

Heybridge Basin Parish Council Governance Options

Elections context

We have formally suspended the all polls so Heybridge PC election will not be running in May

At the moment, we can only work on the basis of the election happening in line with PCC (at the moment this has a year halt)

In summary, sections 57 to 66 of the Coronavirus Bill provide that:

- The polls scheduled for 7 May 2020 are to be postponed until 6 May 2021
- Any unscheduled polls, e.g. casual vacancies and NPRs, where the date of poll falls in the period from the date the Act receives Royal Assent through to 6 May 2021 are also to be postponed
- The Secretary of State is to make regulations that will clarify when polls for such vacancies and referendums should take place
- The regulations will also deal with any polls that may have been postponed by ROs and COs before the Act received Royal Assent
- Those regulations will be made as soon as possible after Royal Assent

The reorganisation order means that Heybridge Basin Parish Council will come into existence on 1st April 2020, and elected members were due to take office to administrate this from May 2020.

Option 1- Current arrangement-

A temporary situation was going to be arranged, whereby Heybridge Parish Council would continue to maintain the area until Heybridge Basin Councillors are elected and up and running, and would recharge for any costs incurred.

This means the Clerk would do administration and keep things ticking over eg a pothole in the carpark, responding to queries.

RISK- Current arrangements mean non-elected members would have to solve issues and charge it back retrospectively once councillors are appointed, but potentially new members could refuse to pay and authorise costs and decisions retrospectively.

We have been receiving contact from the referendum group that they would not be happy with this arrangement.

Option 2- Establish alternative governance arrangements

Section 91 local govt act allows MDC to appoint people to fill the vacancies. The appointments could be made using the interim measures. Options for those who could be appointed:

- The 3 Heybridge Ward Members of the District Council;
- 3 Heybridge Parish Councillors – the referendum group have emailed that they aren't satisfied with this approach;

- 3 Referendum Group members– Group members have been drafting constitution and working with officers ahead of the election;

Minimum 3 provide for a quorum- Other members could be appointed after coronavirus and until elections can be called

It is anticipated that those 3 individuals would meet to appoint a Clerk and then hopefully resolve to delegate interim measures powers to the Clerk in consultation with one of those members.

RISK: meetings being held during COVID-19 response are a diversion of emergency planning resource, and an ultimate risk to life. Anyone considered a high-risk group would also not be able to come forwards for the meeting due to isolation guidance.

Option 3- Possibility to extend reorganisation order

There is provision in the action to postpone the date that Heybridge Basin comes into being to April 2021.

However, we have already billed the new precept – The Interim director of Resources could look into rolling this back and but then we would have to rebill households in Heybridge and Heybridge Basin, adding additional resource pressure to the revenues and benefits team.

RISK: The Revenues and Benefits team area already under an additional resource burden due to the COVID-19 government response measures, and the new policies they will need to implement.

It would be unlawful to collect council tax on a precept for a parish council that doesn't exist and then refund people afterwards, so the billing would have to be dealt before we extended the order.

Proposal:

Keep current arrangements – informal arrangement with the clerk of Heybridge Parish Council to administrate queries and problems

Major problems to be referred to Maldon District Council, to support and protect Heybridge Parish Council.

Once we can hold meetings again/ legislation allows for virtual meetings, then we can use section 91 to appoint in the absence of an election OR at this time we can arrange to hold an election if possible

NB- this option would acknowledge a risk of possible legal challenge, but is the one that we feel sits better with current capacity and emergency planning environment we are in.