

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**8 JANUARY 2009**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **COUNCIL DECISION**

***Accessing Communities - Lead Cabinet Member- Councillor Coleman***

#### **PARISH BOUNDARY REVIEW**

1. Summary

This report outlines to Cabinet the action required to complete the Parish Boundary Review undertaken in 2004.

A Parish Boundary Review was undertaken in 2004 by the Council in consultation with all of the Parish Councils within its administrative area. This was to bring the Parish boundaries in line with new warding arrangements for 2005 following a Periodic Electoral Review and the establishment of Billingham Town Council. The proposed changes relating to parish boundaries were approved by Council in October 2004 (min 553 refers).

However, it was not possible for the Secretary of State to introduce all of the changes in time for the 2007 elections and the outstanding proposals were scheduled for introduction in April 2008.

In the meantime, however, the recent Local Government and Public Involvement in Health Act 2007 (the 2007 Act) has devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State and the Electoral Commission to local government and local communities in England.

This report provides specific details about the outstanding proposals from the 2004 Boundary Review and makes recommendations regarding those proposals as required by the 2007 Act and related guidance from the Secretary of State and the Electoral Commission.

2. Recommendations

It is recommended to Council that;

1. no further new parishes be established as a result of the review.
2. none of the parishes under review should be abolished, but that the area of the parish should be altered in each case to reflect the outstanding changes to the parish areas identified within the report, detailed in paragraphs 6 to 11 and shown on the plans at Appendices 1 to 5.
3. all of the parishes under review should continue to have a council and none of the names of the parishes should not be altered.

4. that no alterations to any of the related electoral arrangements should be made;
5. an order is made and deposited at the principal office for public inspection as required by the 2007 Act; and that
6. as soon as practicable after making the order, the council inform the relevant parties (as detailed in section 96 of the 2007 Act) that the order has been made.

3. Reasons for the Recommendations/Decision(s)

To conclude the outstanding elements of the 2004 Boundary Review.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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### **PARISH BOUNDARY REVIEW**

#### **SUMMARY**

This report outlines to Cabinet the action required to complete the Parish Boundary Review undertaken in 2004.

A Parish Boundary Review was undertaken in 2004 by the Council in consultation with all of the Parish Councils within its administrative area. This was to bring the Parish boundaries in line with new warding arrangements for 2005 following a Periodic Electoral Review and the establishment of Billingham Town Council. The proposed changes relating to parish boundaries were approved by Council in October 2004 (min 553 refers).

However, it was not possible for the Secretary of State to introduce all of the changes in time for the 2007 elections and the outstanding proposals were scheduled for introduction in April 2008.

In the meantime, however, the recent Local Government and Public Involvement in Health Act 2007 (the 2007 Act) has devolved the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State and the Electoral Commission to local government and local communities in England.

This report provides specific details about the outstanding proposals from the 2004 Boundary Review and makes recommendations regarding those proposals as required by the 2007 Act and related guidance from the Secretary of State and the Electoral Commission.

#### **Recommendations**

It is recommended to Council that;

1. no further new parishes be established as a result of the review.
2. none of the parishes under review should be abolished, but that the area of the parish should be altered in each case to reflect the outstanding changes to the parish areas identified within the report, detailed in paragraphs 6 to 11 and shown on the plans at Appendices 1 to 5.
3. all of the parishes under review should continue to have a council and none of the names of the parishes should not be altered.
4. that no alterations to any of the related electoral arrangements should be made;

5. an order is made and deposited at the principal office for public inspection as required by the 2007 Act; and that
6. as soon as practicable after making the order, the council inform the relevant parties (as detailed in section 96 of the 2007 Act) that the order has been made.

