
COMMUNITY GOVERNANCE REVIEW

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

**Responsible Director - Paul Wildsmith,
Director of Neighbourhood Services and Resources**

SUMMARY REPORT

Purpose of the Report

1. To advise members of the outcome of the consultation on the Community Governance Reviews and to seek Members approval of the changes proposed and the making of a formal Reorganisation Order.

Summary

2. In 2014 the Local Government Boundary Committee for England concluded a review of ward boundaries in the Borough. Following the ward boundary review Council agreed to hold Community Governance Reviews (CGR's) to review the boundaries of the parishes within the Borough.
3. In January 2015 Council approved the areas that would be subject to a review and the terms of those reviews. A consultation exercise was then conducted with parish councils to enable them to indicate their views. In July 2015 Council considered the views expressed by the parish councils and approved proposals for new parish arrangements to move forward to public consultation in three areas.
4. Public consultation on the proposals closed on the 4 October 2015. Details of the consultation responses are set out in paragraphs 31 and 32 (Archdeacon Newton), 46 and 47 (Hurworth) and 62 to 65 (Low Dinsdale).
5. The proposed changes to parish arrangements are set out in paragraphs 33 (Archdeacon Newton), 49 (Hurworth), 77 (Low Dinsdale, Middleton St George, Neasham and Sockburn) and as set out in the recommendations at paragraph 9.
6. A number of consequential issues concerning the dissolution of Archdeacon Newton Parish Council and Low Dinsdale Parish Council will need to be dealt with. These are considered in paragraphs 78 to 88.

7. Elections will need to be held in the reconstituted parish councils of Hurworth, Neasham and Middleton St George in May 2016. Further details concerning the electoral arrangements are set out in paragraphs 89 to 96.
8. To move matters forward a Reorganisation Order needs to be approved by Council and formally made. Further details about this Order are set out in paragraphs 97 to 102 and a copy of the draft order is attached at **Appendix 1**. Maps annexed to the Order illustrate the changes proposed.

Recommendation

9. It is recommended that :-
 - (a) Members note the responses received to the public consultation concerning the Community Governance Review.
 - (b) Members approve the proposed changes to parish arrangements set out in this report for Archdeacon Newton, namely that:
 - (i) Archdeacon Newton Parish Council is abolished and becomes a parish meeting.
 - (ii) Archdeacon Newton parish boundary is changed to the line of the A1(M). The area east of the A1(M) should cease to form part of a parished area.
 - (iii) The Local Government Boundary Commission for England be asked to give consideration to redrawing the Brinkburn and Faverdale ward boundary along the line of the A1(M).
 - (c) Members approve the proposed changes to parish arrangements set out in this report for Hurworth, namely that:
 - (i) The northern part of Hurworth Parish Council boundary is redrawn so that the Lanes Parish ward will cease to be in the Hurworth parish boundary.
 - (ii) The Lanes Parish ward will cease to form part of a parished area.
 - (iii) Hurworth Parish Council continues to be the name of the parish council for the re constituted parish area.
 - (iv) The number of councillors elected to Hurworth Parish Council shall be 12 parish council members.
 - (d) Members approve the proposed changes to parish arrangements set out in this report for Low Dinsdale, Middleton St George, Neasham and Sockburn, namely that:
 - (i) Low Dinsdale Parish Council is abolished

- (ii) The former north parish ward of Low Dinsdale Parish Council, which is in the Sadberge and Middleton St George ward be amalgamated with the existing Middleton St George Parish Council area to form part of a newly constituted parish council for the area, known as Middleton St George Parish Council.
- (iii) The former southern parish ward of Low Dinsdale Parish Council, which is in the Hurworth ward, together with Sockburn parish be amalgamated with Neasham Parish Council to form a newly constituted parish council for the area, known as Neasham Parish Council.
- (iv) The number of councillors to be elected to Middleton St George Parish Council shall be 10 parish council members.
- (v) The number of councillors to be elected to Neasham Parish Council shall be 8 parish council members.
- (e) Members approve the draft Reorganisation Order, attached at Appendix 1.
- (f) Members delegate to the Head of Legal Services authority:
 - (i) To make the Order following confirmation that the Local Government Boundary Commission for England have no objection to the proposals.
 - (ii) To make any minor changes to the Order, as may be required by the Local Government Boundary Commission for England or otherwise.
- (g) Members note the consequential issues that will arise for the Parish Councils that will cease to exist as a result of the Order being made.
- (h) Members note the proposals for elections in the Parish Councils that will be reconstituted as a result of the Order being made.

