
COMMUNITY GOVERNANCE REVIEW

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

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

SUMMARY REPORT

Purpose of the Report

1. To seek Members approval for the proposals set out in **Appendix 1** to be published for public consultation in accordance with the timetable set out in the report.

Summary

2. The Local Government Boundary Committee for England conducted a review of ward boundaries in the Borough. The review has prompted the duty of the Council to consider whether to hold Community Governance Reviews (CGR's) to review the boundaries of the parishes within the Borough.
3. A report was presented to Council in January 2015 to approve the areas which would be subject to a review and the terms of those reviews. As agreed a consultation exercise has been conducted with parish councils to enable them to indicate their preference as to the outcomes of the Community Governance Reviews. This report sets out the proposals for new parish boundaries which will move forward to public consultation before any final decision is made.
4. 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) Members approve the draft proposals for changes to parish boundaries in the Borough which will move forward to public consultation.
 - (b) Members receive a further report in November 2015 with the final proposals following consultation which will include the draft order.

Reasons

6. To ensure that the Council complies with its duties under the Local Government and Public Involvement In Health Act 2007.
7. To support the delivery of the Council's objective to Build Strong Communities set out within the Community Strategy.

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

Catherine Whitehead : Extension 5814

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 wards of Brinkburn and Faverdale, Sadberge and Middleton St George and Hurworth. It also affects the adjoining wards of Heighington and Coniscliffe, Hurworth and Park East. .
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. Community Governance is a function of Council.
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 costs which will be absorbed within existing budgets.

MAIN REPORT

Information and Analysis

8. 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 where there has been a ward boundary review; where there has been development which has changed the nature of communities or where there has been some other change to local communities over time.

Timing of Elections

9. 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. All co-options to the relevant parishes have been for a period of one year to allow the implementation of the outcome of the Community Governance Reviews in May 2016.
10. 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 in May. During this time the Borough Council 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

11. 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 the Council to recharge parishes and this was communicated to all parishes at that time. The parish election which took place in 2015 will be recharged to the parish in the normal way. The only parish election which took place this year occurred in Heighington and there is no Community Governance Review in relation to the parish of Heighington. 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

12. In January the Council decided to carry out the following Community Governance Reviews:

Archdeacon Newton	<p>Whether the parish council of Archdeacon Newton should continue on the current boundary</p> <p>If not what alternative arrangements should exist within the area for the parish including a parish meeting</p> <p>The review should also consider whether recommendations should be made to the Boundary Commission to alter any boundaries as a result of the review</p>	<ul style="list-style-type: none"> • Brinkburn and Faverdale Ward • Heighington and Coniscliffe Ward • Archdeacon Newton Parish Council • Walworth Parish Meeting • Coatham Mundeville Parish Meeting • Whessoe Parish Meeting • High Coniscliffe Parish Meeting • Low Coniscliffe and Merrybent Parish Meeting • Denton Parish Meeting • Heighington Parish Meeting • Houghton Le Side Parish Meeting • Killerby Parish Meeting • Summerhouse Parish Meeting • Piercebridge parish Meeting
Hurworth	<p>Whether the area which was moved by the Review of the Local Government Boundaries into the 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</p>	<ul style="list-style-type: none"> • Hurworth Ward • Park East Ward • Hurworth Parish Council
Low Dinsdale	<p>To establish new arrangements for the Low Dinsdale parish which were affected by the Local Government Boundary Review. This could result in changes to the parish boundaries, changes to the names of parishes,</p>	<ul style="list-style-type: none"> • Sadberge and Middleton St George Ward • Hurworth Ward • Low Dinsdale Parish Council

	<p>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.</p>	<ul style="list-style-type: none"> • Middleton St George Parish Council • Neasham Parish Council • Sockburn Parish Meeting • Morton Palms Parish Meeting
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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 has set out the Terms of Reference of the reviews which were published on 28 April and the review must be completed within 12 months from that date.

Consultation

15. 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 2014 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. 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.

16. A further discussion took place at the Parish Association meeting on 19 November 2014 at which representations were made. Further changes were made to the proposals and a further letter was sent out with the proposed areas for review.

