

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

2 DECEMBER 2015

**REPORT OF CORPORATE
MANAGEMENT TEAM**

COUNCIL DECISION

Leader of the Council – Councillor Cook

COMMUNITY GOVERNANCE REVIEWS – BILLINGHAM TOWN COUNCIL AND ELTON PARISH COUNCIL

1. Summary

This report presents feedback from consultation with stakeholders and all local government electors in the areas of Billingham Town Council and Elton Parish Council and invites comments on next steps.

2. Recommendations

Cabinet are invited to submit the following draft recommendations to Council:-

1. That Billingham Town Council is retained, and that
2. Elton Parish Council is retained and a process to elect Members is commenced, following final Council approval, but that if this process and any necessary co-option does not deliver a Parish Council that is quorate then the required action should be taken to secure the dissolution of Elton Parish and the abolition of the Parish Council.

3. Reasons for the Recommendations/Decision(s)

To respond to the community governance petition and feedback from consultation.

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

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RECOMMENDATIONS

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DETAIL

Background

1. Following receipt of a petition which called for the abolition of Billingham Town Council, a Community Governance Review commenced. The opportunity was also taken to conduct a Community Governance Review in relation to Elton Parish Council.
2. A community Governance review enables a principal council to review and put in place new arrangements, making changes to current community governance systems and structures, for example by creating, merging, abolishing or changing parish or town councils in the review area.
3. The Government has emphasized that the aim of a review should be to bring about improved community engagement, more cohesive communities, better local democracy, and result in more effective and convenient delivery of services.

Billingham Town Council

4. All principal councils have a legal duty to carry out a community governance review if they receive a valid petition. For a community governance petition to be valid in an area of more than 2500 electors, as is the case with Billingham Town Council (27,080 electors), it must be signed by 7.5% of local government electors; define the area to which the review relates, and

specify one or more recommendations. This petition calls for the abolition of Billingham Town Council and claims “Its excessive administration costs are a financial burden on the people of Billingham our view, and it provides nothing of value or benefit to the community. We feel that it does not engage with or speak for those it is meant to serve, and only promotes and provides for its own self-interest. We call on Stockton Borough Council to undertake a governance review of Billingham Town Council with the outcome to proceed to a referendum for abolition of the Town Council”. Under the Local Government and Public Involvement in Health Act 2007 a principal council has the power to undertake a community governance review, and must set terms of reference that allow for the petition to be considered. The petition received contains in excess of 2,700 signatures of which 2031 have been confirmed on the electoral register. The petition has therefore been determined to be valid.

Elton Parish Council

5. In addition it should be noted that Elton Parish Council has not operated since 9 December 2008 when all Councillors resigned. Following the resignations the process was followed to fill the casual vacancies and notices of vacancy were displayed on two separate occasions between December 2008 and May 2015. In addition, since the resignations we have had two scheduled Parish Elections and no nominations were received. It was therefore proposed that a community governance review be conducted to consider the abolition of Elton Parish Council and that the detail, key stages and timeline of this review mirror that of Billingham Town Council. Key Stakeholders include the MP and Ward Councillors.

DCLG Guidance

6. The DCLG has produced guidance for Principal Councils on undertaking community governance reviews and it has been duly considered in our proposed approach. The guidance highlights the legislative requirements that a review must have regard to, namely that the community governance arrangements in an area under review should:-

- reflect the identities and interests of the community in the area under review, and
- be effective and convenient

Influencing factors that should also be considered are:-

- the impact of community governance arrangements on community cohesion, and
- the size, population and boundaries of a local community or parish

7. It should be noted that the DCLG has indicated in its guidance that it expects to see a trend in the creation of, rather than the abolition of parishes. Where the latter is proposed, the guidance requires the Council to find evidence that the abolition is justified and that there is clear local support for such action, e.g. local support for abolition over two terms (eight years) is cited, although each case must nonetheless be considered on its own individual merits.
8. In addition to the DCLG guidance where a review is considering abolishing a parish, we would need to consider what arrangements would be in place to engage with the communities in those areas once the parish was abolished. Also of relevance in this context, would be the initial support for the creation of the parish council, and the support for its continuation e.g. in the form of turnout at subsequent elections. Council will need to consider all of the above in reaching its decision on whether or not to abolish the parish. In addition Council will need to be mindful that abolition may attract challenge by way of a

judicial review.

Approaches to the reviews

9. The timetable approved by Cabinet and Council recognizes that a review must conclude within 12 months from receipt of a valid petition (received 26 June 2015).

The key stages of the reviews are as follows:-

10. Consultation with all Local Government Electors in the area 17.9.15 – 31.10.15 **complete**
11. Consideration of the wider forms of Community Governance in the area 17.9.15 – 31.10.15 **complete**
12. Initial findings are considered and draft proposals presented for consideration by CMT 09.11.15 **complete**
13. Cabinet meeting 03.12.15 will consider findings.
14. Draft recommendations to Council 20.1.16
15. Consult on draft proposals 21.1.16 to 17.2.16
16. Final recommendation to Cabinet 17.3.16
17. Final recommendation to Council 27.04.16
18. Final Recommendations and reasons for the decision published and stakeholders informed on 28.04.16
19. Recommendations implemented from 28.04.16
20. Implementation of any proposed abolition of Billingham Town Council and Elton Parish Council will be dependent upon the time it will take to finalise and publish a re-organisation order.

