

Addendum - Licensing & Regulatory Committee 21 October 2014

Item 5 – Community Governance Review

A copy of the report was sent to the Local Government Boundary Commission for England. They have confirmed that they have no problems with the majority of the report. However they have informed the Council that they cannot support the proposals within in Appendix 2 because these would not be minor amendments. For this reason Appendix 2 is withdrawn as a proposal.

Please find below a table outlining the precept received by each Parish/Town Council within Warwick District for 2013/14 and 2014/15, the number of electors for each and the mean average spend per elector for the Parish/Town based on these figures:

	2014/15 Actual £	2013/14 Actual £	Electorate At present	£ to electorate spend 2013/14	£ to electorate spend 2014/15
Old Milverton and Blackdown	£20,000	£20,000	368	£54.35	£54.35
Burton Green	£30,000	£9,848	742	£13.27	£40.43
Barford, Sherbourne & Wasperton	£40,169	£29,071	1,268	£22.93	£31.68
Rowington	£20,430	£20,430	779	£26.23	£26.23
Weston Under Wetherley	£7,048	£6,985	310	£22.53	£22.74
Bubbenhall	£11,461	£10,479	541	£19.37	£21.18
Beausale, Haseley, Honiley & Wroxhall	£8,900	£8,472	467	£18.14	£19.06
Baddesley Clinton	£2,800	£2,800	153	£18.30	£18.30
Eathorpe, Hunningham, Offchurch & Wappenbury	£8,250	£7,200	527	£13.66	£15.65
Whitnash Town Council	£102,602	£91,160	6,629	£13.75	£15.48
Norton Lindsey	£5,000	£5,000	331	£15.11	£15.11
Baginton	£8,905	£7,598	641	£11.85	£13.89
Cubbington	£43,220	£40,000	3,154	£12.68	£13.70
Budbrooke	£22,350	£23,070	1,642	£14.05	£13.61
Warwick Town Council	£306,215	£290,790	22685	£12.82	£13.50
Bishop's Tachbrook	£27,909	£27,652	2,097	£13.19	£13.31
Radford Semele	£18,726	£18,698	1,629	£11.48	£11.50
Lapworth	£16,700	£16,561	1,455	£11.38	£11.48
Shrewley	£6,820	£6,509	688	£9.46	£9.91
Kenilworth Town Council	£175,366	£173,430	18126	£9.57	£9.67
Leek Wootton and Guy's Cliffe	£7,625	£7,262	849	£8.55	£8.98
Royal Leamington Spa	£290,766	£273,318	32736	£8.35	£8.88
Hatton	£10,600	£10,209	1,568	£6.51	£6.76
Ashow and Stoneleigh	£15,785	£15,753	2,371	£6.64	£6.66

Following the previous meeting there has been further discussions with Cubbington Parish Council about the impact of moving the electors/properties from their current north ward into Royal Leamington Spa.

A copy of a letter received from the Clerk to the Council along with a copy of the estimated budget for 2014/15. With regard to the budget the following guidance/notes have also been submitted by the Clerk:

"With regards to line 37, this is a one-off cost for 2014/15 towards the cost of repairing the Community Pavilion. However, the Parish Council have been asked for a contribution of £6351 towards the cost of refurbishing the Village Hall in 2015/16 (if not sooner) and will also be considering providing funds for a new item of play equipment and a mini-skateboard ramp.

Also, as I mentioned in my earlier email, they will have to make provision for the May 2015 elections. In 2011/12 this was £4000 and so I would think that a sum of £5000 will be needed for 2015/16.

The contingencies items (lines 27 and 34) are to meet the costs of unforeseen repairs and miscellaneous items such as purchasing grit bins, cleaning, signs, litter collection etc. Normally, an underspend of about £500 etc. can be expected on these items but the Parish Council believe that it is better to have a small balance for such items in case of emergencies."

In response to the Letter officers received Advice from our shared Legal Services as set out below:

"The advice given to the Regulatory committee is correct in my view. Community identity is one of the statutory criteria however so is effective and convenient government. The level of the precept is not of itself a relevant factor or the fact that it would rise.

The issue of financial viability goes towards the issue of securing effective and convenient local government. However so does in a sense community identity and rational alignments of boundaries. As a transitional measure I believe you have powers to make grants to ease the financial burden if necessary. Obviously they have the power to increase their precept to sustain their financial viability – that's what the precept is for. Some parish councils already seem to be charging above this sort of level according to your website so why not Cubbington if they want to continue the services they describe?

