

COUNCIL
19 JULY 2017

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

11

TITLE OF REPORT: CONFERRING POWERS TO THE PARISH MEETING OF CLOTHALL
REPORT OF THE CHIEF EXECUTIVE

EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT & RURAL AFFAIRS
COUNCILLOR TONY HUNTER

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek approval to convey powers to the Parish Meeting of Clothall (the Parish) including the village of Luffenhall, to enable it to provide grants, following a request received from the Parish.

2. RECOMMENDATIONS

- 2.1 That the power to make discretionary grants be conveyed to the Parish Meeting of Clothall.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that community initiatives within the Parish are maintained and enhanced to help secure community cohesion and development.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative would be to not convey this power to the Parish meeting, thereby preventing them making discretionary grants. There seems to be no benefit to this option and therefore it was discounted.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has been undertaken with the Councillor for Weston and Sandon. The Parish has taken the necessary steps to debate and vote on the matter (Appendix A).

6. FORWARD PLAN

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

7. BACKGROUND

- 7.1 A parish usually decides grant aid via its council supported by the general discretionary power of parish councils to aid community activity.
- 7.2 The parish in question is too small to have a parish council and therefore does not automatically have the power to make discretionary grants. The number of registered electors (130) is below the recommended number (1,000) considered as the minimum to warrant the existence of a parish council. Necessary business is transacted at parish meetings. At such meetings all electors are invited to debate and vote on the matters in hand. A parish meeting may acquire the powers of a parish council by application to the primary local authority (ie the district council) in which it is situated.
- 7.3 In the future should the size and aspirations of the electorate increase, the Parish may wish to apply to this Council for a Community Governance Review with a view to creating a parish council.

8. RELEVANT CONSIDERATIONS

- 8.1 The Parish has made annual grants to two organisations for approximately 20 years. The one to St Mary's Parish Church is already covered by a basic discretionary power held by all parishes to contribute towards the cost of burial facilities. The other, to Clothall Village Hall Trust, is not covered.
- 8.2 Agreement to this proposal would be in line with this Council's corporate plan to promote sustainable growth within the District and to ensure that economic and social opportunities exist for our communities.
- 8.3 Agreement would also reflect the spirit of the Localism Act 2011, to devolve decision making powers to communities.

9. LEGAL IMPLICATIONS

- 9.1 The Local Government Act 1972 s109 enables the district council to confer functions of a parish council on a parish meeting:

"On the application of the parish meeting of a parish not having a separate parish council, the district council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council."

- 9.2 Section 1 of the Localism Act 2011 provides a general power of competence which gives local authorities the powers to do anything:
- an individual may generally do;
 - anywhere in the UK or elsewhere;
 - for a commercial purpose or otherwise, for a charge or without a charge;
 - without the need to demonstrate that it will benefit the authority, its area or person's resident or present in its area.
- 9.3 Section 137 Local Government Act 1972 provides specific authority for a Council to incur expenditure on anything which is in the interests of and will bring direct benefit to its area. This includes a charity or other body operating for public service.

9.4 Section 109(2) of the Local Government Act 1972 requires two copies of every order made under section 109 to be sent by the district council to the Secretary of State.

10. FINANCIAL IMPLICATIONS

10.2 The grants will be funded from the Parish precept and therefore there are no financial implications for North Herts District Council. If the Parish awarded any future grants then they would need to ensure that had sufficient resources to be fund those grants.

11. RISK IMPLICATIONS

11.1 This proposal is reducing the risk by ensuring that the powers of the Parish Meeting are made consistent with established convention.

11.2 The Parish Meeting have determined that they will “take into account the financial status of the organisation/group and who in the community will benefit from the grant”. This will help to ensure that the grant achieves its desired purpose.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 The Parish must ensure that it does not negatively impact on any part of the parish community. The only deviation to this is where a minority or marginalised group may specifically receive funding to address a particular area of need in provision.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 There are no human resource implications.