Reasons

10. To take account of the 2014 Local Government Boundary Committee for England review of ward boundaries in the Borough and the impact of that review on parish councils.
11. To ensure that the Council complies with its duties under the Local Government and Public Involvement in Health Act 2007.
12. To support the delivery of the Council's objective to Build Strong Communities set out within the Community Strategy.

Paul Wildsmith
Director of Neighbourhood Services and Resources

Background Papers

- (i) Local Government and Public Involvement in Health Act 2007
- (ii) The Local Government Boundary Commission for England Review of Ward Boundaries, resulting in The Darlington (Electoral Changes) Order 2014, No.3338
- (iii) The Local Government (Parishes and Parish Councils) (England) Regulations 2008, No. 625
- (iv) Guidance on Community Governance Reviews, March 2010, Department for Communities and Local Government and the Local Government Boundary Commission for England
- (v) Reports to Council concerning the Community Governance Review, dated 25 September 2014, 29 January 2015, and 16 July 2015

Luke Swinhoe: Extension 5490

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

Background

13. The Local Government Boundary Committee for England concluded a review of ward boundaries in the Borough in 2014. This resulted in changes to some Borough Council ward boundaries and in the reduction of elected members from 53

to 50. Following on from electoral review the Council considered whether to hold Community Governance Reviews (CGR's) to review the boundaries of the parishes within the Borough. The purpose of this was to pick up issues resulting from the electoral review and also taking into account growth and development and other changes to parish wards.

14. In September 2014 Council agreed to consult with parishes for their views about whether to carry out a Community Governance Review. January 2015 Council approved the areas that would be subject to a review and the terms of those reviews. A consultation exercise was then conducted with parish councils to enable them to indicate their views. In July 2015 Council considered the views expressed by the parish councils and approved proposals for new parish arrangements to move forward to public consultation in three areas as set out below.

Consultation

15. A summary of the three Community Governance Reviews and proposals that were subject to public consultation are set out below:

Area under Review	Proposals
Archdeacon Newton Parish Community Governance Review	<p>That Archdeacon Newton Parish Council ceases to be a Parish Council and becomes a Parish Meeting.</p> <p>The boundary is changed to the line of the A1(M). The area East of the A1(M) (known as High Grange) should no longer form part of a parished area.</p> <p>If this is accepted it is proposed that a recommendation is made to the Local Government Boundary Commission for England to suggesting the ward boundary 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 Coniscliffe (this would not take effect until the 2019 Local Government Ward Elections). This boundary would reflect the existing Parliamentary Boundary and reflect community identity.</p>
Hurworth Parish Community Governance Review	<p>That the boundary be redrawn so that a small part of the Skerne Park housing development, known as The Pastures, currently part of the Hurworth Parish (now part of the new Park East ward) ceases to be in the Hurworth Parish boundary.</p> <p>That this area of the Park East ward will cease to be parished.</p>

Area under Review	Proposals
	It is not proposed that the number of Hurworth Parish Councillors would need to change.
Low Dinsdale Parish Community Governance Review	<p data-bbox="624 360 1337 398">That Low Dinsdale ceases to be a Parish Council.</p> <p data-bbox="624 436 1382 542">That the northern part of Low Dinsdale parish be combined into Middleton St George to create an area of greater Middleton St George.</p> <p data-bbox="624 580 1334 651">It is not proposed that the number of Middleton St George Parish Councillors would need to change.</p> <p data-bbox="624 689 1374 795">That the southern part of Low Dinsdale together with Sockburn Parish Meeting be combined to create a greater Neasham Parish Council.</p>

