LETCHWORTH GARDEN CITY COUNCIL

GENERAL PURPOSES COMMITTEE

Minutes

Of the meeting of the General Purposes Committee held on Tuesday 13th December 2011 at 20:00 in The Willian Village Hall, Letchworth Garden City.

Cllr B Carr (Chairman)	Cllr I Mantle (Clerk)
Cllr Garvie	Cllr V Mantle
Cllr Gower	Cllr Moor
Cllr Groves	Cllr Penny
Cllr Guess	Cllr Ross
Cllr Heaton	Cllr Switzer
Cllr Johnson	Cllr Thompson
Cllr Lovett	
	Members of the public

GPN11/31	**APOLOGIES FOR ABSENCE** Apologies for absence were received from Cllrs Cooper, Ellis, Greener, Redfern, Ritchie, Smith
GPN11/32	**DECLARATIONS OF INTEREST** There were no declarations of interest
GPN11/33	**OPEN FORUM** In response to a question from a Member of the Public seeking clarification of the statement at the last Council meeting that the new guidance on governance reviews was the result of legislative changes, it was stated that the new legislation referred to was the Local Government Act 2007 which came into effect in 2009, and which transferred responsibility for governance reviews to the Principal Authority, which in the case of Letchworth is North Hertfordshire. It was confirmed that there had been no further change since the 2009 elections.
GPN11/34	**MINUTES OF THE PREVIOUS MEETING** **RESOLVED** that the minutes of the previous meeting, held on Friday 4th November 2011 be approved *Proposed: Cllr Heaton Seconded Cllr Lovett*

GPN11/35	**TRANSITION PLAN** Cllr Heaton presented a report from the Dissolving the Council Working Party which had been circulated previously to all Members (Appendix 1), together with the Risk Assesment (Appendix 2). Cllr Johnson presented to the Committee a copy of part of the current Guidance on community governance reviews, and after the meeting was adjourned for 5 minutes to allow Members to read the document, commented on its contents. Following further discussion, it was **RESOLVED** to authorise the Chairman of the Council to submit to the North Herts District Council a request that they conduct a Community governance Review on the dissolution of the Letchworth Garden City Council, together with any appropriate information or documents required to support the case for such a review. *Proposed: Cllr Heaton Seconded Cllr Gower*

The meeting closed at 20:50

Signed …….. *Date*…….

Appendix 1

Proposal for North Hertfordshire District Council to carry out a Community Governance Review of Letchworth Parish with Recommendation for Dissolution of the Parish Council and Abolition of the Parish.

Introduction

This document supports and explains the proposition that Letchworth Parish Council ("LPC") resolve to request North Hertfordshire District Council ("NHDC"), being the principal council to LPC, to undertake a Community Governance Review with a view to recommending the dissolution of LPC and the abolition of the civil parish of Letchworth so as to restore it to the governance state as existed prior to 2005.

Summary of this Report

The Civil Parish of Letchworth and Letchworth Parish Council were brought into being in 2005 following a petition and postal survey in the previous year.

During the first term significant concerns and public opposition developed on a range of issues, including financial, governance and democracy. This resulted in a public poll and two sets of elections on the issue of whether to keep or abolish the parish council. On each occasion significant majorities voted for abolition. The second term council comprises 22 (out of 24) abolitionist candidates and this current council has wound itself down to a minimal operating state over the last 2½ years.

LPC is now requesting NHDC to abolish the parish and dissolve the council, because it believes the parish council:

i. adds no value to the governance of the town, which is very well governed by pre-existing arrangements;
ii. is not required for provision of any services, as all are provided by pre-existing bodies and local organisations;
iii. has proved disruptive to community spirit in a town that was otherwise a vibrant example of the Big Society in action;
iv. is an unnecessary financial burden on the council tax payers of the parish.

This report describes the existing (non-LPC) governance arrangements and community involvement, which show that LPC is surplus to requirements and that there is no gap for it to fill.

