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Council

23 June 2015

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor Townshend

**Director Approving Submission of the report:**

Chris West, Executive Director of Resources

**Ward(s) affected:**

Wainbody Ward

**Title: Community Governance Review – Finham Parish Council**

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**Is this a key decision?**

No

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**Executive Summary:**

At the Council Meeting on 24 June 2014, the Council agreed to carry out a Community Governance Review for the Finham area of the city, following receipt of a petition signed by 711 people requesting the creation of a parish council. The process for carrying out a Review is set out in the Local Government and Public Involvement in Health Act 2007. The views of electors and others in the area have been sought and following a further report to Council in January 2015 which made recommendations on community governance arrangements for the Finham area, the purpose of this report is to conclude the review and make the necessary arrangements to establish a Parish Council for Finham.

**Recommendations:**

1. That the Council agree the re-organisation order attached at Appendix 1, to establish a Parish and Parish Council for the Finham area of the city.

**List of Appendices included:**

Appendix 1: Re-organisation Order

Appendix 2: Map

Appendix 3: Draft Budget

**Other useful background papers:**

**Guidance on community governance reviews:** Department for Communities and Local Government and the Local Government Boundary Commission for England, March 2010  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8312/1527635.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf)

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

## **Report title: Community Governance Review – Finham Parish Council**

### **1. Context**

- 1.1 At its meeting on 3<sup>rd</sup> December 2013 the Council received a petition signed by 711 residents requesting the establishment of a parish council for the Finham area of the City. The petition area covers polling districts Pb and Pc in Wainbody Ward, shown on the map at Appendix 2 and at September 2014 was made up of 3851 local government electors.
- 1.2 In accordance with the Local Government and Public Involvement in Health Act 2007 (LG&PIHA 2007), the Council was required to conduct a Community Governance Review following the receipt of such a petition. The Council set out the terms of reference for the review at its meeting of 24<sup>th</sup> June 2014 and revised them at the Council meeting of 9<sup>th</sup> December, to clarify the timetable and approach to consultation. On 13<sup>th</sup> January 2015 the Council considered the information gathered as part of the review and agreed to recommend a new parish for the Finham area of the city and made recommendations on naming and governance arrangements. These were:
  - that the new parish be called Finham Parish and comprises the areas shown on the map contained in Appendix 2
  - that the new parish of Finham should have a parish council
  - that the name of the Parish Council be Finham Parish Council
  - that the electoral arrangements that should apply to the new parish are that:
    - it should not be divided into wards, and
    - a total of 10 councillors to be elected
- 1.3 The Council has published these recommendations and given an opportunity for further comment. This report asks the Council to give effect to these recommendations by approving a Re-organisation Order establishing a Parish and Parish Council for Finham.

### **2. Options considered and recommended proposal**

- 2.1 In order to create the Finham Parish Council, a formal Re-organisation Order will require to be made. A copy of the proposed Re-organisation Order is attached to this report at Appendix 1, and gives effect to the naming and governance arrangements recommended by the Council at their 13<sup>th</sup> January meeting and set out in paragraph 1.2 above.
- 2.2 The Re-organisation Order must also contain the budgetary requirement for the proposed Parish Council in its first year. When a new parish council is established, the responsibility for setting the first budget falls to the relevant principal council – in this case Coventry City Council. This is because the budget has to be set before the new parish council has been established. In future years, it is the responsibility of the parish council to set its own budget.
- 2.3 During April, a meeting was held with representatives of the Finham Residents' Association, Wainbody Ward Councillors and a representative of the Warwickshire Association of Local Councils to help develop a draft budget. Guidance from the National and Local Associations of Local Councils on what should be considered by parishes when setting budgets was considered and a draft budget has been prepared. This is summarised at Appendix 3 and proposes a budgetary requirement for 2016/17 of £24,266.
- 2.4 The budget headings are indicative and it will be up to the Parish Council to determine how the total is spent.
- 2.5 It will not be possible to calculate the impact for council tax payers in the area until the analysis of the Finham Parish detailed tax-base and pattern of Council Tax exemptions, discounts and reductions is made later this year as part of the annual council tax setting

process, but based on the current position is estimated to equate to an additional £13.75 charge for a band D property.

- 2.6 The Order will come into force on 1<sup>st</sup> April 2016 but parish councillors will not be elected until 5<sup>th</sup> May 2016 or take office until 9<sup>th</sup> May. It is usual in these circumstances to appoint interim representatives for this period in case any decisions need to be made before the first formal meeting of the parish council. The Reorganisation Order includes provision for interim representatives at article 11 of the draft Order.
- 2.7 Under the LG&PIH 2007, the Council is required to publish the decision, the Council's reasons for making that decision; and take such steps as the council considers sufficient to secure that persons who may be interested in the review are informed of that decision and those reasons.
- 2.8 Copies of the reorganisation orders, with relevant plans, will be available for inspection at the Council House and on the Council's website. The Council will also inform organisations such as the Secretary of State for Communities and Local Government, the Electoral Commission, the Office of National Statistics and the Director General of the Ordnance Survey of the changes as required by legislation.