16. The public consultation on these proposals ran from mid-August 2015 and closed on 4 October 2015. Detailed information about the proposals was put onto the website, including the name and phone number of a contact person to help with queries and an email address for responses. Posters were displayed at public venues, including Crown Street Library, the Dolphin Centre, Church Row and in both Age UK venues in the Town Centre. On the 14 August 2015 letters were sent to 37 Parish Councils, Parish Meetings and Ward Councillors in the areas affected by the proposals. Also included with this mailshot were A3 and A4 posters that the recipients were invited to display at appropriate local community venues. The letter included an offer to supply further copies if requested. The September 2015 edition of 'One Darlington' included an article entitled, 'Have your say on Parish Boundaries' including information about the consultation and reference to the Councils website.
17. The responses are considered further in the paragraphs below which set out each of the three community governance reviews in more detail.

Archdeacon Newton Parish Community Governance Review

18. 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.

The Proposal

19. It is proposed that Archdeacon Newton Parish Council ceases to be a Parish Council and becomes a Parish Meeting.

20. It is proposed that the parish area east of the A1(M) should no longer form part of a parished area.
21. If this proposal is accepted then it is also proposed that a recommendation is made to the Local Government Boundary Commission for England suggesting that the ward boundary 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 Coniscliffe (this would not take effect until the 2019 local government ward elections). This boundary would reflect the existing Parliamentary Boundary and reflect community identity.

Reasons for the Proposal

22. There are currently two separate areas of community identity within the Archdeacon Newton Parish. These comprise two distinct groups, people who live in the rural area of Archdeacon Newton in and around the village, and those who reside south of the A1M within the West Park housing development in the urban area of the Brinkburn and Faverdale ward.
23. The current population base has changed over time as housing in West Park has expanded. This is now such that the population of Archdeacon Newton is predominantly urban, and yet the Parish Council historically and by membership is mostly rural. The upper rural part of Archdeacon Newton has a population of 17 and the lower urban part has a population of 836.
24. The current boundary line with the urban area can result in residents living in adjacent houses in the West Park housing development paying or not paying a precept according to the position of their house with regards to the parish boundary.
25. Residents living in West Park may have little in common with residents in the rural area. Similarly the residents of the rural area may have little in common with the urban part of the Parish Council.
26. Neither of the two distinct and separate community groups (the rural area and the urban area) is best served by the current arrangements. This is the reason for moving the current parish boundary to the A1(M) as a new boundary.
27. It would mean that for those living in the urban part of the Parish Council, they would (like their neighbours) not be parished or subject to a precept for a Parish Council or parish area that they may not readily identify with. Residents living in the current urban part of the Parish Council could have alternative community arrangements from the existing Branksome Residents Association.
28. For the remaining part of Archdeacon Newton (to the west of the A1M), there are insufficient numbers for the rural part of the Parish to continue as a parish council. A newly constituted parish council must have over 150 electors. It is therefore suggested that Archdeacon Newton should become a parish meeting. This would provide an alternative community arrangement to the Parish Council. As a parish meeting it would continue to have powers to precept.

29. Under S.92 of the Act the Council can make recommendations to the Local Boundary Commission for England for related alterations to the boundaries of the electoral areas of any principal Council.
30. It is proposed to recommend to the Local Government Boundary Commission for England that the ward boundary should be redrawn along the line of the A1(M). This is in order to achieve coherence between the parish boundary and the ward boundary. The changes would not take effect until the next local elections in 2019.

The Consultation Responses

31. There was only one response received to the current consultation, this was from the Chair of Walworth Parish Meeting, she confirmed that the Parish Meeting had considered the issue of a possible amalgamation with Archdeacon Newton but did not want this. They were supportive of Archdeacon Newton becoming a parish meeting. A copy of this consultation response is attached at **Appendix 2**.
32. As part of the earlier consultation Councillor Lee had suggested the possibility of Archdeacon Newton Parish Council being split along the A1(M) boundary and the upper part joining Walworth Parish Meeting. This proposal was not supported by Walworth Parish Meeting, whose response to the consultation made it clear that they would prefer to stay as they are. Archdeacon Newton Parish Council also provided a submission supporting the proposal to become a parish meeting. Copies of these earlier consultation responses are attached at **Appendix 3**.

