

## **COMMUNITY GOVERNANCE REVIEW WHITEHAVEN**

**EXECUTIVE MEMBER:** Councillor Peter Kane  
**LEAD OFFICER & REPORT AUTHOR** Lindsay Tomlinson, Democratic Services Manager & Monitoring Officer

### **Why has this report come to the Council?**

Following the decision of Council on 11 September 2014 that a parish council for Whitehaven be established, this report considers the details of the Reorganisation Order.

**Recommendation:** That Council agrees:

1. That the Reorganisation Order attached at Appendix A to the report is approved and that the Legal Services Manager be authorised to affix the Council's common seal to the Order to bring it into effect.
2. That the actual costs incurred in setting up the Parish Council for Whitehaven (estimated at £10,965.00) are initially funded by Copeland Borough Council and then recharged to the Parish Council for Whitehaven.
3. That the budgetary requirement of the Parish Council for Whitehaven of £324,183.00 be approved.

## **1 Introduction**

- 1.1 Council on 5 December 2013 resolved to conduct a Community Governance Review under Part 4 of the Local Government and Public Involvement in Health Act 2007 into the unparished area of the Borough, namely Whitehaven and Sandwith. The purpose of the Review was to establish whether or not there was public support for establishment of a parish tier of local government in the area. Council delegated full powers to the Whitehaven Community Governance Review Panel to consider and determine all stages of the Review except the making of a Community Reorganisation Order.
- 1.2 On 11 September 2014 the Whitehaven Community Governance Review Panel submitted to Council its recommendation that a single parish council be established comprising the currently unparished area of the borough, and that the new parish

council should be divided into seven wards co-terminous with the borough council ward boundaries with the exception of the Bransty ward (where it excluded that part of the ward within Moresby parish area) and the Sandwith ward (where it excluded that part of the ward within the St Bees parish area).

- 1.3 Legislation prescribes that a Community Governance Review should be completed within twelve months, therefore the Reorganisation Order must be approved by Council before 5 December 2014. The legislation also provides that the new parish council will come into effect on 1 April after the Reorganisation Order has been made.

## **2 The Community Reorganisation Order**

- 2.1 The name of the new parish council:

Under section 87 of Part 4 of the Local Government and Public Involvement in Health Act 2007 responsibility for recommending the geographical name of the new parish council rests with the principal authority, i.e. Copeland Borough Council. The recommended name for the new council is "Whitehaven". It is also for the principal authority to recommend an "alternative style" for the new parish council if it so wishes. The alternative styles available are "village", "neighbourhood" or "community". The recommendation of the Panel is that none of the alternative styles is given. The decision to adopt the status of "town council" lies with the parish council itself, under the Local Government Act 1972 Section 245. This means that Copeland Borough Council cannot recommend within the Order that the new council is to be a town council. The new parish council may also resolve to adopt one of the alternative styles if it so wishes.

- 2.2 The total number of Councillors to be elected to the new parish council:

The electorate figures for the seven borough wards as at 1 September 2014 are:

Bransty	3780 (of which 395 fall within the Moresby parish area)
Harbour	3204
Hensingham	3110
Hillcrest	2049
Kells	1995
Mirehouse	3202
Sandwith	1981 (of which 46 fall within the St Bees parish area)

The Community Governance Review Panel considered that in order to ensure equality of representation for local residents, the number of parish councillors in each of the seven wards should be proportionate to the number of electors in the respective wards. Therefore the recommendation of the Panel is that the Bransty, Harbour, Hensingham and Mirehouse wards should each have two parish councillors and the Hillcrest, Kells and Sandwith wards should each have one parish councillor. This gives a total of eleven parish councillors for the Parish Council for Whitehaven.

- 2.3 The cycle of elections for the new parish council:

The recommendation of the Panel is that elections to the new council are held on a 4 yearly cycle commencing in May 2015. This means that the parish council elections will

be on the same cycle as Copeland Borough Council's local elections as well as the other parishes within the borough. The parish council elections will be organised and run by the Returning Officer for Copeland Borough Council and the cost of the elections will be recharged to the parish.