### **3. Results of consultation undertaken**

- 3.1 The results of the consultation undertaken which were considered by Council when making their recommendations were set out in the report to Council of 13<sup>th</sup> January 2015.
- 3.2 Following the meeting, the Council's recommendations to establish a new parish for the Finham area of the city and the proposed naming and governance arrangements were published on the Council's website together with a short survey seeking any further comments. The organisations who had previously been contacted as part of the review were informed and invited to comment: these were Finham Park School, Finham Primary School, Sky Blue Medical Group, Medical Practice 183 Green Lane, St Martin's Church, Finham Senior Citizens Club, a Taekwondo Group and Erb's Palsy Group, the local policing team, Coventry and Rugby Clinical Commissioning Group and representatives of Allesley and Keresley Parish Councils. Information to this effect was also communicated via social media, displayed in Finham and the surrounding area and sent to local businesses.
- 3.3 During February and March, meetings were held with representatives of the Finham Residents' Association and Wainbody Ward Councillors at which the recommendations were supported. Residents at the March meeting of the Wainbody Ward Forum also supported the proposals. Six responses were received from the survey supporting the proposals. While supporting the proposed number of councillors, one comment suggested that an odd number of councillors would be better in case of a vote.
- 3.4 As set out in paragraph 2.3, discussions were also held about the development of a draft budget.

#### 4. Timetable for implementing this decision

June 2015	Publication of Re-organisation Order following decision of Council
January 2016	City Council approves Council Tax Base
February 2016	City Council sets Council Tax for 2016/17 financial year, including the precept for Finham. The total precept for the first year of the Parish Council is taken from the Re-organisation Order
March 2016	Council Tax Bills sent out for the 2016/17 year, including the precept for Finham Parish
1 April 2016	Re-organisation Order comes into effect, creating the Parish Council
5 May 2016	Elections to Finham Parish Council
May 2016	First meeting of Finham Parish Council. This must take place within 14 days of the elections and the City Council is responsible for arranging the first meeting.
1 October 2016	The date by which the Parish Council must issue its precept for 2016/17. The level of this precept cannot be higher than the amount established in the Council Tax Report.

#### 5. Comments from Executive Director of Resources

##### 5.1 Financial implications

Upon the establishment of the parish council, the City Council will need to ensure that the on-going relationship with, and costs in dealing with, the Finham Parish Council is effectively resourced. These costs are likely to be relatively minor and will be borne from existing budgets.

As previously reported, the City Council will need to reconfigure the Council Tax processing database to enable the effective administration and collection of the additional Council Tax precept. The estimated cost would be approximately £13,000 and this will be borne by the City Council.

Future parish council elections will need to be properly resourced. The cost of administering parish council elections for a single area, such as Finham, would be in the region of £6,000 for a 'stand-alone' election and approximately £4,000 when combined with ward elections. The City Council can recharge the costs of elections to the Parish Council and they can recover the costs through the parish precept and an estimated cost of £4,000 has been included in the provisional first year budget of the Parish Council.

When the new parish council is created, there will be financial implications for those residents within the parish area in the form of a precept on each property in the area for the purposes of funding the parish council's activities. The draft budget, attached as Appendix 3 to this report, has been estimated at £24,266. The annual Council Tax Report considered in the February 2016 will include an estimated precept to fund the costs of the Parish Council in the 2016/17 year. The Parish Council will have until 1 October to issue its precept and the level of this precept cannot be higher than the amount established in the Council Tax Report. Finham Parish Council Tax payers will be required to pay an additional element of Council Tax, estimated at £13.75 for the year for a Band D property. The final charge will depend upon the final agreed budget/precept and the detailed breakdown of the Finham Parish tax-base.

## 5.2 Legal implications

Having decided to recommend the creation of a parish and parish council for Finham at its meeting on 13<sup>th</sup> January, the Council must now approve a Reorganisation Order which sets out the mechanics of the establishment of the parish and its council. The Order must include the budget requirement for the Parish Council for the financial year 2016/17 and any other provisions needed to bring the parish council into being including elections and transitional arrangements. As there is no land or property which at this stage must be transferred to the Parish Council the Order is relatively brief.

Once the Order is made, the Council must place in deposit at its main office a copy of the reorganisation order, and a map which shows the effects of the order in greater detail than the map included in the order. The Order and the map must be available for public inspection at all reasonable times and the Council must publicise its availability for inspection. The Council must also notify a number of agencies as set out in paragraph 2.8.

