

**TITLE OF REPORT: THE CREATION OF THE PARISH OF GRAVELEY AND THE PARISH OF GREAT ASHBY**

REPORT OF THE CHIEF EXECUTIVE

**1. PURPOSE OF REPORT**

- 1.1 To assist the Committee to carry out the Council's responsibilities to dissolve the existing Parish of Graveley and to establish a new Parish of Graveley and a new Parish of Great Ashby (the parishes).

**2. FORWARD PLAN**

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

**3. BACKGROUND**

- 3.1 The attention of the Committee is drawn to the following extract from the minutes of the meeting of North Herts District Council (NHDC) held on 11 November 2010.

**58. Review of Graveley Parish Council**

**RESOLVED:**

- (1) That the Parish of Graveley be abolished on 31 March 2011 and two new Parishes be created within its boundaries;
- (2) That, within the north westerly area, a new parish to be named the Parish of Graveley be created by Reorganisation Order and become effective from 1 April 2011;
- (3) That, in the south easterly area, a new parish to be named the Parish of Great Ashby be created by Reorganisation Order and become effective from 1 April 2011;
- (4) That the parishes be separated by the line drawn in blue along the Weston Road, as shown in Figure 5 contained within the report;
- (5) That the Parish Council of Graveley contain five (5) Members;
- (6) That The Parish Council of Great Ashby contain twelve (12) Members;
- (7) That, to accord with regulation and the abolition referred to in (1) above, North Hertfordshire District Council acts to run the affairs of both parishes with effect from 1 April 2011 up to the conclusion of the election of Members to the Parish Councils to be held on the first ordinary day of elections in 2011, being 5 May 2011, and delegates those responsibilities to the Southern Rural Area Committee;
- (8) That responsibility be delegated to the Chief Executive to effect all other legal and administrative processes concerned with the abolition and creation of parishes;
- (9) That these proposals be confirmed or amended at the Council Meeting to be held on 10 February 2011 following a period of consultation.

- 3.2 Consequently, arrangements are being made to create the new parishes on 1 April 2011. The views of the Committee, on the proposals contained within this report are sought with a view to making recommendations to either full council (NHDC) on 10 February 2011 or the first meetings of the new parishes which are both scheduled to take place on 12 April 2011.
- 3.3 The Committee is reminded that until elections take place, the Southern Rural Area Committee acts as the parish council for both parishes. It should be noted that decisions taken by the parish councils, prior to the elections, should be limited to ensuring that the parishes are functional. This is to ensure that policy and strategy emerges from the parish councils following the parish elections.

## **4 KEY ISSUES**

### **Key issues to be considered by NHDC as part of the Local Order**

#### **Parish Precepts**

- 4.1 The Local Government Act (New Parishes) Regulations 1998 (SI 119) as amended by SI 1998/3270 applies. SI 3270 provides for district councils to specify the anticipated precept in their Order establishing the new parishes and also that the new parishes have until 1 October 2011 to issue precepts on the district council at an amount not exceeding that specified in the district council's Order.

#### **Transfer of assets from the dissolved Parish of Graveley**

- 4.2 Whilst, ensuring that NHDC does not commit the new parish councils to a particular policy direction, account must be taken of the fact that two new parishes will emerge from the dissolution of the existing Graveley parish council and the division of its existing assets. Appendix A sets out the assets of the existing Graveley Parish Council, all of which are either sited or pertain to the Graveley Village, with the exception of the two computers.

#### **Budgets – 2011/12**

- 4.3 The first recommended draft budget for each of the parishes is set out at Appendix B.

#### **Great Ashby Parish – The Name**

- 4.4 During the period of consultation referred to at 4.1 above, the issue of the name of the proposed Great Ashby Parish Council arose. Representations have been received from the Great Ashby Community Group, requesting that the new Great Ashby Parish Council be called the "Great Ashby Community Council"
- 4.5 It should be noted that in creating new governance arrangements, NHDC has no alternative but to create "a parish" However, there is provision for parishes to "style" themselves differently to suit a particular locality. Therefore, it is not uncommon for a parish to be known as a "Community", "neighbourhood" or "village" for example.
- 4.6 It is considered that the Great Ashby Community Group is well placed to judge the needs of the locality on this issue and that an appropriate recommendation should be made to the first meeting of the Great Ashby Parish Council.

### **Recommendations be agreed by the new parish councils after 1 April 2010**

- 4.7 In addition to considering the content of the Orders to be agreed by NHDC on 10 February, it is considered prudent at this time, for this committee to formulate recommendations concerning issues that the parishes will need to consider once they are established on 1 April 2011.

### **Procedural Rules and Financial Orders**

- 4.8 This Committee, acting as the parish council for both parishes, will be required to meet after the creation date 1 April 2011. Given that members of the Committee are familiar with the rules pertaining to NHDC Area Committees, it is recommended that those procedural rules are adopted. This will also allow for public participation at meetings. The first meeting has been set for 12 April 2011.

### **Financial Regulations**

- 4.9 It is recommended that the Financial Regulations, currently operated by the existing Graveley parish Council, set out at Appendix C, are recommended to both parishes for adoption.

