

## County Council

26 October 2011

### Community Governance Reviews Crook and Durham City



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## Report of Constitution Working Group

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### Purpose of the Report

1. To present to the Council the Terms of Reference, consultation strategy and consultation documents prepared for the purposes of the Community Governance Review, for the unparished areas of Crook and Durham City.

### Background

2. On 27 July 2011, the County Council approved the following recommendations:-
  - (i) that the Constitution Working Group be delegated to oversee the Community Governance Review process, propose terms of reference for approval by the Council and produce recommendations for the County Council's consideration;
  - (ii) that the Constitution Working Group consider and propose to Council, the Terms of Reference for each review and the initial options for consideration, including the option identified in any valid petition and the proposed timetable for each review;
  - (iii) that Community Governance Reviews for Durham City and Crook commence no later than 1 November 2011;
  - (iv) that the Constitution Working Group consider its prepared option for undertaking reviews (whole of the County), or a schedule initially to cover unparished areas of the County.
3. Since the last meeting of the Council, a working group comprising Officers from Legal and Democratic Services, Assistant Chief Executives and CDALC (County Durham Association of Local Councils) have met to plan the project and to prepare documentation for the Constitution Working Group to consider and either amend or to recommend approval by the Council.
4. Officers have taken into consideration the statutory duties that the Council must meet carrying out the review. They are mindful of the fact that local democracy issues can be controversial. The range of

public attitudes could include complete indifference to the process; determination not to have anything that could lead to a precept; parts of the area under review wanting a small parish council that identifies with a closer community and a fierce desire on the parts of others to have a town council large enough and resourced enough to be a major player in the area.

5. The possible diversity of the range of views means that any outcome of the review is likely to disappoint some groups and because of this, the Council needs to be as resistant as it can be to a potential challenge.
6. Such a challenge is likely to focus upon whether the Council met its statutory duties whilst carrying out the review.
7. It is therefore likely to focus in particular upon whether the Council complied with the duties set out in Section 93 of the Local Government Public Involvement in Health Act 2007 which include:-
  - To consult with local government electors for the area under review and with any other personal body (including a local authority) which appears to the Council to have an interest in the review
  - To have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community and that it is effective and convenient.
  - To take into account any other arrangements apart from those relating to parishes and their institutions that has already been made and could be made for the purposes of community representation or community engagement in respect to the area under review.
  - Take into account any representations received in connection with the review.
  - As soon as practicable after making any recommendations publish them and take such steps as the Council considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
  - Conclude the review within the period of 12 months starting with the day on which the Council begins the review.
8. The issue of whether the Council could discharge its duties by holding a referendum in its purest terms have been carefully considered. There has also been consultation with DCLG (Department for Communities and Local Government) on this issue, and Officers concluded that it is difficult to see how a referendum could achieve the obligations set out in Section 93.

9. There are also concerns on the part of officers that phrasing a referendum question that is clear enough to resolve issues as complex as this is extremely difficult.
10. The recommendation is therefore, not to have a formal referendum on this matter, but to carry out the consultation in such a way as to ensure that not only are groups and relevant bodies consulted, but that every 'household' has the opportunity to answer questions and tick boxes, indicating a preference, and that those preferences play a significant role in the decision making process.
11. To advance this, officers have prepared a consultation document, the one for Durham appearing at Appendix 2; and the one for Crook at Appendix 3.

## **Proposals**

### Durham City

The Council proposes to commence its extensive consultation with electors and stakeholders in the area commencing 1 November 2011 when it will invite initial submissions. This initial stage will include consultation with the public, local business, schools and colleges, community association, voluntary groups and societies. Neighbouring Parish Council's will also be consulted.

In addition to this the Council will also:

- provide an electronic leaflet and questionnaire and other information on it's website and other social networking sites;
- produce an information leaflet and questionnaire which will be sent to all households in the review area;
- publish an article in the Autumn/Winter edition of the Council's residents magazine 'Durham County News';
- publish relevant statutory notices within the local media;

The initial consultation period (detailed in the review timetable) will end on 31 December 2011. Any representations on the review must be received by that date or they may not be considered.

The Council will also be pleased to receive comments from any other person or body that wishes to make representation during the initial submission.

Once the initial submissions have been received and considered the Council will prepare draft proposals for consultation.

The Council will clearly publish all decisions taken during the review, give reasons for taking such decisions and conduct the process transparently so that local people and local stakeholders who may

have an interest are made aware of the outcome of the decisions taken on them and the reason.

## Crook

The review for the unparished Crook area will be split into three parts:

- Crook Unparished North;
- Crook Unparished Central (the area identified in the valid petition);
- Crook Unparished South

The Council proposes to commence its extensive consultation with electors and stakeholders in the area commencing 1 November 2011 when it will invite initial submissions. This initial stage will include consultation with the public, local business, schools and colleges, community association, voluntary groups and societies. Neighbouring Parish Council's will also be consulted.

In addition to this the Council will also:

- provide an electronic leaflet and questionnaire and other information on it's website and other social networking sites;
- produce an information leaflet and questionnaire which will be sent to all households in the review area,
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Once the initial submissions have been received and considered the Council will prepare draft proposals for consultation.

The Council will clearly publish all decisions taken during the review, give reasons for taking such decisions and conduct the process transparently so that local people and local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reason.

that a report be prepared for the 22nd March 2012 Council setting out the results of the consultation and producing proposals for further consultation.

## **The Consultation Documents**

12. The documents comprise:-
  - a letter explaining the background to the review
  - a document explaining what 'a Community Governance Review is ...';
  - a questionnaire.
13. During the course of its preparation, the Officers Group and the Constitution Working Group have considered how to balance this document so as to make it clear that this is a consultation, where there is no foregone conclusion, and it is the views of the people being consulted that will shape the consultation. It is necessary to ensure that the documentation is evenly balanced and does not favour one proposed outcome over another.