Awareness raising / Consultation

21. An integral part of the review is to consult with the local government electors for the area under review and any other person or body, including a local authority (i.e. the Town Council) who appears to have an interest in it.
22. Consultation has included:-
 - A letter to every local government elector explaining the issue with a consultation reply slip attached that asks a question in response to the petition “ Do you agree that Billingham Town Council/ Elton Parish Council should be abolished?” Yes or No.
 - Review Notices have been and will be placed on the web, in Municipal Buildings, Billingham Customer Services, and displayed within the Parish of Elton
 - An item was placed on the Billingham Town Council agenda meeting to raise awareness
 - Awareness raising with Ward Members via letters and a Member drop in session.

- A letter to the Locality Forum the review is ongoing
- Press releases have been and will be released at each key stage
- Stockton News Article
- Key Stakeholders
 - Lead Petitioner
 - Ward Councillors
 - Billingham Town Council
 - MP

Consultation Feedback

Billingham Town Council

Consultation with Local Government Electors

23. Of the 27080 consultation letters sent to local government electors in Billingham, 7563 consultation responses were returned (28 % response).
24. 3705 respondents were in favour of abolishing the Town Council and 3859 respondents were against abolition. A number of respondents also included comments on or enclosed with reply slips and these are attached at **Appendix A**.
25. Comments in favour of abolition tend to focus on saving money and removing an unnecessary tier of democracy as well as dissatisfaction with the Town Council.
26. Comments against abolition tend to focus on Billingham needing to have its own voice, getting “a better deal” for Billingham and satisfaction with the Town Council.

Stakeholder Feedback

27. Comments from other stakeholders are attached at **Appendix B**. Comments were received from:
- Billingham Town Council – the response concludes that the Town Council is confident that it can attract more investment/ funding and to continue to make a difference for the people of Billingham. The response also refers to the low level of precept which when compared to DCLG information about parish precepts, shows that the average Band D council tax for parishes in 14/15 was £52.37, and that the most common Band D amount was between £20 and £30. So Billingham Town Council are not unusual in that the precept level for Band D is £22.
 - Northern Locality Forum – There were mixed responses from representatives of the Forum with 2 groups noting to keep the Town Council, 1 for abolition, 4 neutral and 1 representative had not consulted their group.
 - Councillor Chris Clough – supporting the continued existence of the Town Council
 - Councillor Helen Atkinson – commenting that the Town Council has made a difference to

Billingham

- Kevin Bowler (Chief Petitioner) / Association of Billingham Residents – supporting abolition and setting out dissatisfaction with the Town Council. The response notes low levels of engagement with communities in the Parish, a lack of clarity around what services are provided by the Town Council, ambiguity over interactions with third parties and no evidence that the achievements are those wanted by the Parish.

Past Elections – Turnout

28. It should be noted that Billingham Town Council was created following a petition for a new Parish Council which received Full Council support in 2005.

Ward	2007	2011	2013 BE	2015	2016 BE
Billingham Central	29.61	31.69		Not Contested	
Billingham East	28.40	28.17		Not Contested	
Billingham North	37.89	38.51	8.85	Not Contested	TBC
Billingham West	43.90	Not Contested		Not Contested	
Billingham South	Not Contested	Not Contested		Not Contested	

29. Please note that in addition to the above there has been one other vacancy advertised in June 2008 which didn't result in an election being called.

30. Cabinet are reminded that the Council had a duty to embark upon the community governance review following receipt of a petition requesting abolition. Responses to the outcome of the review indicate support for and against abolition / retention is fairly evenly balanced, with no overwhelming support for abolition. Cabinet are therefore invited to submit draft recommendations to Council that no further action should be taken. This would mean there would be no changes to the existing arrangements and the Town Council would continue.

Elton Parish Council

Consultation with Local Government Electors

31. Of the 269 consultation letters sent to local government electors in Elton, 74 consultation responses were returned (27% response).

32. 30 respondents were in favour of abolishing the Parish Council and 44 respondents were against abolition. A number of respondents also included comments on or enclosed with reply slips and these are attached at **Appendix A**.
33. Only one comment was received from an elector in favour of abolition. Comments against abolition mainly highlight potential interest from residents prepared to stand for the Parish Council.
34. Cabinet are reminded that the Council embarked upon the community governance review following an extended period of inactivity. However in light of the responses to and the outcome of the review, that residents are interested in being members of the Parish Council, Cabinet are invited to recommend to Council that the Parish Council is retained and an election process instigated to try and attract new Members. This would mean there are no changes to the existing arrangements and the Parish Council would continue. If however following an Election Process and any necessary co-option process there remains insufficient Members elected / co-opted for the Council to be quorate, then the required action should be taken to secure the dissolution of the Parish and the abolition of the Parish Council.

Next Steps

35. Following Cabinet's consideration, Council at their meeting on the 20.1.16 will consider Cabinet's draft proposals prior to consultation during the period 21.1.16 – 17.2.16. Final recommendations will be reported to Cabinet 17.3.16 and Council on 27.4.16. Decisions will be published and stakeholders informed on the 28.4.16.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

36. Within existing resources. Expected costs of consultation with Local Government electors in Billingham Town Council area £30,143.42 and Elton Parish Council area £2,591.02

Legal

37. It is a legal requirement to undertake a community governance review in response to a valid petition received calling for the abolition of Billingham Town Council. The Council is also able to carry out a voluntary review of Elton Parish Council.

RISK ASSESSMENT

38. The risks arising from what is proposed can be categorised as low to medium.

COUNCIL PLAN IMPLICATIONS

39. Stronger Communities.

EQUALITY IMPACT ASSESSMENT

40. The requirement for an assessment will be considered as part of the review process.

CONSULTATION

41. As above plus Lead Members and Cabinet Member.

Head of Democratic Services, Trading Standards and Licensing

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