

**SUPPLEMENT TO THE AGENDA FOR**

# **Audit and Governance Committee**

**Tuesday 9 September 2014**

**2.00 pm**

**Town Hall Chamber, Town Hall, 10 St Owen Street, Hereford.  
HR1 2SP**

**6. COMMUNITY GOVERNANCE REVIEW, ROSS-ON-WYE**

**Pages**

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**Ross-on-Wye Community Governance Review: Table of Consultation Responses and Replies as at  
04 September 2014**

Comment/Issue Raised	Response from Herefordshire Council	Response Reference
I believe it makes sense to use the same boundaries as the Herefordshire Ward Councillors as this will cause less confusion for the residents, I therefore support the Review Groups proposal that the new Council should use the same boundaries as the Herefordshire Ward Councillors and each Ross-on-Wye Ward will elect six Parish Members for the new Council.	N/A	
I fully support the warding proposals and the proposal that the new Parish Council should have 18 Councillors.	N/A	
The boundary in Tudorville has been moved from The Betzdorf Walk to the Walford Road and split the area of Tudorville almost in two. This may present problems for me as a Town Councillor. To move the boundary will make it very confusing to everyone in that area.	Changes in ward are due to Herefordshire (Electoral Changes) Order 2014. The recommendation is that the new Parish Council aligns with the ward boundaries. The Parish Councillors will work together for the new council whilst representing the Parish ward for which they are elected to.	<b>A</b>
Concerns raised about the period 01 April 2015 to the election in May 2015 where the new parish will be represented by the District Councillors for the ward.	The AD Governance will research whether the new council could lawfully be created with effect from 6 May 2015 (i.e. the day before the election of new councilors) to avoid any interregnum. Even if lawful, this would be likely to have a precepting consequence: see response G below.	<b>B</b>
What happens to the staff who are employed by the Town Council if the Town Council ceases to exist?	All staff will transfer to the new council on 1 April 2015. It will then be for the new council to determine an appropriate staffing structure to meet its needs. It would not be appropriate to make any permanent decisions on this new structure during any interregnum.	<b>C</b>
District Councillors are not authorised to spend money on behalf of the Town Council. How will bills be paid until the new council sits? Effectively that will mean two months when bills will not be paid.	The District Councillors would be the decision-makers for the new council during any interregnum.	<b>D</b>
What happens if there is an emergency?	The District Councillors would have full powers to take decisions for the new council.	<b>E</b>
Who will manage the various assets and instruct contractors during this time? Councillors will be in purdah and will be busy campaigning for re-election should they wish to stand.	The purdah period does not prevent decisions being made if they are necessary and in the public interest.	<b>F</b>

<p>The general view of Ross Rural Parish Council about the ward boundaries is that they would accept that Parish boundaries would match County Council boundaries, i.e. Hildersley would be in Ross East Ward and Greytrees would be in Ross North Ward.</p>	<p>N/A</p>	
<p>The proposal that the two Parish Councils be abolished on the 1<sup>st</sup> April, leaving a six week gap when there will be no Parish Council or Councils in place. The reason given for this in the report is "This is because a precept can only be set for a whole year from 1<sup>st</sup> April to 31<sup>st</sup> March the following year." Well, we know that, and in any event the Parish Councils will presumably have had to have set a precept in the normal way by the end of the previous January, for the new Council, in order to as usual allow Herefordshire Council, as the Principal Authority for the area, the requisite time to collate all the Parish Councils' precepts in good time for the demands for the 2015/16 year to go out. So this reason does not make any sense. A precept will have to be set for the successor Council – otherwise it will run out of money pretty quickly – and it can't be set for a 'whole year' as it won't have been in existence for a whole year by the 31<sup>st</sup> March 2016. Then we have all the questions about the legality of what is done in that six week period. The staff for the two Parish Councils (the Town may well have five by then and Ross Rural one) will presumably carry on working, or want to carry on working, yet by this administrative arrangement they will actually have no legal employer, as the Parishes will have been legally abolished. This gives rise to a whole set of questions. Are they legally entitled to be paid by the successor Parish Council, if they choose to carry on working? What happens about PAYE in that period? Are their pension contributions to be interrupted for that period? Under whose authority will they be acting, given that they will have no employer and no Parish Councils in this period? Who or what is going to be responsible for expenses incurred in that period?</p>	<p>The legality of an alternative commencement date will be researched before the meeting (see above) and members advised accordingly. Either way, the new council will be created with effect from the date of abolition of the old councils ('the effective date'). There will thus always be a parish level authority for Ross-on-Wye. All employees will transfer to the new authority on their existing terms and conditions on the effective date.</p> <p>There will need to be practical arrangements put in place in relation to matters such as bank accounts, contractual payments (including rent, salaries, etc.) and insurances. The existing town and parish councils should work together to ensure a smooth transfer process.</p> <p>Herefordshire Council can only set Council Tax levels (including parish precepts once). It will do so with effect from 1 April 2015. If the existing town and parish councils continue in existence after 1 April 2015, as the two authorities set very different levels of precept, different levels would apply for the whole of the 2015-16 financial year, even though the new, combined authority would be in place by 6 May at the latest. That is unfair. Moreover, the disparity in precept levels was one reason justifying the creation of a new authority.</p> <p>If the effective date is 1 April 2015, the existing town and parish councils will need to advise HC of the financial requirements at parish level for their respective (current) areas for 2015/16; HC will then aggregate these two sums and provide one, consistent precept for the new council across all of its (enlarged) administrative area.</p>	<p><b>G</b></p>
<p>The proposal that County Councillors should represent the new Parish in the six week period, to ensure democratically elected representation. The four County Councillors</p>	<p>The new parish council will come into effect on the 1 April 2015: it is only the election of new councilors that would not take place until 07 May 2015. As the existing town and parish</p>	<p><b>H</b></p>