## **Terms of Reference**

14. Guidance suggests that principal councils should consider undertaking a review of the whole of its area in one exercise, but does recognise that a full scale review will not always be warranted. The Constitution Working Group has considered whether or not to undertake a full review of County Durham, and has concluded, on balance, it would not be appropriate to carry out such a review at this stage for the following reasons:-
  - (i) the size of the County, the resources required and the deadline of completing within twelve months of the publication of the Terms of Reference, would court the risk of not completing the review within the statutory time limits;
  - (ii) there has been no demand for reviews, other than in the areas of Crook or Durham;
  - (iii) the Council can review individual areas in a separate review;
  - (iv) dealing with the review in stages, would ensure as far as possible, that reviews can be undertaken using current staffing levels, rather than engaging outside resources.

### Terms of Reference for Durham City (attached at Appendix 4)

Residents of Durham City have shown significant interest in the possible creation of a parish council with the submission of a petition. Although, the petition did not contain the required number of signatures of eligible electors the Council has decided to undertake a community governance review for that area.

In respect of the Durham City area the review will consider whether:

- A new Durham Town Council should be created (identified within the petition and illustrated on the attached plan) for the whole of the unparished area of Durham City;

- More than one new town or parish council should be created in the unparished area of Durham City;
- The merging of part of the unparished area with an existing parish council;
- Any other alternative forms of community governance be created.

#### Terms of Reference for Crook (attached at Appendix 5)

Residents of Crook have shown significant interest in the possible creation of a parish council with the submission of a valid petition, containing the required number of signatures of eligible electors, entitled 'Petition for a New Parish Council'. The unparished area shown on the map included with the petition is shown as Crook Central on the plan attached to the Terms of Reference. In addition to this unparished area, the Council is also reviewing the unparished areas shown as Crook unparished North and Crook unparished South on the map attached to the Terms of Reference.

In respect of the Crook area the review will consider whether:

- A new Crook Parish Council should be created identified within the petition and illustrated on the attached plan.
- More than one new town or parish council should be created in the unparished area of Crook;
- The merging of part of the unparished area with an existing parish council;
- Any other alternative forms of community governance be created.

#### **Recommendation**

15. It is recommended that Council approve the Terms of Reference for Crook and Durham City, including the revised timetable, and agree to their publication.

#### **Background Papers**

16. (i) Report to Council 27.7.11  
(ii) Estimated Cost of Consultation (attached at Appendix 6)

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**Contact: Colette Longbottom Tel: 0191 383 5643**

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## **Appendix 1: Implications**

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**Finance** – There will be a financial cost in holding Community Governance Reviews, particularly in respect of Consultation. There is no budget provision for undertaking a review of the whole of the Council within twelve months. However, an estimate of the costs of undertaking the first consultation are attached.

**Staffing** – There will be staffing implications in undertaking Community Governance Reviews with an extra burden on staff from Democratic Services and ACE.

**Risk** – The risk would be to the reputation of the Council if the process is not viewed as open and transparent.

**Equality and Diversity / Public Sector Equality Duty** – An Equality Impact Assessment will be undertaken prior to consultation and this will be reviewed during the exercise before any recommendations are prepared. (attached at Appendix 7)

**Accommodation** - None

**Crime and Disorder** - None

**Human Rights** - None

**Consultation** – An essential part of the process and is covered in this report.

**Procurement** - None

**Disability Issues** – see Equality and Diversity.

**Legal Implications** – Legal requirement to complete reviews within 12 months of agreeing Terms of Reference

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**Appendix 2: Consultation Document for Durham**

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Contact: Sharon Spence  
Direct Tel: 0191 383 3507  
Fax: 0191 383 4206  
email: sharon.spence@durham.gov.uk  
Your ref: CGR Survey  
Our ref: Durham City CGA

<Address1>  
<Address2>  
<Address3>  
<Address4>  
<Postcode>

1 November 2011

Dear Resident

**Community Governance Arrangements – Have Your Say**

Since the creation of the unitary authority in April 2009, the council has been awaiting the outcome of the review of its electoral boundaries that is being undertaken by the Local Government Boundary Commission for England. As the review draws to a close with the final outcome expected by the end of the year, the council proposes to commence a review of community governance for the unparished area of Durham City.

The enclosed documents represent the commencement of this review.

We are keen to hear your views on alternative community governance arrangements for this area. Further details including a map of the area affected are provided in the information leaflet and we would be grateful if you could complete the enclosed survey and return it in the FREEPOST envelope (no stamp is required) by Saturday 31 December 2011.

Yours faithfully,



**Colette Longbottom**  
**Head of Legal & Democratic Services**

**Please ask us if you would like this document summarised in another language or format.**

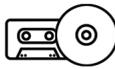
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Français (French) Türkçe (Turkish) Melayu (Malay)

**Sharon.spence@durham.gov.uk**

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**Braille**



**Audio**



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Print**

# **Community Governance Arrangements.**

## **What is a Community Governance Review and why are we doing one?**

The council has received a petition requesting a parish/town council for Durham City. To consider this the council needs to carry out a community governance review. This is a review of the way decisions are made on local issues. A review will look at the best ways of enabling you to influence decisions affecting you and represent the interests of your area.

## **What are the duties of Durham County Council during the review?**

The county council must undertake to consult local government electors and any other persons or organisation with an interest in the area under review. We must also ensure that community governance arrangements reflect the identities and interests of the community in that area and that the proposals for community governance review are effective and convenient. We must take account of other arrangements for representing and involving the local community along with any suggestions and views we receive.

