



**REPORT of
DIRECTOR OF RESOURCES**

**to
COUNCIL
14 FEBRUARY 2019**

**PARISH OF HEYBRIDGE – BASIN WARD – COMMUNITY GOVERNANCE
REVIEW**

1. PURPOSE OF THE REPORT

- 1.1 To consider and determine the outcome of this Community Governance Review in the light of the recent public consultation.

2. RECOMMENDATIONS

- (i) That the Council considers the outcome of this Community Governance Review and determines whether the proposal meets the law and associated Guidance with respect to the object of achieving effective and convenient community governance (as specifically referred to in paragraph 3.6 of this report);
- (ii) That should the Council decides to agree to the principle that a new Civil Parish and Parish Council be created, a steering group be formed comprising the four District Ward Members for Heybridge and two representatives of the local Basin Referendum Team to discuss relevant preparatory matters with a view to informing the content and effect of the necessary Reorganisation Order;
- (iii) That a report be brought back to the Council no later than June 2019 with a view to its authorising the making of a Re-organisation of Community Governance Order under the Local Government and Public Involvement in Health Act 2007 for the following:
 - The creation of the new Parish and Parish Council, and the number of Councillors to be elected;
 - Arrangements for the election of the new Parish Councillors;
 - When the Order is to take effect for its various provisions;
 - The resulting membership of Heybridge Parish Council;
 - All necessary preparatory financial and administrative arrangements, including the initial precept and transfer of property.

3. SUMMARY OF KEY ISSUES

- 3.1 Following the receipt in June 2018 of a petition containing in excess of the requisite number of local government electors signifying their support, a Community Governance Review under the Local Government and Involvement in Health Act 2007 was begun. For Members' information, the Community Governance Review terms of reference document published for consultation is at **APPENDIX 1**. Although included in that document, a map of the area the subject of the petition and marked **Annex A** is attached separately to this report.
- 3.2 In simple terms, the petition requests that the Basin Ward of the Parish of Heybridge, which is represented by one Councillor on Heybridge Parish Council, becomes a separate civil Parish represented by a separate Parish Council. The petition received, and having been verified, was sufficient under the Act of 2007 to trigger a Community Governance Review without further decision or action by the District Council. It therefore fell to the District Council to carry out that Review.
- 3.3 The Guidance on Community Governance Reviews says that the Government has made clear its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities.
- 3.3 The Review Terms of Reference were published on 10 October 2018 via the District Council's and Parish Council's websites. While the law and Guidance is not specific on how the views of the electors of the area in question should be sought, the view was taken by Officers that it would be appropriate to write to all households in the area of the Basin Ward area. In addition, the District Ward Members were notified, as was Essex County Council (required by law).
- 3.4 The public consultation period on the Review following earlier publication of the terms of reference concluded on 14 December 2018. There has been overwhelming support for the proposal to create a separate Parish and a Parish Council with around 75 responses from residents of the Basin. Three clear objections were received. A summary of the issues raised through that consultation is attached as **APPENDIX 2**. No other representations were received. The Parish Council did not respond to the consultation as such but rather issued a statement of facts around the issue of setting up a separate Parish Council which it is understood was sent to all residents in Heybridge Basin; a copy was sent to the District Council for information.
- 3.5 Apart from one or two queries being raised by individuals, e.g. on boundaries, and the timing and transitional arrangements should the proposal find favour, the vast majority of responses in support follow the themes of the original petition.
- 3.6 This Council is required to ensure that the community governance within the area under review will be reflective of the identities and interests of the community in that area; and be effective and convenient. The Government Guidance on Community Governance Reviews explores in detail issues such as:
- The role of parish in terms of community representation and providing cohesive and sustainable communities;

