



MALDON DISTRICT
COUNCIL

Community Governance Review 2018 Parish of Heybridge – Basin Ward Terms of Reference



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1. Introduction and reason for the review

- 1.1 Maldon District Council is to undertake a Community Governance Review of the Basin Ward of the Parish of Heybridge. A map showing the area the subject of this review is attached at **Annex A**. A Community Governance Review is a review of the whole or part of the district area to consider one or more of the following:
- Creating, merging, altering or abolishing parishes (in the case of this review – creating);
 - The naming of parishes and the style of new parishes;
 - The electoral arrangements for parishes (the ordinary year of election; Council size, the number of Councillors to be elected to the Council and parish warding).
- 1.2 In undertaking this review the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 and the associated Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government, and published in March 2010. Relevant parts of the Local Government Act 1972 also apply. Also relevant are Regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625). (The 2007 Act transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.) Also, the Local Government Finance (New Parishes) (England) Regulations 2008.
- 1.3 These Terms of Reference will set out clearly the matters on which the Community Governance Review is to focus. This document will be published on the District Council's website and also in hard copy. Hard copies will be made available at the District Council Offices and also at Plantation Hall, Heybridge (the office of Heybridge Parish Council).
- 1.4 The Council is undertaking a Community Governance Review at this time because a campaign group in Heybridge Basin submitted a valid petition to Maldon District Council in July 2018 calling for the creation of a new parish for Heybridge Basin and for that new parish to be served by a Parish Council separate to that for the remainder of the existing parish of Heybridge. This means Maldon District Council is required under the Local Government and Public Involvement in Health Act 2007 to carry out a community governance review to decide whether or not this should happen. A map of the area to which the petition relates, and which is currently the Basin Ward of the Parish of Heybridge is attached. The petition states:

This petition is submitted as a justified change from the current situation due to the altered social and economic characteristics of Heybridge Basin village when compared with Heybridge itself, with its continuing expansion into a semi-urban residential complex mandated by and implemented according to the Maldon District Local Development Plan, forming in part the North Heybridge Garden Suburb, and which features little or no nautical connectivity to Heybridge Basin.

Heybridge Basin, on the other hand, continues as a rural community with interests dominated by its riverside and associated nautical and tourist economic base. Demographic disparities across communities such as these are set out in the White Paper of 2006, "Strong and Prosperous Communities", and outline the Government's

guidance in respect of future local governance structure. It is felt that this Petition is an expression of a significant majority of the village population to seek change to a more appropriate local governance structure along the lines of that White Paper.

- 1.5 The Council must have regard to the need to secure community governance within the area under review such that it
 - reflects the identities and interests of the community in that area, and
 - is effective and convenient, and
 - takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.6 The Council recognises the key role of parish councils in sustaining successful, vibrant communities.

What does a Parish Council do?

- 1.7 Parish councils are the most local form of government. They collect money from council taxpayers via the District Council, which is known as a 'precept' and this is used to invest in the area to run and improve services or facilities. For information, a summary of the powers and duties of Parish Councils is attached at **Annex B**. Parish Councils are usually made up of local people who stand for election as Parish Councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services
- 1.8 The ultimate decision-making with regard to any changes arising from this review rests with the District Council.

2. CONSULTATION

- 2.1 The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.
- 2.2 Before making or publicising any recommendations, the Council will take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the areas under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

The Council will:

- Consider writing to all households in the area under review;
- Consult any other interested stakeholders (local residents associations, friends groups, schools, churches, the voluntary and community sector and local businesses);
- Consult the Heybridge Parish Council
- Consult the District Ward Councillors for Heybridge, adjacent ward councillors and parish councils;
- Consult with Essex County Council
- Place information about the review on the council's website and put relevant documents on deposit for public inspection at the District Council Offices and other publicly accessible places (by arrangement)
- Consider using additional and available sources of publicity for the review
- Welcome comments from any other person or body that wishes to make representation following publication of the review
- Take into account any representations received in connection with the review.

- 2.3 This Council will notify Essex County Council that a review is to be undertaken; they are a formal consultee of this process. The Council will also notify Heybridge Parish Council and the District Ward Councillors for Heybridge.

