

Walberswick Parish Council

Report detailing the differences between Parish
Meetings and Parish Councils

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Parish Clerk 29/8/2016

Parish Council vs Parish Meeting – A decision for Walberswick

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Introduction

At a meeting on Monday 22nd August 2016, Walberswick Parish Council resolved to proceed with the activities required to undertake a Community Governance Review with a view to setting up a Parish Meeting and ceasing to be a Parish Council. The Clerk was asked to prepare a report detailing what the differences were between a parish council and a parish meeting and to explain the process. The purpose of this document is to therefore itemise these differences. Please note that in the compilation of this report I have referenced Arnold Baker on Local Council Administration (9th edition), Local Councils Explained by Meera Tharmarajah, the NALC LTN3 September 2014.

Background

Since 2010 there has been a continuous animosity between Walberswick Parish Council and 3 or 4 individuals of the Parish. This has resulted in court cases, injunctions and a series of resignations of both councillors and clerks/RFOs. Despite the original Councillors from 2010 no longer being on Council, the problems have continued, mainly due to continuous correspondence and Requests for Information (RFI's). In May 2015, following the departure of another Clerk/RFO, and then the resignation of another Councillor, the Parish Council became inquorate and was unable to conduct business. This resulted in accounts not being submitted for 2014/15 and a Public Interest Report being issued. Early in 2016 the District Council appointed 3 District Councillors to the parish council so as to make it quorate again. Without these 3 councillors, the parish Council would remain inquorate as there is no evidence of people wishing to become councillors and be subject to such intense scrutiny.

Again the accounts were not submitted on time for 2015/16 due to a lack of a Clerk/RFO. I was appointed in August 2016 however, on reviewing the work that was required in addition to the constant attention demanded by continuous correspondence from a few correspondents, I have had to resign as I am unable to commit to such a full time position.

I have identified that to bring and maintain the Walberswick processes and procedures back into line (having been lost or become out of date due to a lack of a clerk), would require a full time clerk plus administrative assistance for at least a month, particularly with the level of correspondence. Walberswick Parish Council does not have a precept that could afford this cost nor even half of it.

Consequently, Walberswick Parish Council resolved to investigate the Parish Meeting as an alternative to a parish council to ensure that the people of Walberswick have good governance and a democratic process.

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Definitions

A **Parish Council** is a legal entityⁱ a corporate body and a local authority, comprising of a number of elected or co-opted **Councillors**, and its purpose is to represent the interests of the community it serves. The Council has the authority to raise and spend a precept through a wide range of discretionary powers provided through a number of pieces of legislation. The Parish Council also has a number of **Duties** such as appointing a Chairman, a Responsible Finance Officer (RFO) to manage the accounts and hold an annual Parish & annual Council Meeting.

A **Parish Council** will precept the district council for funds to cover its budget or expenses planned. The Precept is signed by the RFO.

A **Parish Meeting** is also a legal body but not a local authority and consists of the local government electors for the parishⁱⁱ. Its purpose is to discuss parish affairs and exercise any statutory functions conferred on them.ⁱⁱⁱ It must have less than 999 registered electorate. They may regulate their activities, proceedings and business subject to the 1972 Local Government Act. The parish meeting must assemble annually between 1 March and 1 June and on at least one other occasion during the year on a date to be fixed by the Chairman of the meeting. The Parish Meeting has fewer duties but must elect a Chairman and can elect other members of the parish onto committees. However a Parish Meeting cannot employ any person such as a Clerk.

The Chairman of the **Parish Meeting** and the proper officer of the District Council (who may or may not be the Monitoring Officer) are the body corporate of the parish meeting and known as the Parish Trustees. In a parish without a parish council, contracts with a parish meeting are signed by the trustees and ownership of parish property is vested in the parish trustees.

A **Parish Meeting** may precept the district council for funds to cover its activities and expenses. The Chairman signs the Precept. It is still subject to the Human Rights Act 1998, the Freedom of Information Act 2000 and Equality Act of 2010.