The Cubbington letter does not reflect that with fewer households/area the scale/level of the services that it may need to provide may be lower and thus the costs may decrease. There may not of course be any significant economies of scale. Questions I would ask are about how their precept level ranks with others? Is the level of their population significantly different from others in the district under the proposal? Do their 'costings' take account of the smaller population or area? Do they need to provide all the services they describe to secure 'effective and convenient governance' and maintain community cohesion– how detrimental to community cohesion. The issue for me is that it by no means certain that they will be financially unviable – as there are choices to be made by the parish. What other services are they funding from the balance of funds. Could they provide some but not all from a smaller rise.

At the end of the day this is an issue of balance but I do not believe that the fact the precept would need to increase is a fundamental bar to your proposals. You need to show you have given it consideration but also considered the options available to the parish to ensure they remain financially viable. In reality it is not the financial issue which is important but whether or not it is likely to have any significant impact on securing efficient and convenient government, maintaining community cohesion having regard to any mitigation measures available to the parish council."

Following this advice I wrote to the Clerk to the Council and received the response set out below:

"In response to the questions you have raised I can comment as follows, shown in italics:

• What services do Cubbington Parish Council specifically provide in the area which may be lost e.g. parkland maintained?

The maintenance of one noticeboard and one seat.

• What if any costs reductions to the Parish Council would there be if the proposals were approved?

The approximate total annual cost of maintaining the noticeboard and seat is £150.

• In the view of the Parish Council do you achieve effective and secure governance by providing these services?

It is difficult to answer this question in relation to one noticeboard and one seat. However, both facilities are well used by residents of the North Ward.

• How detrimental will the proposal be to the community cohesion in the opinion of the Parish Council?

The Parish Council provide a wide variety of services and amenities for all residents within the current parish boundary. If the proposal is confirmed these will continue to be enjoyed by the residents in the North Ward but those remaining within the parish will have to meet the costs, assuming the Parish Council decide that they are still able to afford to provide them.

The Parish Council strongly believe that the residents of the North Ward identify with the Parish of Cubbington and not the town of Royal Leamington Spa. There is an active and valued OAP Association which welcomes members from the North Ward. It is understood that should the North Ward be transferred residents would no longer be eligible to be members of the Association.

A leaflet was circulated by the Parish Council to all residents in the North Ward when the proposal was announced. An on-line petition was also set up. It is believed that the majority of those who responded were opposed to the proposal and wished to remain in the parish. Consequently, the Parish Council

question whether the District Council are able to demonstrate that the majority of residents identify with the town of Royal Leamington Spa and wish to come within its boundary. The Parish Council would request the District Council to produce this evidence if it exists.

You also asked for confirmation that the Parish Council are already looking at rationalising their services as potentially they would be losing £15,870 per year from their budget.

The Parish Council have set up a Working Party to review their budget for 2015/16.

As has been referred to in the letter from the Parish Council Chairman dated 27th March 2014 to Gillian and mine to you dated 6th October 2014, the Parish Council will be considering how to reduce their budget by approximately £15,870 (35%) to maintain the Band D charge at its current level. Alternatively, the budget could remain at the current level but this would result in an increase of 52.7% for Band D Council Taxpayers. The Parish Council believe that this increase would be unacceptable and could well be impossible without holding a local referendum if the Government imposed a cap on precept increases.

It should also be pointed out that provision will have to be included in the 2015/16 budget for the cost of the Parish Council elections to be held in May 2015. This will mean that further reductions in costs and resulting loss in services will have to be made elsewhere.

Could I also inform you that the Parish Council discussed this situation again at their meeting on 14th October and expressed their deep concerns about how the change to the boundary would affect the local community and whether they, the Parish Council, could continue providing services at the current level. The Parish Council believe that the transfer of the North Ward would be to the detriment of local residents and serve no worthwhile purpose other than to make the boundary with the new District Council Ward coterminous."