### **Draft North Hertfordshire (parish) Order 2011**

- 4.10 The draft Order is attached at Appendix D. Members are invited to comment and refer it to Council on 10 February 2011. It should be noted that no further issues requiring the attention of the Council, have arisen requiring NHDC to alter the proposals agreed by NHDC on 11 November 2010, following the period of public consultation. However, attention is drawn to general discussions which have taken place concerning a plot of land known as Roundwood.
- 4.11 The matter of the boundary to the north west of the built up area of Gt Ashby has been the subject of some debate in the consultation process given the growth proposals for Stevenage within the East of England Plan and the fact that a planning application has been submitted for development of the site known as Roundwood or NES3. Using the Weston Road as a Parish boundary would include the Roundwood land within the proposed Graveley Parish whereas the alternative boundary would encompass the land within the proposed Gt Ashby Parish.
- 4.12 This Roundwood site is within the designated Green Belt and would remain so until there is any change to that boundary by the Council. The Stevenage and North Herts Area Action Plan (SNAP) was being formulated with Stevenage Borough Council to give effect to the Stevenage growth proposals in the East of England Plan and it included significant development to the North, North East and West of Stevenage.
- 4.13 Following the change in national Government in May 2010 the Secretary of State has made it clear that the coalition intends to abolish Regional Plans and devolve decision making on housing numbers and sites to local Councils. NHDC has consistently opposed the excessive levels of housing imposed by the East of England Plan whilst recognising that the District should meet its own housing needs. NHDC has suspended work on SNAP and the Localism Bill makes provision for the abolition of Regional Plans however, following a recent High Court case, it is clear that primary legislation is required to abolish the Plans. As a consequence of the above there is currently a lack of certainty as to whether this site is likely to be allocated for development or whether an application will succeed. However, the

location of the land within one parish or another is unlikely to be a determining factor itself in the future of the land.

## **5 LEGAL IMPLICATIONS**

- 5.1 NHDC is required to act in place of the elected council of the parishes until such times as councils have been elected.

## **6 FINANCIAL AND RISK IMPLICATIONS**

- 6.1 The split of Graveley and Great Ashby into two Parishes will result in a Tax Base for Great Ashby of £2116.3 and £176.8 to the new Graveley Parish. If the 2010/11 Graveley Precept of £13,350 was maintained it would result in a Band D increase from £8.18 to £75.51. Therefore Graveley Parish Council have advised that they would wish to reduce their Precept request for 2011/12 to £6,000, although this still represents a Band D precept of £33.94.
- 6.2 Consideration should be given to the division of the assets currently held (as stated in Appendix A) and the practical conclusion has been that these should remain with the parish in which they are located. The funds held in the bank account must also be divided between the two new Parishes. This could be achieved in a number of ways, however the wish expressed by representatives of both Parishes is that the funds are divided 50:50.

## **7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS**

- 7.1 None contained in the report

## **8. CONSULTATION**

- 8.1 This report has been written in consultation with the Graveley Parish Review Member Steering Group appointed by the Council being: the portfolio holders for Policy and Community Engagement and Rural Affairs; the Chairman of Southern Rural Area Committee; the ward members for Chesfield together with the Leader of the Council and the Chair of the existing Graveley Parish Council and the Chair of the Great Ashby Community Group.

## **9. RECOMMENDATIONS**

### **To be referred to NHDC at its meeting on 10 February 2011**

That:

- 9.1 the proposed distribution of the assets of the existing Graveley Parish, set out at Appendix A be approved;
- 9.2 the first budgets for The Parishes (2011/12), set out at Appendix B be approved;
- 9.3 the financial regulations set out at Appendix C, are adopted by the Parishes at the meetings to be held on 12 April 2011;
- 9.4 the Great Ashby Parish Council be styled as the Great Ashby Community Council and its councillors be known as Community Councillors;

- 9.5 the rules pertaining to NHDC Area Committees, are recommended, for adoption by the parishes, at the meetings to be held on 12 April 2011;
- 9.6 the Draft North Hertfordshire (Parish) Orders 2011 set out at Appendix D be recommended to Council at its meeting on 10 February 2011;
- 9.7 the Corporate Legal Manager be delegated to ensure that recommendations 9.1 9.2; and 9.4; are contained, together with all other necessary legal provisions within the North Hertfordshire Parish Order 2011, prior to publication.

## **10. REPORT AUTHOR**

- 10.1 David Miley, Democratic Services Manager.

## **11. CONTRIBUTING OFFICERS**

- 11.1 David Scholes, Strategic Director of Planning, Housing and Enterprise.
- 11.2 Julie Williams, Electoral Services Manager.
- 11.3 Stuart Izzard, Community Development Manager.
- 11.4 Gary Gover, Community Development Officer.
- 11.5 Andrew Kavanah, Head of Finance, Performance and Asset Management.
- 11.6 Katie White, Corporate Legal Manager.
- 11.7 Howard Crompton, Head of Revenues and Benefits.

## **12. APPENDICES**

- 12.1 Appendix A – Parish Assets
- 12.2 Appendix B – Proposed Parish Budgets (**to be circulated at the meeting**)
- 12.3 Appendix C – Financial Regulations
- 12.4 Appendix D – Draft North Hertfordshire (parish) Order 2011 (**to be circulated at the meeting**)

## **13. BACKGROUND PAPERS**

- 13.1 Guidance on Community Governance Reviews – The Electoral Commission  
<http://www.communities.gov.uk/publications/localgovernment/guidancecommunitygovernance2010>
- 13.2 NHDC Constitution - Part 4, Standing Orders, Procedures and Regulations.

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