



COUNCIL

Wednesday, 25 January 2017

LOWESTOFT & OULTON BROAD - REORGANISATION OF COMMUNITY GOVERNANCE ORDER (REP1437)

EXECUTIVE SUMMARY

- 1 Full Council met on 16 November 2016 to consider the outcomes of the Community Governance Review as a whole and in particular the recommendation to create a new Lowestoft Town Council and a new Oulton Broad Parish Council.
- 2 The Council approved:
 - the creation of two new parish councils – ‘Lowestoft’ and ‘Oulton Broad’.
 - minor amendments to the parish boundary for Corton Parish Council.
 - the first election of councillors to the new local councils should be for two years and held on the ordinary day of elections in May 2017; and the second election of councillors to the new local councils should be held on the ordinary day of elections in May 2019, with elections being held every four years thereafter.
 - that the new Oulton Broad Parish Council be represented by 12 councillors.
 - that the new Lowestoft Parish Council should have seven wards and be represented by 20 councillors in total, as set out below:

Ward Name	Number of Town Councillors
Elmtree Parish Ward	3
Gunton Parish Ward	2
Harbour Parish Ward	3
Kirkley Parish Ward	3
Normanston Parish Ward	3
Pakefield Parish Ward	3
St. Margaret’s Parish Ward	3

- 3 Full Council is now asked to formally confirm their decision through the making of a Reorganisation of Community Governance Order, to be made under section 86 of the Local Government and Public Involvement in Health Act 2007.

Is the report Open or Exempt?	Open
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Wards Affected:	All Unparished Wards of Lowestoft
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Cabinet Member:	Councillor Colin Law Leader of the Council
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Supporting Officer:	Stephen Baker Chief Executive stephen.baker@eastsoffolk.gov.uk Kelly Wigley Project Officer kelly.wigley@eastsoffolk.gov.uk
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1 INTRODUCTION

- 1.1 Following Full Council approval on 23 March 2016, the Community Governance Review ('CGR') for the unparished areas of Lowestoft began with the publication of the approved Terms of Reference (see Background Papers) on 24 March 2016.
- 1.2 The CGR process, as set out in the Terms of Reference, included three iterative stages of public consultation. The initial stage of consultation ran from 1 April to 13 May 2016. Based upon the responses to the initial consultation the Working Group developed a detailed 'Draft Proposal' for the second stage of consultation. This Draft Proposal was based upon two alternative options of parishing arrangements for the review area. The second stage of consultation ran from 11 July to 22 August 2016.
- 1.3 The Working Group reviewed the responses from the two consultations and in particular in relation to the Draft Proposal. Based upon those responses the Working Group developed the 'Final Proposal' for the third (final) stage of consultation during October 2016.
- 1.4 It should be noted, as explained in the Final Proposal, that the Council is legally only able to create a 'Parish Council'. It will then be for that parish council to determine whether they wish to adopt the title of 'Town Council'. For the purposes of this report it has been assumed that it is almost inevitable that the new Lowestoft council would wish to adopt the title of 'Lowestoft Town Council' and it is therefore referred to as such throughout this report.
- 1.5 Council met on 16 November 2016 to consider the outcomes of the CGR. Following detailed debate Council approved the recommendations in line with the 'Final Proposal'. The key elements that Council approved are:
- Two new parish areas, one for Lowestoft and one for Oulton Broad, to be represented by a Lowestoft Town Council and an Oulton Broad Parish Council.
 - Minor amendments to the parish boundary for Corton Parish Council.
 - Oulton Broad Parish Council to be represented by 12 Parish Councillors.
 - Lowestoft Town Council to be represented by 20 Town Councillors.
 - Lowestoft Town Council to be warded into seven areas.

Ward Name	Number of Town Councillors
Elmtree Parish Ward	3
Gunton Parish Ward	2
Harbour Parish Ward	3
Kirkley Parish Ward	3
Normanston Parish Ward	3
Pakefield Parish Ward	3
St. Margaret's Parish Ward	3

2 REORGANISATION ORDER

- 2.1 In order to effect the changes approved by the Council on 16 November 2016 Full Council is required to approve the associated Reorganisation of Community Governance Order ('the Order'). The Order formally deals with the matters prescribed by law, including the area, name, calculation of budget requirement, parish council, elections, number of parish councillors, wards, annual meeting, transfer of property and dissolution of the Lowestoft Charter Trustees.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 3.1 The power to take decisions about the creation of new local councils and their electoral arrangements is delegated to local government and local communities under Part 4 of the Local Government and Public Involvement in Health Act 2007.
- 3.2 Local town and parish councils normally set their own precepts to cover their annual expenditure. This is then collected on their behalf by Waveney District Council as part of the annual Council Tax bill. The new Lowestoft Town Council and new Oulton Broad Parish Council will not have any councillors until their first elections in May 2017. The new councils will not therefore be able to set their own precepts for 2017/18. Full Council is therefore asked to approve the budget and precept for the first year of the two new councils. Appendices B and C set out the details of the draft budgets for each of the new councils based upon reasonable estimates of the costs of administering similar sized councils and the assets that it has been agreed to transfer to the new councils.
- 3.3 The Local Government (Parishes and Parish Councils) (England) Regulations 2008 require that on the date which the newly elected town and parish Councillors for Oulton Broad and Lowestoft take office (8 May 2017) the Lowestoft Charter Trustees will automatically be dissolved.
- 3.4 It is proposed to recharge Lowestoft Town Council and Oulton Broad Parish Council for the reasonable costs incurred by Waveney District Council in establishing these new parish councils. In calculating such reasonable costs, the work and time related to officers already employed by Waveney District Council has been excluded. The final calculation of such costs can only be made and recharged once the new parishes are in place. It is also proposed that such repayments will then be made over a four year period. To date the estimated costs are approximately £60,000, which would be split proportionately between Lowestoft Town Council and Oulton Broad Parish Council.