CUBBINGTON PARISH COUNCIL
ESTIMATES 2014/15

	Estimate 2014/15
	£
ADMINISTRATION	
1. Hire of Village Hall	100
2. Annual Subscriptions	800
3. Insurances (incl. Pavilion)	1700
4. Audit fees	300
5. Sundries	1000
6. Photocopying	450
7. Postages	140
8. Clerk's expenses	<u>750</u> 5240
SALARIES AND ALLOWANCES	
9. Chairman of the Council	1850
10. Vice Chairman of the Council	150
11. Clerk to the Parish Council)	
12. Income Tax & National Insurance)	9900
13. Potential increase in hours	500
14. Soc. of Local Council subscription	<u>140</u> 12540
GRANTS AND DONATIONS	
15. Churchyard and 'Contact' (S137)	1200
16. Village Hall water rates	400
17. HS2 Advice (S137)	1000
18. Miscellaneous grants (S137)	<u>1000</u> 3600
HIGHWAYS	
19. Bus shelters	620
20. Planting of trees and bulbs	300
21. Repair of seats	675
22. Notice boards	510
23. Planters	5200
24. Church Lane bank	1440
25. Windmill Hill bank and area	1980
26. Christmas festivities & events	1000
27. Highway contingencies	<u>2500</u> 14225
TOTAL CARRIED FORWARD	35605

**Estimate
2014/15**

£

TOTAL BROUGHT FORWARD **35605**

RECREATION GROUNDS

28. Grass cutting	2300	
29. Perimeters, hedges & ditches	3570	
30. Repairs	500	
31. Equipment inspection	170	
32. Playing field supervision	900	
33. Keyholder	250	
34. Recreation ground contingencies	<u>3000</u>	10690

COMMUNITY PAVILION

35. Water rates	200	
36. Electricity	0	
37. Repairs	<u>10360</u>	10560

TOTAL ESTIMATED EXPENDITURE **56855**

RECEIPTS

38. Warwick District Council		
- contribution	8400	
- Council Tax grant	2780	
39. Rent of EMEB sub-station site	25	
40. Bank interest	<u>60</u>	11265

TOTAL NET EXPENDITURE **45590**

To be financed from

CONTRIBUTION FROM RESERVES	(410)
BUDGET REQUIRED (PRECEPT)	<u>46000</u>
	£45590

[Note: Commitments from Reserves totalling £9000 also exist to contribute:

- (a) £5000 – Warwick District Council flood alleviation scheme;
- (b) £2000 - proposed centre at St. Mary's Church; and
- (c) £2000 - HS2 advice.]

CUBBINGTON PARISH COUNCIL

www.cubbington.org.uk

CLERK TO THE COUNCIL: Robert Inman

Tel.: Leamington Spa [REDACTED]

Email: clerk@cubbington.org.uk

Mr Graham Leach
Democratic Services Manager
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
Warwickshire
CV32 5HZ

6th October 2014

Dear Mr Leach

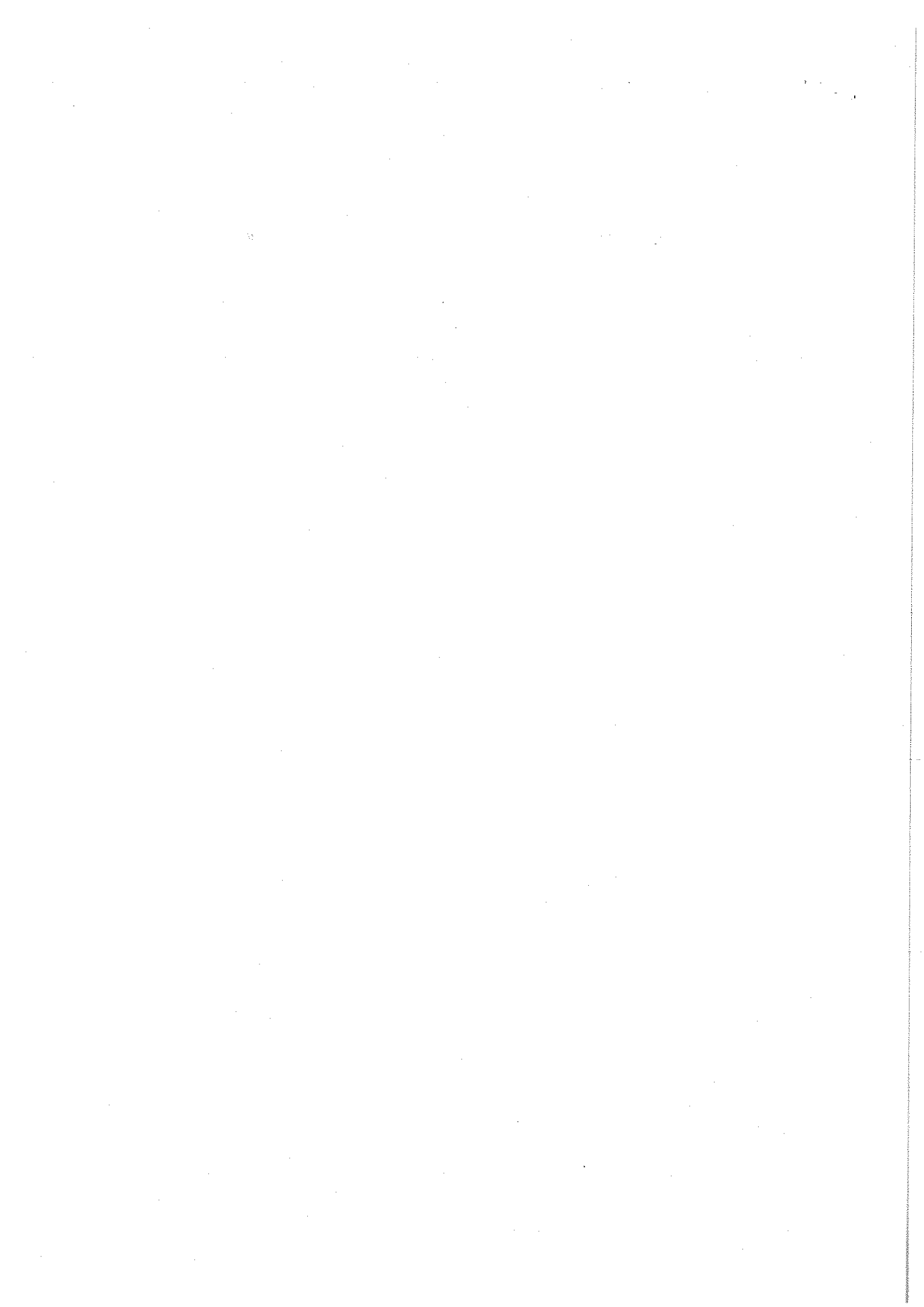
Warwick District Community Governance Review 2013