The report goes on to show that dissolution of the parish council would have no negative consequences and also describes the positive outcomes.

Recommendations are made for the consultation of all relevant parties in the consideration of determining the current governance requirements for Letchworth.

The report concludes, that providing the consultation supports the continued view, then NHDC should proceed with dissolving LPC and abolishing the civil parish of Letchworth.

Background to Letchworth Parish Council

The Local Government Act 1972 abolished Letchworth Urban District Council in 1974 and its responsibilities passed to the newly created North Hertfordshire District Council, and while some responsibilities passed to the County Council, NHDC remains the principal authority for Letchworth Garden City.

In 2003, a Letchworth resident raised a petition for starting a Parish Council. After achieving sign-up by 10% of electors in 2004, NHDC carried out a Community Governance Review. 70% of residents were surveyed by post, being asked if they were in favour of starting a Parish Council that would cost virtually nothing. 21% of the electorate were in favour of starting such a Parish Council; 12.4% of the electorate voted against starting a Parish Council; and 77% of electors either did not express an opinion or were not asked.

Accordingly, in 2005, the Civil Parish of Letchworth was created, Letchworth Parish Council was established and twenty-four individuals were elected to serve on it. Twenty-three of the councillors represented the Town Council Campaigner party and one was independent. LPC, also known as Letchworth Garden City Council ("LGCC"), and often referred to as Letchworth Town Council, currently consists of the five wards of Wilbury, Grange, Letchworth East, Letchworth South East and Letchworth South West, and comprises 24 councillors.

During the first term significant public opposition to LGCC developed as a result of a number of factors, being financial, governance and democracy related, including:

1 By April 2008, only eighteen councillors had been elected, and six were co-opted. Four more councillors resigned in late 2008, and one more resigned shortly before the election on 4th June 2009.

2 The precept charged to the people of Letchworth had risen substantially, putting it among the highest in the country. The precept in 2005/6 was £169,400. By 2008/9 it had risen to £600,000[1]. With a population of around 33,600, this meant significant tax bills for the taxpayers of Letchworth.

3 The majority of LGCC's expenditure was on administrative overheads. LGCC's budget for 2009/10 showed that 63% of its expenditure was planned to be on running costs (staff, offices, administration and expenses) and only 33% on community related functions (grants and events).

4 It was becoming clear that there was no role for the council to fill, as everything it might do was already catered for by pre-existing bodies.

5 Local individuals and groups were disheartened and frustrated by the new parish council trying to do the same things they had already been doing.

In early 2008 a group calling itself Help Eliminate Letchworth Parish Council ("HELP") was established and consisted of Letchworth residents who had become concerned about LGCC.

HELP soon raised the support necessary to call for a parish poll on the question *"Should Letchworth Garden City Council be dissolved?"* This was held on 21st April 2008. 76% of residents who voted were in favour of LGCC being dissolved.

Following the death of one sitting councillor, in September 2008, the nomination of a HELP candidate to LGCC was not opposed. After the resignations in late 2008 of four councillors, a by-election was held, and HELP won all four seats representing four of the five wards in the town.

---

[1] LGC Minutes 19 Dec 2007 item 07/95
http://www.letchworth-tc.gov.uk/minutes/old/m21minutes191207.pdf

In June 2009, when all twenty four seats on LGCC were up for election, the electorate was given the simple choice of voting either for HELP candidates (to abolish the Parish Council) or for "Town Council Supporters Party" candidates (to keep the Parish Council). Twenty-two of the twenty-four seats were won by HELP candidates. Of the remaining two seats, one was a dead heat and randomly assigned to the Town Council Supporters Party candidate. Only one Town Council Supporters Party candidate won a seat and by a margin of just 6 votes. None of the previous councillors was re-elected.

In summary, since the original elections to LGCC in 2005, on each occasion that the electorate of Letchworth has been given the choice to vote for or against the continuation of LGCC, significant majorities have voted against it.

