

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

21 JUNE 2017

**REPORT OF SENIOR
MANAGEMENT TEAM**

COUNCIL DECISION

Leader of the Council – Councillor Cook

COMMUNITY GOVERNANCE REVIEW – GRINDON PARISH

1. Summary

This report presents feedback from the second stage consultation with stakeholders and presents final recommendations.

2. Recommendations

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

1. That Grindon Parish is abolished and Grindon Parish Council is dissolved and that two new parishes and parish councils are created based on the ward boundaries of Grindon East and Grindon West;
2. That the new parish in the Grindon West Ward is called Grindon and Thorpe Thewles Parish and the new parish in the Grindon East Ward is called Wynyard Parish;
3. That Grindon and Thorpe Thewles Parish Council comprise 6 Parish Councillors and Wynyard Parish Council comprise 7 Councillors;
4. That, subject to further consultation on the above proposals and final agreement by Council 21 June 2017, a reorganisation order be made to implement the changes which will come into force at the next ordinary parish elections in May 2019.

3. Reasons for the Recommendations

To respond to the community governance review 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. 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.
2. 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.
3. 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 less than 2500 electors, as is the case with Grindon, it must be signed by at least 187 local government electors, define the area to which the review relates and specify one or more recommendations. This petition called for the splitting of Grindon

into two separate parishes along the ward boundaries of Grindon East and Grindon West with an alteration to the boundary line.

4. The petition stated:

“Thorpe Thewles village is part of Grindon Parish Council. The Parish Council works for you and your community influencing planning, fly tipping, environmental issues and local matters. It is also a link to Stockton Borough Council Departments. From the maps attached you can see Grindon Parish Council is in two areas, Grindon East and is mainly Wynyard Park and Grindon West which consists of Thorpe Thewles and The Elms near Junction Road. Over the years the demands and needs of these communities in Grindon West and Grindon East have become more and more diverse due to the number of houses in each area. There are approximately 800 houses in Wynyard and another 400 planned making a total of 1200 whilst in Grindon West there are approximately 200 homes. There is a strong feeling among some residents that Grindon Parish Council should be split into separate areas and manage their own affairs.”

5. 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 187 valid signatures and was therefore valid.

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 it:-

- reflects the identities and interests of the community in the area under review, and
- is 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

Approaches to the review

7. The timetable approved by Cabinet and Council recognized that the review must conclude within 12 months from receipt of a valid petition (received September 2016).

The key stages of the review were as follows:-

8. Consultation with all Local Government Electors in the area 9 January 2017 – 28 February 2017 **complete**
9. Consideration of the wider forms of Community Governance in the area 9 January 2017 – 28 February 2017 **complete**

10. Initial findings are considered and draft proposals presented for consideration by SMT 13 March 2017 **complete**
11. Cabinet meeting 20 April to consider findings **complete**
12. Draft recommendations to Council 3 May 2017 **complete**
13. Second stage consultation on draft proposals 8 May 2017 to 31 May 2017 **complete**
14. Final recommendation to Cabinet 21 June 2017
15. Final recommendation to 21 Council June 2017
16. Final Recommendations and reasons for the decision published and stakeholders informed on 22 June 2017
17. Implementation will be dependent upon publication of a re-organisation order. Any changes would come into force at the next ordinary parish elections in May 2019.

First Stage Consultation

18. 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 Parish Council) who appears to have an interest in it.
19. A range of consultation mechanisms took place:-
 - A letter to every local government elector explaining the issue with a consultation reply slip attached that asking for views
 - Review Notices placed on the web and displayed within the Parish
 - Consultation with the Parish Council, Ward Members, MP, the Locality Forum and residents' groups
 - Press release

First Stage Consultation Feedback

Consultation with Local Government Electors – First Stage Consultation

20. Of the 2,320 consultation letters sent, 481 responses were returned (21% response). 389 respondents were in favour of splitting the parish into two new parishes and 91 respondents were against a split of any kind. Of those respondents who were in favour of a split, 297 favoured a split along existing ward boundaries and 235 favoured a split along the proposed new boundaries; 143 agreed with splitting along both existing and proposed boundaries.
21. 393 respondents were in favour of creating a new parish council for Grindon East if the Parish were to be split and 383 respondents were in favour of creating a new parish council for Grindon West if the Parish were to be split.
22. Comments received on the feedback forms were also presented to Cabinet and Council.

Stakeholder Feedback – First Stage Consultation

23. Comments from other stakeholders were as follows:

Grindon Parish Council:

The Parish Council agreed that the parish should be split into two separate parishes. However, the Parish Council felt that The Elms (Grindon West) would be best suited to be moved from Grindon and placed into the Roseworth parish area. They also agreed that should the parish split, both Grindon east and west should have their own parish council.

