

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

Agenda Item No. 6

meeting date: 25 MARCH 2014
title: DIVISION OF WISWELL PARISH COUNCIL
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
principal author: MAIR HILL, SOLICITOR

1 PURPOSE

- 1.1 To seek Members approval for the Council to make an Order splitting the Parish.
- 1.2 To seek members' authorisation for the Council's Solicitor, in consultation with its Chief Executive and Leader, to continue progressing this matter.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Objectives – Better community governance should facilitate community cohesion and local involvement in local decision-making. This, in turn, should help to make people's lives safer and healthier and enhance the local environment.
 - Corporate Priorities – Improved community governance is linked to the Council's vision of ensuring that the Ribble Valley has vital and vibrant villages, meeting the needs of residents, in that it should help to empower those residents.
 - Other Considerations – This is the next step in achieving a formal split of the Parish. The decision to formally split the Parish was made by this Committee in November 2012 following a Community Governance Review. A further report, on 26 March 2013, explained the issues for committee's determination at that point.

2 BACKGROUND

- 2.1 Members will be aware of the long-running history to this matter. This has been set out in the numerous reports to this Committee.
- 2.2 At its meeting on 20 November 2012, this Committee resolved to adopt recommendations concerning the division of the Parish for the reasons proposed and authorised the Council's Solicitor to draft a Reorganisation Order and liaise with others to implement the recommendations.
- 2.3 In March of last year the Council's Solicitor brought a further report to Committee seeking determination of various matters. Committee agreed that the split would take effect from April 2015 with elections taking place as scheduled in May 2015.
- 2.4 The following was also reported:
 - 2.4.1 Mrs Victoria Wilson (clerk to current Wiswell Parish Council) would act as clerk to inchoate Barrow Parish Council, when necessary;
 - 2.4.2 The electoral registration officer would have responsibility for amending the register; and

2.4.3 None of the property held by the current Wiswell Parish was held for charitable purposes.

3. ORDER

3.1 Part 3(1) of the Council's Constitution ("the powers and duties of the Council and its committees"), sets out at Part 2 those matters which are reserved to meetings of the Full Council. These include, at point 9: "Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills."

3.2 As the Order is a piece of local legislation, full Council must sanction the making of it.

3.3 The Council's Solicitor has prepared the Order at Appendix 1 to this Report. Committee is asked to consider this Order and to recommend to Full Council that the Order be made.

11 RISK ASSESSMENT

11.1 The approval of this report may have the following implications:

- Resources – work is continuing on progressing this matter.
- Technical, Environmental and Legal – legal and technical implications and concerns are set out in the file on this matter.
- Political – members have already committed the council to splitting the parish.
- Reputation – as above.
- Equality & Diversity – no concerns arising.

5 RECOMMENDED THAT COMMITTEE

5.1 Recommend to Full Council that the Council should make an Order (like that at Appendix 1 to this Report) to split the parish of Wiswell.

5.2 Authorise the Council's Solicitor, in consultation with its Chief Executive and Leader, to continue progressing this matter.



MAIR HILL
SOLICITOR



MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Files in Solicitor's room on Wiswell and Barrow split.

For further information please ask for Mair Hill ext 3216.

REF: Debbie Nuttall/P&F/Parish/Wiswell

DRAFT

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN
HEALTH ACT 2007

The Ribble Valley Borough Council (Reorganisation of
Community Governance) Order 2014

Made - - - - - [day] [month] 2014

Coming into force in accordance with article 1(2)

The Ribble Valley 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 has made recommendations dated 20 November 2012:

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(3) 98(4), and 240(10) of the 2007 Act.

Citation and commencement

1.—(1) This Order may be cited as the Ribble Valley (Reorganisation of Community Governance) Order 2014.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2015.

(3) Articles 7, 8, 9 and 10 shall come into force on the ordinary day of election of councillors in 2015.

(4) For the purposes of:

- (a) this article, and
- (b) article 5;
- (c) proceedings preliminary or relating to the election of parish councillors for the parish of Wiswell and the election of parish councillors for the parish of Barrow, 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 the Ribble Valley Borough Council;

“county” means the county of Lancashire;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the Ribble Valley (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 the 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 (agreements 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.