Since the 2009 elections the HELP controlled parish council has ceased all activities other than the legally required baseline functions. Fulfilment of all statutory responsibilities is being carried out by the other pre-existing bodies (as was the case prior to 2005). As is explained in more detail below, the running of the affairs of the town is being effectively undertaken by those statutory bodies, the Letchworth Garden City Heritage Foundation and a wide range of local organisations.

It is therefore proposed that NHDC undertake a Community Governance Review and that at its conclusion, it should give effect to the repeated democratic wish of Letchworth residents, by dissolving the parish council and abolishing the parish.

Dissolution – The Process.

Part 4, Chapter 3 of The Local Government and Public Involvement in Health Act 2007 ("LGA 2007") sets out the legislative framework for parishes. It includes the process for Community Governance Reviews and the possible outcomes. These include the making of recommendations that a parish council should be dissolved and its parish abolished. The principal council can then act accordingly on the recommendations from the CGR.

The duty of a principal council, when undertaking a Community Governance Review is as follows:

> "*The principal council must have regard to the need to secure that community governance within the area under review –*
> *(a) reflects the identities and interests of the community in that area, and*
> *(b) is effective and convenient.*
>
> *In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) –*
> *(a) that have already been made, or*
> *(b) that could be made*
> *for the purposes of community representation or community engagement in respect of the area under review*." [2]

Prior to the enactment of the LGA 2007, decisions subsequent to a CGR were made by the Office of the Deputy Prime Minister. With the introduction of the LGA 2007, that responsibility now rests entirely with the principal council – NHDC in this case – who is required only to *have regard*[3] to the Government's issued guidance.

The guidance document published by the Department for Communities and Local Government describes the considerations for abolishing parishes and dissolving councils in paragraphs 117 through 124, which can be summarised as:

i. An unparished area ought to have other community governance arrangements in place.
ii. The abolition of a parish should be clearly justified.
iii. There is clear and sustained local support for abolition.

One point of note occurs in paragraph 120 which makes reference to a consideration which was formerly applied by the previous Government prior to the LGA 2007. At that time the Office of the Deputy Prime Minister considered that a parish ought to have been in existence for eight years before abolition was granted. Although that opinion may be of historical interest, times have now moved on, and with the introduction of the LGA 2007 the decision making process now lies with NHDC rather than with central Government. Whereas the eight year consideration is given as an example of how a principal council might gauge the situation, it is by no means the only way to evaluate the sustained local support for abolition.

Other Effective Community Governance Arrangements in Place, Reflecting the Identities and Interests of the Community

Letchworth is already more than adequately governed without the additional governance of a parish council.

In terms of formal administrative governance, the Letchworth Area Committee ("LAC") of NHDC specifically covers the same five wards as the parish council. The LAC already governs all the functions that the parish council would, without their additional cost. The LAC holds regular surgeries locally in each of the wards, providing excellent access for residents to enagage with councillors and raise issues.

---

2 Section 93 (4) Local Government and Public Involvement in Health Act 2007.
3 Section 100 Local Government and Public Involvement in Health Act 2007.

Unique to Letchworth is the Letchworth Garden City Heritage Foundation ("LGCHF"); an Industrial and Provident Society with charitable commitments to support Letchworth community. Many facilities that are sometimes provided by a parish council in other towns (at taxpayers' expense) are provided free-of-charge to Letchworth residents by the LGCHF. This includes grants to local groups, provision of leisure facilities, planning control, poverty relief, a mini-bus service, and town centre improvement.

With regard to giving a voice to local people, Letchworth is well served by active community groups, set-up and run by the local residents. There is the Grange Improvement Forum, the Westbury Action Group, the Jackmans Improvement Forum, and the Wilbury Community Association. These reflect the identities and interests of the different parts of the community that is Letchworth.