The timetable for the review

- 2.4 Publication of the Terms of Reference formally begins the review. A prospective timetable for events is set out below>

Stage	What happens	Timescales	Dates
Commencement	Receipt of petition		July 2018
Stage One	Publication of Review Terms of Reference		September/October 2018
Stage Two	Review publication and consultations undertaken		October 2018
Stage Two	Period allowed for responses	8/10 weeks	
Stage Three	Consideration of consultation responses – draft recommendations are prepared	One month	
Stage Four	Interim Report to meeting of the District Council (if required)		20 December 2018
Stage Five	Draft recommendations are published – consultations undertaken (if required)		
Stage Six	Consideration of consultation responses – final recommendations are prepared		
Stage Seven	Report to meeting of the District Council		14 February 2019
Stage Eight	Final recommendations are agreed by Council and published – concluding the review	Following the decision of the Council	
Stage Nine	If the Council so resolves, a Reorganisation Order is made		

NB. At Stage Three, and depending on the outcome of the review, the Council may decide to proceed directly to Stage Seven.

3. ELECTORATE FORECASTS

- 3.1 The current published register shows an electorate of 519. In terms of potential growth over the next five years there are no factors to suggest any level of increase significantly different to that of the past five years. There is nothing scheduled or allocated for new development in the Local Development Plan, and therefore the Review area is subject to normal planning policies affecting land within or without defined development boundaries.

4. PARISHES

- 4.1 The Council notes the government's Guidance that community cohesion should be taken into account in this Review (DCLG AND LGBCE, Guidance on community governance reviews revised edition, March 2010, S.67-76).
- 4.2 The Council acknowledges that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity.
- 4.3 With regard to parish boundaries, the Council considers that the boundaries between parishes will normally reflect the 'no-man's land' between communities represented by areas of low population or pronounced physical barriers. These barriers will be either natural or man-made: they might include for example watercourses, marshland, and moorland or man-made features such as parks, canals, railways, major road and motorways – those barriers that oblige the residents of an affected area to have little in common with the remainder of the parish to which they may have been allotted.
- 4.4 Should a reorganisation of parish boundaries occur as a result of the review, the Council will aim to select boundaries that are and are likely to remain easily identifiable. At this stage however no alteration to boundaries are being proposed.

5. ELECTORAL ARRANGEMENTS

Electoral cycle

- 5.1 Changes to parish electoral arrangements normally come into effect at the next scheduled ordinary parish elections. Parish elections will take place in Maldon in May 2019 and then every four years thereafter. Alternatively, any reorganisation order made can include provision to reduce or extend the term of office of parish councillors in order to implement revised arrangements in a different year.

Parish Warding

- 5.2 The Council may also consider whether a parish should be divided into wards for the purposes of elections of the parish council. Given the relative size of the Review area, it is not considered that warding is likely to be an issue. The whole rationale of this Review is that the creation of a separate Parish for the settlement within the Review area in this Review would be reflective of community identity and local linkages as a single unit.
- 5.3 The Review will need to consider the implications of the removal of the Basin Ward from the Parish of Heybridge as constituted in terms of the Heybridge Parish Council's membership.

6. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

- 6.1 The Review will be completed when the Council publishes its recommendations. It is then open to the Council to agree that a Reorganisation of Community Governance Order be made. Copies of this Order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the District Council's offices and a copy provided to the parish clerk for Heybridge.
- 6.2 In accordance with the Guidance issued by the government, the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller

than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the District Council's office at Princes Road, Maldon CM9 5DL. Prints will also be supplied, in accordance with regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

- 6.3 The provisions of any Order will take effect for financial and administrative purposes on 1 April in any year, with the electoral arrangements for a new or existing parish council coming into effect at the next ordinary Parish Council elections or as the Reorganisation Order made by the District Council may prescribe.

7. CONSEQUENTIAL MATTERS

General principles

- 7.1 The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- the transfer and management or custody of property;
- the setting of precepts for new parishes;
- provision with respect to the transfer of any functions, property, rights and liabilities;
- provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

- 7.2 In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act. In particular, legal provision is made for the automatic transfer of property, rights and liabilities. In relation to this review, responsibility for the Daisy Meadow Car Park, local amenity lighting and closed churchyard maintenance would be transferable.

Financial implications

- 7.3 Residents within parish areas contribute towards the expenses of a Parish Council through their Council Tax. A Parish Council levies an annual precept reflecting its budget requirement and the District Council calculates an amount according to the Parish Tax Base and collects it as part of the overall Council Tax bill for a particular property. A Parish Council's budget requirement will depend on its activities and responsibilities, but will cover salaries, premises, support administration and assets.