(2) The name of the new parish shall be Barrow.

(3) In consequence of paragraph (1) of this article, the area of the new parish shall cease to be part of the existing parish of Wiswell.

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 Barrow, once created, a budget requirement for 2015/2016 of £6,000. Based on the current tax base this would equate to a Band D equivalent council tax of £17.91. The actual Band D equivalent council tax may be higher or lower than this amount and will depend on the actual tax base for Barrow as at 30 November 2014.

Parish council for the parish of Barrow

6.—(1) There shall be a parish council for the parish of Barrow.

(2) The name of that council shall be “The Parish Council of Barrow”.

Election for the parish of Barrow Parish elections

7.—(1) The election of all parish councillors for the parish of Barrow shall be held on the ordinary day of election of councillors in 2015.

Election for the parish of Wiswell Parish elections

8.—(1) The election of all parish councillors for the parish of Wiswell shall be held on the ordinary day of election of councillors in 2015.

Number of parish councillors for the parish of Barrow

- 9.—(1) The number of councillors to be elected for the parish of Barrow shall be five.
(2) The parish of Barrow shall not be divided into wards.

Number of parish councillors for the parish of Wiswell

- 10.—(1) The existing wards of the parish of Wiswell shall be abolished.
(2) The number of councillors to be elected for the parish of Wiswell shall be five.

Annual meeting of Barrow parish council

11. The annual meeting of the parish council of Barrow in 2015 shall be convened by the Solicitor of the Ribble Valley Borough Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the parish council of Barrow take office.

Alteration of Wiswell parish

12.—(1) In consequence of Article 4, the area outlined with a blue line on the map shall cease to be the Barrow ward of the parish of Wiswell and shall become the parish of Barrow.

Electoral register

13. 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

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

Transitional provision

15. Until the councillors elected to the council of the new parish of Barrow at the elections to be held on the ordinary day of election of councillors in 2015 come into office, the new parish shall be represented by the person who immediately before 1st April 2015 is the elected borough councillor for the parish of Wiswell in consultation with those Wiswell parish councillors elected to represent the ward of Barrow.

Order date

16. 1st April 2015 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the of 2014

[day e.g. 31st] [month] 2014

[Signature]
[Title of signatory]

SCHEDULE 1

article 14

LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
Barrow Playing Field (namely, the land described as "an area of one acre or thereabouts situate off Whalley Road in the Parish of Wiswell at Barrow near Whalley" in, and delineated in the plan attached to, the Conveyance dated 22 July 1980 between Tootal Limited and Wiswell Parish Council.	1 April 2015
The play and sporting equipment and seating on Barrow Playing Field.	1 April 2015
Land fronting Trafford Gardens, Barrow (title number LAN17823) including the notice board	1 April 2015
Land adjacent to 37 Washbrook Close, Barrow (title number LAN69717)	1 April 2015
Various seats located as follows: Whalley Road, Near Briarbank, In front of Trafford Gardens In bus shelter at Trafford Gardens Whalley Road, opposite Oakfield	1 April 2015

SCHEDULE 2

article 14

FUNDS AND BALANCES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Funds and balances to be transferred</i>	<i>Date</i>
An amount equivalent to 2/3 of the balance within the bank account at Barclays Bank with the account holder as Wiswell Parish Council.	1 April 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Ribble Valley Borough Council for the alteration of the area of the parish of Wiswell and the creation of a council for the parish of Barrow within the borough of Ribble Valley.

The parish of Barrow 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 Barrow in 2015 and then to continue according to the established system of parish elections every four years.

Article 8 provides for parish elections in the parish of Wiswell in 2015 and then to continue according to the established system of parish elections every four years.