Following this the council will make recommendations on the electoral arrangements and publish them, informing interested parties. We will then take into account any guidance published by the Secretary of State and the Electoral Commission. The review must be finished within 12 months from the day on which the council began the review.

## **What will Durham County Council consider?**

This review will cover the unparished areas of Durham City and its surrounding areas, please see the back of this leaflet for a map of the unparished areas. The council will consider what other forms of local governance might be adopted within the unparished area, as well as the best size, geographic coverage and functions of any new form of governance.

To help us with this process, we shall consult as many local government electors as possible for the areas under review as well as, amongst others, local businesses, schools and community associations.

On top of this we will take into account the Local Government Boundary Commission for England's review of the electoral arrangements for Durham County Council.

## Types of Community Governance

The Department for Communities and Local Government give examples of forms of community governance, shown overleaf:

### **Area/community forums**

Area or community forums (including civic forums) can be set up by the principal council, or created by local residents to act as a mechanism to give communities a say on principal council matters or local issues. Sometimes forums are set up to comment on a specific project or initiative that will affect the local area, and so may be short term/time-limited. They increase participation and consultation, aiming to influence decision making, rather than having powers to implement services. They have no tax levying powers and would depend for funding on donations from the county council and other bodies, and grants.

### **Community associations**

Community associations are set up locally by members of a community. They usually have a democratically elected management committee and may include local councillors. Community associations offer local people the opportunity to work together for the benefit of their neighbourhood. They would have no tax levying powers and would depend for funding on donations from the county council and other bodies, and grants. They are often run by volunteers and may be set up as a charity.

### **Neighbourhood management**

Neighbourhood management programmes are set up by principal councils and may be led by one of several organisations. They create the opportunity for residents to work with local agencies. They are most commonly assisted by a neighbourhood manager. This is a paid officer working in the locality. Their purpose is to improve services at the neighbourhood level. They have no tax levying powers and would depend for funding on donations from the county council and other bodies, and grants.

### **Parish Councils**

Parish councils are a democratically elected tier of local government, independent of other councils. They have statutory powers which give them an opportunity to provide a range of services. They are funded by a precept on properties in the area. The size, range and quality of service they provide will depend on the size of the precept which they choose to levy, making it difficult to predict what the precept would be for a new council. The following are examples of precepts currently levied by some parish/town councils in County Durham:

<u>Council</u>	<u>Precept</u>	<u>Council Tax Band D</u>
Great Aycliffe	£1,616,850	£204.10 pa
Peterlee	£1,456,894	£256.04 pa
Seaham	£1,106,470	£198.84 pa
Spennymoor	£1,209,490	£199.29 pa
Stanley	£ 800,000	£ 85.69 pa
Belmont	£ 69,000	£ 22.86 pa
Brandon & Byshottles	£ 142,050	£ 25.71 pa
Framwellgate Moor	£ 42,500	£ 25.45 pa
Shincliffe	£ 12,000	£ 16.82 pa
Sherburn	£ 26,500	£ 27.51 pa
Witton Gilbert	£ 29,500	£ 36.65 pa
Bishop Auckland	£ 114,500	£ 23.02 pa

The formation of a parish/town council will result in the termination of the current civic trust arrangement in the former Durham City Council area for which a charge of £4.29pa is currently levied.

Powers and duties of parish councils can be found on:  
<http://www.cdalc.info/Pages/PowersandDuties.aspx>

### **Residents' and tenants' associations**

These enable local people to participate in local issues affecting their neighbourhood or housing estate, including the upkeep of the local environment, crime, sometimes dealing with anti-social behaviour matters, or on some estates, housing management. They can be set up by any group of people living in the same area and can choose their members, how they will be represented and what they want to achieve. An example is the County Durham Residents' Association. They have no tax levying powers and would depend for funding on donations from the county council and other bodies, and grants.

## How will we know about the review?

Information about the review will be given in the press, meetings/presentations through Durham Area Action Partnership in the unparished area, a questionnaire on the council's website and a hard copy sent to each household.

All interested parties and members of the public will be welcome to attend these meetings

## How can I have my say?

The first step is to hear from electors within the unparished area as to whether they would like some form of community governance arrangements introduced. Details of the options available are listed above.

We would therefore be grateful if you could complete the attached survey. The survey is also available on the council's website at [www.durham.gov.uk/consultations](http://www.durham.gov.uk/consultations). Please ensure that surveys are completed and returned by **31 December 2011**. If you require further paper copies for other members of your household please call Sharon Spence on 0191 383 3507.

You can also send any comments to [durhamcgr@durham.gov.uk](mailto:durhamcgr@durham.gov.uk).

Full guidance on community governance reviews can be found at: [www.communities.gov.uk/documents/localgovernment/pdf/1527635.pdf](http://www.communities.gov.uk/documents/localgovernment/pdf/1527635.pdf).



# Community Governance Review Survey

Please see the information leaflet for a map of the unparished area.

**1. Please state which is your preferred form of community governance for the unparished area of Durham City?**

- Parish council
- Alternative to parish council
- No additional form of community governance

**2. If a parish council is the preferred form of community governance for the unparished area of Durham and its surroundings how should it be arranged?**

- One parish for the whole of the unparished area of Durham. **Go to Q4**
- More than one parish council based around neighbourhoods, for example, housing estates such as Newton Hall or areas such as Nevilles Cross. **Go to Q3**

**3. If you think “more than one parish council” is the best option, how many parish councils should be created and what area should they cover?**

How many parish councils:

Areas covered:

**4. Would you like to make any other comments on this community governance review?**

**5. Please give your postcode below.**

(failure to provide your postcode will result in your questionnaire being disregarded).

Our aim is to involve as many people as possible in local decision making and, as such, we would like to make sure everyone has the opportunity to become involved. We also have specific responsibilities to ensure that certain groups protected by equality legislation are included. If you could answer a few questions about yourself it will help us monitor our performance. Your answers will be confidential and we will only use the information for this consultation. However, these questions are entirely optional.