In terms of recreational welfare, Letchworth has a huge number of local interest groups, clubs and societies. There are approximately 60 different groups under the umbrella of the Letchworth Arts and Leisure Group ("LALG"), achieved through the enthusiasm and dedication of unpaid volunteers and without the necessity for support from local or national government. LALG is an effective and well run form of self governance of the arts and leisure activities in Letchworth which are many and varied. There is also a large number of other local groups, all of which operate without support from the Parish Council. The Letchworth Festival Steering Committee[4] actively encourages all local groups to participate in the annual 16 day summer festival which showcases the many and varied clubs, societies and recreational activities available to local residents.

In terms of civic amenities to serve the community, there is a wide range of community venues in the town which provide useful facilities for individuals or organisations seeking a place to meet. Details of these are as set out on the Parish Council's website[5]. None of these facilities are provided by LPC.

With regard to the relief of poverty in Letchworth, Community Service organisations are vibrant and effective. Letchworth Garden City Rotary Club has been in existence for over 85 years, Letchworth Garden City Round Table for over 75 years and Letchworth Lions Club for several decades. They provide community activities such as the annual Guy Fawkes Night Fireworks display at the football club (Letchworth Lions), the Garden City 15 sponsored walk around the Greenway (which provides an opportunity for individuals to fund raise within the auspices of the Rotary organisation). The Lions Club also organise a fun day in the summer in the Broadway Gardens.

All of those groups work to relieve poverty and help the needy in Letchworth – Letchworth Round Table, for example distributes 200 food parcels each year to the elderly and needy in Letchworth on the Sunday before Christmas, with funds raised by its "Father Christmas House to House Collection". Letchworth Civic Trust[6] has also been providing help and support to Letchworth residents since 1913. It currently helps around 200 individuals a year. There are other initiatives such as the Cheap as Chips club which operates with support from the Letchworth Area Committee and LGCHF to provide food and conversation to the needy.

The commercial community is also well represented with effective self governance. Letchworth shopping centre has its own Town Centre Partnership which employs a Town Centre Manager. Frequent events are organised in the town centre which encourage shoppers in from Letchworth and surrounding areas. Further town centre events are organised by the Garden Square Shopping Centre, and Letchworth Arts Centre. There is also a well stocked and staffed Tourist Information Centre. This all operates without support from the Parish Council.

In summary, there is simply no requirement for a Parish Council in Letchworth. Everything that can be governed is already adequately and amply covered. The town functioned perfectly well for the 30 years before the introduction of the Parish Council in 2005, and it has run well for the last 3 years since the winding down of the Parish Council in 2009. The only time the town did not run well was from 2005 to 2009 where the attempted additional governance by the Parish Council proved counter-productive and

---

4 Letchworth Festival Website http://www.letchworthfestival.org

5 Parish Council's website, community information http://www.letchworth-tc.gov.uk/community.htm

6 Letchworth Civic Trust http://www.letchworthct.org.uk/main.htm

divisive, and provoked such antagonism that residents from all pre-existing community sectors banded together to form the HELP campaign to object to its existence.

Impact of LPC Dissolution and Parish Abolition

NHDC

Dissolution of LPC would not cause any disbenefit to NHDC because:

LPC provides no services, and therefore NHDC would have nothing extra to take on.

LPC maintains no property or premises, and so NHDC would have nothing to take over.

Dissolution of LPC would actually cause positive benefits to NHDC because:

NHDC would see a reduction in administrative overheads because it would no longer be:

1 administering and collecting the parish council precept.
2 required to carry out Standards Committee investigations of parish councillors.
3 required to administer parish council elections and parish polls.
4 incurring the additional costs of Planning objections from the Parish Council.

The incremental cost of meeting any legal requirement for NHDC to store the archive of parish council minutes and accounts is considered to be negligible.

HCC

There is no perceived impact upon HCC from the dissolution of LPC.

Letchworth Groups and Organisations

LPC currently has no interaction with local groups and organisations. There is therefore no perceived impact upon Letchworth Groups, Clubs and Societies from the dissolution of LPC.