## DETAIL

### History

#### Parish Boundary Review 2004

1. A Parish Boundary Review was undertaken in 2004 by the Council, in consultation with all of the Parish Councils within its administrative area. Proposals, coming from the review were considered and agreed by Cabinet at its meeting held on 16<sup>th</sup> September 2004 and those proposals were approved by Council, at its meeting held on 13<sup>th</sup> October 2004. The proposals would bring the Parish boundaries in line with new warding arrangements for 2005 following a Periodic Electoral Review and took account of proposals relating to the establishment of Billingham Town Council.
2. Unfortunately, the Department for Communities and Local Government indicated that it could not introduce all of the proposed changes in time for the purposes of the 2007 local government elections and that any proposed changes not implemented would have to be considered for introduction in April 2008. The relevant parish Councils were informed of this in January 2007.
3. The 2007 Act now devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements from the Secretary of State and the Electoral Commission to local government and local communities in England.
4. From 13 February 2008, district councils, unitary county councils and London borough councils ('principal councils') have therefore had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. It is proposed to utilise these powers to conclude the outstanding elements of the 2004 Boundary Review.
5. The changes were implemented for Billingham, Carlton, Elton, Grindon, Ingleby Barwick, Long Newton, Redmarshall (in part), Thornaby, Wolviston and Yarm. The outstanding amendments to parish boundaries from the 2004 Review are for Egglecliffe, Preston-on-Tees, Hilton, Yarm, Stillington & Whitton and Redmarshall (in part) and are as follows;

#### Egglecliffe (Appendix 1 copy map)

6. It is proposed to amend the boundary to place all of the houses in Railway Terrace in Egglecliffe Parish. Currently numbers 24 and 25 Railway Terrace are in Preston on Tees Parish and the remainder of Railway Terrace is in Egglecliffe Parish

#### Preston-on-Tees (Appendix 2 copy map)

7. It is proposed to change the boundary in 3 areas:
  - (i) To take account of the border of the Cemetery
  - (ii) To include the areas of Preston Park and the associated Lodge premises (Polling district EG9) to make the border coterminous with the new ward boundary for Egglecliffe.
  - (iii) This change will place the last 2 houses in Railway Terrace in Egglecliffe Parish (mirror image of App 1)

Hilton (Appendix 3 copy map)

8. There are two proposed changes to the parish boundary:
  - (i) To amend slightly the boundary at the South East corner to make the boundary coterminous with the Ingleby Barwick East/Yarm Ward boundary.
  - (ii) To delete the “finger” of land in the North East corner to align the boundary.

Yarm (Appendix 4 copy map)

9. There are two proposed changes to the parish boundary:
  - (i) To amend slightly the boundary at the South East corner to make the boundary coterminous with the Ingleby Barwick East/Yarm Ward boundary (mirror image of App 3(i))
  - (ii) Minor changes are proposed along the parish boundary to align the boundary with Green Lane.

Stillington and Whitton (Appendix 5 copy map)

10. A change is proposed at Whitton Bridge, to align the boundary with the river

Redmarshall (Appendix 5 copy map)

11. A change is proposed at Whitton Bridge, to align the boundary with the river (mirror image of Stillington and Whitton)

**Community Governance Reviews**

12. Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to decide the terms of reference for a review and to publish them. The Council previously established the terms of reference for the boundary review and published them in the 2004 review.
13. Since that time the council has implemented the changes introduced by the Department for Communities and Local Government before the May 2007 elections. The relevant parish Councils have been advised of the changes that could not be implemented and were informed of this in January 2007. They have also been updated regularly of the current position and asked to place appropriate notices in their parishes. Relevant notices are also to be placed on the Council’s website. No further additional comments have been received to date. Any which are received will be reported verbally at the meeting. Details of Cabinet’s recommendations, if agreed at the meeting, will be reported to the parish councils involved and they will be asked to publicise the details to their parishioners. The details will also be placed on the Council’s website.
14. Section 86 of the 2007 Act provides that a principal council may, by order, give effect to the recommendations made in a community governance review (except recommendations made to the Electoral Commission in accordance with section 92- any proposed changes to principal council electoral area boundaries - which is not applicable). But such an order may not include provision giving effect to any recommendations to change protected electoral arrangements, unless the Electoral Commission agrees to that provision. Protected electoral arrangements are electoral arrangements, such as the year in which ordinary elections are to be held, or the number of councillors to be elected, which have been put into place by virtue of a statutory order made within a period of 5 years prior to the commencement of a review.