**What is your gender?**

- Male                       Female

**What is your age?**

\_\_\_\_\_ Years old

**Do you consider yourself to be a disabled person?**

(This may include any long-standing illness, disability or infirmity which has a substantial effect on your day to day life. Long-standing means that it has lasted, or is likely to last, for over a year.)

- Yes                       No

**What is your ethnicity?**

**What is your religion or belief?**

- Christian               Muslim               Hindu               Sikh
- Jewish               Buddhist               None               Other,

please state below

**How would you describe your sexuality?**

- Heterosexual/straight               Gay woman/lesbian               Gay man
- Bisexual               Other, please state

Following the results of this questionnaire our draft proposals are envisaged to be available for consultation between the 1 March and the 30 April 2012. You will be invited to comment on draft proposals during this period.

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**Appendix 3: Consultation Document for Crook**

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Contact: Sharon Spence  
Direct Tel: 0191 383 3507  
Fax: 0191 383 4206  
email: sharon.spence@durham.gov.uk  
Your ref: CGR Survey  
Our ref: Crook CGA

<Address1>  
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1 November 2011

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**Community Governance Arrangements – Have Your Say**

Since the creation of the unitary authority in April 2009, the council has been awaiting the outcome of the review of its electoral boundaries that is being undertaken by the Local Government Boundary Commission for England. As the review draws to a close with the final outcome expected by the end of the year, the council proposes to commence a review of community governance for the unparished area of Crook and its surrounds.

The enclosed documents represent the commencement of this review.

We are keen to hear your views on alternative community governance arrangements for this area. Further details including a map of the area affected are provided in the information leaflet and we would be grateful if you could complete the enclosed survey and return it in the FREEPOST envelope (no stamp is required) by Saturday 31 December 2011.

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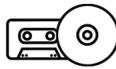
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# **Community Governance Arrangements.**

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Following this the council will make recommendations on the electoral arrangements and publish them, informing interested parties. We will then take into account any guidance published by the Secretary of State and the Electoral Commission. The review must be finished within 12 months from the day on which the council began the review.

## **What will Durham County Council consider?**

As well as the area identified in the petition, the review will encompass the unparished areas to the north and south of Crook Town as indicated on the enclosed map. The council will consider what other forms of local governance might be adopted within the unparished area, as well as the best size, geographic coverage and functions of any new form of governance.

To help us with this process, we shall consult as many local government electors as possible for the areas under review as well as, amongst others, local businesses, schools and community associations.

On top of this we will take into account the Local Government Boundary Commission for England's review of the electoral arrangements for Durham County Council.

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<u>Council</u>	<u>Precept</u>	<u>Council Tax Band D</u>
Bishop Auckland	£ 114,500	£ 23.02 pa
Greater Willington	£ 59,500	£ 27.96 pa
Stanhope	£ 26,906.25	£ 16.05 pa
Tow Law	£ 24,672	£ 41.82 pa
Witton Le Wear	£ 5,000	£ 17.42 pa
Wolsingham	£ 22,209	£ 22.12 pa

Powers and duties of parish councils can be found on:  
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### **Residents' and tenants' associations**

These enable local people to participate in local issues affecting their neighbourhood or housing estate, including the upkeep of the local environment, crime, sometimes dealing with anti-social behaviour matters, or on some estates, housing management. They can be set up by any group of people living in the same area and can choose their members, how they will be represented and what they want to achieve. An example is the County Durham Residents' Association. They have no tax levying powers and would depend for funding on donations from the county council and other bodies, and grants.

### How will we know about the review?

Information about the review will be given in the press, meetings/presentations through the Three Towns Partnership in the unparished area, a questionnaire on the council's website and a hard copy sent to each household.

All interested parties and members of the public will be welcome to attend these meetings

