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**COMMUNITY GOVERNANCE REVIEW**

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**Responsible Cabinet Member -  
Councillor Stephen Harker, Efficiency and Resources Portfolio**

**Responsible Director -  
Catherine Whitehead, Assistant Chief Executive**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek Members approval for the proposed areas in which Community Governance Reviews (CGRs) will be carried out.

**Summary**

2. The Local Government Boundary Committee for England conducted a review of ward boundaries in the Borough and the changes will come into effect at the new electoral term in 2015. The review has prompted the duty of the Council to consider whether to hold Community Governance Reviews to review the boundaries of the parishes within the Borough.
3. A report was presented to Council in September 2014 which outlined the process which would be followed to conduct reviews. As agreed a consultation exercise has been conducted with parish councils to enable them to indicate their preference as to whether each parish should be subject to a Community Governance Review. This report sets out the proposed areas for a review to be conducted and the process which will be followed in those areas.
4. There has been some misunderstanding about the conduct of elections and the cost to parish councils. There will be no additional costs to parish in the conduct of elections as a result of being the subject of a Community Governance Review. However, a decision was made during the last round of budget cuts that parishes should meet the cost of the elections which take place every four years and the by-elections should they occur. To date only one Council, Hurworth, has held an election for a parish seat. Parish elections are not common and the Council's approach to charging parishes to carry out elections is consistent with other Council's with parishes in the area. The Borough Council has agreed to protect parishes from the cost of elections which arise solely as a consequence of a Community Governance Review.

## **Recommendation**

5. It is recommended that:
  - (a) The Council makes a decision that Community Governance Reviews should be conducted in relevant areas in 2015-2016.
  - (b) The list of areas to be subject to a Community Governance Review is approved.
  - (c) The timing and process for the conduct of Community Governance Reviews is agreed.

## **Reasons**

6. To ensure that the Council complies with its duties under the Local Government and Public Involvement In Health Act 2007.

**Catherine Whitehead**  
**Assistant Chief Executive**

## **Background Papers**

- (i) Local Government and Public Involvement in Health Act 2007
- (ii) The Local Government Boundary Committee for England Review of Ward Boundaries

Cath Whitehead : Extension 2306

S17 Crime and Disorder	There are no specific implications for Crime and Disorder
Health and Well Being	There are no specific implications for Health and Wellbeing
Carbon Impact	The carbon impacts of this proposal are considered to be small.
Diversity	There are no specific diversity issues in this report
Wards Affected	This report specifically affects the rural wards of Heighington, Sadberge and Whessoe, Middleton St George and Hurworth. It also affects the adjoining urban wards of Harrowgate Hill, Faverdale and Skerne Park.
Groups Affected	The report specifically affects Parish Councils and parish meetings.
Budget and Policy Framework	There are no changes to the Budget or Policy Framework.
Key Decision	This is not an Executive Decision
Urgent Decision	This is not an Executive Decision
One Darlington: Perfectly Placed	The report reflects statutory obligations.
Efficiency	The report does have some implications for increased costs not currently provide for within the MTFP.

## MAIN REPORT

### Information and Analysis

7. The obligation on Councils is set out in the Local Government and Public Involvement in Health Act. There is also a detailed guidance document on Community Governance Reviews from the Department for Local Government and Communities dated March 2010. Together the legislation and guidance requires the Council to consider whether to hold Community Governance Reviews in circumstances such as where there has been a ward boundary review, where there has been development which has changed the nature of communities or whether there has been some other change to local communities over time. The Council has not received a report recommending consideration of whether to conduct a review since the responsibility was given to local Councils. In the event that the Council does not carry out a CGR then the community itself can request one through a petition.

### Timing of Elections

8. The guidance states that CGRs should not take more than 12 months to conduct. Given the consultation necessary and to allow proper consideration of the results of the consultation it is suggested that a period shorter than six months would be impracticable. The reviews should be held in sufficient time to allow electoral arrangements to be put in place. It is possible to hold special elections for parishes

by shortening the term of office at the 2015 elections to allow CGRs to be conducted mid-term. This process is specifically allowed for in the legislation. Elections will, therefore, be conducted in 2015 for a term of office of one year and again in the following year for the new areas for a term of three years. This will ensure parish elections continue to be aligned to local elections.

