

Cherwell District Council

Executive

4 April 2016

<p style="text-align: center;">Hampton Gay and Poyle Parish Meeting – Section 109 Order</p>
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Report of Head of Law and Governance

This report is public.

Purpose of report

To seek approval for the making of an order pursuant to section 109 of the Local Government Act 1972 in respect of Hampton Gay and Poyle Parish Meeting in order to vest in it certain powers of a parish council.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the making of an order in the form appended pursuant to section 109 of the Local Government Act 1972 in respect of Hampton Gay and Poyle Parish Meeting.

2.0 Introduction

- 2.1 Section 109 of the Local Government Act 1972 (“the 1972 Act”) provides for the Council to vest certain powers of a parish council on a parish meeting in its area.
- 2.2 The Hampton Gay and Poyle Parish Meeting has requested the Council to vest a parish council power in it, namely the power provided by section 137 of the 1972 Act.

3.0 Report Details

- 3.1 The Chairman of the Hampton Gay and Poyle Parish Meeting has notified the Head of Law and Governance that, by resolution at a meeting held on 28 January 2016, the parishioners present approved a request being made to this Council for it to make a section 109 order so that the meeting could have vested in it the powers of a parish council under section 137 of the 1972 Act,
- 3.2 Section 137 of the 1972 Act empowers a parish council to incur expenditure up to a certain amount per elector which in their opinion is in the interests of and will bring direct benefit to their area or any part of it or all or some of their inhabitants.

- 3.3 By making the order contained at Appendix 1 this power will be vested in the requesting parish meeting.
- 3.4 It is understood that the parish meeting intends to use precept monies to subsidise a local bus service.

4 Conclusion and Reasons for Recommendations

- 4.1 A valid request has been made to the Council by the parish meeting and it is recommended that the request is granted.

5 Consultation

- 5.1 The ward member has been notified of the request from the parish meeting.

6 Alternative Options and Reasons for Rejection

- 6.1 Executive could reject the request but there are no justifiable reasons for doing so.

7 Implications

Financial Implications

- 7.1 There are no financial implications arising from this report.

Comments checked by Martin Henry, Director of Resources, 0300 0030102;
martin.henry@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 Section 109 of the 1972 Act permits the Council to make an order vesting certain powers of a parish council in a requesting parish meeting. Two copies of the order have to be sent to the Secretary of State.

Comments checked by Kevin Lane, Head of Law & Governance, 01295 221661,
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8 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

Kirtlington

Links to Corporate Plan and Policy Framework

Sound budgets and customer focused council.

Lead Councillor

Councillor Barry Wood – Leader of the Council

Document Information

Appendix No	Title
1	Proposed section 109 order
Background Papers	
None	
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CHERWELL DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1972

**THE HAMPTON GAY AND POYLE PARISH MEETING (FUNCTIONS)
ORDER 2016**

Cherwell District Council, in exercise of the power in section 109 of the Local Government Act 1972 and of all other enabling powers, hereby makes the following order –

1. With effect from the date of this order, Cherwell District Council confers on the parish meeting of the parish of Hampton Gay and Poyle in the county of Oxfordshire the functions of a parish council under section 137 of the Local Government Act 1972.
2. This order may be cited as the Hampton Gay and Poyle Parish Meeting (Functions) Order 2016

GIVEN UNDER THE COMMON SEAL OF THE COUNCIL

and dated April 2016

Authorised Officer

EXPLANATORY NOTE

(this note is not part of the order)

1. Section 109 of the Local Government Act 1972 provides that on the application of the parish meeting of a parish not having a separate parish council, the district council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.
2. Section 137 of the Local Government Act 1972 provides a power to incur expenditure for certain purposes not otherwise authorised.