2.4 Arrangements for the first Annual Meeting of the new parish council:

Under the legislation it is for the principal authority, Copeland Borough Council, to make arrangements for the first annual meeting of the Parish Council for Whitehaven. The meeting must take place within 14 days of the councillors for the parish council taking office.

2.5 Transfers:

(a) The Order must contain the description of any property which is proposed to be transferred to the new Parish Council for Whitehaven. The allotments that Copeland Borough Council owns in the area covered by the reorganisation order must be transferred to the Parish Council and these have been indicated in Schedule 2 to the Order. In addition it is proposed that the three pigeon lofts within the new parish area are transferred.

(b) The Community Governance Review Panel recommended that the jewel of the Borough of Whitehaven which was presented to the Borough by Earl Lonsdale, the first Mayor of the Borough 1894-1895 should be transferred to the Parish Council of Whitehaven. The transfer date is to take effect after the election of the new Councillors in May 2015. The jewel is not used by the Mayor of Copeland.

2.6 The budget for the new parish council in its first year:

(a) Appendix B sets out in full the financial details taken into consideration by the Whitehaven Community Governance Review Panel in coming to its recommendations.

(b) It is proposed that this estimated cost to Copeland Borough Council of £10,965.00 in setting up the new parish council be recharged.

(c) The estimated annual of the cost of the parish council "being in business" is £324,183.00. The precept for the new parish council will be set at the Council meeting in February 2015.

### **3 Interim Work**

The Panel agreed that a recruitment exercise will be carried out by Copeland Borough Council in January 2015 to seek to appoint an interim clerk to the new parish council, and that, if necessary, attempts will be made to identify temporary office accommodation for the interim clerk within the Copeland Borough Council Democratic Services team.

Responsibility for arranging the first Annual Meeting of the Parish Council for Whitehaven also lies with Copeland Borough Council. The meeting must take place within 14 days of the councillors for the parish council taking office.

The Monitoring Officer will work with the interim clerk to ensure that all necessary Code of Conduct matters are taken into consideration.

## **6 Conclusions**

- 6.1 The proposals in this report will give the required formal approval for the Reorganisation Order for the Parish Council for Whitehaven within the statutory twelve month timescale and for appropriate arrangements for the new parish council to be made to ensure that it is in place on 1 April 2015 and that councillors are elected on 7 May 2015.

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

Monitoring Officer comments: Included in report

S151 Officer comments: The new Parish Council will be funded by the precept that is set and the setup costs incurred by Copeland Borough Council will be recharged.

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

Appendices:

Appendix A – Draft Reorganisation Order – Parish Council for Whitehaven

Appendix B – Financial details

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### The Copeland Borough Council (Reorganisation of Community Governance) Order 2014

*Made 4<sup>th</sup> December 2014*

*Coming into force in accordance with article 1*

Copeland Borough Council ("the Council"), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has undertaken a community governance review and made recommendations dated 4th December 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 and 240(10) of the 2007 Act.

#### **Citation and Commencement**

1. (1) This Order may be cited as the Copeland Borough Council (Reorganisation of Community Governance) Order 2014.
- (2) It shall come into force on 1st April 2015.
- (3) Article 9 shall come into force on the ordinary day of election of councillors in 2015.
- (4) For the purposes of:
  - (a) this article;
  - (b) article 5; and
  - (c) proceedings preliminary or relating to the elections of parish councillors for the parish of Whitehaven to be held on the ordinary day of election of councillors in 2015;this Order shall come into force on the day after that on which it is made.

## **Interpretation**

### **2. In this Order-**

"borough" means the borough of Copeland;

"map" means the map marked "Map referred to in the Copeland Borough Council (Reorganisation of Community Governance) Order 2014" 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;

"new parish" means the parish constituted by article 4;

"ordinary day of election of councillors" has the meaning given by section 37 of the Representation of 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**

- 3.** This Order has effect subject to any agreement under section 99 (agreement 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**

- 4.** (1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the borough of Copeland.
- (2) The name of the new parish shall be Whitehaven.

## **Calculation of Budget Requirement**

- 5.** 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 Whitehaven the sum of £324,183.00.