Recommendations

33. It is recommended that :
 - (a) Archdeacon Newton Parish Council is abolished and becomes a parish meeting.
 - (b) Archdeacon Newton parish boundary is changed to the line of the A1(M). The area east of the A1(M) should no longer form part of a parished area.
 - (c) The Local Government Boundary Commission for England be asked to give consideration to redrawing the Brinkburn and Faverdale ward boundary along the line of the A1(M).

Hurworth Parish Community Governance Review

34. 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, which is part of Hurworth Parish is now part of the new Park East ward.

The Proposal

35. That the boundary be redrawn so that the small part of the Skerne Park housing development, known as the Pastures, currently part of the Hurworth Parish (as the Lanes Parish Ward) and part of the new Park East ward ceases to be in the Hurworth Parish boundary.
36. It is proposed that this area of the Park East ward will cease to be parished.
37. It is not proposed that the number of Hurworth Parish Councillors would need to change (there are currently 12).

Reasons for the Proposal

38. There are two distinct areas of community identity in this part of Hurworth Parish Council. The residents living in the Lanes Parish Ward in Skerne Park (the Pastures) are separated from Hurworth by the A66 and then a fairly considerable rural area before the Hurworth conurbations.
39. The current boundary line with the Park East Ward, can result in residents living in nearby houses in Skerne Park paying or not paying a precept to Hurworth Parish Council according to the position of their house with regards to the parish boundary.
40. Residents living in this part of the Park East Ward may have little in common with residents in Hurworth. Similarly the residents of Hurworth may have little in common with this part of the parish area and identify more with the urban ward.
41. Neither of the two distinct and separate community groups is best served by the current arrangements.
42. It would mean that for those living in the Lanes Parish Ward would (like their neighbours in Skerne Park) not be parished or subject to a precept for a Parish Council or parish area that they may not readily identify with.
43. Residents living in this area of Skerne Park that ceases to be parished would have Skerne Park Community Association as an alternative community arrangement.
44. The remaining part of Hurworth Parish Council would not significantly be affected by this change. The remaining geography and population centres would however better reflect governance by Hurworth Parish Council. The number of Parish Councillors would remain the same.
45. Redrawing the boundary as proposed would also align the ward and parish boundaries for local elections (making it administratively simpler).

The Consultation Responses

46. No responses were received to the current consultation about the Hurworth Community Governance Review.
47. A representation was previously received as part of the earlier consultation from Hurworth Parish Council. This response stated that residents of Skerne Park did not historically participate in Hurworth Parish Council meetings. While supporting the proposal it was recommended that the revised boundary should follow the line of the A66. A copy of this earlier consultation response is attached at **Appendix 4**.

Analysis

48. Whilst following the line of the A66 may seem logical, some of the area within the A66 boundary which would cease to be parished but 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 recommended that the proposal is not amended as has been suggested, in order to reflect the Borough Council ward boundaries.

Recommendations

49. It is recommended that :
 - (a) The northern part of Hurworth Parish Council boundary is redrawn so that the Lanes Parish ward will cease to be in the Hurworth parish boundary.
 - (b) The Lanes Parish ward will cease to form part of a parished area.
 - (c) Hurworth Parish Council continues to be the name of the Parish Council for the re constituted parish area.
 - (d) The number of councillors elected to Hurworth Parish Council shall be 12 parish council members.

Low Dinsdale Parish Community Governance Review

50. Low Dinsdale Parish currently straddles the wards of Sadberge and Middleton St George and Hurworth. The upper part of the Parish Council (Low Dinsdale North) 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 (Low Dinsdale South) reflects the rural area of the ward of Hurworth clustered around the hamlet of Low Dinsdale.