Letchworth Businesses

There is no perceived impact upon Letchworth businesses from the dissolution of LPC, beyond the following minor considerations:

1. There will be a minor reduction in income received by local halls (mainly local churches) as a result of LPC no longer hiring halls for the council meetings. This is no more than a few hundred pounds each year.
2. Prontaprint would lose the very small amount of copying work it currently gets from LPC for duplication of agendas for meetings.

Letchworth Schools

LPC currently has no interaction with Letchworth Schools. Therefore there is no perceived impact upon Letchworth Schools from the dissolution of LPC.

Letchworth residents

LPC currently provides no services to Letchworth residents. Dissolution of LPC would:

i. Give peace of mind that the current zero parish council tax would continue indefinitely.

ii. Give faith in the democratic process. The majority voted to do away with the parish council several times, and would like to see that democracy is carried out.

Consultation of Residents

It is a legal requirement that in the course of a Community Governance Review, the principal council must consult with "*the local government electors for the area under review*"[7].

A number of consultations have already been carried out by NHDC:

i. In April 2008, a parish poll showed that 76.3% of those who voted were in favour of dissolving LPC.

ii. In January 2009, elections took place in four of the five LPC wards, with each being a simple decision between a LPC supporter candidate or a LPC dissolution candidate. The wards were all in favour of LPC dissolution, by 53.3%, 56.6%, 69.1% and 75% respectively.

iii. In June 2009, elections took place for all twenty-four LPC seats, with every one being a simple decision between either a LPC supporter candidate or a LPC dissolution candidate. The vote elected 22 out of 24 dissolution candidates.

In order to meet this requirement and to further show the continued support for dissolution and abolition, it is suggested that NHDC carry out another poll of Letchworth residents. An easily returnable postal ballot, inclusive of every elector, is recommended to maximise the number of residents who express an opinion. The proposed question could be, *"Letchworth Parish Council has been inactive since 2009. Are you in favour for the parish council now to be officially dissolved? (YES/NO)"*.

[7] Section 93 (3)(a) Local Government and Public Involvement in Health Act 2007

Recommended Local Groups to Consult

It is also a legal requirement that in the course of a Community Governance Review the principal council must consult with "*any other person or body (including a local authority) which appears to the principal council to have an interest in the review*"[8]. The following local groups are suggested:

- NHDC
- HCC
- LGCHF
- LPC
- Letchworth Garden City Society
- Town Centre Partnership
- LALG (all groups)
- Letchworth Arts Centre

LPC Liabilities and Responsibilities

Because the Parish Council has been wound down since 2009, there are no significant responsibilities to be transferred to NHDC in the event of dissolution of LPC. The following few points are noted:

1. The property purchased by the Parish Council prior to 2009 (sundry office furniture and equipment) has been loaned to local groups for the benefit of the community, and therefore no longer requires storage facilities. The parish council has no assets.

2. In March 2009 the first council resolved to pay approximately £100,000 into the pension of one member of staff over a period of five years. Two of these payments have been made already, leaving approximately £60,000 yet to pay over three years. The currently remaining Parish Council funds will cover this only if dissolution occurs soon, before on-going legislatively required minimal running expenses eat away at the remaining funds.

3. There may be a legal requirement for NHDC to store the archive of parish council minutes and accounts.

4. A chain of office, which was commissioned during the first term of office, is kindly being stored by the First Garden City Heritage Museum, on indefinite loan.

Remaining Funds

The monies in LPC's bank account result entirely from previous Council Tax demands on the residents of Letchworth Garden City.

Whatever funds remain in LPC's bank account following its dissolution, could to be rebated back to the tax payers of Letchworth by way of a deduction on the next Council Tax demand.

Why a CGR now – Why not Wait?

