

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

4 SEPTEMBER 2014

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Leader of the Council – Lead Cabinet Member – Cllr Bob Cook

LOCAL GOVERNMENT BOUNDARY REVIEW REQUEST

1. Summary

To consider a request from Yarm Town Council (YTC) for Stockton Borough Council to invite the Local Government Boundary Commission for England (LGBCE) to carry out a principal area boundary review in light of a recent parish poll.

2. Recommendations

Cabinet consider the request and make a recommendation to Council.

3. Reasons for the Recommendations/Decision(s)

To ensure that a response is provided to the request from Yarm Town Council for the Borough Council to invite the Local Government Boundary Commission for England to carry out a principal area boundary review, in light of the outcome of the recent parish poll.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, 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 and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer

questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

To consider a request from Yarm Town Council (YTC) for Stockton Borough Council to invite the Local Government Boundary Commission for England (LGBCE) to carry out a principal area boundary review in light of the recent parish poll.

RECOMMENDATIONS

Cabinet consider the request and make a recommendation to Council.

DETAIL

1. Background

- 1.1 A parish poll can be called for at a parish meeting, which is a meeting of the local government electors for a parish. The Chairman of the parish council for the parish, is entitled to attend a parish meeting and to preside as Chair.
- 1.2 The poll is a poll of the local government electors of the parish and if requested, the Chairman of the parish meeting must provide the Borough Council's Returning Officer with the necessary details to allow a notice of poll to be given and for the poll to be held.
- 1.3 The parish council is responsible for the costs of the poll.
- 1.4 The Borough Council has no other role or responsibility in relation to a parish poll, which is not legally binding on the Borough Council or the parish Council.

CONTEXT

2. Yarm Parish Poll

- 2.1 At the Yarm Parish Assembly meeting held on 22 April 2014, a parish poll was requested in relation to the following question:-

"Do the electors of Yarm wish to be removed from the control and administration of Stockton Borough Council and become the responsibility of North Yorkshire County Council and Hambleton District Council?"

2.2 A parish poll was subsequently held on 27 May 2014. The result of the poll was as follows:-

Answering Yes to the (above) question	1465 votes
Answering No to the question	177 votes
Rejected votes	2

2.3 The total number of ballot papers issued was 1644, with an electorate of 6745, and a turnout of 24.37%.

3. Local Government Boundary Reviews

3.1 At **Appendix 1** is a summary explanatory note regarding principal area boundary reviews. This is based on technical guidance produced by the Local Government Boundary Commission for England (Electoral Equality/Convenient and Effective Local Government).

3.2 The following points are of particular importance:

3.2.1 The LGBCE believe that local authorities should be the primary instigators of a principal area boundary review and that they will only normally undertake such a review where there is agreement between all the principal councils potentially directly affected (in this instance, Stockton-on-Tees Borough Council, Hambleton District Council and North Yorkshire County Council).

3.2.2 The LGBCE will need to be satisfied that any proposed change meets their statutory and other criteria. In particular specific evidence will be required to demonstrate that the proposal will satisfy the need to secure effective and convenient local government; and the need to reflect identities and interests of local communities.

3.2.3 In addition, the LGBCE will expect to see evidence of confidence that the change will maintain or improve and sustain value for money in the effectiveness of local government.

3.2.4 The principal councils concerned will be expected to satisfy themselves and their council tax payers that the financial consequences of the proposal are acceptable, leading to the sustained viability of councils' service provision.

3.3 The driver for the change is the outcome of the parish poll in response to the question specified at paragraph 2.1 of this report. There has been no evidence of any assessment of a case being made by the campaigners set against the criteria outlined, which would be expected prior to any invitation being made to the LGBCE.

3.4 Since the parish poll there has been communication with a GP Practice Manager in Yarm expressing concern over the potential implications on access to health services for residents, should such boundary changes take place. Of course there are potential significant implications across a range of public services e.g. fire, police, public health as well as Local Authority services where current provision will differ significantly i.e. SBC has prioritised weekly refuse collections to name but a few. There are also implications for services currently provided by the Council which would suffer from diseconomies of scale and would have to be reconfigured.