## **Parish Council for the Parish of Whitehaven**

- 6.** (1) There shall be a parish Council for the parish of Whitehaven.
- (2) The name of that Council shall be "The Parish Council of Whitehaven".

## **Elections for the Parish of Whitehaven**

- 7.** The election of all parish councillors for the parish of Whitehaven shall be held simultaneously on the ordinary day of election of councillors in 2015.

### **Number of Parish Councillors for the Parish of Whitehaven**

8. The number of councillors to be elected for the parish of Whitehaven shall be eleven.

### **Wards of the Parish of Whitehaven and Numbers of Parish Councillors**

9. (1) The parish of Whitehaven shall be divided into seven wards which shall be named Bransty, Harbour, Hensingham, Hillcrest, Kells, Mirehouse and Sandwith.
- (2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by orange lines.
- (3) Each of the parish wards of Harbour, Hensingham, Hillcrest, Kells and Mirehouse shall comprise the area of the borough ward bearing the same name. The parish ward of Bransty shall comprise that area of the borough ward of Bransty not within Moresby Parish. The parish ward of Sandwith shall comprise that area of the borough ward of Sandwith not within St Bees Parish.
- (5) The number of councillors to be elected for each parish ward shall be  
Bransty - 2, Harbour – 2, Hensingham – 2, Hillcrest – 1, Kells – 1,  
Mirehouse – 2, Sandwith – 1.

### **Annual Meeting of Parish Council**

10. The annual meeting of the new parish council in 2015 shall be convened by the Chief Executive of the 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**

11. The registration officer for the borough 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.

### **Transfer of Property, Rights and Liabilities**

12. The land, property, rights and liabilities described in Schedules 1 and 2 shall transfer from the Council to the Parish Council of Whitehaven on the date specified in column (2) of those Schedules.

**Order Date**

- 13.** 1st April 2015 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 this                      day of

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Legal Services Manager



**SCHEDULE 1****LAND AND PROPERTY TO BE TRANSFERRED**

<b>Land and Property to be Transferred</b>	<b>Date</b>
Cartgate Allotments site	1 April 2015
Crow Park Allotments site	1 April 2015
Midgey Allotments site	1 April 2015
Sneckyeat Allotments site	1 April 2015
Overend Pigeon Loft site	1 April 2015
Langdale Close, Mirehouse, Pigeon Loft site	1 April 2015
Calder Club, Mirehouse, Pigeon Loft site	1 April 2015

**SCHEDULE 2****HISTORICAL AND CEREMONIAL PROPERTY TO BE TRANSFERRED**

<b>Historic and ceremonial property to be transferred</b>	<b>Date</b>
The Whitehaven Borough Council jewel inscribed "presented to the Borough of Whitehaven by the Right Honourable Hugh Cecil Earl of Lonsdale, first Mayor 1894-95".	11 May 2015

## EXPLANATORY NOTE

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

This Order gives effect to recommendations made by Copeland Borough Council for creation of the parish of Whitehaven within the borough of Copeland.

The parish of Whitehaven will be created with effect from 1 April 2015. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of Councillors in 2015.

Article 7 provides for parish elections in the parish of Whitehaven in 2015. By law they will then continue according to the established system of parish elections every four years.

Article 8 specifies the number of parish Councillors for the new parish of Whitehaven as eleven.

Article 9 and the map establish the names and areas of the wards of the new parish of Whitehaven and the numbers of Councillors for each ward.

Article 11 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 wards of the parish of Whitehaven. It is available, at all reasonable times, at the offices of Copeland Borough Council.



Map referred to in The Copeland Borough Council (Reorganisation of Community Governance) Order 2014.



## APPENDIX B \_FINANCIAL MATTERS

### Whitehaven Parish Council Precept

Further to the meeting of 10<sup>th</sup> November 2014 it was decided that the initial Parish Precept for 2015/16 should be set at no more than £1 per week on Band D properties. Based on the 2014/15 Band D Tax Base of 6233.33 this would give a precept of £324,133 but the final tax base figures for 2015/16 have yet to be calculated. This means we have to be satisfied that any precept set at this kind of level is adequate to meet the budget requirement of the new Parish Council for Whitehaven.