<p>cannot do that, since there will be no Parish Council in existence in that period and they therefore cannot represent something which does not exist. There is an additional issue here. Currently of the nineteen Parish Councillors in Ross, there are ten Independent or non-party aligned Councillors, five Liberal Democrats and four Conservatives. If the four County Councillors represent the (by then non-existent) Parish, there will be no Independents, one Liberal Democrat and three Conservatives. Clearly this will not remotely represent the pre-existing balance on the abolished Councils. I am assuming that it is not proposed that the County Councillors have any powers at all to make decisions or spend any monies belonging to the abolished Councils. If they are, then that is totally unacceptable.</p>	<p>councils are abolished on that date, no existing parish councillors will remain in office to perform any roles during this interregnum.</p> <p>If the effective date is 1 April 2015, Members of Audit and Governance Committee may wish to recommend that District Councillors do not take any decisions that would result in additional expenditure (or otherwise restrict the choices available to the incoming duly elected new parish councillors), unless a decision is required to be taken without delay in the best interest of people living in the administrative area of the new council.</p>	
<p>I understand there is a proposal to abolish both the town and parish councils of Ross on 1<sup>st</sup> April 2016 and effectively have no council for Ross for 6 weeks. I also understand it is proposed to make the 4 county councillors responsible for decision making during this period.</p> <p>I find these proposals quite unacceptable as I and the other parish councillors of Ross were elected to serve a full term and reflect the choices made by the electorate.</p> <p>Replacing 5 Liberal Democrats, 4 Conservatives and 2 Independents with 3 Conservatives and one Liberal Democrat is not acceptable. What will happen to the two council's staff during this period?</p>	<p>See above responses <b>B, G and H</b></p>	
<p>The same objection remains to the proposal that the four County Councillors represent residents during the six week period before the election in May 2015. They were and remain Councillors for a different body. I cannot see why upon the amalgamation of the Parishes, the (currently) nineteen Councillors on Ross Town and Ross Rural cannot become members of the new Parish. It would be totally unacceptable for the County Councillors to have any power during this six week period and this would mean that there will be no Parish Councillor control for this period. Surely upon amalgamation of two bodies, it makes sense for the members of both bodies to be made members of the new body?</p>	<p>See above responses <b>B, G and H</b></p>	

With reference to item 17 in the first section of the documentation, Ross Rural Parish Council considers that for the period from 1st April 2015 until the first Thursday in May 2015 the new council should consist of the elected members of both of the current councils, i.e. Ross Town Council and Ross Rural Parish Council.	See above responses <b>B, G and H</b>	
I am pleased to note it has been agreed there shall be 18 councillors for the new Ross-on-Wye Council. I am content with the new ward arrangement.	N/A	
I was very concerned to hear recently that a proposal had been made, without any consultation whatsoever, to suspend Ross-on-Wye Town Council at the beginning of April 2015 until the election of the new council on 6 <sup>th</sup> May and to handover powers to the 4 County Councillors. This does not seem to be a reasonable course of action to me.	See above responses <b>B, G and H</b>	
What happens to the existing staff of the two councils?	See above responses <b>C and G</b>	
The view of Ross Rural Parish Council, as reported to you today by our clerk, "With reference to item 17 in the first section of the documentation, Ross Rural Parish Council considers that for the period from 1st April 2015 until the first Thursday in May 2015 the new council should consist of the elected members of both of the current councils, i.e. Ross Town Council and Ross Rural Parish Council."	See above response <b>H</b> .	
The main reason that Ross Town Council requested a Governance Review was that they felt that they had insufficient numbers of elected members to carry out the required work. Governance Review could have recommended the number of members be increased.	Recommending changes in the size of the existing town and parish councils would be an alternative option which Audit and Governance Committee may wish to consider or to explore further.	<b>I</b>
As a member of Ross Rural Parish Council since January 2000 I, and the council, felt that 8 councillors were too many for the parish, a reduction of numbers to 5 or 6 would have been acceptable. If the above two points were adopted the costs to Herefordshire Council would have been drastically reduced.	See response <b>I</b> above and response <b>J</b> below.	
There does not appear in the report any	Staff of the existing town and parish councils will	<b>J</b>

<p>reference to any arrangements or costs to Herefordshire Council with regards to the redundancy procedures for the clerk to our council, or to the staff employed by Ross Town Council.</p>	<p>transfer to the new council on 1 April 2015. The Order provides for the transfer of all contracts and this includes contracts of employment. The new council will need to determine what staffing structure it requires and will be responsible for the resulting redundancy costs (if any). Any redundancy costs will not be payable by Herefordshire Council.</p>	
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