The Proposal

51. That Low Dinsdale ceases to be a Parish Council.
52. That Low Dinsdale North (within the Sadberge and Middleton St George ward) is incorporated into Middleton St George parish area to create a slightly enlarged Middleton St George Parish Council.
53. That the number of Middleton St George Parish Councillors remains unchanged (currently 10).
54. That Low Dinsdale South together with Sockburn Parish Meeting is combined to create a greater Neasham Parish Council.

Reasons for the Proposal

55. The 2014 Boundary Commission review resulted in changes to the ward boundary in the area. The former Middleton St George ward became the Sadberge and Middleton St George ward. In Middleton St George the ward boundary of the new Sadberge and Middleton St George ward cut across the upper part of the Low Dinsdale Parish Council boundary.
56. The new ward boundary effectively created two separate areas of Low Dinsdale Parish, an upper part, Low Dinsdale North, in or adjacent to Middleton St George (in the Sadberge and Middleton St George ward) and a lower area, Low Dinsdale South, predominantly rural in character (in the Hurworth ward).
57. Where a parish council area is split in this way into two distinct areas by ward boundaries it is said to be 'warded'. The parish council must then be constituted into separate wards to reflect this fact. There must be at least 100 electors in each ward boundary. This is not possible with the lower area of Middleton St George. Low Dinsdale South has 90 electors and is too small to constitute a viable parish ward.
58. The lower area of Low Dinsdale Parish is also too small to be reconstituted into a separate Parish Council. By virtue of S.94 (3) of the Local Government and Public Involvement in Health Act 2007 it is not possible to recommend a parish council where a proposed new parish council has 150 or fewer local government electors.
59. It is also the case that the community identity of people living in Low Dinsdale North adjacent to or in Middleton St George is more likely to be congruent with Middleton St George than with Low Dinsdale.
60. One of the current anomalies will be that some of residents in Middleton St George will be within the Low Dinsdale Parish Council area and paying a precept to Low Dinsdale Parish Council while adjacent neighbours on the other side of the current boundary will be in the Middleton St George Parish Council parish boundary.
61. To ensure alternative community arrangements the southern part of Low Dinsdale together with Sockburn Parish Meeting could be combined to create a greater

Consultation Responses

62. Responses to the consultation were received from Mr Frank Richardson, Neasham Parish Council, the Sadberge and Middleton St George ward councillors (including a petition collected by Mr J Jarvie, and additional material):
- (a) Mr Frank Richardson, a former Chairman of Low Dinsdale Parish Council, set out some of the early history and subsequent development of Middleton St George and Low Dinsdale parishes and comments on the Boundary Commission cutting Low Dinsdale Parish in half.
 - (b) Neasham Parish Council indicated full agreement with the proposal for the incorporation of Low Dinsdale South and Sockburn Parish Meeting, into a greater Neasham Parish Council. In addition they submitted that consideration should be given to increasing the number of parish councillors from 7 to 8 members to take account of the additional residents.
 - (c) The three ward councillors for the Sadberge and Middleton St George ward forwarded a letter and accompanying documentation. This included a petition collected by Mr J Jarvie, from St Georges Gate Middleton St George (signed by 82 individuals) in support of a single Middleton St George Parish Council. A view was expressed that it would make more financial and administrative sense for there to be a single Parish Council for residents living in the greater Middleton St George area.
 - (d) The Clerk to Low Dinsdale Parish Council was contacted at the close of the consultation period to check if anything would be submitted from the Parish Council and she confirmed that they did not intend to submit anything (it being acknowledged that they had previously expressed their views in the earlier consultation).
63. Copies of these consultation responses are attached at **Appendix 5**.
64. As part of the earlier consultation representations were received from Middleton St George Parish Council, Low Dinsdale Parish Council, Sockburn Parish Meeting and Neasham Parish Council:
- (a) Middleton St George Parish Council supported the incorporation of the area which sits within the Sadberge and Middleton St George ward into the Middleton St George Parish area based on community identity.
 - (b) Low Dinsdale Parish Council favoured the retention of the status quo. Secondly they would like a new parish with a new name to reflect both areas. The submission did not support the inclusion of Low Dinsdale in Neasham Parish.
 - (c) Sockburn parish meeting were supportive of the inclusion of Sockburn Parish Meeting into Neasham Parish Council boundaries.