15. APPENDICES

15.1 Appendix A – The decision and report of the Parish.

16. CONTACT OFFICERS

16.1 Author:
David Miley, Democratic Services Manager
Telephone: 01462 474208
Email: david.miley@north-herts.gov.uk

16.2 Contributors:
Reuben Ayavoo, Policy Officer
01462 474212
Email: reuben.ayavoo@north-herts.gov.uk

Stuart Izzard, Communities Manager
Telephone: 01462 474854
Email: stuart.izzard@north-herts.gov.uk

Anthony Roche, Corporate Legal Manager and Monitoring Officer
Telephone: 01462 474588
Email: anthony.roche@north-herts.gov.uk

17. BACKGROUND PAPERS

None.

Clothall with Luffenhall Parish Meeting
Wednesday 30th November 2016 at 8.00pm
At Weston Village Hall
Minutes

EXTRACT

Present: Nicky Allen, Richard Allen, Andrew Carley, Pauline Coletta, Helen Doherty, Stephen Dolley, Anne Dolley, Richard Edgar, Brian Griffiths, Meredith Griffiths, Helen Holtom, Simon Holtom, Graham Lawes, Hannah Lawes, Mair McIntree, Jeremy Sage, Katherine Sage, Stuart Shaw, Hannah Taylor (arrived 9.00 pm approx - late apologies received) Trevor Williams, John Woodbridge.

In attendance: Adrienne Waterfield, Councillor Jarvis, Gillian Hopkins (clerk).

1. Welcome and Apologies

Chairperson welcomed all to the meeting. Apologies received from Annie Wentworth- Stanley, Adrian Wentworth-Stanley, Peter Taylor and Sue Denyer.

6. Review and vote on request on additional powers

- On research the Parish Meeting does not have power to provide grants even though the Village Hall has historically received one from the Parish Meeting. Report shared with the meeting on proposal and recommendation from the Chair to formally request that the power to provide Grants against specific criteria be requested from NHDC.

Further Questions, NHDC contacts has offered advice that that the chairperson should have specific powers – this was questioned. Parishioner suggestion to have the power to spend a discretionary amount - say £50 to £100 to give flexibility between meetings. Following further discussion, Chairperson to send report and outcome of the vote, requesting that Clothall with Luffenhall Parish Meeting be given the additional specific Power to give Grants from the Precept to David Miley at NHDC

Registered Vote taken by Gill Hopkins Clerk. Outcome: 19 voted “yes” in favour of requesting additional Power to give Grants and 1 abstained.

REPORT

6. Review and vote on request on additional powers

Proposed Course of Action

It is possible to apply to have additional functions (powers) to the district council. The district council can confer on the Parish Meeting any or all the functions of a parish council. It is proposed that Clothall Parish Meeting applies for the specific function to make grants to voluntary bodies.

Why is this a Good Idea

The Parish meeting would be able to make grants on a discretionary basis **to voluntary organisations and community groups that provide services that benefit the economic, environmental and/or social well-being of residents of the Parish of Clothall with Luffenhall.** This would include, but would not be limited to:

- Capital grants for equipment
- Funding for particular events
- Funding for particular projects

In deciding on the allocation of grants, the Parish Meeting would take into account the financial status of the organisation/group and who in the community will benefit from the grant.

As a small community having this facility available for this and future generations is very important. It would mean equipment, events and projects which are relevant and important to the local community could be supported.

Governance

If this power is conferred it would be possible to make grants. To ensure that public money is spent wisely and is then utilised appropriately an annual Grant application process would be put in place along with controls and checks to ensure that the funds have been utilised as requested. Where appropriate this would include the publication to the Parish Chair of audited accounts of any organisation receiving a grant.

Impact on Current Precept Balance and impact on Precept in future years

The current balance is £2,241.76 on October 16th 2016. The only grant that will be made in December (if the Precept and budget are approved at the meeting on November 30th) will be to St Mary's Church. Which means that the projection for the year end (April 2017) balance will be £2,191.76

The impact of the proposal to acquire the function to make grants is expected to have no detrimental impact. With a grant having been made historically, this would simply mean that appropriate authority is formally in place and the impact is expected to be neutral. It is not expected that the precept will have to rise because of the application to have the function to provide grants.