9. There were only two contested seats in 2011 and therefore elections might not need to be held in each case. For financial reasons the guidance recommends that the new parishes would come into being on 1 April and interim arrangements would then need to be put in place (guidance suggests with Members from the Principal Councils) in the period between 1 April and the elections would be responsible for parish business although in practice it would not be necessary for any business to be conducted during this period other than in an emergency.

### **Cost of Elections**

10. The cost of parish elections is incurred by the Borough Council but is recharged on a proportionate basis to the parishes where an election is held. This has been the case since 2010 when the decision was made by Council to recharge parishes and this was communicated to all parishes at that time. The usual parish elections which take place in 2015 will be recharged to the parish in the normal way. If it is necessary to hold elections in any parish following the CGRs in 2016 then the costs will be met by the Council. The number of parishes who actually hold elections as opposed to simply nominating has been very low and it may not be necessary for any elections in that year.

### **Council Decision**

11. The decision to conduct a CGR sits with the Borough Council. There are various reasons stated in the guidance why the Council should consider conducting a CGR in particular:
  - (a) Where the community area has changed eg due to new build etc.
  - (b) Where there has not been a review for some time the guidance advises that parish arrangements should be reviewed to ensure they reflect current communities.
  - (c) Where an LGBCE review is carried out which recommends changes to the ward boundaries.
12. It may also be advisable to conduct a review where a petition for a review is anticipated and a decision to conduct a review would ensure the timing would better align with the electoral timetable.

## **Conducting Community Governance Reviews**

13. When undertaking a review Councils have to consult local people and ensure that the outcome:
  - (a) Reflects the identities and interests of the community area in the review.
  - (b) Looks to ensure effective and convenient community governance.

## **Terms of Reference of a Review**

14. The Council must establish the Terms of Reference of the review and publish these; this triggers the timing of the review which must be completed within 12 months from that date.
15. The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken. It requires the terms of reference to specify the area under review and the principals Council to publish the terms of reference.
16. The Government expects the terms of reference to set out clearly the matters on which a community governance review is to focus. The local knowledge and experience of communities in their area which principal councils possess will help to frame suitable terms of reference. The terms should be appropriate to local people and their circumstances and reflect the specific needs of their communities.

## **Consultation**

17. The Council informed parishes through the Parish Council Association that it intended to consider carrying out Community Governance Reviews at its meeting on 25 September and a draft copy of the report was shared with the association. Changes were made to the report as a result of comments from the parishes at a meeting of the Parish Council Association on 19 August 2014.
18. The report to Council was a public report and was available to all residents and set out the areas in which it was proposed to consider carrying out CGRs.
19. A letter was subsequently sent to all parishes on 28 October 2014 which set out the list of areas the list of areas and the current parish arrangements for those areas which were proposed to be subject of a review.
20. A further discussion took place at the Parish Association meeting on 19 November 2014 at which representations were made. A letter was sent out thereafter indicating that Neasham should also be considered for a review in response to representations made. The letter was marked as update and the only change was the addition of Neasham to the proposed review list.
21. The chart which was included within the letter is set out below. Discussion of each of these proposals is set out below under the heading recommendations.

Proposed Areas for Review	Areas not for Review
<ul style="list-style-type: none"> <li>• Archdeacon Newton</li> <li>• Hurworth</li> <li>• Low Dinsdale</li> <li>• Middleton St George</li> <li>• Whesoe</li> <li>• Neasham</li> </ul>	<ul style="list-style-type: none"> <li>• Bishopton</li> <li>• Heighington</li> <li>• High Coniscliffe</li> <li>• Low Coniscliffe and Merrybent</li> <li>• Piercebridge</li> <li>• Sadberge</li> </ul>

## The Rules

22. A CGR can recommend changes to the parish boundary so that with affect from the following elections the parish area will be amended to cover the new area decided by the review. The decision rests ultimately with the Borough Council (the Principal Council) but is subject to consultation with Parish Councils, parish meetings and residents.