17. The Council considered the proposed areas for review at its meeting on 29 January 2015 and set out terms of reference for those reviews. On 28 April 2015 a further letter was sent to all parishes which set out the areas of the Community Governance Reviews and also the parishes and parish meetings affected as well as the terms of reference of the reviews. The letter requested comments from parish Councils and meetings affected by 30 June 2015 (**Appendix 1**). The results of that consultation are set out in **Appendices 2-4**

The Rules

18. 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

19. 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.
20. 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.
21. The guidance restricts the recommendations of the CGR so that the Council can only recommend a parish meeting for any number of electors between 0 – 150, it can recommend a parish meeting or parish council for any number of electors between 150 – 999 and should recommend a parish council where there are 1000 or more electors.
22. 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

23. 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

24. Where a Parish Council (which is subject to elections) falls across two Borough or Principal Council 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.

Grouping Parishes

25. 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

26. 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.

Recommendations for Boundary Reviews

27. 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

28. 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.

Population	Number of Parish Council Members
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

29. There is a National Association of Local Councils Circular which reflected similar numbers and suggests the range should be 7-25.
30. 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.

Conduct of the Reviews

31. 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.
32. 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.

33. 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.

Process for the Review

34. A similar process is being followed for Community Governance Reviews to that which was used for the Boundary Review. As follows:

Date	Activity
April-June 2015	Consultation inviting submissions from Parish Councils and parish meetings 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

35. The review is being conducted on the basis that in the first instance (as was the case with the Boundary Review) the parishes 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.
36. 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 an order will then be drawn up.
37. 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 other publications 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.

Review Areas

38. There are three Community Governance Reviews underway.

- (a) Archdeacon Newton Parish
- (b) Hurworth Parish
- (c) Middleton St George and Low Dinsdale Parishes

Recommendations following consultation:

Archdeacon Newton CGR

39. The current Archdeacon Newton Parish Council is entirely within the Brinkburn and Faverdale Ward which was extended by the recent boundary review into the rural area to reflect the area of the parish.

Community Identity

40. There are currently two areas of community identity within the Archdeacon Newton Parish those that live in the rural area of Archdeacon Newton in and around the village of that name and those who reside south of the A1M within the Faverdale housing development in the urban area of the Brinkburn and Faverdale ward. The upper part of Archdeacon Newton has a population of 17 and the lower part 836. 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 historical parish boundary.

Consultation Responses

41. Representations were previously received as part of the earlier consultation from Councillor Lee and Councillor Cruddas (Heighington and Coniscliffe ward council Members) that Archdeacon Newton Parish Council should be split along the A1M boundary and the upper part should be joined to adjoining parish meeting of Walworth. This proposal was not supported by a meeting of Walworth Parish Council who have submitted a response within the current consultation making it clear that they would prefer to stay as they are. Archdeacon Newton have also provided a submission supporting the solution outlined below (**Appendix 2**). It is therefore not recommended that the proposed joint parish meeting should be subject to public consultation.

42. The parish of Archdeacon Newton can become a parish meeting. As a parish meeting it could continue to precept at the level it does as a parish council (£1400 per year). However the majority of the tax is levied from the residents of the urban area who have little involvement in the village. It is clear that the current parish boundary has been taken over by the development within the ward. As Walworth has rejected the proposal to combine with the upper part of Archdeacon Newton that part could become a parish meeting. The consultation response from Archdeacon Newton recommends the area East of the A1M, which they refer to as High Grange, should no longer form part of the parished area. The boundary for

the parish meeting could be redrawn to follow the line of the A1M to ensure that the residents of the housing development who happen to fall within the old parish boundary are not paying a council tax levy which their immediate neighbours are not paying. The A1M boundary would be a clear and recognisable boundary and it would also allow for some further development of the area. The area East of the A1M would cease to be parished but could form part of the area covered by the existing Branksome Residents Association.

Recommendations

43. It is recommended that the proposal put forward to public consultation is that the Archdeacon Newton Parish Council retain its identity but become a parish meeting in accordance with the submission of the Parish Council. It is also proposed that to reflect the new community identity of the area the boundary is changed to reflect the current area of development along the line of the A1M.
44. It is recommended that if the review proceeds on this basis that a recommendation should be made to the Local Government Boundary Commission for England that the ward boundary should also be redrawn along the line of the A1M this would move the 13 voters within the Archdeacon Newton parish area into the rural ward of Heighington and Conniscliffe. There is a greater community connection between Archdeacon Newton and the surrounding rural area in Heighington and Conniscliffe than with the urban area of Brinkburn and Faverdale ward. This change if agreed by the LGBCE would not take effect until 2019. This boundary would reflect the existing Parliamentary Boundary and reflect community identity.