The town has voted several times already to abolish the Parish Council. The voting population may be justifiably puzzled as to why their democratically expressed decision has not yet been enacted. In fact, it has taken until this point in time to resolve some issues that were left by first term council. Now that the council is fully wound down the dissolution process would be straight forward and without consequence.

[8] Section 93 (3)(b) Local Government and Public Involvement in Health Act 2007

Any continuation of the parish council will require council tax precept without providing any benefit to the residents of the parish.

The financial position of the present council is such that its present funds are running low. The current reserves will cover a five-year pension commitment made by the first term council. However, if dissolution is delayed, the legislatively required functions (meetings, elections, audits, polls etc.) will erode the finances to a state which would not cover the pension commitment.

These factors make it sensible to carry out the CGR sooner rather than later.

It has been suggested that there might be a requirement for the LPC to have been in existence for eight years before dissolution is granted. However, the legislation contains no such requirement, and the current Government guidance cites this merely as a historical opinion. Recent dissolutions of other parish councils illustrate the change from 2009 that came in with the LGA 2007. For example, Byfleet Parish Council in Surrey, Southsea Town Council near Portsmouth, and Lickey End in Worcestershire were all denied dissolution prior to 2009 by the Office of the Deputy Prime Minister going against majority votes in favour of dissolution, but were subsequently dissolved by their principal councils at the first opportunity after 2009.

Conclusion

Letchworth has benefited from a thriving local community for many years, with no shortfall in governance or access to local council representation. It is an excellent example of The Big Society in action. There is no requirement or role for a parish council.

The residents of Letchworth have experienced a parish council, and as a result, democratically voiced their preference not to continue to have a parish council.

The inactivity of the parish council from 2009 to present, without residents noticing any loss, has proven that there was and is no need for it and that there is no role for it to fill.

We therefore believe that the North Hertfordshire District Council could reasonably come to the conclusion, having regard to the Guidance on Community Governance Reviews, and the discretion afforded to it by the relevant legislation, that the community governance that would continue in Letchworth without the LPC being present would reflect the identities and interests of the community in Letchworth and that it would be effective and convenient. We also consider that it is likely that if asked, there would be informed consent from a large majority of the electorate of Letchworth for the abolition of the LPC. Accordingly, we consider that there is a very real prospect that the recommendation from a Community Governance Review would be for the abolition of the LPC and of the parish.

Recommendation

In the light of the above, it is recommended that overall it would be in the interests of, and consistent with the wishes of the vast majority of, the electorate of Letchworth for LPC to request NHDC to carry out a Community Governance Review of Letchworth Parish, as described in this report, with a view to recommending that the Letchworth Parish Council be dissolved and the parish abolished, to return the Town to the unparished state as existed prior to 2005.

Risk Assessment

Activity:
Request NHDC to undertake a Community Governance Review with recommendation for dissolution.

Assessment Date: 13 December 2011

Review: date: December 2012

Hazard	Risks arising from hazard	Who is at risk	Existing controls	Further action required to reduce risk to an acceptable level	Target date, by whom
NHDC charge LPC for the cost of the CGR.	The cost of the CGR.	Letchworth council tax payers	Not applicable	None required	
NHDC not grant dissolution.	It becomes necessary to raise a small precept for 2013.	Letchworth council tax payers	Not applicable	Submit to NHDC a comprehensive report regarding the CGR process and supporting reasons for dissolution.	December 2011, Chairman of LPC

Risk Assessment

Activity:
Do NOT Request NHDC to undertake a Community Governance Review with recommendation for dissolution.

Assessment Date: 13 December 2011

Review: date: December 2012

Hazard	Risks arising from hazard	Who is at risk	Existing controls	Further action required to reduce risk to an acceptable level	Target date, by whom
Continuation of the Parish Council will incur costs from legislatively required operations.	It becomes necessary to raise a small precept for 2013.	Letchworth council tax payers	Not applicable	Request NHDC to undertake a Community Governance Review with recommendation for dissolution.	December 2011, General Purposes Committee.