## Parish Councils and Meetings

23. A parish meeting consists of the electors of the parish with the chairman of the parish and the proper officer of the Council as the trustees for the parish meeting. A parish council is a corporate body consisting of the elected members with powers to precept. Section 39(2) of the Local Government Finance Act 1972 gives power for parish meetings to set a precept which as with parish council precepts is collected on behalf of the parish by the Borough council when it sets the council tax.
24. As a local precepting authority the parish council or parish meeting is required to make certain calculations in order to determine its annual budget requirements. It must only precept for expenditure relating to specific functions, powers and rights which have been conferred on it by legislation. Expenditure beyond these powers needs a special Order which is granted by a district council. The parish meeting can ask to have the same powers as that of a parish council under S137 of the LGA 1972
25. The guidance restricts the recommendations of the CGR so that the Council can only recommend a parish meeting for any number of residents between 0 – 150, it can recommend a parish meeting or parish council for any number of residents between 150 – 999 and should recommend a parish council for any population 1000 or over.
26. There are separate powers which can allow parish meetings to request being joined with adjoining parish meetings with their consent to form a larger a parish.

## Parish Precepts

27. The current precept for the parishes is as follows (all of the current precepting parishes are Parish Councils):

Archdeacon Newton	1,400
Bishopton	6,400
Heighington	15,513
High Coniscliffe	1,500
Hurworth	40,785
Low Coniscliffe/Merrybent	5,050
Low Dinsdale	6,500
Middleton St George	45,182
Neasham	1,430
Piercebridge	1,565
Sadberge	5,600
Whessoe	4,400

## Parish Wards

28. Where a Parish Council (which are subject to elections) falls across two wards then each area will be warded across the ward boundary. For example the current Parish Council area of Whessoe is split into two wards the rural ward of Whessoe parish which sits in the ward of Sadberge and Whessoe and the urban parish ward which sits within the Harrowgate Hill ward. This enables the conduct of elections to be consistent with local elections for the efficient conduct of elections. Where a parish is warded in this way each warded area must have 100 or more electors.

## Recommendations for Boundary Reviews

29. Under s92 of the Act the Council can make recommendations to the Local Boundary Commission for England as to what related alteration should be made to the boundaries of the electoral areas of any affected principal Council. Consultation has taken place with the Boundary Commission about the process for making such a recommendation. It would need to be a formal conclusion of any CGR as a result of a change to the parish resulting from the review. The changes would not take affect if recommended following the reviews in 2016 until the next local elections in 2019.

## Council Size

30. The review will also recommend the size of parish councils. This is determined by a number of factors. Population is a key factor and the aim should be that the number of parish members broadly corresponds to the electorate for the relevant area. The following number represents the typical number of parish council members according to the electorate that currently exist.

<b>Population</b>	<b>Number of Parish Council Members</b>
Up to 500	5-8
501-2500	6-12
2501-10,000	9-16
10,001-20,000	13-27
20,00 and above	13-31

There is a National Association of Local Councils Circular which reflected similar numbers and suggests the range should be 7-25.

Other factors include the geography; the pattern of communities and comparable parishes in the area; the ability to recruit parish members in the relevant area and the budget available to the parish council.

### **Review Areas**

31. There are four main areas for consideration. The information in brackets indicates the consequences to the area of the Boundary Changes to the wards due to take affect at the local elections in May 2015:
  - (a) Archdeacon Newton (currently split between Heighington and Coniscliffe and Faverdale but is due to sit entirely within Brinkburn and Faverdale).
  - (b) Hurworth Parish (the area known as the Pastures currently in Hurworth ward will move into Park East ward).
  - (c) Middleton St George and Low Dinsdale Parishes (part of the latter will move into the Hurworth Ward).
  - (d) Whessoe (no change is proposed to the boundary but currently straddles the Sadberge and Whessoe and Harrowgate Hill wards in future this will be Heighington and Coniscliffe and Harrowgate Hill).

