

COMMUNITY GOVERNANCE REVIEW – BADGERS MOUNT ORDER

Council – 22 July 2014

Report of Chief Officer Legal & Governance

Status: For Decision

Also considered by: Governance Committee – 10 July 2014

Key Decision: No

Portfolio Holder Cllr. Fleming

Contact Officer(s) Chief Officer Legal & Governance – Mrs Christine Nuttall

Recommendation to Governance Committee:

That Council be recommended to establish the Parish Council for the parish of Badgers Mount on and from 1 April 2015 in the terms of the Establishment Order appended to this report.

Recommendation to Council:

It be resolved to establish the Parish Council for the parish of Badgers Mount on and from 1 April 2015 in the terms of the Establishment Order appended to this report.

Reason for recommendation: the District Council is responsible for determining submissions made in consequence of a community governance review.

Introduction and Background

- 1 The District Council completed a community governance review in 2012 which included the creation of a new parish of Badgers Mount in 2015, which is currently a ward of the Shoreham Parish Council.
- 2 At the meeting of this Committee on 10 July 2013 the number of councillors, and warding arrangements, for the new Badgers Mount Parish Council, and the revised parish of Shoreham, were agreed. Badgers Mount will be formed of 5 councillors and be un-warded.
- 3 There are a number of other specific decisions which the District Council must make to complete the Order to create the new Council for the Parish of Badgers Mount. These are:
 - a) Budget/Precept for Badgers Mount 2015/16

- b) Who will act as the representatives for the new Parish Council in the interim from its set up on 1st April 2015 to the date when the new Council will actually be elected.
 - c) A list of land/property belonging to Shoreham Parish Council, situated in the Badgers Mount ward
 - d) Any Reserve Funds/Balances which it is appropriate to transfer to the new Badgers Mount Parish Council
 - e) Any ongoing responsibilities, contracts, etc currently carried out by Shoreham Parish Council within the Badgers Mount ward
- 4 Shoreham Parish Council has been consulted on these issues, together with representatives of a “working group” set up to include representatives of the Badgers Mount Residents Association, the existing three Badgers Mount Ward members on Shoreham Parish Council and Councillor Grint as the main District Councillor from the Badgers Mount area. In addition the other District Councillors covering the Shoreham area have been involved.
- 5 The parties concerned also approached District Councillor McGarvey, who has much experience of Parish Council work, to construct a draft budget for the new Council. A copy of the agreed draft budget is attached at Appendix A to this report, indicating a gross budget of £23,700. This figure includes a number of contingency items, which if needed will be funded by the reserves transfer of £10,000 referred to at paragraph 8 below, leaving a precept for 2015/16 of £13,700. The working group were in general agreement to these figures. Whilst the exact Council Tax base figures for each Parish Council will not be calculated until December, it is estimated that the taxbase for Badgers Mount will be in the region of 310 Band D equivalents, and the precept figure will result in a Parish charge very similar to that in the current year.
- 6 All parties were in agreement that the interim representatives should be the existing three Badgers Mount ward members on Shoreham Parish Council, there being no other persons in a position having the authority to take on such a role.
- 7 The list of land/property situated in the Badgers Mount ward has been provided by Shoreham Parish Council, and has been agreed by all parties.
- 8 Various discussions have taken place relating to the transfer of any balances from Shoreham Parish Council to the new Badgers Mount Parish Council. These recognised that the residents of Badgers Mount had contributed to the reserves of Shoreham Parish Council over the years, but also that all the main facilities run by the Parish Council are in Shoreham, and bring attendant liabilities in terms of property maintenance, etc, which the residual Shoreham Parish Council will have to bear. A figure of £10,000 was offered by Shoreham Parish Council and was generally accepted by the parties. Subsequently, Shoreham Parish Council formally agreed to this figure at its meeting on 5 June 2014.
- 9 This figure of £10,000 for transfer of balances has been taken into account in preparing the precept figure suggested for the 2015/16 budget, and will give the new Parish Council some working capital and contingency funds.

- 10 Whilst there are some ongoing services provided in the Badgers Mount ward currently; including verge cutting, dog bin emptying, bulky waste freighter, lengthsman; there are no formal contracts in place.

Other Options Considered and/or Rejected

- 11 On the basis that there is general agreement on how to proceed with the requirements set out at 3 a) to e) above the Order has been completed, and a copy is attached at Appendix B. It is of great advantage to the practicalities of the split that there is agreement.
- 12 It will be necessary for officers of the District Council to set up and run the initial meeting of the new Parish Council

Key Implications

Financial

There are no cost implications for the District Council in conducting a community governance review apart from staff resources.

Legal Implications and Risk Assessment Statement.

There are no legal or human rights implications in this report.

As all parties have been consulted and are in agreement in relation to the draft Order, no known risks can be identified.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	Part of the purpose of the Local Government and Public Involvement in Health Act 2007 is to ensure that from time to time a review of boundaries is undertaken to bring about better local democracy and fair representation within communities. The review therefore has a positive contribution to promoting equality.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Consultation has taken place with all parties and there is general agreement to the proposed Order

Appendices Appendix A – Draft Budget 2015/16 Badgers Mount Parish Council

Appendix B – The Sevenoaks (Reorganisation of Community Governance) Order 2014

Background Papers: Local Government and Public Involvement in Health Act 2007

Guidance on community governance reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England) – 2008

Community Governance Review Report – Governance Committee 10 July 2013:

<http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=289&MId=1691&Ver=4>

Christine Nuttall
Chief Officer for Legal and Governance