Local Councils, the Neighbourhood Manager and Community Governance Manager and present their views to the Governance Arrangements Committee.
- 3.3 A plan showing the proposed area of the Parish Council is attached at **appendix A**.

4. GOVERNANCE ARRANGEMENTS COMMITTEE

- 4.1 The Governance Arrangements Committee met on 17 November 2009 to consider the responses to the consultation and the recommendations it would make to Council. The draft minutes from this meeting are attached at **appendix D**.
- 4.2 Overall, 462 responses have been received of which 413 (89%) support the establishment of a parish council. The response rate of just under 13% is typical of this type of consultation which usually generates a response rate between 10% and 20%. The review has been well publicised and everyone was given the opportunity to make their views known. Members of the committee considered all comments on their merits.
- 4.3 To reflect the majority views of those who responded to the consultation the recommendations of the Community Governance Review Committee are;
- to establish Hampton Hargate and Hampton Vale as a parish
 - to establish a parish council for the Hampton area
 - to name the new council the Hampton Hargate and Hampton Vale Parish Council
 - to make appropriate electoral arrangements for the parish.

5. WHAT THE COUNCIL MUST DECIDE

- 5.1 The Council must decide whether it chooses to implement the recommendations of the Governance Arrangement Committee. The primary decisions are:
- whether to create a parish for Hampton area
 - appropriate electoral arrangements
 - suitable name for the parish council.

5.2 Creating a Parish

- 5.2.1 In deciding whether to create a parish for Hampton Hargate and Hampton Vale the Council must consider certain factors set out in the Statutory Guidance. These are whether the parish is reflective of identities and interests within the community and secondly whether the parish will be effective and convenient.
- 5.2.2 The 2007 Act requires principal councils to consider the impact on community cohesion and have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it.
- 5.2.3 Community cohesion is about local communities where people should feel that they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.
- 5.2.4 At its meeting on 17 November 2009, the Governance Arrangements Committee considered the impact of the proposal on community cohesion and agreed that Parish Councils can have an important role to play in the development of their communities, perform a central role in community leadership and offer the opportunity to strengthen community engagement and participation and generate a positive impact on community cohesion. It was also felt that parish councils complement the recently formed neighbourhood councils, playing an important role as standing invitees to the neighbourhood council meetings.
- 5.2.5 The committee also carefully considered all responses received to the consultation and noted that there were a number of concerns raised regarding additional payment on council tax. However, members considered that the representations in support of a parish council outweighed the objections against.
- 5.2.6 The principal council must also consider whether the size, population and boundaries of the proposed area of Hampton Hargate and Hampton Vale are viable to create a parish council.
- 5.2.7 Guidance from the Electoral Commission advises that boundaries should be easily identifiable and represented by barriers such as rivers, roads or railways. The general rule is that the parish should be based on an area which reflects community identity and interest, and is of a size which is viable as an administrative unit of local government.
- 5.2.8 The boundary of the proposed Hampton Hargate and Vale Parish Council is within the ward of Orton with Hampton and follows the polling district boundaries of ORH2 (Hampton Hargate) and ORH3 (Hampton Vale).
- 5.2.9 Parts of the proposed parish area, particularly Hampton Vale, are still under construction and the population will grow as properties become occupied. The development of the township centre is to be dealt with under a separate planning brief. It is not yet known whether it will contain business, community, residential or a mix of development.
- 5.2.10 The most recent analysis of the polling districts of Hampton Hargate and Hampton Vale shows an electorate of approximately 5,500 and the area has approximately 1,300 void properties (either under construction or unoccupied). When considering the size and boundary of the proposed parish, the Governance Arrangements Committee discussed the geographical area and concluded that this was logical. The Committee also considered the population and growth within the area. On being advised that the latest analysis showed the electorate being similar in number to North Bretton, members agreed their recommendation that there should be a similar number of parish councillors for Hampton Hargate and Hampton Vale.

5.3 Alternative Recommendations

- 5.3.1 It is open to the Council, having considered the recommendations of the Governance Arrangements Committee, to make a recommendation which is different to that proposed. Should the Council consider that an alternative proposal should be considered it must be certain

that the recommendation proposed is in the interests of the wider local community and giving effect to it would not be likely to damage community relations by dividing the community.