### **Recommendations following consultation: Archdeacon Newton CGR**

32. Archdeacon Newton Parish is currently divided between Heighington and Coniscliffe and Faverdale wards and the parish is warded into two to enable elections to take place in the two wards. The Boundary review proposes that the entire parish should form part of the ward of Brinkburn and Faverdale. Currently residents living in adjacent houses in the Faverdale housing development may be paying or not paying a precept according to the position of their house with regards to the parish boundary. Representations have been received from Councillor Lee and Councillor Cruddas (Heighington and Coniscliffe Members) that Archdeacon Newton parish Council should be split along the A1M boundary and the upper part



should be joined to adjoining parish meeting Walworth to form a single Parish Council. The lower part would cease to be parished as it forms part of the urban area. Walworth meeting has a population of 92 with the upper part of Archdeacon Newton having a population of 16 combined they have insufficient numbers for the CGR to recommend a parish council. It could recommend a combined parish meeting (this would not allow a precept to be levied). Alternatively it could be left as a single entity within the area of Brinkburn and Faverdale.

33. If a number of parish meetings were combined to create sufficient population to form a parish council then the Parish Council area would straddle two wards ie those of Heighington and Coniscliffe and Brinkburn and Faverdale. The warded part that covers the area North West of the A1M (currently covered by Archdeacon Newton Parish Council) would have to create a separate parish ward to allow for elections of the area in accordance with new ward boundaries. The population of this area is 16 and therefore it would not be possible for the Community Governance Review to recommend this electoral arrangement. However northern part of Archdeacon Newton and Walworth could form a parish meeting. The CGR does have the power to make recommendations to the Local Government Boundary Commission. A recommendation could be made to propose that the boundary of the Brinkburn and Faverdale ward is the A1M and that the remaining area of the parish of Archdeacon Newton move into the ward of Heighington and Coniscliffe and could then link with other parish meetings to create a Parish Council area if desired by the local community. This would be consistent with the community identity of the area. Representations have been made by the parish Council Chairman and the Ward Councillor that the Archdeacon Newton parish has always been and considers itself to be part of Heighington and Coniscliffe.

Archdeacon Newton – (section beyond the A1M) 16 electors;

Denton – 33 electors;

Houghton-le-side – 60 electors;

Killerby – 46 electors;

Summerhouse – 59 electors;

Walworth – 92 electors

### **Proposed Terms of Reference of a Review**

34. It is recommended that the review consider whether the parish council of Archdeacon Newton be disbanded and if so what alternative arrangements should exist within the area for the community governance of the area of the current Archdeacon Newton parish including the potential to create a parish meeting. The review should also consider whether recommendations should be made to the Boundary Commission to alter any boundaries as a result of the review.

### **Hurworth Parish CGR**

35. Hurworth Parish currently includes the western area of the Hurworth ward up to the boundary of the urban wards and south to the Borough boundary with the eastern part of the ward currently covered by Neasham Parish. Following the implementation of the ward boundary review a small part of the Skerne Park

housing development known as the Pastures will form part of the Hurworth Parish but form part of the new Park East ward. It is proposed that the change in Parish boundary should follow the same line as the ward boundary and the Pastures should cease to be parished. Consultation responses support this approach although they recommend that the changes should go further to follow the line of the A66. They also recommend that the review should be conducted now in advance of the next election. It is not possible to carry out a CGR in the timescales available and without consultation with the residents of the area a review must therefore form part of the agreed programme.

36. Whilst following the line of the A66 may seem logical the area within the A66 Boundary which would cease to be parished in such a process would continue to form part of the Hurworth ward leaving an inconsistency between the parish boundary and the ward boundary. This would create administrative difficulties with elections being conducted on the basis that some of the members of a ward would receive a ballot paper for both parish and ward elections whilst others would not, this will create additional difficulties in verifying the numbers of votes in the ballot boxes with the number of voters who have voted, requiring separate accounts to be kept for this small area. A criteria for the review will be 'effective and convenient local government'.

### **Recommendations**

A CGR of Hurworth Parish is recommended.

### **Terms of Reference**

The terms of reference are that the area which is affected by the Boundary Review and that will form part of the new Park East ward known as 'the Pastures' should cease to be parished and the parish Council area of Hurworth should reflect the revised boundary along the new ward boundary.