- 7.4 At present, residents in Heybridge Basin contribute to the expenses of Heybridge Parish Council which levied a precept of £222,000. By way of an example, this resulted in a contribution of £77.19 for a Band D equivalent property in Heybridge. At this stage it is uncertain what the budgetary requirement of any new Parish Council for Heybridge Basin would be, and how this might affect the budgetary requirement and subsequent precept for Heybridge Parish Council. Some informed consideration indicates that an initial precept for any new Parish Council for Heybridge Basin in the region of £20-25,000 might be realistic. Given the current Council Tax base, and again by way of example, the impact for a Band D equivalent property in Heybridge Basin in the current year would be as follows for potential precepts –

Precept	Band D charge
20,000.00	72.23

25,000.00	90.28
30,000.00	108.34
35,000.00	126.39

- 7.5 Conversely the creation of Heybridge Basin as a separate Parish, removes the equivalent number of properties (used to calculate a Tax Base) from Heybridge, which increases the parish element amount of precept chargeable per property in the remainder of Heybridge.
- 7.6 Based on the existing Heybridge Parish Council precept of £222,000, this would lead to an increase in the parish element of £8.23 per Band D equivalent in the remainder of Heybridge. However, it is anticipated that some responsibilities would transfer to the new Basin Parish, and therefore, with no other variables, the equivalent precept requirement for Heybridge Parish Council should reduce. A change in precept of £5,000 would equate to a £1.92 change in the parish element of the precept per Band D equivalent.

This is purely indicative based on available data.

How to let us know your views

Any representations on this matter above must be in writing and should be sent to:

Stuart Jennings
Corporate Governance Project Officer
Maldon District Council
Princes Road
Maldon
Essex CM9 5DL

by no later than 4.30 pm on Friday 14 December 2018.

Alternatively, you may send your representations

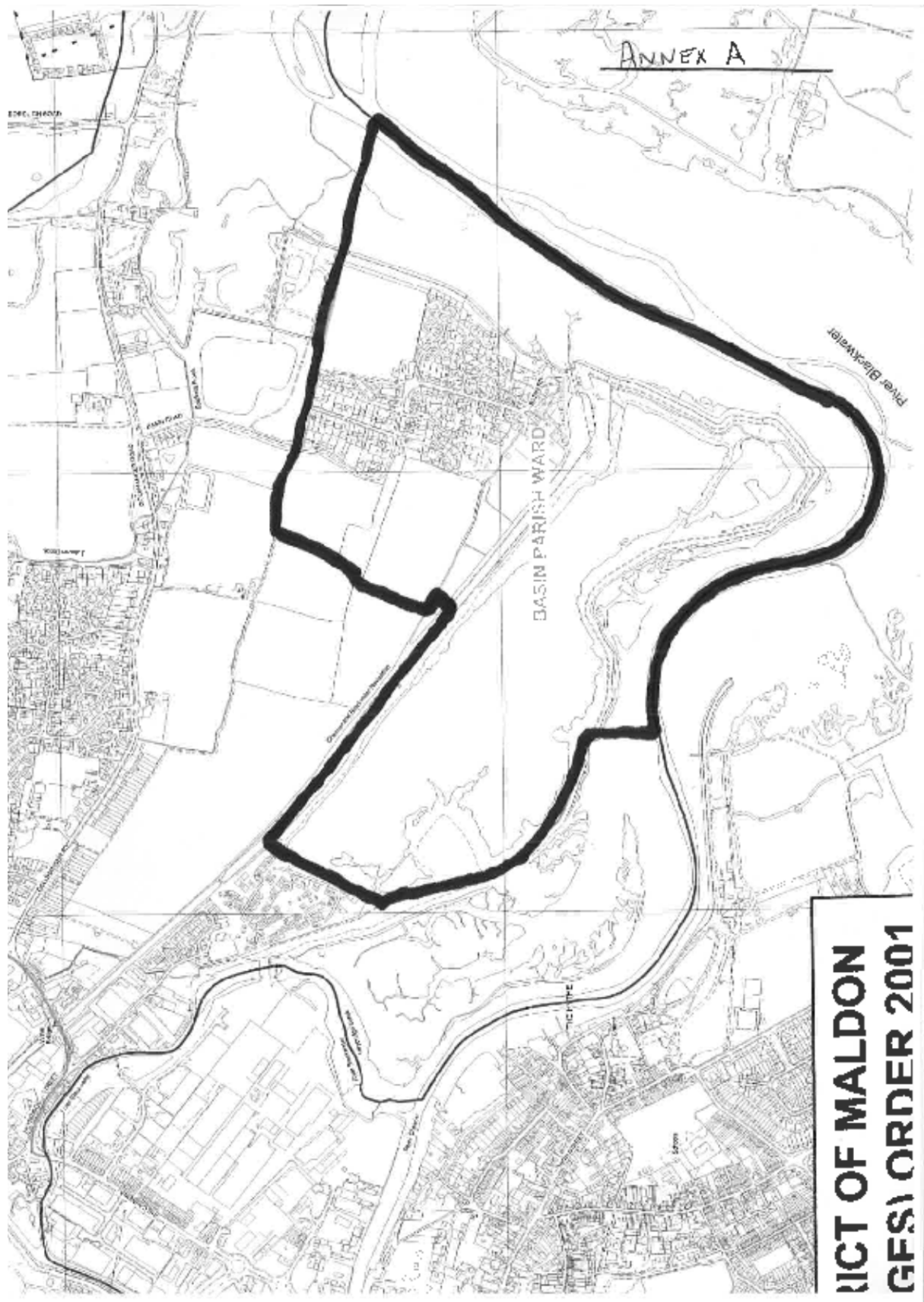
- by email to: **committee.clerk@maldon.gov.uk**

