

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**23 MARCH 2016**

**REPORT OF SENIOR  
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 final recommendations following consultation on draft proposals in respect of community governance reviews of Billingham Town Council and Elton Parish Council.

2. Recommendations

Cabinet is invited to submit the following final 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 in relation to Billingham Town Council and an extended period of inactivity in relation to Eton Parish Council; to respond to 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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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.

**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 had to 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 called for the abolition of Billingham

5. Town Council and claimed “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 contained in excess of 2,700 signatures of which 2031 were confirmed on the electoral register. The petition was therefore determined to be valid.

#### Elton Parish Council

6. In addition, Cabinet were advised that Elton Parish Council has not operated since 9 December 2008 when all Councillors had 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 there were 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 should mirror that of Billingham Town Council. Key Stakeholders included the MP and Ward Councillors.

#### DCLG Guidance

7. 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

8. 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.
9. 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**

10. The timetable for the review was approved by Cabinet and Council and recognized that a review had to conclude within 12 months from receipt of a valid petition (received 26 June 2015).

### **The key stages of the reviews remaining are as follows:-**

11. Final recommendation to Cabinet 23.3.16
12. Final recommendation to Council 27.04.16
13. Final Recommendations and reasons for the decision published and stakeholders informed on 28.04.16
14. Recommendations implemented from 28.04.16
15. 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**

16. An integral part of the review was 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 appeared to have an interest in it.
17. The first stage of the consultation included:-
  - A letter to every local government elector explaining the issue with a consultation reply slip attached that asked 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 were 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 tool place
  - A letter was sent to the Locality Forum
  - Press releases were released at each key stage
  - Stockton News Article
  - Key Stakeholders were kept informed
    - Lead Petitioner
    - Ward Councillors
    - Billingham Town Council
    - MP

## **Consultation Feedback on First Stage of the Consultation**

### **Billingham Town Council**

18. In response to the first stage of the consultation, feedback was as follows:

#### *Consultation with Local Government Electors*

19. Of the 27080 consultation letters sent to local government electors in Billingham, 7563 consultation responses were returned (28 % response).
20. 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 were previously presented to Cabinet and Council.
21. Comments in favour of abolition tended to focus on saving money and removing an unnecessary tier of democracy as well as dissatisfaction with the Town Council.
22. Comments against abolition tended to focus on Billingham needing to have its own voice, getting “a better deal” for Billingham and satisfaction with the Town Council.

#### *Stakeholder Feedback*

23. Comments from other stakeholders were also previously presented to Cabinet and Council. In summary, comments were received from:
  - Billingham Town Council – the response concluded that the Town Council was confident that it could attract more investment/ funding and to continue to make a difference for the people of Billingham. The response also referred to the low level of precept which when compared to DCLG information about parish precepts, showing 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 were 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 noted 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
  - In addition the lead petitioner for the petition which called for the abolition of Billingham Town Council; a Billingham resident and a Ward Councillor were in attendance at the Cabinet meeting on 3 December 2015 and were given the opportunity to address Members.

## Past Elections – Turnout

24. 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	2015 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	11.41
Billingham West	43.90	Not Contested		Not Contested	
Billingham South	Not Contested	Not Contested		Not Contested	

25. In addition to the above, there had been one other vacancy advertised in June 2008 which did not result in an election being called.

26. Responses to the first stage of the consultation indicated support for and against abolition / retention was fairly evenly balanced, with no overwhelming support for abolition. Cabinet were 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*

27. In response to the first stage of the consultation, feedback was as follows:

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

29. 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 were presented to Cabinet and Council when the initial consultation responses were reported.

30. Only one comment was received from an elector in favour of abolition. Comments against abolition mainly highlighted potential interest from residents prepared to stand for the Parish Council.

31. Cabinet were 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 were interested in being members of the Parish Council, Cabinet was invited to recommend to Council that the Parish Council be retained and that an election process be instigated to try and attract new Members. This would mean there would be 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 remained insufficient Members elected / co-opted for the Council to be quorate, then action should be taken to secure the dissolution of the Parish and the abolition of the Parish Council.

### **Consultation on Draft Proposals**

32. Following Cabinet and Council consideration, public notices were displayed and information was included on the Council's website indicating the Council's intention to retain Billingham Town Council and Elton Parish Council. No further representations have been received and Cabinet is therefore asked to make final recommendations to Council confirming the draft proposals.

### **Next Steps**

33. Following Cabinet's consideration, Council at their meeting on the 27.4.16 will consider Cabinet's final recommendations. Decisions will be published and stakeholders informed on the 28.4.16.

## **FINANCIAL AND LEGAL IMPLICATIONS**

### **Financial**

34. 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**

35. 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**

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

## **COUNCIL PLAN IMPLICATIONS**

37. Stronger Communities.

## **EQUALITY IMPACT ASSESSMENT**

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

## **CONSULTATION**

39. As above plus Lead Members, Ward Members and Cabinet Member.

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