

COMMUNITY GOVERNANCE REVIEW STEERING GROUP

24 November 2020

Minutes of the Community Governance Review Steering Group meeting held at the on Tuesday 24 November 2020 at 10:00am.

Steering Group Members present: Councillors C.A. Bayliss (Chairman), J. Barnes, T.J.C. Byrne, J.J. Carroll, P.J. Gray, L.M. Langlands, P.N. Osborne and R.B. Thomas.

Other Members present: Councillors P.C. Courtel, C.A. Madeley and D.B. Oliver.

Advisory Officers in attendance: Executive Director, Assistant Director Resources, Democratic Services Manager, Ian Davison, Partner, Surrey Hills Solicitors and Trevor Leggo, CEO, Surrey and Sussex Association of Local Councils.

Also Present: 16 members of the public via the YouTube live broadcast.

CGR20/1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor H.L. Timpe.

CGR20/2. DISCLOSURE OF INTERESTS

Declarations of interest were made by Councillors in the Minutes as indicated below:

Councillors Bayliss, Courtel, Gray, Langlands and Thomas each declared a Personal Interest in so far as they were supporters of Democracy4Bexhill.

Councillor Courtel declared a Personal Interest in so far as he was a former member of Democracy4Bexhill.

CGR20/3. MINUTES OF THE LAST MEETING

There were no matters arising.

RESOLVED: That the minutes from the last meeting were accepted as a correct record of the proceedings.

CGR20/4. COMMUNITY GOVERNANCE ORDER

Following the Community Governance Review (CGR) of Bexhill-on-Sea and the subsequent recommendations approved by full Council in September to establish a parish council for Bexhill-on-Sea, the Council was required to approve a Community Governance Order (CGO) in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act. The Community Governance Review Steering Group (CGRSG) were invited to review the draft CGO

attached at Appendix A to the report which would be submitted to Cabinet and Council in December.

The Council had appointed Surrey Hills Solicitors who were providing the legal support and expertise to draft the CGO and the lead Solicitor, Ian Davison was present. The draft CGO was generally a model Order and comprised 15 Articles with six accompanying Schedules and Ian Davison led Members through CGO and the following points were noted:

- although legally required to be established as a 'parish council', the adoption of 'Town' status would be a matter to be decided by the new parish council at its first meeting;
- the new parish would come into effect on 1 April 2021, with the 18 current District Councillors for Bexhill acting as an interim body (but not expected to do anything) until the first parish councillors came into office on 10 May 2021;
- there was no scope to establish an interim body prior to the new parish coming into effect on 1 April 2021; the District Council should not make decisions for the new parish council in advance – the role of RDC was to get the new parish council up-and-running;
- administrative expenditure prior to 1 April 2021 would fall on RDC, and to the new parish council from 1 April 2021;
- it was usual practise for a newly created parish council to carry out a visioning exercise in full consultation with the community, leading to the establishment of a three-year plan, which would inform the following years' budget;
- prospective parish councillors would need promote that their first year in office would be about finding out from the electorate what it is they wanted the parish council to deliver – i.e the planning stage; the second year and beyond would be the delivery; it was not for RDC to find out in advance of the establishment of the parish council;
- there were a number of items that needed to be factored into the first years' budget and these would include: employee costs (interim clerk from 1 April and permanent clerk from appointment), employers liability insurance, premises and equipment costs, election costs, regalia insurance, allotment running costs and other costs including consultancy, subscriptions, printing and stationery and external audit fees;
- CIL money automatically became payable to the new parish council where all or part of a chargeable development was within the area of the parish council – RDC would pass 15% of the CIL receipts from the development to the parish council, rising to 25% when it had an adopted neighbourhood development plan in place;
- Section 106 monies were district council monies and were not passed to town or parishes;
- Article 12 set out what would happen as a matter of law to the Charter Trustees' officers, powers, functions and property;
- the inventory of assets held by the Charter Trustees was discussed, further clarification was sought regarding the relative dates of acquisition, and the value of the individual items. The estimated value of the items for insurance purposes was in the region of £115,000;

- in the unlikely event that there were not enough candidates standing for election, the parish council would be able to co-opt parish councillors to any vacant seats; the quorum for the parish council would be 6 and therefore extremely unlikely that the district council would have to use powers under the Local Government Act 1972 Section 91 to maintain quoracy; and
- RDC would be willing to facilitate and assist with pre-election events and awareness raising of the elections in partnership with relevant partners and the interim clerk.

It was noted that it would not be possible to finalise all matters prior to seeking full Council approval of the CGO and therefore delegated authority would be required for the Chief Executive and the Lead Cabinet Member for Transition Bexhill Town Council to confirm the Order and make minor and consequential amendments and to enter into any consequential, ancillary or supplemental agreements to effect the creation of the parish council and the transfer of assets rights and liabilities.