### How can I have my say?

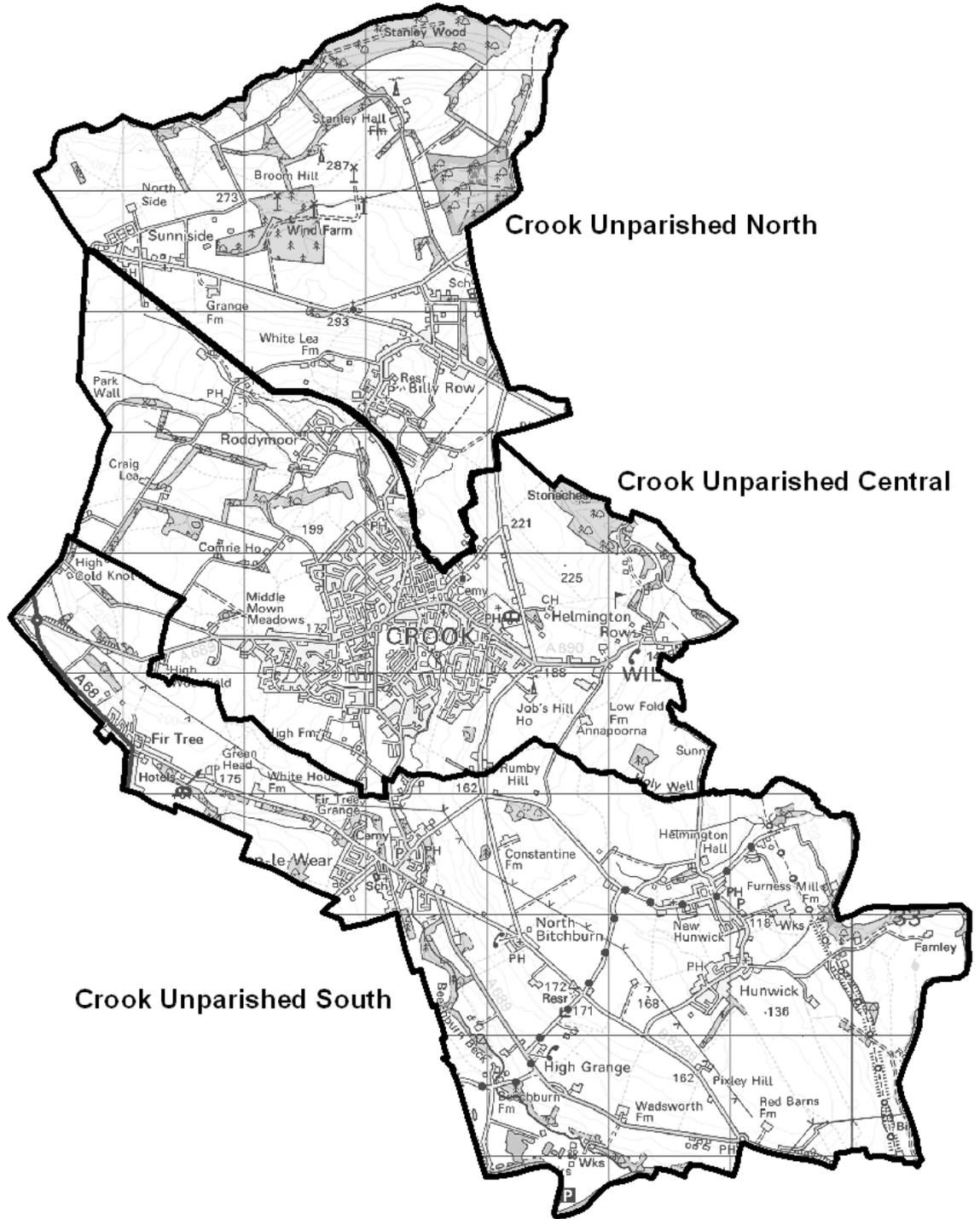
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# Unparished area of Crook under review



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## Community Governance Review Survey

Please see the information leaflet for a map of the unparished area.

1. **Please state which is your preferred form of community governance for the unparished area shown as Crook Central on the map**

- New parish council for the area of Crook Central
- Part of a Crook Town Council
- Part of another parish or town council
- No change to current arrangements
- Alternative arrangements

If you have indicated 'alternative arrangements', please give details below.

2. **Would you like to make any other comments on this community governance review?**

3. **Please give your postcode below.**  
(Failure to provide your post code will result in your questionnaire being disregarded).

Our aim is to involve as many people as possible in local decision making and, as such, we would like to make sure everyone has the opportunity to become involved. We also have specific responsibilities to ensure that certain groups protected by equality legislation are included. If you could answer a few questions about yourself it will help us monitor our performance. Your answers will be confidential and we will only use the information for this consultation. However, these questions are entirely optional.

**What is your gender?**

- Male  Female

**What is your age?**

\_\_\_\_\_ Years old

**Do you consider yourself to be a disabled person?**

(This may include any long-standing illness, disability or infirmity which has a substantial effect on your day to day life. Long-standing means that it has lasted, or is likely to last, for over a year.)

- Yes  No

**What is your ethnicity?**

**What is your religion or belief?**

- Christian  Muslim  Hindu  Sikh  
 Jewish  Buddhist  None  Other, please state

**How would you describe your sexuality?**

- Heterosexual/straight  Gay woman/lesbian  Gay man  
 Bisexual  Other, please state

Following the results of this questionnaire our draft proposals are envisaged to be available for consultation between the 1 March and the 30 April 2012. You will be invited to comment on draft proposals during this period.

## Community Governance Review Survey

Please see the information leaflet for a map of the unparished area.

1. **Please state which is your preferred form of community governance for the unparished area shown as Crook North on the map**

- New parish council for the area of Crook North
- Part of a Crook Town Council
- Part of another parish or town council
- No change to current arrangements
- Alternative arrangements

If you have indicated 'alternative arrangements', please give details below.

2. **Would you like to make any other comments on this community governance review?**

3. **Please give your postcode below.**  
(Failure to provide your post code will result in your questionnaire being disregarded).

Our aim is to involve as many people as possible in local decision making and, as such, we would like to make sure everyone has the opportunity to become involved. We also have specific responsibilities to ensure that certain groups protected by equality legislation are included. If you could answer a few questions about yourself it will help us monitor our performance. Your answers will be confidential and we will only use the information for this consultation. However, these questions are entirely optional.

**What is your gender?**

- Male  Female

**What is your age?**

\_\_\_\_\_ Years old

**Do you consider yourself to be a disabled person?**

(This may include any long-standing illness, disability or infirmity which has a substantial effect on your day to day life. Long-standing means that it has lasted, or is likely to last, for over a year.)

- Yes  No

**What is your ethnicity?**

**What is your religion or belief?**

- Christian  Muslim  Hindu  Sikh  
 Jewish  Buddhist  None  Other, please state

**How would you describe your sexuality?**

- Heterosexual/straight  Gay woman/lesbian  Gay man  
 Bisexual  Other, please state

Following the results of this questionnaire our draft proposals are envisaged to be available for consultation between the 1 March and the 30 April 2012. You will be invited to comment on draft proposals during this period.

## Community Governance Review Survey

Please see the information leaflet for a map of the unparished area.

1. **Please state which is your preferred form of community governance for the unparished area shown as Crook South on the map**

- New parish council for the area of Crook South
- Part of a Crook Town Council
- Part of another parish or town council
- No change to current arrangements
- Alternative arrangements

If you have indicated 'alternative arrangements', please give details below.