### **Low Dinsdale Parish CGR**

37. The Low Dinsdale Parish currently sits entirely within the ward of Sadberge and Middleton St George but following the boundary review the parish will be split between Middleton St George ward and Hurworth ward. The upper part could reasonably form its own parish council under a new name, as the numbers of population would support this or alternatively it could be absorbed within the existing parish of Middleton St George which is currently co-terminous with the ward so that the parish boundary review follows the ward boundary review. The lower part of Low Dinsdale is of insufficient numbers (97 approximately) to create a parish council of its own. If it were joined with the Sockburn parish meeting this would create a parish meeting of 107 but the CGR could not recommend a Parish Council for the combined area. However one or both could reasonably be incorporated into the parish of Neasham (279 residents) to create a Parish Council with either 386 or 376 residents (depending on whether it includes the parish area of Sockburn).

38. We have received consultation responses from Middleton St George parish (and their ward members) that support the CGR of Low Dinsdale and the incorporation of the area which will sit within the Sadberge and Middleton St George ward into the Middleton St George parish based on community identity. We have also received representations from Sockburn parish meeting who support the CGR and the inclusion of Neasham in the review. The view expressed by the Parish of Neasham is that they would prefer to maintain the status quo and do not wish to acquire responsibility for areas currently covered by other governance arrangements, although they understand the reasons why Neasham is relevant to the consideration of the future of the lower part of Low Dinsdale in the circumstances created by the boundary review.

### **Recommendations**

A CGR of Middleton St George, Low Dinsdale and Neasham Parish Councils is recommended to include a review of Sockburn Parish meeting as part of the process.

### **Terms of Reference**

The Terms of Reference are that the review should consider the division of the Parish Council of Low Dinsdale between the new wards of Sadberge and Middleton St George and Hurworth. This could result in changes to the parish boundaries, changes to the names of parishes, new parish meetings or the amalgamation of areas of some parishes with existing parish councils or meetings. The areas covered by Neasham Parish Council and by the current parish meeting of Sockburn should also be considered for possible inclusion in any solution.

### **Whessoe Parish CGR**

39. The Parish Council of Whessoe is currently split between Sadberge and Whessoe Ward and Harrowgate Hill Ward. Although the parish will move into the Heighington and Coniscliffe ward as part of the proposals of the ward boundary review there are no specific proposals which affect the parish boundary. There are residents living as part of the urban area who may be neighbours who pay a parish precept or don't according to where they sit in relation to the historic parish boundary. We have received representations from Whessoe parish following their meeting on 27 November 2014 and a further detailed submission which supports the view that they do not want a Community Governance Review. The ward boundary review has not affected this area and although there is a rural urban split in the electoral arrangements these have existed at previous elections and have not created a difficulty in the conduct of elections as each ward has sufficient population to enable the elections to be conducted efficiently.

### **Recommendations**

No Community Governance Review is recommended.

## **Conduct of the Reviews**

40. Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that there is compliance with the duties in the Act.
41. The duties in the Act are:
  - (a) To consult the local government electors for the area under review.
  - (b) To consult any other person or body which appears to the Council to have an interest in the review.
  - (c) To have regard to the need to secure that community governance in the area reflects the identities and interests of the community in the area under review and is effective and convenient.
  - (d) To take into account any other arrangements which have already been made or that could be made for the purposes of community representation or community engagement in respect of the area under review.
  - (e) To take into account any representations received in connection with the review.
  - (f) To conclude the review in 12 months and publish the recommendations of the review.
42. Consultation needs to include all people likely to be affected, those within the area and those who might be included within it. Decision making needs to be transparent and the outcomes and reasons need to be published.

## **Grouping Parishes**

43. The legislation (s91) provides for the grouping or degrouping of parishes. Unless they already exist as parishes councils smaller new parishes of less than 150 electors will be unable to establish their own parish council under the Act. In some cases, it may be preferable to group together parishes so as to allow a common parish council to be formed. Such proposals are worth considering and may avoid the need for substantive changes to parish boundaries, the creation of new parishes or the abolition of very small parishes where, despite their size, they still reflect community identity. It needs to reflect community identity and should not be used to build artificial communities under a single parish council.