The accounts of the **Parish Meeting** are subject to audit in the same way as the Parish Council. A **Parish Meeting** is not a local authority for the purpose of paying VAT and therefore cannot reclaim VAT paid.

Comparison to Dunwich

The village of Dunwich in Suffolk is a Parish Meeting. On their website they describe their activities:

Dunwich Parish Meeting: Dunwich, as a very small village, does not have a Parish Council. Instead there is a Parish Meeting which any resident or visitor can attend and at which anyone on the (parliamentary) electoral register may vote. The Meeting discusses any and all matters relating to the village and its environs, including planning applications, infrastructure, and coastal defence. Meetings take place on or close to the last Friday of January, April, July and October, the April meeting being the AGM. Officers are elected annually

The latest draft minutes are attached as appendix 4 to give a flavour of their meetings.

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Differences of Powers and Duties

Powers and Duties are conferred through statutory law onto **parish councils** and **parish meetings** and basically enable them to transact business. For a parish council this includes spending the precept on services and goods for the benefit of the parish, appointing trustees of charities, being informed of planning applications, owning and purchasing assets and taking out loans. For a parish meeting these powers much more limited so, for instance, a parish meeting cannot take out a loan, own assets or spend the precept on the number of different items that a parish council can.

There is also a way by the Parish Council of spending money in addition to the powers conferred on the council, which is known as S137 Monies. So, for instance, there is no power to spend money on a wreath for Remembrance Sunday but by invoking S137, monies can be used for this expenditure. S137 enables a small sum of money (approximately £7.50) per electorate to be set aside annually for this type of special finance. S.137 cannot be used by Parish Meetings (s.137 (9) LGA 1972 defines a 'Local Authority' for the purposes of that section as a parish council or community council).

In the appendix is a table outlining the main powers and whether available to a Parish Meeting.

Notwithstanding the list in the appendix, a Parish Meeting may apply to the District Council which confers the function(s) of a parish council to a parish meeting, subject to statutory requirements.

Other Considerations

The correspondence that has perpetuated is often a Request for Information regarding an item in the past. This necessitates that a proper response is given within a specific time frame and can require hours of resource (and therefore cost) to establish the information. It is believed that the responsibility for responding to questions and RFI's regarding a former Parish Council would not be transferred to the new Parish Meeting. This is still outstanding for confirmation by SALC.

The format and rules governing the procedures of a Parish Meeting are different to a Parish Council. Attached in the appendix are Legal Technical Notices 3 and 6 as issued by the National Association of Local Councils which cover the powers of the Parish Meeting and holding a Parish Meeting.

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Process to Move to a Parish Meeting

In order to move to a Parish Council, the village would have to petition the District Council to undertake a Community Governance Review (CGR). This would mean that at least 151 of the registered electorate of the parish sign a petition. If this is achieved and delivered to the District Council, they are allowed up to 12 months to complete the review.

In carrying out the Community Governance Review the District Council must:

1. Consult the electors for the area or any other person or body which appears to have an interest in the review
2. To ensure that community governance for the area reflects the identities and interests of the communities.
3. To take into account any other arrangements which have been or could be made for the purpose of community representation or engagement.
4. Take into account any representations made.

The District Council will then publish its recommendations.

In the meantime, one of the areas that Walberswick will have to consider is the transfer and management of assets such as the Heritage Hut and the Play equipment as a Parish Meeting cannot hold assets.

Once dissolved, a parish council could only be re-created by way of a further Community Governance Review.