5.4 Creation of a Parish Council

5.4.1 Should the Council decide to accept the recommendations of the Governance Arrangements Committee to create a parish for Hampton it is consequently obliged by law to create a parish council as there are more than 1,000 electors within the parished area.

5.5 Electoral Arrangements

5.5.1 The Council is required to consider what electoral arrangements should apply to the parish council. The Community Governance Arrangements Committee considered the electoral arrangements at its meeting on 17 November 2009 and has recommended Hampton Hargate and Hampton Vale be equally represented with 7 parish councillors representing each ward, making 14 parish councillors in total for the parish council.

5.5.2 In adopting this recommendation the Council must be satisfied that this will provide sufficient representation for the number of electors for the next five years. Whilst the boundaries are established, growth will continue and the Council may wish - and can choose - to carry out a further community governance review after a period of time to ensure that the community governance arrangements continue to reflect local identities and facilitate effective and convenient local government.

5.6 Naming the Council

5.6.1 Changes in legislation mean that a new council can be called 'x' parish council, 'x' town council, 'x' community council, 'x' neighbourhood council or 'x' village council. The powers and duties are the same whichever style of name is chosen. A town council must have a mayor.

5.6.2 The Governance Arrangements Committee recommends that the proposed parish council be named Hampton Hargate and Hampton Vale Parish Council.

6. ALTERNATIVE OPTIONS CONSIDERED

6.1 To recommend that a parish council is not established in Hampton Hargate and Hampton Vale. However, this would not be in accordance with the wishes of the majority of residents who responded to the consultation and the reasons for the recommendation detailed at paragraph 9 of this report.

7. LEGAL IMPLICATIONS

7.1 Duty to Carry Out a Review

7.1.1 By sections 79 – 99 of the 2007 Act the Council is under a duty to:

- carry out a review on presentation of a community governance petition
- to consider whether a new parish should be created
- to decide whether the new parish should have a parish council
- to decide the name of the parish council
- if there is a parish council, what electoral arrangements should apply to it.

7.2 Adopting the Recommendations

7.2.1 On adopting the recommendations of the Community Governance Review Committee the Council is committed to make a Reorganisation Order to establish the new Council. The Council has to be satisfied therefore that a new parish and a new parish council is the appropriate form of governance for the area.

- 7.2.2 In deciding whether to establish a new parish the Council must consider:
- the views of those consulted
 - that the proposed parish reflects the identities and interests of the community and is effective and convenient
 - what other alternative arrangements have been made for community representation or engagement.
- 7.2.3 Once having made the decision to create a new parish the Council must agree to the formation of a parish Council as the number of electors for the area exceeds 1,000.
- 7.2.4 Those considerations are dealt with in this report and it is for the Council to decide whether it agrees those recommendations
- 7.3 Reorganisation Order
- 7.3.1 Under the Local Government (Parishes and Parish Councils)(England) Regulations 2008 the City Council must transfer any allotments within the parish area to the newly created parish council on making the Reorganisation Order. Within the boundary of the proposed parish there are two sets of allotments for transfer to the new parish council.
- 7.3.2 Whilst there are no other statutory obligations in relation to transfer of land, the Council has a number of matters to consider in making the order: whether there is any ceremonial or historical property to be transferred, whether any funds or balances are to be transferred, what arrangements need to be made for the electoral register and whether there are any maintenance arrangements to be made. Consideration needs to be given to these matters before the Order can be made and it is proposed therefore that delegated authority be given to the Solicitor to the Council in consultation with the Executive Director of Operations and the Cabinet Member for Neighbourhoods, Housing and Community Development to decide these matters as appropriate prior to making the Order.
- 7.3.3 Statutory Guidance on Community Governance Reviews (the statutory guidance) suggests that the Reorganisation Order should be made to take effect from 1 April following this Council meeting. This is because precepting authorities can only issue precepts for entire financial years. This will however allow time for the Council to deal with the administrative arrangements for creation of the Council including any electoral arrangements.
- 7.3.4 Once the administrative matters are resolved the Solicitor to the Council has delegated authority to make a Reorganisation Order to give effect to the Council's decision.
- 7.4 Electoral Arrangements
- 7.4.1 The Order establishing the new parish council should come into effect with sufficient time to permit elections at the next available election date i.e. June 2010. However, it can take up to a year for the parish council to be constituted.
- 7.4.2 It has become increasingly common for neighbourhoods to set up a 'shadow parish council' to bridge the gap and look at long term strategies and plans for achieving its vision. It can establish an office for the parish council, raise funds and purchase assets which will be dissolved and transferred to the statutory parish council. The principal council may decide to appoint a 'temporary parish council'. The council can choose anyone to sit on this body and usually will appoint at least one ward councillor. The main difference between the 'temporary' and the 'shadow' parish council is that a 'temporary' parish council has all the legal powers of an elected parish council so they can appoint a parish clerk or other staff, exercise powers and provide services.
- 7.4.2 Electoral arrangements for the parish council will therefore need to begin at the earliest possible date but can begin following a decision of this Council and prior to the making of the Order. The administrative deadline for arranging any election is generally taken to be 15 February.