2. **Would you like to make any other comments on this community governance review?**

3. **Please give your postcode below.**  
(Failure to provide your post code will result in your questionnaire being disregarded).

Our aim is to involve as many people as possible in local decision making and, as such, we would like to make sure everyone has the opportunity to become involved. We also have specific responsibilities to ensure that certain groups protected by equality legislation are included. If you could answer a few questions about yourself it will help us monitor our performance. Your answers will be confidential and we will only use the information for this consultation. However, these questions are entirely optional.

**What is your gender?**

- Male  Female

**What is your age?**

\_\_\_\_\_ Years old

**Do you consider yourself to be a disabled person?**

(This may include any long-standing illness, disability or infirmity which has a substantial effect on your day to day life. Long-standing means that it has lasted, or is likely to last, for over a year.)

- Yes  No

**What is your ethnicity?**

**What is your religion or belief?**

- Christian  Muslim  Hindu  Sikh  
 Jewish  Buddhist  None  Other, please state

**How would you describe your sexuality?**

- Heterosexual/straight  Gay woman/lesbian  Gay man  
 Bisexual  Other, please state

Following the results of this questionnaire our draft proposals are envisaged to be available for consultation between the 1 March and the 30 April 2012. You will be invited to comment on draft proposals during this period.

## **DURHAM CITY COMMUNITY GOVERNANCE REVIEW TERMS OF REFERENCE**

### **Introduction**

In July 2011 Durham County Council resolved to undertake a community governance review, commencing on 1 November 2011, covering the unparished areas of Durham City and the immediate surrounding area.

In undertaking the Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). (The 2007 Act has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission and the Boundary Committee for England).

The County Council has also given due consideration and carefully considered the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government published in 2008.

### **What is a community governance review**

A Community Governance Review is a legal process whereby the Council will consult with electors and other interested parties on the most suitable ways of representing the people in the unparished areas of Durham City.

This means making sure that electors and other interested groups have a say in how local services are delivered in their area. Electors will receive an information sheet and questionnaire which can be returned in a freepost envelope or by completing a Governance Review questionnaire online.

A community governance review can consider one or more of the following options:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style of new parishes and the creation of town councils;
- the electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding);

- grouping parishes under a common parish council or de-grouping parishes;
- other types of local arrangements.

The Council is required to ensure that community governance within the area under review:

- will be reflective of the identities and interests of the community in that area;
- will consider what community governance arrangement is effective and convenient to the community in that area;
- will consider what other arrangements there could be for the purpose of community governance or engagement;
- will consider the size, population and boundaries of the local community or parish.

Additionally, any proposals to create a parish or parish council which may cover all or part of a charter trustee area need to be judged in particular against the following considerations:

- the effect on the historic cohesiveness of the area
- what are the other community interests in the area?
- is there a demonstrable sense of community identity encompassing the charter trustee area?
- are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?

### **Why is the council undertaking the review**

Residents of Durham City have shown significant interest in the possible creation of a town council with the submission of a petition entitled 'Petition to Create a Durham Town Council' which states:

*"pursuant to Community Guidance Review under the Local Government and Public Involvement in Health Act 2007: we the undersigned, each being a local government elector for the area of the following proposed new Town Council, hereby request the creation of a Town Council, the area of which shall cover the electoral wards of Newton Hall, Framwellgate, Gilesgate, Nevilles Cross, Elvet and Pelaw as outlined on the attached map (marked Proposed Durham Council Map; traced from Ordnance Survey original) and such new Town Council shall be called Durham Town Council".*

The petition submitted for the Durham City area did not include the required number of signatures of eligible electors and was therefore invalid. The County Council does however acknowledge the existence of the petition and the validated signatories provides evidence of the wishes of that section of the community.

This review will consider whether:

- a new Durham Town Council should be created (identified within the petition and illustrated on the attached plan) for the whole of the unparished area of Durham City;
- more than one new town or parish council should be created in the unparished area of Durham City;
- the merging of part of the unparished area with an existing parish council(s)
- any other alternative forms of community governance should be created.

### **Who is undertaking the review**

Durham County Council is responsible for undertaking any review within its electoral area. The full Council is responsible for agreeing the terms of reference for the review and agreeing the draft and final recommendations prior to any Community Governance Order being made.

The County Council has delegated a number of functions to a working group which will oversee the review process, propose terms of reference, initial options for consideration and produce recommendations for consideration by the full Council.

### **Consultation**

The Council has drawn up and now publishes these Terms of Reference. This document sets out the aims of the review, the legislation that guides it and some of the policies the Council considers important in the review. In coming to its recommendations in a review, the Council needs to take account of the view of the local people.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the diverse communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

The Council intends to undertake extensive consultation with electors and stakeholders in the area, including local business, schools and colleges, community associations, local county councillors, tenants and residents associations, voluntary groups and societies. Neighbouring Parish Council's will also be consulted.

In addition to this the Council will also:

- provide an electronic leaflet and questionnaire and other information on it's website and other social networking sites;

- produce an information leaflet and questionnaire which will be sent to all households in the review area;
- publish an article in the Autumn/Winter edition of the Council's residents magazine 'Durham County News';
- publish relevant statutory notices within the local media;

The initial consultation period (detailed in the review timetable) will end on 31 December 2011. Any representations on the review must be received by that date or they may not be considered.

The Council will also be pleased to receive comments from any other person or body that wishes to make representation during the initial submission.

The Council intends to clearly publish all decisions taken during the review, give reasons for taking such decisions and conduct the process transparently so that local people and local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reason.