## 6. Other implications

### 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Reviewing the City's governance arrangements is in line with the Coventry Sustainable Community Strategy - "developing a more equal city with cohesive communities and neighbourhoods".

### 6.2 How is risk being managed?

The City Council will ensure that arrangements for carrying out elections to the Parish Council, the facilitation of the first meeting and advice and support on ethical standards are provided as part of its support to Parishes. The Finham Residents Association is working with the Warwickshire Association of Local Council to support the effective establishment of the new Parish Council.

### 6.3 What is the impact on the organisation?

A parish council does not replace the City Council and the Re-organisation Order does not include any transfer of City Council services or resources.

### 6.4 Equalities

Equalities issues were considered in planning and carrying out the consultation. The impacts of the proposals on community cohesion were considered as part of the review in line with guidance and legislation. The new Parish Council will be expected to comply with equality legislation in carrying out its business as an independent body. Where appropriate, advice and guidance will be provided by the City Council in establishing the new Council.

### 6.5 Implications for (or impact on) the environment

None

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This report is published on the council's website:

[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### The Coventry City Council (Reorganisation of Community Governance) Order 2015

Made - - - - [day] [month] [year]

*Coming into force in accordance with article 1(2)*

Coventry City Council (“the council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 2014

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(6) and 240(10) of the 2007 Act.

#### **Citation and commencement**

—(1) This Order may be cited as the Coventry City Council (Reorganisation of Community Governance) Order 2015.

Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2016.

Article 8 shall come into force on the ordinary day of election of councillors in 2016.

For the purposes of:

- (a) this article,
- (b) article 5; and
- (c) proceedings preliminary or relating to the election of parish councillors for the parish of Finham, to be held on the ordinary day of election of councillors in 2016,

this Order shall come into force on 15th October 2015.

#### **Interpretation**

In this Order—

“city” means the city of Coventry;



“map” means the map marked “Map referred to in the Coventry City Council (Reorganisation of Community Governance) Order 2015” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

### **Effect of Order**

This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

### **Constitution of a new parish**

—b) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the city.

The name of the new parish shall be Finham.

### **Calculation of budget requirement**

For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Finham the sum of £24,266.

### **Parish council for the parish of Finham**

—c) There shall be a parish council for the parish of Finham.

The name of that council shall be “The Parish Council of Finham”.

### **Election for the parish of Finham**

—d) The election of all parish councillors for the parish of Finham shall be held on the ordinary day of election of councillors in 2016.

The term of office of every parish councillor elected on the ordinary day of election of councillors in May 2016 for the parish of Finham shall be three years with a further election taking place on the ordinary day of election in May 2019 and every fourth year thereafter notwithstanding that the first such election shall be within a period shorter than four years.

### **Number of parish councillors for the parish of Finham**

The number of councillors to be elected for the parish of Finham shall be ten.

### **Annual meeting of parish council**

The annual meeting of the new parish council in 2016 shall be convened by the Assistant Director, Legal and Democratic Services and City Solicitor of the Coventry City Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

**Electoral register**

The registration officer for the city shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

**Transitional provision**

Until the councillors elected to the council of the new parish of Finham at the elections to be held on the ordinary day of election of councillors in 2016 come into office, the new parish shall be represented by those persons who immediately before 1st April 2016 are the elected councillors for the city wards of Wainbody.

**Order date**

1st April 2016 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the common seal of the Council on the        day of        2015

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Assistant Director, Legal and Democratic Services and City Solicitor

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order gives effect to recommendations made by Coventry City Council for the creation of the new parish of Finham within the city of Coventry.

The parish of Finham will be created effect from 1 April 2016. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2016.

Article 7 provides for parish elections in the parish of Finham in 2016, and then to continue according to the established system of parish elections every four years.

Article 8 specifies the numbers of parish councillors for the new parish of Finham as ten.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new the parish of Finham. It is available, at all reasonable times, at the offices of Coventry City Council.



## Finham Parish Council - Draft Budget Requirement 2016/17

Clerk Salary and on costs	£4,456
Recruitment	£600
Office Costs (clerk)	£1,600
Training and professional membership costs for clerk	£271
Training costs for councillors	£230
Reference materials and handbooks	£300
Membership of National Association of Local Councils (based on number of electors)	£216
Membership of Warwickshire and West Midlands Association of Local Councils (based on number of electors)	£826
Audit fees	£100
Insurance, including public liability	£252
Elections - cost of election combined with local authority elections	£4,000
Website	£75
Printing, Stationery & General Office Expenses, including start up costs for communications, marketing and engagement with residents	£4,500
Room Hire	£840
Noticeboards	£2,500
Contingency, to allow responses to local issues	£3,500
<b>Total</b>	<b>£24,266</b>