

Council – 13th December 2012

10. Granting Powers to Parish Meetings - Compton Pouncefoot and Blackford Parish Meeting

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Purpose of the Report

To consider an application from Compton Pouncefoot and Blackford Parish Meeting that Council makes an Order conferring certain powers on it to enable it to incur expenditure in the interests of its area and inhabitants.

Public Interest

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 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. This Parish Meeting previously wished to install some grit bins but as they did not have the power to do this, the district council made an Order in May 2010 giving them the power to do so. The district council has the legal power to confer on the Parish Meeting additional powers similar to those possessed by a parish council. The Parish Meeting would now like a more general power.

Recommendation

That in accordance with Section 109 of the Local Government Act 1972, Compton Pouncefoot and Blackford Parish Meeting be granted the powers of a Parish Council to incur expenditure the authority considers will bring direct benefit to the area, or any part of it or all of some of its inhabitants under section 137 of the Local Government Act 1972

Background

Members will be aware that Parish Meetings have limited powers compared to Parish Councils but in many cases act as the voice and are an integral part of meeting the demands of the local community. They are limited in what they can do and therefore limited in what they can raise a precept to do.

The Parish Meeting wishes to extend the areas where they can get involved in their community beyond the provision of grit bins as previously mentioned and "authorised" by this council. They now wish to raise funds to carry out grass cutting alongside verges to improve highway safety at road junctions and also around stiles. It will also enable them to erect a notice board in the parish, support the village hall etc.

Under Section 109 of the Local Government Act 1972 this Council has the power to confer on a Parish Meeting all or any of those powers of a Parish Council. At the Annual Parish Meeting held on 9th October 2012 it was resolved that the Parish Meeting apply to the District Council to exercise its powers under Section 109 to confer on the

Parish Meeting the powers of a parish council under Section 137 of the Local Government Act 1972. This section allows a local authority to spend a limited amount on activities for which it has no specific power, but which the authority considers 'will bring direct benefit to the area, or any part of it or all of some of its inhabitants'. The Local Government and Housing Act 1989 added the requirement that the benefit obtained should be commensurate with the expenditure incurred. Conferring this power on the Parish Meeting will enable it to spend money on any such matters that fall within the broad powers contained in Section 137. The amount of expenditure that can be incurred using the Section 137 power is however limited by law to £6.80 per elector for 2012/13.

As no delegated authority has been given to officers to make the necessary Order, the application has to be considered and, if appropriate, approved by the full Council. The only other application the Council's Solicitor is aware in our area is that made by this Parish Meeting in 2010 but the power exists and is designed to enable local communities without parish councils to take appropriate action to meet their locally expressed and agreed needs, requirements or ambitions.

Financial Implications

There are none in terms of Council agreeing to make the Order that cannot be met within existing resources (i.e. only requires staff time to make the Order and send a copy to the Secretary of State).

Corporate Priority Implications

None.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None.

Equality and Diversity Implications

None.

Other Implications

There are no other implications

Background Papers: *Author's own file papers.*

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