

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

COMMUNITY GOVERNANCE REVIEW

ALDCLIFFE-WITH-STODDAY

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

DRAFT TERMS OF REFERENCE

DRAFT

INTRODUCTION

Lancaster City Council has resolved to undertake a Community Governance Review following receipt of a petition for the creation of a Parish Council for Aldcliffe-with-Stodday.

The review will be conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and guidance issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a Review.

The Terms of Reference must specify the area under review and set out clearly the matters on which the review is to focus. The terms must be appropriate to local people and their circumstances and reflect the specific needs of their communities. The terms of reference should assist Lancaster City Council to prepare draft proposals.

What is a community Governance Review?

A Community Governance review can consider a range of topics affecting the community governance of the area under Review. These include the creation, merging, altering or abolishing of parish areas, the naming of parishes, the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding) and consequential matters such as resulting effects on the city wards or the setting of the commencement dates for any new arrangements.

Why is the council undertaking the review?

The Council is undertaking this Community Governance Review as a petition has been received requesting that a new parish council be created for an area spanning parts of the Marsh and Scotforth West Wards of the City Council, to be called Aldcliffe-with-Stodday Parish Council.

The area of the proposed parish council is defined in the map at Appendix A to these Terms of Reference.

In particular the review will consider

- a) Whether or not to create a parish council within a specified area to be known as Aldcliffe-with-Stodday Parish Council.
- b) Whether to create an alternative form of community governance for that area.

Who is undertaking the Review?

Lancaster City Council is responsible for undertaking any review within its electoral area. The Council is responsible for agreeing the Terms of Reference for the review and agreeing the draft and final recommendations prior to any Community Governance Order being made.

The lead officer for this review is Mrs Lisa Vines, Election Manager, Lancaster City Council.

CONSULTATION

How the Council proposes to conduct consultations during the review

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review and the legislation that guides it.

In forming its recommendations during the review, the Council will seek the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007 (Section 93).

The Council intends to publish all correspondence received in the review and all decisions that it takes in the Review, giving its reasons for taking those decisions. The Council is mindful of government guidance that “community governance reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind those decisions”.

The Council will endeavour to ensure that local government electors and any other person or body with an interest in the Review has every opportunity to express their views. The Council recognises the importance of ensuring full consultation and encouraging stakeholders to contribute to the Review.

The Council proposes to use general press releases, its website, the placing of key documents on deposit at the Town Halls in the Customer Contact Centres, relevant parish council contacts and direct personal communication with all registered electors in the area covered by the review to achieve these objectives. The Council is mindful of the costs of a Review, and it will endeavour to ensure that the consultation process is cost effective and that only reasonable costs are incurred.

Timetable for the Review

The review must be completed within twelve months, with publication of the terms of reference as the starting point.

The timetable for the Community Governance Review to consider the creation of a parish council for Aldcliffe-with-Stodday is as follows:

Action	Date
Publication of Terms of Reference	July 2016
Introductory Stage – submissions are invited	July 2016
Preparation of draft proposals	August 2016
Publication of draft proposals	August 2016
Consultation on draft proposals	August/September 2016
Preparation of final proposals	September/October 2016
Publication of final proposals	October/November 2016
Publication of Recommendations	December 2016
Publication of any Reorganisation Order (including any precept calculated on behalf of the new parish)	December 2016 to February 2017

CONSULTATION

Receipt of Petition

Those signing the petition to start a review must be local government electors on the most recently published register.

The petition was received on 01 December 2015 and the electors were checked against the electoral register published on 01 December 2015 which was the most recent register at that time.

There were 218 electors registered as at 01 December 2015. In order to be valid, for an area with less than 500 electors the petition has to have been signed by at least 37.5% of the electors registered in that area. The petition contains 122 valid signatures which represents 55.96% of the registered electors in that area.

The petition provides a valid indication that there is sufficient support amongst the registered electors in the area for the creation of a parish council for Aldcliffe-with-Stodday.

Proposed Electoral Arrangements

The proposed area covered by Aldcliffe-with-Stodday Parish Council covers two polling Districts

It is proposed that the area affected by the creation of a new parish council would be included in a new polling district, SCWF. No warding arrangements for the parish will be necessary at this stage.

It is proposed that a newly created parish of Aldcliffe-with-Stodday be represented by a total of 5 Councillors, which is in line with parishes of a similar size elsewhere in the district and is the legal minimum number of parish councillors required.

Elections would be proposed to take place on 04 May 2017. The initial term of office of those Councillors elected would be 2 years. Elections would then take place on 02 May 2019 (the next scheduled parish elections for the Lancaster District) allowing the electoral cycle to return to the four year term of office, in line with all other parishes in the district.

From 01 April 2017 until the election of Councillors, the City Council would operate a shadow parish council, comprising the Ward Councillors for the Scotforth West and Marsh Wards (a total of 5 Councillors), and an interim Clerk would be provided by the City Council until the new Parish is able to make its own appointment.

Parish Precept

Any parish council may raise funding through issuing a precept notice to the local billing authority (i.e. the City Council).

Generally, a parish council forecasts the amount of funding it will require for the following year and requests this funding from its local district council in the form of a precept. The billing authority generates this income by increasing the council tax for every property (chargeable for council tax) within the relevant parish area. Council tax rates must be set by 11 March each year.

The total number of chargeable properties is known as the council tax base. This takes account of:

1. The number of properties in each band during the year (i.e. including the results of changes and appeals)
2. Disabled relief
3. Discounts and exemptions
4. Provision for bad or doubtful debts
5. Allowance for growth

The tax base figures are expressed as Band D equivalents in accordance with the relevant regulations. The council tax base should be set by 31 December each year.