- (d) Neasham Parish Council stated a preference for the status quo but following a Parish Meeting indicated that they would be willing to welcome residents affected by boundary changes from the lower part of Low Dinsdale and Sockburn into Neasham Parish.

65. Copies of these earlier consultation responses are attached at **Appendix 6**.

Analysis

66. While local sentiment for the retention of Low Dinsdale Parish Council is acknowledged, because of the sub division the Low Dinsdale Parish area by the new ward boundary between Sadberge and Middleton St George ward and the Hurworth ward, the southern part of the parish is too small to continue as a Parish Council.
67. The northern part of the Low Dinsdale parish area today has a stronger community identity with Middleton St George as well as being part of the Sadberge and Middleton St George ward. This area of Low Dinsdale Parish Council should be combined with the existing Middleton St George Parish Council to form a single parish for the area of the village.
68. The name of the newly constituted parish council should be called Middleton St George Parish Council. It is not considered that a name incorporating Low Dinsdale or Dinsdale into the title would accurately reflect the current identity of people living in the area. The electorate of the current Middleton St George Parish Council comprises 2930 persons, the electorate of the northern part of Low Dinsdale comprises 506 persons
69. The southern part of Low Dinsdale Parish area, which is in the Hurworth Ward has too small an electorate (90) to create a parish council on its own. If it were joined with the Sockburn parish it would create a parish of 99 which is too small to be recommended to have a Parish Council for the combined area. However one or both could be incorporated into the parish of Neasham (292 to create a Parish Council with either 391 or 382 (depending on whether it includes the parish area of Sockburn). The other point to note is that all but one of the current Low Dinsdale Parish Councillors live in Middleton St George. Although Sockburn has a parish meeting it has been inactive for some time. It is likely that there will be more effective local community governance for these areas by the inclusion of the Low Dinsdale South and Sockburn into an enlarged Neasham parish council, than by separate parish meetings for these areas.
70. Given the rural aspect of this part of the Hurworth ward, the views expressed by Sockburn Parish Meeting and Neasham Parish Council, there is a case for inclusion of the southern part of the Low Dinsdale Parish area into an enlarged Neasham Parish Council.
71. Given the inclusion of two other local areas of identity into Neasham Parish Council, a name that is inclusive of those areas is not really practicable. It is suggested that the name of the newly constituted parish council should be Neasham Parish Council.

Council Size

72. The only legal requirement is a minimum requirement, namely that there must be not less than 5 Parish Councillors (S.16(1) Local Government Act 1972).
73. Population is a factor in considering the size of parish councils. The table below gives the typical number of parish council members according to the population (research by Aston Business School Parish and Town Councils in England, HMSO 1992)

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

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

Middleton St George Parish Council

75. As currently comprised there are 10 councillors on Middleton St George Parish Council. It has not been suggested that the number of councillors needs to change. Even allowing for the expansion to accommodate the upper part of Low Dinsdale, the electorate will be 3,436. From the table above it is apparent that retaining 10 members is within the average range.

Neasham Parish Council

76. As currently comprised there are 7 councillors on Neasham Parish Council. It has been suggested that this should be increased to 8 councillors. Continuing with 7 councillors could be appropriate given the relatively small electorate even when enlarged (391). However recognising the parish area will in the future include different adjacent rural areas, an increase to 8 parish councillors could be justified and would not be out of line with the average range in the table.

Recommendations

77. It is recommended that:
- (a) Low Dinsdale Parish Council is abolished.
 - (b) The former north parish ward of Low Dinsdale Parish Council, which is in the Sadberge and Middleton St George ward be amalgamated with the existing

Middleton St George Parish Council area to form part of a newly constituted parish council for the area, known as Middleton St George Parish Council.

- (c) The former southern parish ward of Low Dinsdale Parish Council, which is in the Hurworth ward, together with Sockburn parish be amalgamated with Neasham Parish Council to form a newly constituted parish council for the area, known as Neasham Parish Council.
- (d) The number of councillors to be elected to Middleton St George Parish Council shall be 10 parish council members. The number of councillors to be elected to Neasham Parish Council shall be 8 parish council members.