4 OTHER OPTIONS CONSIDERED

- 4.1 None - Full Council met on 16 November 2016 to consider the outcomes of the Community Governance Review as a whole and in particular the recommendation to create a new Lowestoft Town Council and a new Oulton Broad Parish Council. In order to give effect to the Council's decision, Full Council is now asked to formally make a Reorganisation of Community Governance Order, under section 86 of the Local Government and Public Involvement in Health Act 2007.

5 REASON FOR RECOMMENDATION

- 5.1 The Council has completed the Community Governance Review of the unparished areas of Lowestoft in accordance with the Terms of Reference adopted by Full Council on 23 March 2016. The Council expressed its clear intention in the Terms of Reference to parish the unparished areas of Lowestoft unless strong and / or compelling reasons for not doing so came forward. In all the circumstances, following comprehensive

consultation, on 16 November 2016 Council endorsed the 'Final Proposal' and agreed to parish the unparished areas of Lowestoft from 1 April 2017.

RECOMMENDATIONS

1. That, under section 86 of the Local Government and Public Involvement in Health Act 2007, Council approves the Waveney District Council (Reorganisation of Community Governance) Order 2017 (Appendix A).
2. That Council approves recharging, over a four year period, Lowestoft Town Council and Oulton Broad Parish Council for the reasonable costs of establishing these new parish councils.
3. The 2017/18 Precept demand to Waveney District Council for Lowestoft Town Council of £1,392,280.00 be approved on the following basis: budget of £1,392,280.00 divided by tax base of 12,173.90 resulting in a Band D rate of £114.37 per year.
4. The 2017/18 Precept demand to Waveney District Council for Oulton Broad Parish Council of £176,720.00 be approved on the following basis: budget of £176,720.00 divided by tax base of 3,157.50 resulting in a Band D rate of £55.97 per year.

APPENDICES

Appendix A	Waveney District Council (Reorganisation of Community Governance) Order 2017
Appendix B	The draft budget for Lowestoft Town Council
Appendix C	The draft budget for Oulton Broad Parish Council

BACKGROUND PAPERS - Please note that copies of background papers have all been published on the Council's website and are available for public inspection free of charge.

Date	Type	Available From
23.09.14	Cabinet report requesting that the Overview & Scrutiny Committee be asked to consider the issues in preparation for a Community Governance Review ('CGR') of the unparished areas of Lowestoft; and to develop draft terms of reference for such a CGR.	http://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2014/September/Cabinet-23-Sep-2014/dItem-5-Parishing-Lowestoft.pdf
10.03.16	Overview & Scrutiny Committee report considering recommendations of the Task & Finish Group.	http://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2016/March/WDC-Scrutiny-Committee-10-03-16/Item-5-Community-Governance-Review.pdf
17.03.16	Cabinet report to review recommendations from Overview & Scrutiny Committee and	http://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2016/March/WDC-Cabinet-17-

	make recommendations to Full Council.	03-16/Item-6-Community-Governance-Review.pdf
23.03.16	Full Council report to approve recommendations of Cabinet - the Terms of Reference and commencement of the CGR.	http://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2016/March/WDC-Full-Council-23-03-16/Item-10-Community-Governance-Review.pdf
23.03.16	CGR Terms of Reference	http://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2016/March/WDC-Full-Council-23-03-16/Item-10-Appendix-A-Community-Governance-Review-Terms-of-Reference-AC-v2.pdf
01.04.16	Initial stage of CGR consultation letter and leaflet	http://www.eastsuffolk.gov.uk/assets/Elections/Lowestoft-CGR/Documentation/02-Initial-consultation-letter-to-residents-1-April-2016.pdf http://www.eastsuffolk.gov.uk/assets/Elections/Lowestoft-CGR/Documentation/01-Initial-consultation-leaflet-1-April-2016.pdf
May 2016	Responses to initial stage of consultation (1 April to 13 May 2016)	http://www.eastsuffolk.gov.uk/assets/Elections/Lowestoft-CGR/Documentation/03-Responses-to-initial-consultation-17-May-2016.pdf
11.07.16	Stage 2 consultation – Lowestoft CGR Draft Proposal	http://www.eastsuffolk.gov.uk/elections/lowestoftcgr/lowestoft-community-governance-review-draft-proposal/
August 2016	Responses to stage 2 of consultation (11 July to 22 August 2016)	http://www.eastsuffolk.gov.uk/assets/Elections/Lowestoft-CGR/Documentation/04a-Responses-to-second-consultation-stage.xlsx
Oct 2016	Lowestoft CGR Final Proposal	http://www.eastsuffolk.gov.uk/assets/Elections/Lowestoft-CGR/Lowestoft-Community-Governance-Review-Final-Proposal.pdf
Oct 2016	Responses to stage 3 of consultation - Final Proposal (3 October to 31 October 2016)	http://www.eastsuffolk.gov.uk/elections/lowestoftcgr/

16.11.16	Full Council report to approve recommendations of the Community Governance Review	http://www.eastsuffolk.gov.uk/assets/Your-Council/WDC-Council-Meetings/2016/November/WDC-Full-Council-16-11-16/Item-13-Community-Governance-Review-Final-BM.pdf
March 2010	Community Governance Reviews Guidance - Department for Communities & Local Government and the Local Government Boundary Commission for England	http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf
2008	The Local Government (Parishes and Parish Councils) (England) Regulations 2008 No. 625 The Local Government Finance (New Parishes) (England) Regulations 2008 No. 626	http://www.legislation.gov.uk/uksi/2008/625/contents/made http://www.legislation.gov.uk/uksi/2008/626/contents/made