### **How to contact us**

Representations should be sent to:-

**Freepost RSSZ-SYUS-ERXZ**  
Democratic Services  
Room 1/142  
Durham County Council  
County Hall  
DURHAM  
DH1 5UL

or alternatively, written representation can be submitted by email to [durhamcgr@durham.gov.uk](mailto:durhamcgr@durham.gov.uk) or can be completed online at [www.durham.gov.uk/communitygovernance](http://www.durham.gov.uk/communitygovernance)

Further information about the review is available on the Council's website and its social network pages, detailed below:

[www.durham.gov.uk](http://www.durham.gov.uk)  
[www.facebook.com/durhamcouncil](http://www.facebook.com/durhamcouncil)  
[www.twitter.com/durhamcouncil](http://www.twitter.com/durhamcouncil)

## Timetable for the review

Action	Time Span	Dates
Publication of Terms of Reference		1 November 2011
Invitation of initial submissions	Two months	1 November 2011 to 31 December 2011
Analysis/evaluation of submissions and preparation of draft proposals	Two months	1 January 2012 to 21 March 2012
Publication of draft proposals		1 April 2012
Consultation on draft proposals	Two months	1 April 2012 to 30 May 2012
Analysis/evaluation of draft proposals and preparation of final proposals		31 July 2012
Publication of final recommendations		1 October 2012
Preparation and publication of any reorganisation Order	Two months	1 November 2012
Election date		May 2013

When considering its final proposals the Council will, in the event of the creation of (a) new parish/town council(s) being recommended, give consideration to the electoral arrangements to be applied, which will include:

- Council size
- Council name
- Ordinary year of election
- Warding arrangements

### Previously unparished areas

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents and tenants associations or community associations, which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

### **Order and commencement**

The Review will be completed when the Council publishes its final recommendations.

In the event of a Reorganisation of Community Governance Order being required, the provisions of such an order would take effect from 1 April 2013 for financial and administrative purposes. The electoral arrangements for the possible formation of any new or revised arrangements for an existing town or parish council will come into force at the local town and parish council elections in May 2013.

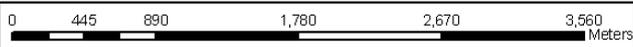
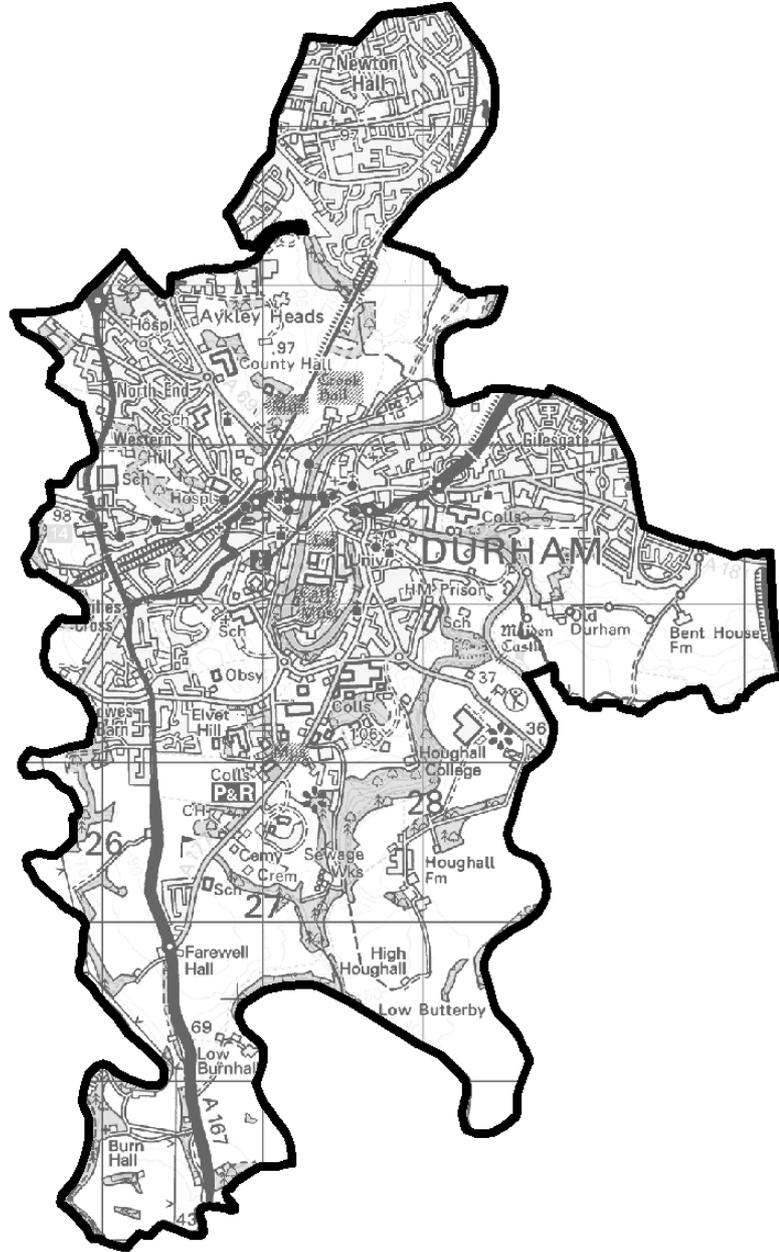
### **Publication of terms of reference**

These Terms of Reference will be published on the Durham County Council website [www.durham.gov.uk/communitygovernance](http://www.durham.gov.uk/communitygovernance) and are available for inspection at the offices of the Council.

### **Date of publication**

1 November 2011.

**Unparished area of Durham City under review**



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**CROOK COMMUNITY GOVERNANCE REVIEW  
TERMS OF REFERENCE**

**Introduction**

In July 2011 Durham County Council resolved to undertake a community governance review, commencing on 1 November 2011, covering the unparished area of Crook and the surrounding area.

In undertaking the Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). (The 2007 Act has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission and the Boundary Committee for England).

The County Council has also given due consideration and carefully considered the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government published in 2008.