## **Abolishing and Dissolving Parishes**

44. The Government expects to see a trend in the creation rather than the abolition of parishes however there are circumstances where the Council may conclude that the provision of effective and convenient local government and or reflection of community identity and interests may be best met by the abolition of small parishes

and the creation of a larger parish covering the same area.

### Process for the Review

45. It is proposed that a similar process is followed for Community Governance Reviews to that which was used for the Boundary Review. As follows:

<b>Date</b>	<b>Activity</b>
March-May 2015	Launch of Consultation inviting submissions from Parish Councils and local interested groups on their proposals for their areas.
July 2015	Council consideration of submissions and preparation of draft proposals.
August –September 2015	Public consultation on draft proposals
November 2015	Final decision by Council and approval of draft Order
December 2015 – March 2016	Implementation of Order, financial arrangements and conduct of nominations/elections.
1 April 2016	New arrangements come into force

46. The review will be conducted on the basis that in the first instance (as was the case with the Boundary Review) the Council's themselves are asked to make submissions. Other individuals can make recommendations via the public website during this time but there will not be widespread consultation inviting comments from Members of the public. Once the representations from local interested groups have been received and considered, draft proposals will be prepared. All representations will be published and the process will be entirely open to inspection.
47. The draft proposals that are drawn up at this stage will be subject to formal public consultation through distribution to public places in the local area and through the Council's website and published material. It is not proposed to write to each resident. Public consultation will conclude at the end of September 2015 and final proposals and order will then be drawn up.
48. The final stage will involve the presentation of the draft proposals to Council for a decision. At this stage the draft Order and publication materials will also be presented. These will be published shortly after a decision by Council and made available for inspection at the Town Hall, on the Website, in Darlington Together and in various community facilities within the relevant areas. Where there are financial implications in the review the guidance suggests changes should come into effect in April. In the period between the beginning of the new financial year and the election it is proposed that the Borough Council accepts responsibility for the management of the Parish Councils. This will help to avoid any allegations of misuse of the budget as between old and new Parish Councils.

## **The Implementation**

49. If the Council decides to change parish boundaries following a review, then it needs to draw up a reorganisation order. The order will be published together with the reasons and maps explaining the changes. These documents will need to be made available for inspection. It must also notify various bodies about the changes including the LGBCE.
50. Changes to Parish Councils may give rise to a number of consequential regulations and changes to give effect to the financial consequences of the reorganisation and the assets of the existing Parish Councils. The organisations themselves may also enter into agreements as to how the liabilities and consequences of the transfer of responsibilities will be arranged. These would be similar to the arrangements which are put in place between principal Councils following a Local Government reorganisation although on a smaller scale.
51. In the event that there is no Parish Council continuing after the review the Council will inherit the assets and liabilities of the Parish Councils. Steps would need to be put in place to ensure that the management in the months leading up to the end of the parish was appropriate. Guidance advises that a decision to abolish a Parish Council should not be taken lightly and that alternative arrangements will always need to be in place before such a decision is taken.

## **Financial Implications**

52. There will be additional costs to the Council's election budget if there are parish elections after the reviews in 2016. The recent Hurworth Parish Election had a total cost of £3,211.92.
53. If the Parish Councils have incurred liabilities and the Parish Councils are abolished responsibility rests with the Borough Council. The Council's insurance will cover these liabilities as they arise from statute where they are result of eg negligence. Management of contracts and other liabilities should be handled in such a way and notice given at the outset of the review to avoid liabilities existing after the demise of the Parish Council.

## **Consultation**

54. Representations have been received from parishes about some of the anomalies highlighted above over a number of years.
55. Following the Council report a letter was sent out consulting Parishes and parish meetings about the proposed areas for a review. Representations were received from a number of parishes some supported the proposals and others put forward alternatives. Those which supported a proposal not to include an area in a review have not been referred to in this report unless a contrary view was also expressed.
56. In the event that CGRs are carried out in any parish then further extensive consultation would be carried out with both Parish Councils and residents in the relevant areas during 2016 as detailed.