The City Council notes that the Regulations regarding the establishment of a precept for a new parish require Lancaster City Council 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.

The timescales for completing the community governance review make provision for this, on the basis that:

- A provisional tax base would be calculated by 31 December 2016; and
- The City Council would calculate and publish by 31 January 2017 the first precept for any new Aldcliffe-with-Stodday parish. Precepts in subsequent years would be set by the Parish Council and may be higher or lower.

What would the parish precept be for 2017?

Once the parish is established and a plan for the future is agreed, the parish council will decide what level of funding is needed and will request a precept to be levied which reflects those plans. That precept (or income requirement) is then raised by charging a parish council tax rate to households within the parished area.

As an indication of the tax rate that could be levied against each household in the area of the new parish, in the current year Band D parish tax rates range from £0 to £95.93 across the Lancaster district. The average parish tax rate is £25.75.

Some parishes have very small tax bases, and therefore if they decide on specific spending plans this can result in comparatively large tax rates. It should be noted that parish councils currently fall outside of the local referendum thresholds. The current Government has stated that it still remains an option for thresholds to be set for parishes in future years, but if this was the case, then it is still considered likely that a de minimis limit would be set to exclude the majority of smaller spending parishes.

CONSEQUENTIAL MATTERS

General principles

Lancaster City 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 functions, property, rights and liabilities.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area estimated by the proper officers of the council as an appropriate proportion.

HOW TO RESPOND TO THIS CONSULTATION

Comments should be submitted to the Council's Elections Team. They can be submitted by letter or by email to:

Election Office

Lancaster City Council

Town Hall

Lancaster

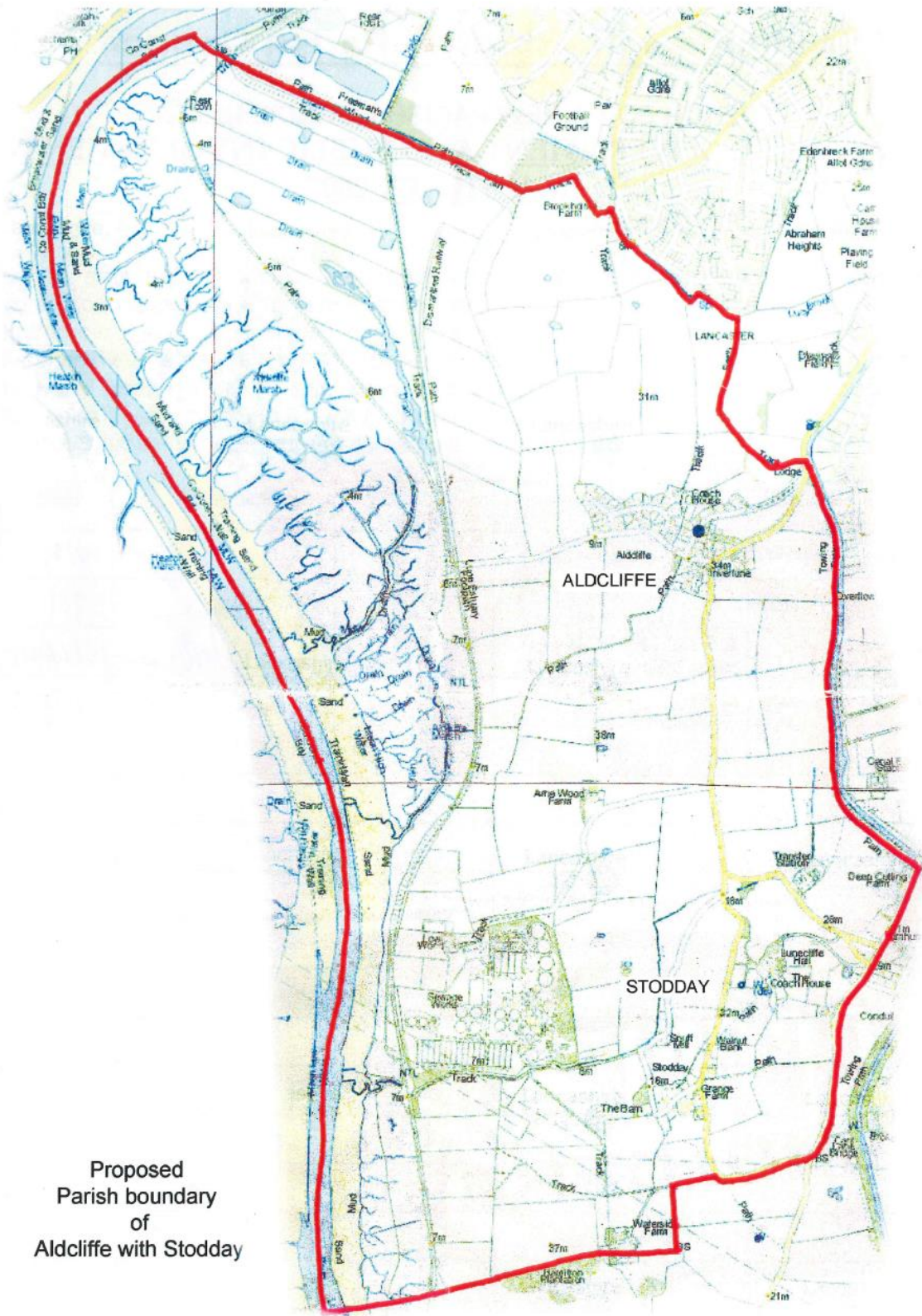
LA1 1PJ

Email: elections@lancaster.gov.uk

The closing date for comments is: Friday 05 August 2016.

TERMS OF REFERENCE PUBLISHED ON 08 JULY 2016

Appendix A



Proposed
Parish boundary
of
Aldcliffe with Stodday