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Appendix 1 – Differences of Powers between Parish Council and Parish Meeting

Power held by Parish Council	Explanation	Parish Meeting
Agency arrangements	Power to arrange for the discharge of functions by another local authority	
Allotments	Power to provide allotments duty to provide allotment gardens if demand exist	<p style="text-align: center;">✓</p> <p>A parish meeting may hold and administer allotments for cultivation (s.33 (3) Small Holdings and Allotments Act 1908);</p>
Baths and washhouses	Power to provide public baths and washhouses	
Borrowing	Power to borrow money for statutory functions	
Burial grounds, cemeteries and crematoria*	Power to acquire and maintain	<p style="text-align: center;">✓</p> <p>a parish meeting is a burial authority. It may therefore provide burial grounds and may contribute towards the cost of burial facilities provided by others</p> <p>A parish meeting may adopt bylaws made by a district council</p>
	Power to provide	
	Power to agree to maintain memorials and monuments	
	Power to contribute to expenses of maintaining cemeteries	
Bus shelters*	Power to provide and maintain bus shelters	
Byelaws	Power to make byelaws for public walks and pleasure grounds	
	Cycle parks	
	Baths and Washhouses	
	Open spaces and burial grounds	

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Charities	Power to appoint trustees of parochial charities	✓ The same
Christmas lights	Power to provide to attract visitors	
Citizens Advice Bureau	Power to support	
Clocks*	Power to provide public clocks	
Closed churchyards	Power (and sometimes duty) to maintain	✓ Liability to maintain a closed COE church may be transferred to a parish meeting.
Commons and common pastures	Powers in relation to enclosure, regulation and management, and providing common pasture	✓ No general power of acquisition but may acquire land for Burials and Cremations. A parish meeting may be registered as the Owner of Land eg: Common Land if it has inherited ownership from the pre-1894 authority.
Community centres	Power to provide and equip community buildings	
	Power to provide buildings for use of clubs having athletic, social or educational objectives	
Conference Facilities*	Power to provide and encourage the use conference facilities	
Consultation	Right to be consulted by principal councils if directed by Secretary of State (England) or by Welsh Assembly (Wales)	
Crime prevention*	Power to spend money on various crime prevention measures	
Drainage	Power to deal with ditches and ponds	
Entertainment and the Arts*	Provision of entertainment and support for the arts including festivals and celebrations	
Flagpoles	Power to erect flagpoles in the highways	
Free Resource	Power to incur expenditure not otherwise authorised on anything which in the council's opinion is in the	

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	interests of the area or part of it or all or some of the inhabitants	
Gifts	Power to accept gifts	
Highways	Power to maintain footpaths and bridleways	
	Power to light roads and public places	
	Power to provide parking places for vehicles, bicycles and motor-cycles	
	Power to make a dedication agreement for a new highway or widening of an existing highway	
	Right to veto application to magistrates court to stop up, divert or cease to maintain a public highway	
	Power to complain to a local highway authority that a highway is unlawfully stopped up or obstructed	
	Power to plant trees etc. and maintain roadside verges	
	Power to prosecute for unlawful ploughing of a footpath or bridleway	
	Power to provide traffic signs and other notices	
Investments	Power to participate in schemes of collective investment	
Land	Power to acquire land by agreement, to appropriate land and to dispose of land	
	Power to acquire land by compulsory purchase	
	Power to accept gifts of land	
	Power to obtain particulars of persons interested in land	
Lighting	Power to light roads and public places	✓ The same
Litter*	Power to provide litter bins in streets and public places	
Lotteries	Power to promote lotteries	
Meetings		
	Power to convene a parish meeting	✓

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		The same
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	
Newsletters	Power to provide information relating to matters affecting local government	
Nuisances*	Power to deal with offensive ponds, ditches and gutters	
Open Spaces	Power to acquire and maintain open spaces	
Parish documents	Power to give directions as to custody of parish documents	
Parking facilities	Power to provide parking places for motor vehicles and bicycles	
Parks and pleasure grounds	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	
Public buildings and village halls	Power to provide buildings for offices and for public meetings and assemblies	
Public conveniences	Power to provide public conveniences	
Publicity	Power to provide information about matters affecting local government	
Records	Power to collect, exhibit and purchase local records	
Recreation*	Power to provide a wide range of recreational facilities	
	Provision of boating pools	
Seats and shelters*	Power to provide roadside seats and shelters	
Town and Country planning	Right to be notified of planning applications	
Town status	Power to adopt town status	
Tourism*	Power to contribute to encouragement of Tourism	
Traffic calming	Power to contribute to the cost of traffic calming measures	
Transport*	Power to (a) establish car-sharing schemes; (b) make grants for bus services; (c) provide taxi-fare concessions; (d) investigate public transport, road use needs; (e) provide	