Draft Proposals for Public Consultation

45. That Archdeacon Newton parish area become a parish meeting and that the boundary of the parish area be reduced to reflect the rural area in accordance with the plan in **Appendix 2**.
46. It is recommended that a change to the Ward Boundary be recommended to the Local Government Boundary Commission for England following the completion of the CGR.

Hurworth Parish CGR

Community Identity

47. 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 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 forms part of the Hurworth Parish but is now part of the new Park East ward.

Consultation Responses

48. Consultation responses support this approach although they recommend that the changes should go further to follow the line of the A66.
49. 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 very small area. One of the criteria for the review is that the new arrangements must enable 'effective and convenient local government' including the conduct of elections. It is therefore proposed that the area put forward to public consultation reflects the new Borough Council ward boundaries.
50. The identified area within the Park East ward will cease to be parished. The guidance suggests that reviews that conclude that any area which ceases to be parished should be subject to alternative community arrangements. There is the Skerne Park Community Association which covers this area.
51. It should be noted that this proposed change to the Parish Boundary will bring the Ward and Parish boundaries into alignment for local elections however parliamentary elections will continue to be held on the existing boundary.

Draft Proposals for Public Consultation

52. It is recommended that the boundary change outlined on the map in **Appendix 3** be consulted upon as part of the draft proposals.

Low Dinsdale Parish CGR

53. The Low Dinsdale Parish currently straddles the ward of Sadberge and Middleton St George and Hurworth.

Community Identity

54. The upper part of the Parish Council sits within the ward of Sadberge and Middleton St George and represents the eastern part of the expanded village community of Middleton St George. The lower part reflects the rural area of the ward of Hurworth clustered around the hamlet of Low Dinsdale. The community identity of these areas is distinct. The precept for the area is collected from residents of Middleton St George. Expansion of the village has resulted in neighbours within close proximity and of the same community sitting within different Parish areas.
55. The community identity for the upper area is with the village of Middleton St George which has its own parish arrangements.

56. 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).

Consultation Responses

57. We have received consultation responses from Middleton St George parish that support 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.
58. We have received responses from the Low Dinsdale Parish Council which request the status quo which is not permitted by law as the parish ward of Low Dinsdale is too small to comply with the requirements. Secondly they would like a new parish with a new name to reflect both areas. This is not possible because Low Dinsdale will not form part of the new parish of Middleton St George whilst the parish will be new the name should be Middleton St George. The submission does not support the inclusion of Low Dinsdale in Neasham Parish and this comment is reflected in the recommendations below. 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

59. It is recommended that the proposals which go forth to public consultation should be that the area of the Low Dinsdale Parish Council within the ward of Sadberge and Middleton St George ward be combined with the existing Middleton St George Parish Council to form a single parish for the area of the village called Middleton St George. The area of current Low Dinsdale which sits within the ward of Hurworth should form a parish meeting and continue to be parished. It is recommended that Sockburn and the remaining area of the Low Dinsdale parish be combined. If this becomes a parish meeting it could reflect the titles of both areas. However the parish meeting of Sockburn have previously commented that they would be happy to be included in the parish of Neasham and most recently Neasham parish council have expressed their support to welcoming the residents of Low Dinsdale and Sockburn into Neasham Parish. It is therefore suggested that the public consultation should relate to the incorporation of Low Dinsdale and Sockburn parish meetings into the area of Neasham Parish Council.

Draft Proposals for Public Consultation

60. It is proposed that the northern part of Low Dinsdale parish be combined into Middleton St George to create an area of greater Middleton St George as indicated on the map. It is also proposed that the southern part of Low Dinsdale together with Sockburn Parish Meeting be combined to create a greater Neasham Parish Council as indicated on the map. Maps of the proposed new arrangements for consultation are attached at **Appendix 4**.

The Implementation

61. 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.
62. 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.
63. 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

64. 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 by-election had a total cost of £3,211.92. Costs for the Heighington Parish Election in May was £1,190.90 (this election was held within the wider administrative arrangements for Parliamentary and Local elections).
65. 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. At this stage detailed work has not been done on the assets and liabilities as the proposals have yet to be consulted upon.