Consequential issues

- 78. When parish councils are wound up and dissolved a number of consequential issues arise.
- 79. One of these is about what happens to the property, rights and liabilities of a former parish council. The relevant law is set out in - The Local Government (Parishes and Parish Councils) (England) Regulations 2008.
- 80. This statutory instrument provides that in cases where a parish council is abolished all property, rights (and obligations) transfer from the abolished parish council to the new parish council (but excluding property held on trust, exclusively for charitable purposes).
- 81. The statutory instrument does not however permit the transfer to a parish meeting and in such a case the property, rights (and obligations) of an abolished parish council transfer to the principal council (Darlington Borough Council).
- 82. In cases where there is more than one parish council that the area of the former parish council transfers to, each parish council is to receive an appropriate proportion of the former parish council's assets (existing immediately before the transfer). What is considered an appropriate proportion is based on the population of the area transferred from the former parish council.
- 83. In the case of Archdeacon Newton Parish Council at the point that they cease to exist, all property rights and obligations will transfer to Darlington Borough Council. It will not be possible for them to transfer to a parish meeting.
- 84. In the case of Hurworth Parish Council they will be reconstituted with a new parish area. At the point of being newly constituted they will take on all property, rights and obligations of the predecessor Parish Council.
- 85. In the case of Low Dinsdale Parish Council the assets will be transferred to Middleton St George Parish Council and to Neasham Parish Council. What is considered an appropriate proportion is based on the population of the area transferred from the former parish council. Based on the information available, of the electorate for each area, there are 90 electors in Low Dinsdale South and 506 electors in Low Dinsdale North. Based on this, the proportionate split will be 85%

transferring to Middleton St George and 15% transferring to Neasham Parish Council.

86. There is also the issue of the impact of on any staff employed by a parish council. In cases where parish council staff cease to be employed by a parish council that is dissolved, then subject to sufficient continuity of service, they would be entitled to a redundancy payment. This does not apply to staff who are re-employed by another parish council or new parish Council within four weeks. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) does not apply. Regulation 5(3) of TUPE excludes the reorganisation of public administrative authorities or the transfer of administrative functions between public administrative authorities.
87. Consideration will need to be given by Archdeacon Newton Parish Council and Low Dinsdale Parish Council for the need to consult with any staff likely to be affected and to make provision for appropriate redundancy payments.
88. The issue of assets, staffing, contracts and other liabilities will need to be further explored with the parish councils that will cease to exist in order to minimise any liabilities existing after the demise of the Parish Council.

Electoral arrangements

89. Where as a result of a community governance review new parish councils are constituted, consideration also needs to be given as to what electoral arrangements should apply.
90. One of those issues concerns whether the newly constituted parishes should be warded (i.e. divided into wards for the purposes of electing councillors).
91. Hurworth Parish Council is currently warded, in respect of the Lanes Parish Ward (with 1 councillor for that ward and the other 11 for the rest of Hurworth). In the new Hurworth Parish Council area it is proposed that the Lanes Parish Ward will cease to be part of Hurworth Parish Council. This warding only came about as a result of the 2014 Local Government Boundary Commission review; however nobody was elected for this parish ward in 2015. It is not recommended that there be any warding for the new Hurworth Parish Council area.
92. Middleton St George Parish Council is currently unwarded. The Northern part of Low Dinsdale Parish Council was warded as a result of the 2014 Local Government Boundary Commission review which sub divided the parish into Low Dinsdale North, with 6 parish councillors and Low Dinsdale South with 1 parish councillor. The rationale for the numbers was largely that Low Dinsdale North was in the more populous Middleton St George part of the parish, as distinct from the rural area to the south. The decision to create parish wards in this instance was as a consequence of the change of the ward boundary rather any other reason to create wards. The current Middleton St George Parish Council is unwarded and the rationale for warding that applied to Low Dinsdale North will cease to apply when this area forms part of an enlarged Middleton St George. It is not recommended that there be any warding for the new Middleton St George Parish Council area.

