
COMMUNITY GOVERNANCE REVIEW

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

Responsible Director – Catherine Whitehead, Assistant Chief Executive

Purpose of Report

1. The purpose of this report is to consider the Council's responsibilities in relation to undertaking Community Governance Reviews (CGRs) and determining the electoral arrangements for Parish Councils, particularly in the light of the proposed changes to ward boundaries as a result of the Further Electoral Review.

Background

2. The Local Government Boundary Commission for England (LGBCE) is responsible for carrying out Further Electoral Reviews (FERS) which recommend to Parliament changes to Local Government ward boundaries. A review of Darlington's wards has now been finalised and the recommendations were published on 12 August 2014. The Local Elections in 2015 will be carried out on the new boundaries, with Parish Elections taking place simultaneously. The recommendations of the LGBCE result in a number of changes to boundaries affecting parishes. Arguments relating to communities and the alignment resulting in changing ward boundaries may also apply to parish boundaries. There are a number of areas in the Borough where urban new build has resulted in anomalies within parish areas.

Legislation

3. Chapter 3 Part 4 of the Local Government and Public Involvement in Health Act 2007 devolved power to take decisions about parish boundaries and their electoral arrangements to Local Government and local communities. To do so they must carry out CGRs and take into account the views of local people. Much of the legislation relates to situations in which CGRs are requested and it is possible that following the completion of the current ward boundary review that we will receive requests from parish members for reviews to be conducted. Guidance suggests that where changes to communities which have led to anomalies such as those due to new house build for example (such as that which has occurred on the border between Hurworth Parish and Skerne Park) it should prompt local authorities to conduct a review. Alternatively 10% of the population can petition for a review to be conducted. One such request is likely to be received in relation to

Middleton St George whether or not the Council decides to hold a CGR. Provided the petition meets the requirements the local authority must then conduct a CGR.

4. The LGBCE have identified those parishes which would be affected. These are primarily the parishes of Middleton St George and Low Dinsdale as one area and the parish of Blackwell currently in the ward of Hurworth which the submission proposes to split between Hurworth and Park East. Although the parish of Whessoe is split between Harrowgate Hill and Heighington, the parish was previously split in the same way between Harrowgate Hill and Sadberge and Whessoe, so the change has no direct effect on the parish. There is also currently a split between Heighington and Faverdale in relation to Archdeacon Newton parish but this is not envisaged to be a continued split in the final proposals.
5. The Council can choose to carry out Community Governance Reviews or wait to see if a review is petitioned for by residents. This report recommends that the Council takes a proactive step to carry out the reviews.

Recommendations

6. It is recommended that:
 - (a) Consultation is held with parishes about whether or not it is appropriate to carry out a Community Governance Review in any particular parish.
 - (b) In parishes where a CGR is to be conducted members agree to shorten the Parish Councillor term of office at the 2015 elections to one year during the period 2015-6 and that parish elections in 2016 should be for a period of three years only to keep them in line with Borough Council elections.

Reasons

7. The recommendations are supported by the following reasons :-
 - (a) To enable the Council to fulfil its duties under the Local Government and Public Involvement in Health Act 2007.
 - (b) To respond to the impact of the ongoing ward boundary review on parishes.

Catherine Whitehead
Assistant Chief Executive

Background Papers

No background papers were used in the preparation of this report

C 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

8. The duty to carry out Community Governance Reviews falls to the Borough Council. The duty is not automatically triggered by the current further electoral review being carried out by the LGBCE but it is recommended that consideration be given to whether CGRs are necessary at this time. The following parishes are likely to be affected by the proposals:

Middleton St George and Low Dinsdale

9. The submission proposes that Low Dinsdale would be split between the wards of Hurworth and Middleton St George. A CGR of this area would involve consulting the residents of Sockburn, Middleton St George and Low Dinsdale. The Sockburn Parish Meeting area covers the area of the Hurworth ward immediately adjacent to Middleton St George which if the submission went ahead would include the area of Low Dinsdale to the south of Neasham Road.