When determining the budget requirement the primary considerations were;

- The new Council will not be fully operational for a complete financial year so the annual costs of being in business are going to be less than a normal financial year. Many of the normal day to day running costs of being in business are unknown and can only be estimated i.e. current rental rates charged on our properties for office accommodation (though there are many alternatives available on the high street) and current salary rates (though actual staffing levels are yet to be determined).
- Copeland Borough Council cannot impose services on the new Parish Council. It is for the new Parish Council to decide which services it would like to provide and how they should be resourced. It is though, a reasonable expectation that they will expect to provide services and will need some budget allocation to do so. For this reason budgets and staffing levels of a similar sized Town Council have been used for comparison purposes.
- As this is a first year there will be set up costs.
- As this is a first year there will be no reserves carried forward.
- It is anticipated that the Whitehaven allotment and pigeon loft sites will transfer to the Parish Council together with their income and expenditure of £4,689 per annum.
- Overriding all of this is the current Council Tax capping regime. At present Borough and County Councils are unable to raise Council Tax by more than 2% without a referendum. At the present time Parish Councils are not included within that regime but there has been much debate over recent years and it is not yet certain that Parish Councils won't be included for 2015/16. The risk is that if a precept was set to cover the minimum level of set up and running costs and did not anticipate a level of service provision they could be left in the position of not being able to raise further funds going forward without that referendum.

By setting the precept at a level to be expected when it is fully operational gives the first year surplus and any operational savings as an initial boost to reserves to be utilised in later years.

The Parish Council also has discretion to lower the precept in later years.

## Cost to the Council

At the present time, as the precept covers the budget for the new Parish Council, the only cost to the Council is the loss of allotment and pigeon loft income but with that there are the associated running costs which will also transfer. There may be implications at a later date depending on what services the new Parish Council provide and how they are provided.

If the jewel of the Borough of Whitehaven is transferred it is currently held on the balance sheet at £35,000. There may also be some further Community Asset Transfers.

## Summary

	<b><u>FT Clerk scale 39 and 1/2</u></b> <b><u>ground floor Market Hall</u></b> <b><u>accommodation</u></b> <b><u>(equivalent)</u></b>
Set Up Costs	10,965
Allotment and Pigeon Loft Income	(4,689)
Allotment and Pigeon Loft Expenditure	4,689
Annual Budget	212,658
Other Operational Activities	99,510
Budget Requirement for the Year	324,133

## Set-Up Costs

It is expected that some tasks will need to be carried out before the Parish Council formally comes into being and these will be initially borne by Copeland Borough Council then recharged back.

	<b><u>FT Clerk scale 39 and 1/2</u></b> <b><u>ground floor Market Hall</u></b> <b><u>accommodation</u></b> <b><u>(equivalent)</u></b>
Interim Parish Clerk assuming 1st March start > 30th April at SCP 39 including NI & LGPS	7,466
Accommodation 1st March > 30th April 2015	2,499
Estimate for IT and telecoms facilities	500
Insurance	500
	<b>10,965</b>

## Operational Overheads

	<u>FT Clerk scale 39 and 1/2</u> <u>ground floor Market Hall</u> <u>accomodation</u> <u>(equivalent)</u>
<b>Annual Budget</b>	
<b>Staffing</b>	
Parish Clerk full year ongoing at SCP 39 including NI & LGPS	43,136
Staff PT @ (SCP 29 and 21) * 2 each	86,218
Recruitment Costs	1,000
<b>Accomodation</b>	
Office Accomodation Full Year	14,441
Repairs and renewals	4,000
Meeting accomodation Beacon. Weekly 2hrs @ £20 per hr	2,000
Telephone & IT facilities (est)	4,000
Insurance	4,000
Printing & Stationery	2,100
<b>Miscellaneous</b>	
Chairman/Mayor Allowance	3,063
Elections	8,600
CALC membership	1,300
Member training	2,000
Audit Fee	1,800
Advertising	2,000
Website and Newsletter	3,000
Contingencies	10,000
Reserve	20,000
<b>Annual Running Costs</b>	<b>212,658</b>