Please ensure that you state your name and address clearly on any representations submitted. Please note that any submissions received after 14 December 2018, or any representations submitted anonymously, will not be taken into account.

Please also note that the consultation stages of a Community Governance Review are public consultations. In the interests of openness and transparency, the Council will make available for public inspection full copies of all representations it takes into account as part of this review.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

10 October 2018



ANNEX B

Powers and Duties of Parish Councils

The role played by parish councils varies considerably. Smaller parish councils have only limited resources and generally play only a minor role, while some larger parish councils have a role similar to that of a small district council. Parish councils receive funding by levying a "precept" on the council tax paid by the residents of the parish.

The list below is intended as a summary of the main functions of parish councils. It is not intended to be a definitive list of such functions. Where a function is marked with an asterisk a parish council also has the power to give financial assistance to another person or body performing the same function.

Allotments Powers to provide allotments. Duty to provide allotments if demand unsatisfied

Bus Shelters and roadside seats Power to provide and maintain

Bye Laws Power to make byelaws for public walks and pleasure grounds

Clocks* Power to provide public clocks

Closed Churchyards Powers (and sometimes duty) to maintain

Commons Land and Common Pastures Powers in relation to inclosure as to regulation and management and as to providing common pasture

Community Centres and Village Halls

- Power to provide and equip premises for use of clubs having athletic, social or educational objectives
- Power to provide buildings for offices and for public meetings and assemblies

Conference facilities* Power to provide and encourage the use of facilities

Crime Prevention* Powers to spend money on various crime prevention measures

Drainage Power to deal with ponds/ditches

Education Right to appoint governors of primary schools

Entertainment and the Arts* Provision of entertainment and support of the arts

Environment Power to act for the benefit of the community by tackling and promoting awareness of environmental issues

Flagpoles Power to erect flagpoles in highways

Highways

- Power to repair and maintain footpaths and bridleways
- Power to provide lighting of roads and public places
- Power to provide parking places for vehicles, bicycles and motorcycles
- Power to enter into an agreement as to dedication and widening
- Power to provide traffic signs and other notices
- Power to plant trees, etc., and to maintain roadside verges
- Power to prosecute for unlawful ploughing of a footpath or bridleway
- Power to contribute financially to traffic calming schemes

ANNEX B

Investments Power to participate in schemes of collective investment

Land

- Power to acquire land by agreement or compulsory purchase,
- Power to appropriate land
- Power to dispose of land
- Power to accept gifts of land
- Power to obtain particulars of persons interested in land

Litter bins Power to provide litter bins including receptacles for dog faeces

Lotteries Power to promote lotteries

Monuments and Memorials Power to agree to maintain monuments and memorials

Mortuaries and post-mortem rooms Powers to provide mortuaries and post-mortem rooms

Nature Reserves Power to designate statutory to the nature reserves and marine nature reserves - English Nature can designate sites of specific scientific interest

Nuisances Power to deal with offensive ditches, ponds and gutters

Open Spaces, Burial Grounds,

Cemeteries and crematoria* Power to acquire, maintain or contribute towards expenses

Parish Property and Records

- Powers to direct as to their custody
- Power to collect, exhibit and purchase local records

Parks and pleasure grounds Power to hire pleasure boats in parks and pleasure grounds

Parochial charities

- Power to appoint trustees of parochial charities
- Duty to receive accounts of parochial charities

Planning Right to be notified of and power to respond to planning applications

Postal and telecommunications facilities

Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained in providing post or telegraph office or telecommunications facilities

Public Conveniences Power to provide public conveniences

Raising of Finances Power to raise money through the parish precept

Recreation*

- Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.
- Power to provide gymnasiums, playing fields, holiday camps

Swimming pools, bathing places, baths and washhouses Power to provide

Tourism* Power to contribute to the encouragement of tourism

ANNEX B

Town Status Power to adopt town status

Transport* Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services

Community Transport Schemes

Village greens Power to maintain, to make bylaws for and to prosecute for interference with village greens

Water Supply Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom.

BASIN PARISH WARD

River Blackwater

**RICT OF MALDON
GFS) ORDER 2001**