

## COMMUNITY GOVERNANCE REVIEW – PETITION

**EXECUTIVE MEMBER:** Councillor Peter Kane

**LEAD OFFICER & REPORT AUTHOR** Tim Capper, Democratic Services Manager

### Why has this report come to the Panel?

To report receipt of a petition calling on the Council to form a Whitehaven Town Council

**Recommendation:** That the Panel notes the provisions of the Local Government and Public Involvement in Health Act 2007 in relation to petitions and Community Governance Reviews and parishing arrangements, welcomes the petition as an indication of support for parishing of Whitehaven, and takes it into account in its future deliberations.

## 1 Introduction

1.1 On 29 May 2014 a petition was received containing 2614 signatures calling on the Council to create a Whitehaven Town Council.

1.2 This report formally notifies the Panel the receipt of the petition and places the petition in the context of the current legislation on Community Governance Reviews and the powers and duties of the Council on creation of new parishes and/or alteration of parishing arrangements and associated electoral arrangements.

## 2 The Petition

2.1 The petition contains the following preamble:

“This petition is your opportunity to voice your legal right to have a Whitehaven Town Council and by signing this petition (which must include the signatures of 10% (1997) of Whitehaven’s electorate of 19,970 (as on 5 May 2011) you are indicating this to the Chief Executive of Copeland Borough Council responsible for implantation:- ‘We the undersigned, each being a local government elector for the area of the proposed new parish council in the currently unparished area of Copeland and in pursuance of the rights conferred upon us by the above Act of

Parliament, hereby request you to constitute a local government parish council, the area of which shall be the same as that outlined on the attached map, in the Authority of Copeland Borough Council. Such a new parish council is to be called Whitehaven.”

2.2 The preamble to the petition contains the phrase “the above Act of Parliament” but no Act of Parliament is actually cited; and the phrase “outlined on the attached map” but no map is attached.

2.3 The petition appears to be relying on the now repealed provisions of the Local Government and Rating Act 1997, which enabled local government electors outside London to petition a district council for creation of a new parish and parish council in a previously unparished area. Those provisions were repealed by the Local Government and Public Involvement in Health Act 2007.

2.4 The 2007 Act provides that local electors can petition their principal council for a Community Governance Review to be undertaken for part of the Council’s area. The ability for a petition to require a principal council to create a new parish no longer exists.

2.5 As the Panel is aware, the Council at its meeting on 5 December 2013 resolved to undertake a Community Governance Review of the unparished area of the Borough, that is Whitehaven. The Review is being undertaken by this Panel, and must be complete by 15 January 2015, though the Panel’s provisional timescale for the Review envisages completion by December 2014.

2.6 A petition under the provisions of the 2007 Act must, for an area of more than 2,500 electors, contain signatures of at least 10% of them in order to be a valid petition. However, as noted above, under existing legislation the most the current petition can require the Council to do is something the Council has already done, and therefore the question of the validity, or otherwise, of the petition does not arise.

### **3 Conclusions**

3.1 Notwithstanding the above, it is recommended that the Panel welcomes the petition as an indication of public support for creation of parishing arrangements in Whitehaven, and takes it into account in its future deliberations.

Consultees: Chief Executive; Section 151 Officer; Lead Executive Member

Monitoring Officer comments: Included in report

S151 Officer comments: No financial implications in this report.

EIA comments: No groups are advantageously or disadvantageously affected by the proposals in the report.