I refer to our recent discussion regarding the Community Governance Review.

As requested, I set out below the legal advice that the Parish Council has received from Jane Moore, the Solicitor of the National Association of Local Councils:

"I advise as per paragraphs 45-50 of Legal Topic Note 73 on CGRs that the relevant principal council must have regard to the need to secure that community governance within the area under review (a) reflects the identities and interests of the community in that area, and (b) is effective and convenient (s.93 (4) of the 2007 Act). In relation to whether proposed arrangements are effective and convenient, paragraph 63 of the statutory guidance on CGRs states that "local communities should have access to good quality local services, ideally in one place. A parish council may be well placed to do this. With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient they need to be easy to reach and accessible to local people."

Paragraph 53 of the statutory guidance provides that when considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish. Principal councils are also required to consider the impact of community cohesion on community governance arrangements. This is documented at paragraphs 66-85 of the statutory guidance. Paragraph 73 states "community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area."



The Parish Council understands that the Regulatory Committee was advised at its meeting in January that, whilst the effect of the Community Governance Review on the Parishes precept was not in itself a relevant consideration, it may be relevant as to whether the community governance in the area under review was effective and convenient. Also, the Committee was advised that the District Council had a duty to ensure that community governance in the area under review was effective and convenient. In doing so, it must ensure that Parishes continue to be viable and that their precept enables them to actively and effectively promote the well-being of residents in their respective areas and to contribute to the real provision of services in their areas in an economic and efficient manner.

The Chairman of the Parish Council has explained previously that under the proposals affecting Cubbington, 614 properties would be transferred which is 37% of the current total within the parish. If the precept remains at the current level, the Band D charge would need to increase to £48.17 (ie a 52.7% rise) to maintain it. Alternatively, the Parish Council could reduce its precept by £15,870 (35%) to maintain the Band D charge at its current level. If this were to happen amongst the services which would have to be reduced or abandoned would be Christmas lights and festive event, maintenance of grass verges, floral displays, maintenance of bus shelters, public seats and notice boards, and the maintenance of play equipment and grass cutting in recreation grounds.

In view of the legal advice provided from the National Association of Local Councils and that given to the Committee, I have been asked to inform you that the Parish Council believes that by the implementing the boundary change it will leave it in a position of being unable to provide services to their current level and standard. As a result, the change of the boundary would be to the detriment of the residents who remain within the parish.

The Parish Council would also refer to the legal advice that the District Council must take into account a number of influential factors, including the impact of community governance and arrangements on community cohesion. The Parish Council believes that evidence has already been provided that the current arrangements are supported by residents of the current Parish North Ward and that they are important members of the local community.

Yours sincerely,

A black rectangular redaction box covering the signature of the Clerk to the Council.

Clerk to the Council