3.5 Any assessment and impact analysis that was undertaken would need to be thorough and detailed across all public services. Indeed it would also need to cover economic growth given the boundaries and architecture of Local Enterprise Partnerships and of future European funding programmes which would also be impacted.

- 3.6 There is no provision in the Council's Medium Term Financial Plan for this work, nor is it identified within the Council's agreed Council Plan.
- 3.7 Such work would be time consuming and resource intensive requiring a budget of a minimum of £100,000 to fund either additional temporary staff, or consultants to carry out the detailed assessment and impact analysis and a subsequent borough wide consultation.

4. FINANCIAL IMPLICATIONS

- 4.1 The financial implications of carrying out an assessment and impact analysis are outlined in the previous paragraphs of this report.

5. LEGAL IMPLICATIONS

- 5.1 The outcome of the parish poll is not legally binding. The Council is not, therefore, legally required to undertake an assessment and impact analysis, or to accede to the request to invite the LGBCE to carry out a principal area boundary review.

6. RISK ASSESSMENT

- 6.1 Risks associated with any invitation to the LGBCE to undertake a review would need to be assessed as part of the assessment and impact analysis. Otherwise, any risk involved in not acceding to the request to invite the LGBCE to carry out a review is considered to be low.

7. SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

- 7.1 None considered to be applicable.

8. EQUALITIES IMPACT ASSESSMENT

- 8.1 This would only be undertaken if an assessment and impact analysis was carried out.

9. CORPORATE PARENTING

- 9.1 Not applicable.

10. CONSULTATION INCLUDING WARD/COUNCILLORS

- 10.1 All Members are to be consulted through submission of a report and Cabinet's recommendations to a meeting of full Council on 17 September 2014.

Name of Contact Officer: Margaret Waggott
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Education related?

No

Background Papers

None

Ward(s) and Ward Councillors:

Not Ward Specific

Property

Not applicable.

Principal Area Boundary Reviews

The Local Government Boundary Commission for England (“LGBCE”) is responsible for conducting reviews (principal area boundary reviews – “PABRs”) of the boundaries between local authorities.

The responsibility for implementing the reviews lies with the Secretary of State through appropriate statutory instruments or orders.

The LGBCE believes that principal local authorities (not parish or Town Councils or anyone else) should be the primary instigators of PABRs, and that they would normally undertake a PABR only where there is agreement between all the principal councils potentially directly affected.

The statutory criteria upon which any recommendation for a boundary change by the LGBCE will be based are:-

- (a) the need to secure effective and convenient local government; and
- (b) the need to reflect identities and interests of local communities

The LGBCE would expect to see evidence of confidence that change will maintain or improve and sustain value for money in the effectiveness of local government.

The Councils concerned will need to satisfy themselves and their council tax payers that the financial consequences of a proposed change are acceptable, leading to a sustained viability of the councils’ service provision.

Where a boundary change would be of such a scale as to have an impact on the management of the service delivery to all the residents of an area, the Councils involved will be expected to prepare an impact analysis to demonstrate to themselves, their residents and the LGBCE whether the impact is desirable, or at least acceptable.

In terms of the statutory criteria, the questions which the LGBCE would want to be answered, include:-

(a) Effective and convenient local government

Are there proper arrangements to ensure that the future provision of services will meet the needs of local people?

Is the change sought compatible with the organisational and service delivery arrangements of other service providers?

Is the proposed change consistent with the meeting of other local priorities, such as regeneration, and with planned land-use developments?

(b) Reflecting community identity

What are the community characteristics that would be better reflected by the proposed boundary changes than by the existing boundaries?

What arrangements would enable the communities affected to engage with their new Council?

How does the proposed change relate to the area's physical barriers and characteristics?

Also, the following is relevant:-

(c) Financial implications

What are the financial implications of the proposed change?

How will implementation of the change demonstrate value for money to council tax payers?

How can the Councils demonstrate that their proposal is financially sustainable in the medium/long term?

In terms of community identities and interests, the LGBCE will wish to see evidence of commonality between the residents/communities in each relevant council area. Are there recorded community interactions and collective engagements with the particular principal councils, for instance.

Is there evidence, to the contrary to that the respective communities are quite distinct? What is the physical extent, if any, of each community or area? Major roads, rivers or railways are often physical barriers marking the boundary between different communities.