

COUNCIL

9 March 2015

COMMUNITY GOVERNANCE REVIEW: PARISH AREA OF HORN

Report of the Director for Resources

STRATEGIC AIM:	Creating a sustained environment.
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1. PURPOSE OF THE REPORT

- 1.1 To enable Council to consider making a Reorganisation of Community Governance Order following a Community Governance Review relating to the parish areas of Horn and Exton.

2. RECOMMENDATIONS

- 2.1 That Council endorses the recommendations of the community governance review concerning the parishes of Exton and Horn, as attached as Appendix E, being principally that:
- (a) the existing parishes of Horn and Exton be amalgamated;
 - (b) the new parish, outlined as marked in dark red on the map and attached at Appendix A, be known as Exton and Horn; and
 - (c) in consequence, the existing parishes of Exton and Horn shall cease to exist;
- 2.2 That Council gives effect to the recommendations of the review and accordingly makes the Rutland Reorganisation of Community Governance Order 2015, a draft of which is set out as Appendix A.

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 To ensure that local governance arrangements reflect the identities and interests of the community and provide for effective and convenient local government.

4. COMMUNITY GOVERNANCE REVIEW

- 4.1 **Background** – The commencement of this Community Governance Review was approved by Council in June 2012. The aim of the review was to determine the future of the Parish of Horn with a possible

solution to merge the parish areas of Horn and Exton to form one parish area. The Community Governance Review and subsequent Order (which can be seen at Appendix A) complete that work.

- 4.2 The Constitution Review Working Group, in October 2012, requested officers to proceed with the review. The Terms of Reference were produced and presented to the Group in December 2014 and formal consultation then began.
- 4.3 **Consultation** – In accordance with guidance issued by the Department for Communities and Local Government the review included consultation with relevant parties including the ward councillor, parish councillors (for Exton), occupiers of the properties within the Parish Area of Horn and the County Council. The Constitution Review Working Group was updated on the progress of the review. All parties supported the amalgamation of the parishes.
- 4.4 The Terms of Reference and draft recommendations that included maps of the area affected were sent to consultees, published on the County Council's website and displayed in the Council offices. These documents can be seen at Appendices B-C and consultation responses can be seen at Appendix D.
- 4.5 Final recommendations were published on 27 February 2015 and these can be seen at Appendix E.

5. SPECIFIC ISSUES

- 5.1 **Normal Date of Retirement**

All parish council seats will be retired and elected on 7 May 2015. To enable the proposed revision to the parishes involved and the establishment of the Exton and Horn Parish Council in the timeliest manner, the Order must be approved and made before Monday 23 March which is the date that the notice of election will be published. Should the Order be approved but any delay occurs, a separate election may need to be held for the parish councillors for the new Parish of Exton and Horn in addition to that of Exton.
- 5.2 **Parish Precept**

Should the Order be agreed, for accounting reasons, any changes to the Parish precept for the properties in the Parish Area of Horn will come into force on 1 April 2016 as the precept for the Parishes will already have been set for the 2015/16 financial year. With only three properties in the Parish of Horn, any additional precept income would not be significant and it is not considered that it will be detrimental to the new Parish Council to take on three additional properties for one year based on the agreed precept for Exton alone.

5.3 The Law, Duties and Guidance

Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:

- i. It 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;
 - b. is effective and convenient.
- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - a. that have already been made, or
 - b. that could be made for the purposes of community representation or community engagement in respect of the area under review.
- iii. The Council must take into account any representations received in connection with the review.

5.4 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 the Department for Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.

5.5 The guidance states that the Council must have regard to the need to ensure that community governance - in this case parish councils - within the area under review, reflects the identities of the community in the area effectively.

5.6 The guidance also acknowledges that how people perceive where they live is significant in establishing the identities and interests of local communities and this could cover a range of conditions, often best defined by local residents which could include which parish area they live in, the number of councillors representing them and where local boundaries lie.

6. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	M	In order to now complete the review in a timely manner and be effective for the 2015 elections, the Full Council of 9 March has been requested to consider the final recommendations to make the Order.
Viability	L	The Council is acting in accordance with the Local Government and Public Involvement in Health Act 2007.
Finance	M	Residents of Exton and Horn would incur a parish precept rate for the new parish area from 1 April 2016/17 financial year. No new precept will apply to residents of Horn for 2015/16.
Profile	M	This would support the Council's position in that it is mindful of its residents and their identity in relation to their community.
Equality and Diversity	L	No equality and diversity issues relate to this decision.

7. CONCLUSIONS

- 7.1 In order to ensure that local governance reflects the identities and interests of the community and provides for effective and convenient local government it is recommended that Council approves the making of the Rutland County Council (Reorganisation of Community Governance) Order 2015.

Background Papers

Local Government and Public Involvement in Health Act 2007
Guidance on community governance reviews (DCLG, 2010)

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A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.