7.4.3 The Statutory Guidance requests that consideration be given to whether the City Council ought to make interim arrangements for the newly formed parish council to be represented by members of this authority between the date of the Order and the date of the elections.

7.5 Duties and Responsibilities of the Parish Council

7.5.1 Parish Councils have a wide range of functions such as footpaths, allotments, cemeteries, parks, open spaces, car parking, bus shelters, local transport, crime prevention and clean neighbourhoods. A list of these powers is attached at **appendix E**. Where no parish exists for that area the City Council is responsible for those functions.

7.5.2 Parish Councils which have achieved Quality status may be delegated additional functions at the discretion of the Council.

8. **FINANCIAL IMPLICATIONS**

8.1 If Council approves the establishment of a parish council for Hampton Hargate and Hampton Vale, each household in the area will be liable to pay a precept in addition to the current council tax charge.

8.2 The precept will be set by the authority based on the powers and responsibilities of the newly formed parish council. The first precept that could be set for the new Parish Council would be for the 2011-12 financial year (the Council will not be set up in time to set a precept and council tax to come into effect from 1 April 2010).

8.3 As a result, consideration must be given to how the Parish Council could operate and meet any costs arising during the 2010-11 financial year. In this year of establishment, the main costs incurred will be for running the elections. Usual practice for all Parish Council elections is for the City Council to run these (as they are usually combined with city elections) and then recharge the costs to the Parish Council. In this case it is felt that it would be acceptable for the City Council to wait and make this recharge to the Parish Council against its 2011-12 budget.

8.4 Peterborough City Council also provides a direct grant to all Parish Councils, based on a fixed sum for each resident on the electoral register. Currently for urban parishes, this is equivalent to £1.42 per head for 2010-11. For Hampton's current number of residents on the electoral register of 5,612, this would total around £7,969. This grant would come into effect in 2011-12, and the City Council would need to make appropriate provision in its budget at that time. Alternatively, consideration could be given to introducing a grant for 2010-11 however, this would have to be linked to clear outcomes for the Parish Council in order to be justified.

8.5 Additional payments may also be due if the Parish Council takes on responsibility for burial grounds and recreation grounds. Whilst the specific details would need to be worked out with the Parish Council once formed, it is anticipated that this would lead to a reduction in cost for the council, and hence have no overall cost impact.

9. **REASONS FOR RECOMMENDATIONS**

9.1 Parish councils have an important role to play in the development of their communities.

9.2 Parish Councils can perform a central role in community leadership and will have a standing invitation and participate in the new neighbourhood councils.

9.3 Setting up a parish council offers the opportunity to strengthen community engagement and participation, and generate a positive impact on community cohesion.

10 BACKGROUND DOCUMENTS

Local Government and Housing Act 1989

Local Government & Public Involvement in Health Act 2007

Local Government Finance Act 1992

Local Governance: How to form a local council, National Association of Local Councils

Department for communities and local government, guidance on community governance reviews

Minutes of the Governance Arrangements Committee held on 22 October 2009

Draft minutes of the Governance Arrangements Committee held on 17 November 2009

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