15. Section 87 of the 2007 Act provides that a community governance review must make recommendations as to what new parish or parishes (if any) are to be established as a result of a review.
16. Section 88 of the Act requires that in the case of existing parishes under review, a community governance review must make one of the following recommendations in relation to each of the existing parishes under review:-
  - (a) that the parish should not be abolished and that its area should not be altered;
  - (b) that the area of the parish should be altered;
  - (c) that the parish should be abolished
17. Section 88 of the Act also requires that the review must also make recommendations as to whether or not the name of the parish should be changed by making one of the following recommendations in relation to each of the existing parishes under review:-
  - (a) if the parish does not have a council: recommendations as to whether or not the parish should have a council;
  - (b) if the parish has a council: recommendations as to whether or not the parish should continue to have a council.
18. Section 90 of the Act requires that the review must also make recommendations as to what changes, if any, should be made to the electoral arrangements that apply to the councils in question. There are no proposals to alter the boundaries of electoral areas that affect the principal council. If this were the case the review would need to make recommendations to the Electoral Commission.
19. Section 93 of the Act details the six duties the principal council must comply with when undertaking a community governance review , which are as follows;
  - (1) The principal council must consult the following—
    - (a) the local government electors for the area under review;
    - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
  - (2) The principal council must have regard to the need to secure that community governance within the area under review—
    - (a) reflects the identities and interests of the community in that area, and
    - (b) is effective and convenient.
  - (3) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
    - (a) that have already been made, or
    - (b) that could be made, for the purposes of community representation or community engagement in respect of the area under review.
  - (4) The principal council must take into account any representations received in connection with the review.
  - (5) Section 90 of the Act details that as soon as practicable after making any recommendations, the principal council must—
    - (a) publish the recommendations; and
    - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(6) The principal council must conclude the review within the period of 12 months starting with the day on which the council begins the review.

20. All of the duties listed above were complied with during the 2004 review. The Department for Communities and Local Government could not introduce all of the proposed changes in time for the purposes of the 2007 local government elections and this report addresses the areas that the proposed changes were not implemented. The relevant parish Councils were informed of this in January 2007 and, as previously indicated they have been updated of the current position and no further comments have been received to date.
21. In the case of the existing parishes under review and in response to each of the requirements at paragraphs 15, 16(b), 17(b) and 18 of the report, it is recommended to Council that :-
- 1 there are no further new parishes to be established as a result of the review.
  - 2 all of the parishes under review should not be abolished and that the area of the parish should be altered in each case to reflect the outstanding changes to the parish areas identified within the report, detailed in paragraphs 6 to 11 and shown on the plans at Appendices 1 to 5.
  - 3 all of the parishes under review should continue to have a council and the name of the parish should not be altered.
  - 4 that no alterations to any of the related electoral arrangements are made;
  5. An order is made and deposited at the principal office for public inspection as required by the 2007 Act; and that
  - 6 As soon as practicable after making the order, the council inform the relevant parties (as detailed in section 96 of the 2007 Act) that the order has been made.

## **Next Steps**

### Post Council

22. If Council agrees with the review then a decision will be published to ensure that persons who may be interested in the review are informed of that decision and the reasons for it.
23. The Council will then make an order and, as soon as practicable after making the order, will deposit it at its principal office together with a map for public inspection.
24. As soon as practicable after making the order, the council will inform the following that the order has been made—
- (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any other principal council whose area the order relates to.
25. A community governance review offers an opportunity to put in place strong, clearly - defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that exist in England. The above proposals satisfy the criterion for change set out in the guidance issued by the Secretary of state and the Electoral Commission pursuant to section 100 of the 2007 Act.

## **FINANCIAL AND LEGAL IMPLICATIONS**

26. To complete the Parish Boundary Review undertaken in 2004 by the Council in consultation with the Parish Councils. The proposals will implement a decision previously taken by council and will satisfy the requirements of the 2007 Act. There are no financial implications.

## **RISK ASSESSMENT**

27. Low risk – mechanisms are in place to introduce amendments as required

## **COMMUNITY STRATEGY IMPLICATIONS**

28. Stronger Communities

## **CONSULTATION INCLUDING WARD/COUNCILLORS**

29. The implementation of the revised arrangements is being consulted upon with Cabinet and Council. Details of the report are also being provided to the relevant ward councillors.

30. The relevant Parish councils have been updated of the current position and no further additional comments have been received to date.

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### Background Papers

Report to Cabinet 16 September 2004  
Provisions under the Local Government and Public Involvement in Health Act 2007

### Ward(s) and Ward Councillors:

Eaglescliffe Ward – Councillors Lewis, Fletcher and Mrs Rigg  
Ingleby Barwick East Ward – Councillors Councillors Faulks, Harrington and Larkin  
Yarm Ward – Councillors Mrs Beaumont, Mrs Earl and Sherris  
Western Parishes Ward – Councillor Salt

### Property

**N/A**