93. Neasham Parish Council is currently unwarded. The rationale of the 2014 Local Government Boundary Commission review to sub divide Low Dinsdale parish with a single parish councillor ward being elected for Low Dinsdale South was as a consequence of the change of the ward boundary rather any other reason to create wards. In the case of the proposed new Neasham area, it will be largely rural. The proposed increase in Neasham Parish Council to 8 members ought to allow for candidates from Low Dinsdale and Sockburn to stand. It is not recommended that there be any warding for the new Neasham Council area.
94. Elections will need to be held in order to elect parish councillors to the reconstituted Hurworth, Middleton St George and Neasham Parish Councils. The guidance recommends that new parishes should come into being on the 1 April. This will mean that the election (unless there the number of nominations do not exceed the number of vacant seats) will need to take place in May 2016. It is proposed that any parish elections will be held on the same day as the Police and Crime Commissioner election (the 7 May 2016). As this election will be outside of the normal 4 year electoral cycle for parish council elections, the term of office will run to the following ordinary year of elections (2019), which will be for a shortened 3 year term of office. This is provided for by S.98 of the Local Government and Public Involvement in Health Act 2007.
95. For the period 1 April until new members are elected in May interim arrangements will need to be put in place. In the period between the beginning of the new financial year and the election in May it is proposed that the Borough Council accepts responsibility for the management of the parish councils affected by the community governance review. In practice it may not be necessary for any business to be conducted during this period other than in an emergency.
96. The cost of parish elections is incurred by the Borough Council but is ordinarily recharged on a proportionate basis to the parishes where an election is held. If it is necessary to hold elections in 2016 for any parish as a consequence of the community governance review then the costs will be met by the Borough Council.

The Reorganisation Order

97. To make the changes proposed in this report a Reorganisation Order needs to be formally drawn up and made. A draft copy of the Reorganisation Order is attached at Appendix 1.
98. Because a ward boundary review was concluded by the Local Government Boundary Committee for England in 2014, they need to be consulted before the Reorganisation Order is formally made. This requirement is set out in Guidance and applies to any community governance review conducted within a 5 year period following the conclusion of a ward boundary review.
99. Approval is currently being sought from the Local Government Boundary Commission, who have been sent a copy of the draft order.
100. It is not proposed that the order will be made until 4 January 2016, by which time we ought to have heard back from the Local Government Boundary Commission.

Approval is sought from Council to make the order set out in Appendix 1. This approval is subject to the Local Government Boundary Commission having no objection to the proposals. If the Boundary Commission require anything other than a minor change, a further report will be brought back to Council in January 2016.

101. A copy of the draft order will be publicised on the Councils website after approval by Council. The Order will be made by sealing and dating in January 2016. A copy of the Order and maps will be published shortly after it is made and made available for inspection at the Town Hall and on the website.
102. The Council must also notify various bodies of the changes being set out in the Order including the Local Government Boundary Commission for England.

Consultation

103. Consultation has already taken place with parish councils, parish meetings, parish and ward councillors and members of the public as previously set out in this report.
104. The Local Government Boundary Commission for England, have been sent a copy of the draft order and this report and are being consulted with.
105. Further consultation with parish councils and parish meetings in the areas that will be affected by the making of the Reorganisation Order will take place to help in facilitating a smooth transition to the new arrangements.

Law and Guidance

106. The relevant legislation and guidance has been set out elsewhere in this report and no further matters are separately raised here.

Financial Implications

107. There will be additional costs to the Council's election budget if there are parish elections in 2016 as a consequence of the community governance reviews. The recent Hurworth Parish by-election had a total cost of £3,211.92. The cost of the Heighington Parish Election in May 2015 was £1,190.90 (this election was held within the wider administrative arrangements for Parliamentary and Local elections).
108. There is a potential risk in the case of a Parish Council that has incurred liabilities prior to being abolished (and is not amalgamated with another parish council) concerning the transfer of the responsibility to the Borough Council.