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	information about public transport services	
Village signs	Power to use decorative signs to inform visitors	
Village greens*	Power to maintain, to make bylaws for and to prosecute for interference with village greens	✓ The same
Village Halls*	(see Community centres and Public buildings)	
War memorials	Power to maintain, repair and protect war memorials	✓ The same
Water supply	Power to utilise any well, spring or stream to provide facilities for obtaining water from them	

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Appendix 2 – Legal Technical Notice 3 – Powers of the parish meeting



LTN 3 - The powers
of a parish meeting in

Appendix 3 – Legal Technical Notice 6 – Meetings of the Parish Meetings



LTN 6 - Meetings of
Parish Meetings.pdf

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Appendix 4 – Draft minutes from the last meeting at Dunwich

DUNWICH PARISH MEETING



Draft Minutes of Dunwich Parish Meeting held on 29th July 2016

1. Welcome and apologies for absence:

Present: Electors: S. Strickland (Chairman), D. Boechler (Treasurer), J. Zarins (Vice-Chairman),

A. Abell, G. Abell, J. Cary, D. Cook, J. Godfrey, J. Hamilton, P. Labat, C. & M. Palmer, K. Riches, J & J. Salusbury.

Visitors: L, Barrick.

Apologies C. Barnett, D & S. Blackwell, D. Cole, H. Cook, E. McCormick, J. Sharp, R. Smith, R. Walter, J & M. Whitby, B & M. White, Cllr. M. Gower.

2. Minutes of the Parish Meeting of 29th April 2016

Minutes of 29th April were proposed (G. Abell), seconded (J. Cary), and approved *nem. con.*

3. Matters arising from the Minutes not otherwise on the agenda:

1. On Broadband, BT Infinity could now provide up to 27 MB/s at marginally cheaper rates than previously: subscribers might wish to contact their provider about up-grading.
2. It was reported that St James Church had received an RIBA Craftsmanship Award for the recent work on the church roof.

4. Treasurer's Report:

The current balance was £2,423.57.

Cheques requiring approval: i) Ray Bater: 3 cheques – each of £45 – for grass cutting on the Millennium Green. ii) JRB Enterprises: £101.40 for supply of dog bags for the bins on the beach.

Payment was proposed (J. Cary), seconded (D. Cook). Annual Accounts of the Parish Meeting had now been reviewed by the external auditors and passed without comment.

5. Presentation by Ben Mattock (Forest Enterprise) Due to unforeseen circumstances, Ben Mattock was unable to attend this meeting but had expressed willingness to join the October meeting.

6. Amenity Report:

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1. Pavement north side of St James Street: The Amenity Warden, R. Smith, reported that he had had little success in finding a contractor willing to take on the job of replacing the grass verge. Various options were discussed: to tarmac the verge, sow grass seed, or turf the areas as required. DPM officers would further investigate these options. Residents on the North side of St James Street could be reminded to keep hedges cut back from the pavement so as not to impede pedestrians.

2. Superfast Broadband: Ability to receive Superfast Broadband could be checked on the following website by entering the line telephone number to see the VDSL entry with speeds:

<https://www.dslchecker.bt.com/adsl/ADSLChecker.TelephoneNumberOutput>.

The presence of an entry would entitle subscribers to a package through the current provider at a cost. Lack of an entry would still entitle subscribers to access. Jonathan Chown at Better Broadband Suffolk was the contact point for further information at broadband@suffolk.gov.uk.