During the review it had been agreed that as initially no services were being transferred the budget costs would be the minimum required for the parish council to operate in its first year and the work required to identify these costs had not yet been completed. Members were concerned at the lack of information provided on the calculation of the first years' budget and were not comfortable at this stage with delegating this to the Chief Executive (CE) and the Lead Cabinet Member. It was therefore agreed to draw on the expertise within the CGRSG and convene a meeting of the CGRSG in January to consider and make recommendations on the budget requirement to the CE and Lead Member who would then include this figure and confirm the Order. It was noted that this would need to be concluded in good time to enable inclusion with the Council's own budget setting processes.

RESOLVED: That a meeting of the CGRSG be convened in January 2021 to consider and make recommendations to the CE and Lead Cabinet Member on the first year budget requirement for the new parish council.

CGR20/5. **TERMS OF REFERENCE REVIEW AND NEXT STEPS**

Trevor Leggo, CEO of Surrey and Sussex Association of Local Councils (SSALC) had recommended that the Council appointed an interim parish (town) council administrator who had previous experience and the necessary skill set to successfully create a new parish (town) council. SSALC had put one such person in contact with RDC and the CE had held preliminary discussions with a view to an appointment commencing on 1 February 2021 for a 6-month period (expiring 31 July 2021) for an average of 15 hours per week (with flexibility). This would provide three months prior to and three months post the establish of the parish council and was initially considered an adequate time frame to complete all the necessary preliminary work to get the parish council up and running. However, it was considered appropriate that the interim administrator be involved in the budget discussions to be held in January and it was therefore recommended

that the appointment be for up to 7 months, at the discretion of the CE and in agreement with the interim administrator.

Working with the CGRSG, as appropriate, the interim administrator would set up the initial governance structure, make arrangements for the appointment of the permanent town clerk, set up other policies and procedures, organise briefings for prospective councillors, identify and secure accommodation, draft the cycle of meetings, asset transfer and any other governance issues. The interim administrator would also oversee the inauguration of the new Council, election of Chairman/Mayor, establishment of committees and a hand over to the permanent town clerk, once appointed by the new parish (town) Council.

It was considered that the permanent town clerk position would be an attractive proposition for candidates with the correct skill set, experience of working with elected Members in a principle authority or equivalent and would likely to attract a salary in excess of £60k per annum.

The proposed changes to the CGRSG's Terms of Reference enabled the Group to work with the interim parish administrator on the recruitment processes for the permanent clerk and the pre-election events and information sessions for prospective candidates.

RESOLVED: That Cabinet be requested to agree that:

- 1) an interim Parish (Town) Council administrator be appointed for up to 7 months with effect from 1 January 2021 (expiring 31 July 2021), with terms and conditions to the satisfaction of the Lead Cabinet Member for Economic Development and Regeneration (Transition Bexhill Town Council) and the Chief Executive; and
- 2) the expanded Terms of Reference of the Community Governance Review Steering Group be approved, as submitted.

CGR20/6. TO CONSIDER PROPOSALS FROM DEMOCRACY4BEXHILL

The Chairman had received correspondence from Democracy4Bexhill which had been attached to the Agenda for discussion; it raised the possibility of community groups being engaged by RDC in the budget setting process for the new parish council and a listed a number of issues for consideration, the majority of which had been discussed during the meeting.

There was mixed views as to whether RDC should engage with community groups to ascertain their wish list for the new parish council or whether this should be left to the new parish council to do. Members were reminded that the consultation held earlier in the year, had included asking residents what services they wanted the parish council to provide would be made available to the new parish council.

It was agreed that when the CGRSG met in January to consider the budget provision, the Group would be open to receiving

representations from organisations and individuals who wished to express a view which would be taken into account for the purposes of setting a realistic budget for the first year. It was considered not appropriate to conduct any formal consultation, as this was a matter for the new parish council to undertake and fund and appropriate provision in the budget be made for such consultation.

RESOLVED: That

- 1) the CGRSG be open to receiving representation from any body or person who wishes to express a view when considering and making recommendations on the budget requirement / precept for 2021/22;
- 2) formal consultation be left to the new town council to conduct, once in place; and
- 3) the budget provision to include funding to enable the parish council to undertake such consultation in 2021/22 to inform their vision and business plan setting.

CGR20/7. **ANY OTHER BUSINESS**

It was agreed that a further meeting of the Group be held in early January 2021, date to be confirmed.

CHAIRMAN

The meeting closed at 12.12 pm.