

MID SUFFOLK DISTRICT COUNCIL

From: Senior Solicitor and Deputy Monitoring Officer	Report Number: C/69/16
To: Council	Date of meeting: 22 September 2016

MAKING OF AN ORDER TO CONFER CERTAIN POWERS UPON STUSTON PARISH MEETING

1. Purpose of Report

- 1.1 To consider an application from Stuston Parish Meeting that the Council makes an Order conferring certain powers on it to enable it to carry out certain functions normally only carried out by a Parish Council.

2. Recommendation

- 2.1 That in accordance with Section 109 of the Local Government Act 1972, that Stuston Parish Meeting be granted the powers of a Parish Council as listed in Appendix A to this report.

The Council is able to resolve this matter.

3. Financial Implications

- 3.1 The powers sought by Stuston Parish Meeting will have financial implications for the Parish Meeting themselves but not directly for the Council. There are no financial implications in terms of the Council agreeing to make the Order sought as the costs of making the Order can be met within existing Council resources.

4. Legal Implications

- 4.1 The Council has the power under Section 109 of the Local Government Act 1972 to confer upon a Parish Meeting all or any of the functions of a Parish Council as the Council thinks fit.
- 4.2 The powers sought by Stuston Parish Meeting as outlined within Appendix A to this report are all powers that this Council may grant to Stuston Parish Meeting if Members so wish.

5. Risk Management

- 5.1 This report is most closely linked with the Council's Significant Business Risk No 5c. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
------------------	------------	--------	---------------------

Failure to develop clear governance arrangements that enable the right decisions to be taken that are appropriate for the environment that we are operating in.	Low	Critical	Grant Parish Meetings appropriate powers under Section 109 of the Local Government Act 1972.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------	-----	----------	----------------------------------------------------------------------------------------------

6. Consultations

- 6.1 The proposals as set out in this report are supported by the Assistant Director of Communities and Public Access who has met with representatives of the Stuston Parish Meeting.

7. Equality Analysis

- 7.1 The powers sought by the Stuston Parish Meeting should assist the Parish Meeting in meeting its duties in relation to equality issues.

8. Shared Service / Partnership Implications

- 8.1 If granted the proposed powers will benefit the Stuston Parish Meeting and the residents of the Parish of Stuston.

9. Links to Joint Strategic Plan

- 9.1 There are no direct implications.

10. KEY INFORMATION

- 10.1 In this Council's administrative area there are a number of small Parishes that do not have Parish Councils. In those Parishes, the decisions on what is to be done in relation to Parish matters are taken by the Parish Meeting. This Parish Meeting is open to all electors of that Parish who are entitled to speak and vote on any matter under discussion. Parish Meetings have very limited powers. Whilst they can ask the inhabitants in the Parish to contribute to its expenditure as part of the council tax setting process, it can only do so where it has the power to carry out the function in the first place.
- 10.2 The Stuston Parish Meeting wish to carry out various activities as set out in Appendix A to this report but they do not currently have the power to do this. Mid Suffolk District Council has the legal power to confer on the Stuston Parish Meeting the additional powers sought similar to those which are possessed by a Parish Council.
- 10.3 Members will be aware that Parish Meetings have limited powers compared to Parish Councils but in many cases are very active in acting as the voice and meeting the demands of the local community. They are very limited in what they can do and therefore restricted in what they can raise a precept to do.
- 10.4 Stuston Parish Meeting has requested that the Council grant the Parish Meeting a number of powers (as set out in Appendix A to this report) which would be normally carried out by a Parish Council if one existed for the Parish of Stuston which it does

not. Stuston Parish Meeting has provided your Officers with a justification for each power sought. For Members assistance this wording is included within Appendix A.

- 10.5 On 25 April 2016 Stuston Parish Meeting wrote to the Council formally requesting that the District Council exercise its powers under Section 109 of the 1972 Act to confer on the Parish Meeting the powers of a Parish Council.
- 10.6 As no delegated authority has been given to your Officers to make the necessary Order, the application has to be considered and, if appropriate, approved by the full Council. The Council's Senior Solicitor and Deputy Monitoring Officer is not aware of any similar local applications being made recently but the power exists to enable local communities without Parish Councils to take appropriate action to meet their locally expressed and agreed needs or requirements and as such this request is supported by your Officers.

11. Appendices

Title	Location
(a) Powers Sought by the Stuston Parish Council Which This Council is Able to Grant.	Appendix A

12. Background Documents

- 12.1 Letter of 25 April 2016 to the Council from the Stuston Parish Meeting.

Authorship:

Jonathan Reed

Senior Solicitor and Deputy Monitoring
Officer

Tel. 01449 724677

Email:jonathan.reed@baberghmidsuffolk.gov.uk

POWERS SOUGHT BY THE STUSTON PARISH COUNCIL WHICH THIS COUNCIL IS ABLE TO GRANT

1) Bus Shelters: Powers to provide and maintain a Bus shelter.

“Justification: We have an increasing number of children that catch a bus from a location on Old Bury road. They currently wait in the open on the side of the road and during bad weather they have no protection. A proposal has been made in the village to erect a shelter to give some protection whilst the children wait for a bus and we would need the powers to be able to fund this if we agree at our meeting that this is something we want to pursue.”

2) Crime prevention: Powers to spend money on crime detection and prevention measures.

“Justification: With the push to reduce Police community officers and Police services in general we would like to have this power to enable us to use funds to tackle (at a local level) any issues that may arise in the future.”

3) Ditches and ponds - Power to drain & maintain ponds and ditches to prevent harm to public health.

“Justification: In recent weeks we have had some heavy weather that has caused excessive standing water in some areas. As these so called, freak events, are becoming more common it would be good to have the power to evaluate and if required introduce measures to prevent this in the future.”

4) Environment: Powers to issue fixed penalty notices for litter and offences under the dog control orders.

“Justification: We have an ongoing issue with litter and going forward we would like to have some powers to enable us to tackle this.”

5) Highways: Power to provide certain traffic signs and other notices.

“Justification: We would like to have the ability to erect signs in the village if these were agreed and deemed appropriate.”

6) Litter: Provision of Bins.

“Justification: As above we have an issue with litter, provision of a bin will give people the ability to dispose of small rubbish in the correct manner and ideally help reduce the level of litter.”

7) Nuisances: Powers to deal with offensive ditches.

“Justification: In recent weeks we have had some heavy weather that has caused excessive standing water in some areas. As these so called, freak events, are becoming more common it would be good to have the power to evaluate and if required introduce measures to prevent this in the future.”

8) Recreation: Powers to provide a wide range of recreational facilities.

“Justification: We have an increasing number of children in the village that are coming to an age where they want to be outside. As a community we would like to have the opportunity to provide outdoor play equipment such as climbing facilities etc. There are lots of schemes that can be accessed to assist with funding, however we will need the ability to add funds if required and to support ongoing maintenance.”

9) Town and country planning: Right to be notified of planning applications if right has been requested.

“Justification: As a small village we feel that we have the right to be notified of any planning applications that apply to the Parish so that we are able to comment or challenge the planning if deemed inappropriate.”

10) Traffic calming: Power to contribute financially to traffic calming schemes.

“Justification: We have a big issue with speeding through the village. We have investigated various schemes and would like to move forward with a Community Speed Watch. We have already been assessed and have a number of suitable sites where we can operate from. The proposal has already been accepted by majority vote at a recent Parish meeting and we need the powers to enable purchase of the equipment. We are in discussions with other Parish Councils to share the cost of the scheme.”