Alex Cunningham MP:

“I personally have no strong views on the proposals with the letter other than if the local community wish to see this split and believe it will bring benefits to them, I would be supportive of whatever boundaries the Council thought appropriate.

That said, if there is then support for a new parish council, I would be mindful that some parish councils in other parts of the area, fail to operate due to lack of people expressing an interest in being elected to office. I would hope we wouldn't face that kind of situation affecting the area in question.”

Wynyard Residents Association: Supporting a Wynyard Parish Council

Guidance on Community Governance Review

24. In formulating draft proposals, Members had regard to Guidance from The Local Government Boundary Commission for England (LGBCE):

- The general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government.
- In parishes with 151 to 999 electors the principal council may recommend the creation of either a parish council or a parish meeting. In parishes with 150 or fewer electors principal councils are unable to recommend that a parish council should be created and therefore only a parish meeting can be created. Grindon East has in excess of 1711 electors and Grindon West has in excess of 632 electors
- Where the review relates to a new parish, it is for the principal council, in the first instance, to make recommendations as to the geographical name of the new parish.
- New or revised parish electoral arrangements come into force at ordinary parish elections, rather than parish by-elections, so the creation of the new parishes would have to wait until the next scheduled parish elections in 2019. They can come into force sooner only if the terms of office of sitting parish councillors are cut so that earlier parish elections may be held for terms of office which depend on whether the parish is to return to its normal year of election. Cutting the term of office of the existing parish councillors would only bring in the changes 12 months earlier
- There is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England, found that the typical parish council representing less than 500 people had between five and eight councillors and those

between 501 and 2,500 had six to 12 councillors. In considering the issue of council size, the LGBCE is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

Taking into account the feedback from the first stage consultation and DCLG Guidance, Council agreed the following draft proposals for further consultation:

1. That Grindon Parish is abolished and Grindon Parish Council is dissolved and that two new parishes and parish councils are created based on the ward boundaries of Grindon East and Grindon West;
2. That the new parish in the Grindon West Ward is called Grindon and Thorpe Thewles Parish and the new parish in the Grindon East Ward is called Wynyard Parish;
3. That Grindon and Thorpe Thewles Parish Council comprise 7 Parish Councillors and Wynyard Parish Council comprise 9 Councillors;
4. That, subject to further consultation on the above proposals and final agreement by Council 21 June 2017, a reorganisation order be made to implement the changes which will come into force at the next ordinary parish elections in May 2019.

Second Stage Consultation Feedback

25. Public Notices were displayed and further information included on the Council Website. Further letters were also sent to the key stakeholders setting out the draft proposals. The following response has been received:

Gordon Robson - Chair of Grindon Parish Council

"I have refrained from commenting on these proposals thus far as it could have been considered inappropriate for me to do so as Chair of Grindon Parish Council.

The proposals are very much in line with the request of both Wynyard and Thorpe Thewles residents and I congratulate Legal and Democratic Services on the results of their deliberations, however, there are two issues which require some thought.

Firstly the residents of The Elms do not fit into the existing structure and will not fit into the new one. This estate is one of the modern legal entities with most of the verges etc. controlled by the developers who collect a service charge from each property which means that there is very little, if any, opportunity to provide any enhancement to this estate. The District Councillor has been unable to even provide a dog bin. I feel that the residents are effectively paying an additional tax by paying the GPC Precept and receive absolutely nothing in return. It is my firm belief that The Elms would be a better fit as part of Roseworth for administrative purposes.

Regarding the recommendation that the proposed Wynyard Parish should have nine elected members I would remind you that co-option has always been difficult for the existing ward due to the busy lifestyle of the residents. At the last election only two candidates put themselves forward out of the required four. I would suggest that seven elected members would be a more workable number."

26. With regard to the comments about The Elms, changing the Parish boundaries would reduce the electorate of the new Grindon and Thorpe Thewles parish and the electors would then reside in an unparished area of the district ward of Northern Parishes.

27. With regard to the comments on the number of Parish Councillors serving on the two new Parish Councils, there is local flexibility as indicated in paragraph 24 above and it is therefore recommended that the number of parish councillors be reduced to 6 on Grindon and Thorpe Thewles Parish Council and 7 on Wynyard Parish Council.

Next Steps

28. Following Cabinet's consideration on the 15 June Council will make a final decision on 21 June 2017.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

29. There is no existing budget for Community Governance Review. Printing and postage costs will be met by SBC.

Legal

30. It is a legal requirement under the Local Government and Public Involvement in Health Act 2007 to undertake a community governance review in response to the receipt of a valid petition.

RISK ASSESSMENT

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

COUNCIL PLAN IMPLICATIONS

32. Stronger Communities.

EQUALITY IMPACT ASSESSMENT

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

CONSULTATION

34. As above plus Lead Members and Cabinet Member.

Assistant Director Administration, Democratic and Electoral Services

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Background Papers:

Ward(s) and Ward Councillors:

Property Implications: