

COUNCIL

26 MARCH 2019

REFERENCE FROM THE COMMUNITY LEADERSHIP OVERVIEW AND SCRUTINY COMMITTEE

A.5 **PROPOSED TOWN COUNCIL FOR CLACTON-ON-SEA**

(Report prepared by Ian Ford and Karen Neath)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Council will further consider a motion, which was moved by Councillor Newton and seconded by Councillor Bucke at the meeting of the Council held on 27 November 2018 and which had stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report.

EXECUTIVE SUMMARY

This report sets out a motion submitted by Councillor Newton to the meeting of the Council held on 27 November 2018 relating to a proposed town council for Clacton-on-Sea and which was referred to the Community Leadership Overview and Scrutiny Committee by the Chairman of the Council for consideration and report, in accordance with the provisions of Council Procedure Rule 12.4. The report also sets out the Committee's recommendation to Council in relation to the motion.

RECOMMENDATION

That Council decides whether to adopt the recommendation of the Community Leadership Overview and Scrutiny Committee or if not, that the Council decide whether it should support the motion in its original format or amend the motion.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At a meeting of the Council held on 27 November 2018, the following motion was moved by Councillor Newton and seconded by Councillor Bucke and, in accordance with Council Procedure Rule 12.4, stood referred to the Community Leadership Overview and Scrutiny Committee for consideration and report:

"This Council, in accordance with the Local Government and Public Involvement in Health Act 2007 (as amended) and the statutory guidance issued by DCLG in 2010, conducts a Community Governance Review with a view to creating a Clacton Town Council to come into effect in 2023.

The Council will consult with members of the public and other stakeholders as to the creation of a Clacton Town Council which will be intended to serve the areas of Clacton-

on-Sea that are not currently being represented by a Town or Parish Council.

This will be inclusive of the following District Council Wards (as effective from May 2019) -

*Bluehouse
Burrsville
Cann Hall
Coppins
Eastcliff
Pier
St Bartholomews
St James
St Johns
St Pauls
West Clacton and Jaywick Sands"*

CURRENT POSITION AND FURTHER INFORMATION

The Community Leadership Overview and Scrutiny Committee, at its meeting held on 28 January 2019, considered Councillor Newton's motion and, after much discussion, the Committee decided that it be **RECOMMENDED TO COUNCIL** that the motion be amended to read:-

"This Council, seeks to ascertain the views of the people of Jaywick, Clacton and Holland as to the possible creation of a Town Council or Councils for the currently unparished area of the District and that this be done by way of a question included with the Council Tax leaflet."

To assist Members in considering this motion the following information is provided:-

What is a Community Governance Review

A Community Governance Review is a legal process whereby Principal Councils (district or London Borough) can undertake reviews of community governance in their area. This is usually done by way of a review of Town and Parish Councils and the Local Government and Public Involvement in Health Act 2007 allows for a Principal Council to make recommendations on one or more of the following:-

- The creating, aggregating, amalgamating, separation, grouping or abolition of town and parish councils;
- the name and style of a new town or parish council;
- the electoral arrangements of town and parish councils (e.g. number of councillors, wards, election frequency etc.)

A key component of a community governance review is consultation. The principal council must consult the following—

- (a) the local government electors for the area under review;
- (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.

As far as local government electors are concerned, in the 11 District Wards mentioned in the original motion, the number of electors as at 1 March 2019 was as follows:

Ward	Electors
Bluehouse	4016
Burrsville	4294
Cann Hall	4610
Coppins	5136
Eastcliff	2512
Pier	1895
St Bartholomew's	4707
St James	5081
St John's	4955
St Paul's	2228
West Clacton and Jaywick Sands	4063
	<u>TOTAL 43497</u>

Other bodies to be consulted would include Essex County Council, tenant and resident groups, community safety groups and other bodies that current contribute to governance arrangements in the whole review area.

The options available to Members in relation to this motion are:-

Option 1

Members could resolve to reject both the amendment from the Committee and the original motion in which case no further work would be undertaken on taking forward a Community Governance Review for the currently unparished area of the District of Tendring. (But see the Alternative Mechanism for assessing public opinion below)

Option 2

Members could agree with the proposal from the Community Leadership Committee to seek the views of those who reside in the unparished area on the possible creation of a Town Council or Councils in this area. The amended motion suggests that these views be sought by way of a question included with the Council Tax Leaflet. The Council Tax billing for 2019/20 has already taken place. However, there are other planned district wide circulations that could include a question on this subject. For example, the Electoral registration Officer's Household Enquiry Form will be distributed to all households in the District of Tendring in Summer 2019.

A suitable question and the amount of background information to be provided would need to be agreed if Members were minded to follow this route together with the practical arrangements and costings for the survey and the mechanisms for people to respond. The outcome of such a process could only be to provide some indication of the desire or otherwise for a Town Council or Councils in the Clacton, Jaywick Sands and Holland areas and assist in determining whether a full Community Governance Review consultation process should be undertaken.

This would effectively be a consultation on whether to carry out a Community Governance Review which is itself a consultation exercise.

Option 3

Members could agree that a full Community Governance Review be undertaken. This would be to effectively agree Councillor Newton's original motion. If this was the case then full Terms of Reference, practical arrangements and estimated costings for the review would need to be prepared for agreement at a full Council meeting.

Alternative Mechanism to Assess Public Opinion

If Tendring District Council did not agree to undertake a Community Governance Review of this unparished area voluntarily then such a review could be forced by the submission of a Community Governance Petition or Community Governance Application.

A Community Governance Petition must include a requisite number of signatures by local electors. For the unparished area of the District of Tendring the figure would be 7.5% of the electorate which equates to just under 3,300 signatures. A petition must also define the area to which the review relates, whether on a map or otherwise, and refer to identifiable fixed boundaries. The petition must specify one or more proposed recommendations for review.

Under The Legislative Reform (Community Governance Reviews) Order 2015, an organisation or body designated as a neighbourhood forum under section 61F of the Town and Country Planning Act 1990(1) can make a Community Governance Application. The application must relate to the whole or any part of an area specified in a neighbourhood development plan made under section 38A of the Planning and Compulsory Purchase Act 2004. The application must define the area which the review relates to and specify one or more recommendations which the applicant wishes a Community Governance Review to consider making.

If a Community Governance Review was to be carried out in response to either a Community Governance Petition or Application then, again, full Terms of , practical arrangements and estimated costings would need to be brought back to a full Council meeting for agreement.

Financial Implications

If Members are minded to support either Option 2 or Option 3 above there would be a cost to the Council which would be assessed and reported to the Council before any further action would be taken.

In the case of Option 2 the cost would be that of the initial survey and then, potentially the cost of the Community Governance Review itself. The extent of the cost would depend on the nature of the consultation exercises agreed and, for example, whether a Business Reply provision would be made for responses. In the case of option 3 the cost would be that of the Community Governance Review itself.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None