Hurworth (Blackwell parish ward)

10. The small southern part of the housing area known as The Pastures is adjacent to the Skerne Park Estate, and currently sits within the Hurworth ward. This area is also in the Sedgefield parliamentary constituency. The LGBCE recommendations move the houses in this area into the Park East ward, and this housing area also forms a new Parish Ward of Hurworth, to be known as 'The Lanes', with the remainder of the former Parish Ward of Blackwell being absorbed by the Parish Ward of Hurworth.

Archdeacon Newton

11. This parish currently sits across the wards of Heighington and Faverdale, whereas the recommendations of the LBGCE are that the Parish Ward of Archdeacon Newton becomes a single parish wholly within the new Brinkburn and Faverdale ward. Due to the building of new housing within the existing parish boundaries a small part of the Faverdale new housing sits within the parish (although residents have little involvement in the parish) and as such pay the parish precept. Representations have previously been made for the area that there was an urgent need to ensure that the parish was re-drawn to include the rural area only. The parish is currently split for elections purposes into Archdeacon Newton rural and Archdeacon Newton urban. There is an argument that a wider CGR could review arrangements in this area to better reflect community identity.

Whessoe

12. The parish area here is also split between urban and rural Whessoe with the urban part sitting within the urban ward of Harrowgate Hill and incorporating part of the built up area in the north of that ward. The remainder of the parish is rural and currently forms part of Sadberge and Whessoe although under the submission this

would transfer to Heighington. A CGR could review arrangements in this area to better reflect community identity.

Timing of Elections

13. 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.
14. If this were done elections could be conducted in 2016 the following year but this will not avoid the necessity to hold elections in relevant parishes in 2015 (as this is when the current terms of office will come to an end) and at that time it would need to be made clear that terms of office will be limited to a single year. Unless elections on this second occasion are limited to three years then the elections will thereafter be out of step with other local elections. This process is, however, specifically allowed for in the legislation.
15. There were only two contested seats in 2011 and it is certainly possible that elections might not need to be held in each case. There are restrictions on the type of elections which can be combined with a parish election so if these were to occur in 2016 then it may be necessary to hold two elections at that time. 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.
16. It is recognised that the obligation to carry out reviews rests with the Council and no CGRs have been conducted by the Council since responsibility was passed to the Council. Prior to that no parishes have been reviewed outside minor electoral changes at the time of the last boundary reviews.

Cost of Elections

17. 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. If the Borough Council decides to shorten the period of office so that parish elections would be carried out (where necessary) in 2015 and 2016 the Borough Council could withhold the recharge for those parishes who hold elections in 2016 whilst continuing to charge in the normal way for any elections necessary in 2015 on the basis that these would have been necessary in any event. 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 changes in many parishes if Community Governance Reviews are not required to be carried out. The costs are not likely to be significant.

Public Petitions

18. If a CGR is triggered by a public petition where the area is greater than 2,500 electors 10% of the electorate is required to sign the petition. Provided that the petition is valid and that there hasn't been a review of the area within the previous two years then the Council must then hold a CGR.

Council Decision

19. The Council also has a power to decide to conduct a CGR. 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.
20. 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

21. 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.
22. 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. The guidance provides detail about the way in which a CGR should be conducted and the factors that ought to be taken into account; these are not dissimilar to the factors relevant to a ward boundary review in relation to reflecting communities and ensuring that the population and size of the parish is appropriate. Consultation needs to include all people likely to be affected, those within the area and those who might be included within it. There is also an obligation to consult relevant community groups within the area. Decisions need to be transparent and the outcomes and reasons need to be published.

Implementation

23. If the Council chooses to accept the recommendations of the review, then it needs to draw up a reorganisation order and publish this together with the reasons for it and maps explaining and make it available for inspection. It must also notify various bodies about the changes including the LGBCE. This would then result in 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.

Consultation

24. Representations have been received from parishes about some of the anomalies highlighted above over a number of years.
25. Following the preparation of a draft of this report it was considered at a special meeting of the Parish Council Association on 19 August 2014. At this meeting Parish Council members supported the report but agreed that it was not necessary to change electoral timings in parishes where a CGR would not be conducted.
26. Further consultation will take place before the next election to identify which parishes should be subject to a CGR. That decision will be taken in time to allow notice for those standing for election to know the period of office for which they are standing.
27. 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.