



## **REPORT of DIRECTOR OF RESOURCES**

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to  
**COUNCIL**  
**27 JUNE 2019**

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

#### **1. PURPOSE OF THE REPORT**

- 1.1 To update the Council on arrangements for implementation of the outcome of the above Review and to agree matters to be the subject of a Reorganisation Order.

#### **2. RECOMMENDATIONS**

- (i) That the Council notes and endorses the conclusions reached by the steering group with a view to the following matters being included in the Reorganisation Order required to implement the outcome of this Review:
- That the number of Councillors for the new Parish Council should be seven;
  - That the name of the new Council should be Heybridge Basin Parish Council;
  - An effective date of 1 April 2020 for implementation, with the new Parish Councillors being elected in early May 2020.
- (ii) That should Heybridge Parish Council wish to retain a membership of 12 Councillors it is advised that this will require a separate election consequent upon implementation of these proposals, the cost of which will be an expense attributable to the Parish Council;
- (iii) That the Director of Resources is authorised to continue and conclude discussions with Heybridge Parish Council and representatives of the Local Referendum Group as required in relation to budget and other administrative matters and also transfer of land and property;
- (iv) That a further report be brought back to the Council in the light of the receipt of a provisional budget with a view to its authorising the making of a Reorganisation of Community Governance Order under the Local Government and Public Involvement in Health Act 2007 to include the matters identified in (i) above together with the following:
- 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.
- (v) That Officers also report back on the means of addressing the financial implications for the Council in implementing this proposal.

### 3. SUMMARY OF KEY ISSUES

- 3.1 The Council at its meeting on 14 February 2019 agreed to the principle that a new Civil Parish and Parish Council be created for the area currently forming the Basin Ward of the Parish of Heybridge and administered by Heybridge Parish Council. It further agreed that, 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. A copy of the plan proposed to be used for the Reorganisation Order is attached at **APPENDIX 1** for the Council's information.
- 3.2 A meeting of the steering group was held on 25 March 2019. Discussion centred on the following issues for which the Reorganisation Order would need to make provision:
- 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.
- 3.2.1 The meeting agreed that the following conclusions should be reported back to the District Council –
- That the number of Councillors for the new Parish Council should be seven;
  - That the name of the new Council should be Heybridge Basin Parish Council;
  - That Heybridge Parish Council would wish to retain a membership of 12 Councillors, probably divided equally between the East and West Wards (or seven / five), provided that there was no resultant election expenses for which it might be liable in which case the Parish Council would continue with 11 Councillors.
- 3.3 The Parish Council has subsequently confirmed its wish to retain 12 Members which if included in the Reorganisation Order would require a separate election to fill that one additional seat (effectively replacing the seat lost when the Basin Ward is removed). The cost of this election would be an expense attributable to Heybridge Parish Council.

- 3.4 The meeting noted that it was for the District Council to set the first precept for the new Parish Council and that this should be included in the Reorganisation Order. The precept would need to reflect the actual budget requirement with the new Parish Council not starting with actual other funds by way of reserves or apportionments. To assist the process of determining the precept, it was further agreed that the Local Referendum Group representatives would take this away and revert to the District Council by no later than 1 August 2019 with a draft budget.
- 3.5 As to the timescale for implementation, which would be laid out in the Reorganisation Order, it was envisaged that the effective date would be 1 April 2020 with the new Parish Council being elected in early May 2020. There will inevitably be a period of overlap from the date of implementation to when the new Parish Council would be in a position to act, particularly in relation to responsibility for land and property and related functions. It was further envisaged that Heybridge Parish Council could continue to oversee these matters for which it would be reimbursed from the Council Tax revenue for the new Parish. To that end, the meeting further concluded that the transfer of land and property and related functional responsibilities from Heybridge Parish Council to the new Parish Council should be mid-May 2020.
- 3.6 As previously reported, 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.
- 3.7 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.
- 3.8 In conclusion, it is considered that the steering group has done its job and no further meetings will be required. Any discussion around the transfer of property and other administrative arrangements can be conducted by Officers directly with representatives of the Local Referendum Group. A further report will be brought back to the Council for a definitive decision as to the content of the required Reorganisation Order.

#### **4. IMPACT ON STRATEGIC THEMES**

- 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 Place, Community and Prosperity Strategic Themes working to delivering a good quality cost effective organisation with 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 previously to the Council. 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.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer (Tel: 01621 875745).