3. Parking at Dunwich Heath: The National Trust now charged non-members £4.50 to enter Dunwich Heath. Local residents from Dunwich and Westleton could park for free by obtaining a card from the NT booth at the Heath. Cards were being issued per car and residents needed to reapply each year.

6. Coastal Accessible Transport Service Ltd: CATS was the operator for Suffolk Coastal Connecting Communities, a new rural transport service. Services available included: Demand Responsive Bus Services, Door to Door and Community Cars. CATS were looking to find new volunteers for the community car service. Further information was available at 01728-635938

7. Suffolk Fire & Rescue Service: Recommendations for The Integrated Risk Management Plan 2015-18 had been put forward to the County Council Cabinet. Subject to Cabinet agreeing the recommendations, implementation would take place through 2016/17. The full report could be found at:

http://committeeminutes.suffolkcc.gov.uk/searchResult.aspx?gry=c_committee~~TheCabinet

7. **Coastal Defence & Flood Committee Report:** There was nothing to report.

8. **Planning issues:**

1. Norfolk & Suffolk Devolution Deal: This proposal would establish a combined authority headed by a single elected mayor. The scheme would provide a mechanism for the transfer of significant resources and powers from central government to the region including for infrastructure, housing, economic development, employment and skills. The Deal Document, Governance Review and Scheme of Governance were now available on www.eastangliadevo.co.uk/consultation to support the consultation process.

2. The Cart Barn, Mount Pleasant Farm: Proposed reconstruction of side building to existing holiday dwelling together with construction of flint wall & erection of car parking & wood store.

A vote was taken to support the application, proposed (M. Palmer), seconded (K. Riches) and passed by 14 in favour with 1 abstention.

3. The DPM Chairman had received the Minutes of the Annual General Meeting of the Sizewell Parishes Liaison Group.

9. **Other business and dates**

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1. Verges on the Dunwich Road towards Blythburgh needed cutting back. Members were reminded that anyone could report road problems on-line to Suffolk Highways via a simple form at www.suffolk.gov.uk/roads-and-transport/highway-maintenance/report-a-highways-issue/.
2. **Citizens Advice Bureau:** DPM Chairman had received the Annual Report for 2015/16
3. **Dunwich Dynamo:** This year's event seemed to go smoothly, though there were still some issues with parking on St James Street.
4. **Suffolk Wildlife Trust:** would erect a gazebo in the Beach Car Park on 2nd & 11th August, to showcase their work to the public.
5. **Police Report:** Residents should beware of unscrupulous door-to-door fish sellers. The police suggest that fish should only be purchased from reputable fishmongers or from individuals the purchasers know.
6. **Dunwich Fun Day:** This year's Fun Day would be held on Saturday 27th August. The BBQ, Pot Painting, & Ice Creams would be available at The Reading Room, and the traditional Rounder's Match would be held on the Greyfriars site. A meeting would be held on 11th August at 5:00pm to finalise details; volunteers to help on the day were needed and would be greatly appreciated.
7. **Dunwich Town Trust:** A DPM representative on the Dunwich Town Trust would need to be elected at the next meeting. Nomination Forms would be made available in due course.
8. **Reading Room Plans:** Next Open Meeting on 12th November for further consultation.

Next DPM: Friday 28th October 2016 at 7.30 pm.
8:36 pm.

The meeting closed at

Signed as a correct record

Chairman. Date

CHAIRMAN: S. Strickland, Marshside, St James Street, Dunwich, Saxmundham, Suffolk, IP17 3DT. Tel: 01728-648792. VICE-CHAIRMAN: J. Zarins. TREASURER: D. Boechler.

ⁱ Local Government Act 1972. S14(2) and, in Wales, s.33(1)

ⁱⁱ Local Government Act 1972, S13 (1)

ⁱⁱⁱ Local Government Act 1972, S9(1)