- A distinctive and recognisable community of place with its own sense of identity;
 - Definitions of community interest and identity;
 - Community cohesion and the emphasis placed on it by Government.
- 3.7 While in the petition and the various supporting representations the particular characteristics of the Basin are emphasised, it is perhaps arguable how much has changed since Heybridge has most recently been Parished and the Basin was identified as its own Ward for representation on the Parish Council. The one significant change in more recent times is perhaps the continued urbanisation (and planned) of the centre of Heybridge, and the rationale for the new proposal seems to rely heavily on the fact that this contributes to a sense of greater detachment for the residents of the Basin.
- 3.8 Section 95 of the 2007 Act provides, among other things, that when considering the number of councillors to be elected for the parish as a whole, the authority must have regard to the number of electors for the parish, and any change in that number likely to occur in the next five years. In this respect, Heybridge Basin is not in a too dissimilar position to that of other Parish Councils and the three joint Parish Councils which also operate with five Councillors.
- 3.9 Provided that the Council is satisfied that the Parish Council's request is sound in the context of the law and associated Guidance on this subject as described in the Terms of Reference document and also in paragraph 3.6 above, it may agree to proceed to make a Re-organisation Order to establish a separate civil parish and a separate Parish Council. It is for an Order to set out the necessary arrangements for bringing the proposals into effect, including transitional arrangements and consequential effects. This will include the setting of the initial precept (to provide the new Parish Council with budgeted funds), arrangements for elections, and interim decision-making.
- 3.10 In terms of potential implementation and transitional arrangements, the option of a more immediate effective date raises serious operational implications for this Council. The 2019/20 annual Council Tax bills are in the final testing phase, and following the separate decision of the Council at this meeting, the Council Tax will be set and final processes for creating bills will start. There is no possibility of adding an additional precept at this late stage due to the need for a system update and re-configuration (at cost to the Council). In addition, there would be significant resource implications at this time given the current transformation process of the Council's organisation. Additional unplanned work will cause pressure on the billing and recovery system with potential consequential risk to the fundamental IT database, the need for re-billing, delays in billing, reputational damage and cashflow. The existing contractual arrangements for the printing and despatching of bills will also need to be altered. For largely the same reasons, and on advice from the Council's software supplier, the consequential effects of adding a Parish during 2019/20 would have the same implications and carry the same risks, and cannot be undertaken.
- 3.11 It must be emphasised that the Council can only consider and determine the outcome of this Review on the basis of the law and Government Guidance. Should it agree to the petition proposal, the Council will have to bear the cost of delivering that outcome. Although the necessary developmental work will still be required, and

resource implications will arise, from the start of the next financial year will minimise some of risks. It will also enable this Council to engage with local people and community representatives on the various preparatory arrangements. Clearly a new Parish Council will have its own administrative expenses such as a Clerk, hire of meeting rooms, insurance and other fees etc. The election will be a Parish expense.

- 3.12 It is thought that an initial Council Tax levy in the region of £25,000 would be appropriate. The potential financial implications were touched upon in the Terms of Reference document. By virtue of the Local Government Finance (New Parishes)(England) Regulations 2008, the District Council is empowered to calculate the first anticipated precept for a newly constituted Parish Council and for the amount of that precept to be included in the Reorganisation Order.
- 3.13 When Heybridge Parish Council was originally constituted, the Daisy Meadow Car Park was the subject of a Transfer of Property Order made by the District Council. It also assumed responsibility for the maintenance of various amenity lighting beyond the limits of adopted highways and the maintenance of the closed churchyard at St George's Church, which are Parish functions. By virtue of the Local Government (Parishes and Parish Councils)(England) Regulations 2008, all property, rights and liabilities relating to the transferred area would pass from Heybridge Parish Council to the new Parish Council. Again, the Re-organisation Order will deal with this.
- 3.14 Until new Parish Councillors have been elected and have come into office they will not be in a position to act. No decisions can be taken until the first annual meeting of the Parish Council, to be held within a period of 14 days for when the new Councillors take office. It would therefore fall to the District Council to oversee such financial and administrative arrangements that are necessary during that interim period, including the appointment of a Clerk (interim at least), set up insurance, provide a Code of Conduct, and convene the first annual meeting.
- 3.15 Given all the issues identified above, should the Council agree to the principle of establishing a new Parish and Parish Council, it is advised that the most sensible and constructive approach would be to pursue and finalise the detailed effect and implementation of the proposal through local discussion.

4. IMPACT ON CORPORATE GOALS

- 4.1 The undertaking of a Community Governance Review is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

5. IMPLICATIONS

- (i) **Impact on Customers** – This may have an indirect benefit on customers in the sense that the electors of Heybridge Basin are residents of the District and the creation of a separate Parish and Parish Council for that settlement will provide a better reflection of the identities and interests of the community in

that area, and would result in more effective and convenient community governance..

- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – Dependent upon timing of implementation as explained above. The inherent risks associated with a system upgrade and reconfiguration, and also the fundamental IT database of the Council, will be reduced by a planned implementation geared to the start of the 2020 / 21 financial year.
- (iv) **Impact on Resources (financial)** – the existing system for administering Council Tax will require an upgrade and re-configuration. The cost currently quoted is a minimum of £14,000 which the Council will have to bear should it decide to approve the Petition proposal. The Future Model proposals for the Council as an organisation would see a reduction in the specialist resources that would normally support this systems work, which adds a further risk around the capacity of the Council to support the work, and could create an additional staffing cost in addition to the supplier costs.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers:

Petition from local government electors for Heybridge Basin.

Government guidance on Community Governance Reviews.

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