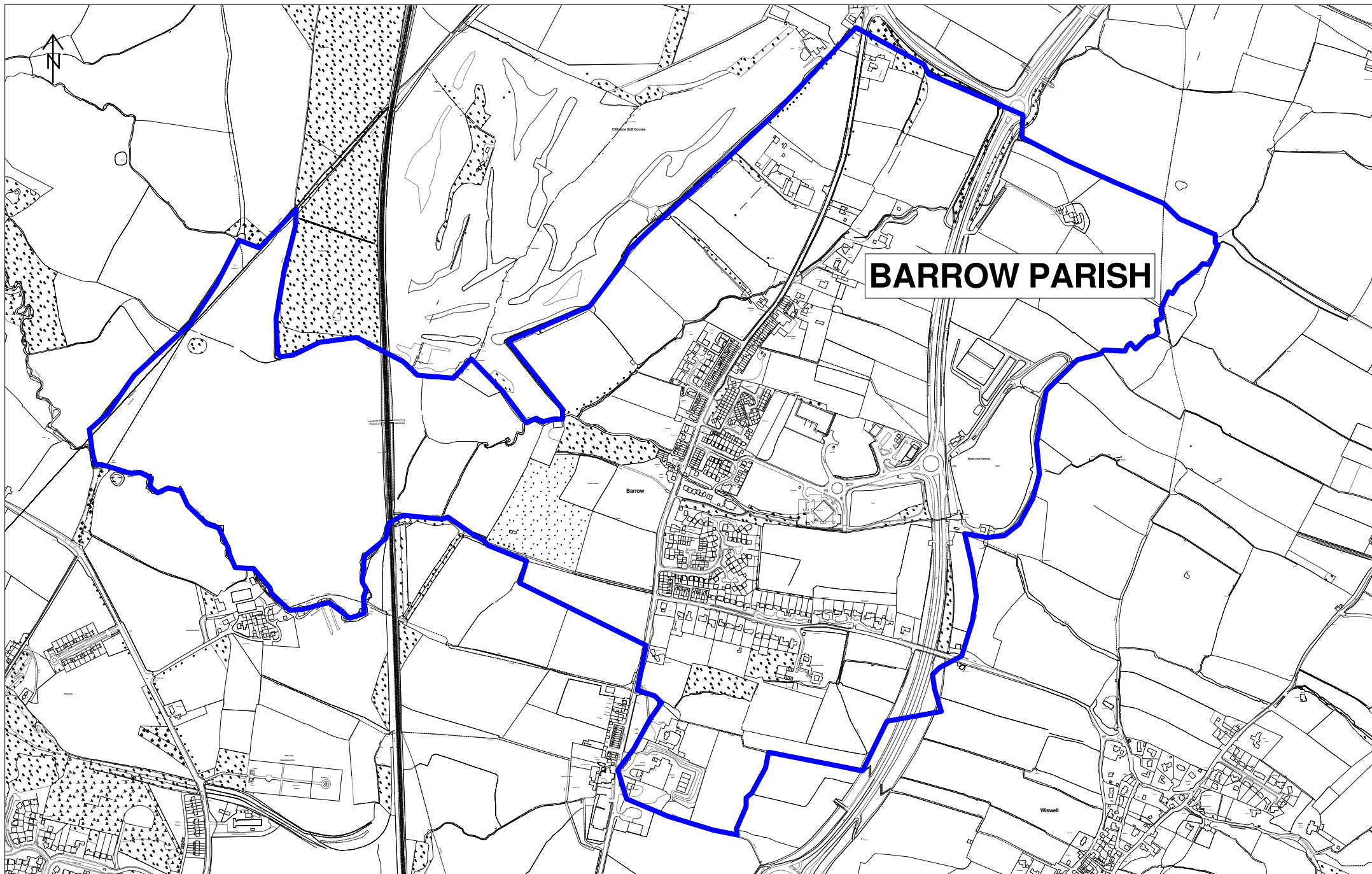
Article 9 specifies the number of parish councillors for the new parish of Barrow.

Article 10 specifies the number of parish councillors for the amended parish of Wiswell.

Articles 4 and 12 and the map establish the name and area of the new parish of Barrow.

Article 13 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 parish of Barrow and the amended parish of Wiswell. It is available, at all reasonable times, at the offices of Ribble Valley Borough Council.



BARROW PARISH

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