**What is a community governance review**

A Community Governance Review is a legal process whereby the Council will consult with electors and other interested parties on the most suitable ways of representing the people in the unparished areas of Crook.

This means making sure that electors and other interested groups have a say in how local services are delivered in their area. Electors will receive an information sheet and questionnaire which can be returned in a freepost envelope or by completing a Governance Review questionnaire online.

A community governance review can consider one or more of the following options:

- creating, merging, altering or abolishing parishes;
- the naming of parishes and the style of new parishes and the creation of town councils;
- the electoral arrangements for parishes (for instance, the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding);

- grouping parishes under a common parish council or de-grouping parishes;
- other types of local arrangements

The Council is required to ensure that community governance within the area under review:

- will be reflective of the identities and interests of the community in that area;
- will consider what community governance arrangement is effective and convenient to the community in that area;
- will consider what other arrangements there could be for the purpose of community governance or engagement;
- will consider the size, population and boundaries of the local community or parish.

### **Why is the council undertaking the review**

Residents of Crook have shown significant interest in the possible creation of a parish council with the submission of a valid petition, containing the required number of signatures of eligible electors, entitled 'Petition for a New Parish Council' which states:

*"we the undersigned, each being a local government elector for the area of the following proposed new parish council, in pursuance of the rights conferred upon us by the above act of parliament, hereby request you to constitute a local government parish council for the neighbourhood of Crook, the area of which shall be the same as that outlined on the attached map, the electoral ward of Crook South, Crook North and Wheatbottom and Helmington Row wards and other areas which are shaded in on the attached maps of Wear Valley District Council, in the County of Durham, such new parish council to be called Crook Parish Council".*

This review will consider whether:

- a new Crook Parish Council should be created for the area identified within the petition and illustrated on the attached plan;
- more than one new town or parish council should be created in the unparished area of Crook;
- the merging of part of the unparished area with an existing parish council(s)
- any other alternative forms of community governance should be created.

### **Who is undertaking the review**

Durham County Council is responsible for undertaking any review within its electoral area. The full Council is responsible for agreeing the terms of reference for the review and agreeing the draft and final recommendations prior to any Community Governance Order being made.

The County Council has delegated a number of functions to a working group which will oversee the review process, propose terms of reference, initial options for consideration and produce recommendations for consideration by the full Council.

## **Consultation**

The Council has drawn up and now publishes these Terms of Reference. This document sets out the aims of the review, the legislation that guides it and some of the policies the Council considers important in the review. In coming to its recommendations in a review, the Council needs to take account of the view of the local people.

The Council recognises that the development of strong, sustainable communities depends on residents' active participation in decision making and making a positive contribution to improving the place where they live. The Council is therefore committed to engaging effectively with the diverse communities it serves and to enabling local people to participate meaningfully in decisions that affect their lives, where all people feel able to take an active part in influencing service delivery.

The Council intends to undertake extensive consultation with electors and stakeholders in the area, including local business, schools and colleges, community associations, local county councillors, tenants and residents associations, voluntary groups and societies. Neighbouring Parish Council's will also be consulted.

In addition to this the Council will also:

- provide an electronic leaflet and questionnaire and other information on it's website and other social networking sites;
- produce an information leaflet and questionnaire which will be sent to all households in the review area;
- publish an article in the Autumn/Winter edition of the Council's residents magazine 'Durham County News';
- publish relevant statutory notices within the local media;

The initial consultation period (detailed in the review timetable) will end on 31 December 2011. Any representations on the review must be received by that date or they may not be considered.

The Council will also be pleased to receive comments from any other person or body that wishes to make representation during the initial submission.

The Council intends to clearly publish all decisions taken during the review, give reasons for taking such decisions and conduct the process transparently so that local people and local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reason.

## How to contact us

Representations should be sent to:-

### **Freepost RSSZ-SYUS-ERXZ**

Democratic Services  
Room 1/142  
Durham County Council  
County Hall  
DURHAM  
DH1 5UL

or alternatively, written representation can be submitted by email to [durhamcgr@durham.gov.uk](mailto:durhamcgr@durham.gov.uk) or can be completed online at [www.durham.gov.uk/communitygovernance](http://www.durham.gov.uk/communitygovernance)

Further information about the review is available on the Council's website and its social network pages, detailed below:

[www.durham.gov.uk](http://www.durham.gov.uk)

[www.facebook.com/durhamcouncil](http://www.facebook.com/durhamcouncil)

[www.twitter.com/durhamcouncil](http://www.twitter.com/durhamcouncil)

## Timetable for the review

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Analysis/evaluation of draft proposals and preparation of final proposals		31 July 2012
Publication of final recommendations		1 October 2012
Preparation and publication of any reorganisation Order	Two months	1 November 2012
Election date		May 2013

When considering its final proposals the Council will, in the event of the creation of (a) new parish/town council(s) being recommended, give consideration to the electoral arrangements to be applied, which will include:

- Council size
- Council name
- Ordinary year of election
- Warding arrangements

### **Previously unparished areas**

The Council is required by law to consider other forms of community governance as alternatives or stages towards establishing parish councils. There may be other arrangements for community representation or community engagement in an area, including area committees, neighbourhood management programmes, tenant management organisations, area or community forums, residents and tenants associations or community associations, which may be more appropriate to some areas than parish councils, or may provide stages building towards the creation of a parish council, which are already successfully creating opportunities for engagement, empowerment and co-ordination in local communities.

The Council will be mindful of such other forms of community governance in its consideration of whether parish governance is most appropriate in certain areas. However, the Council also notes that what sets parish councils apart from other kinds of governance is the fact that they are a democratically elected tier of local government with directly elected representatives, independent of other council tiers and budgets, and possessing specific powers for which they are democratically accountable.

### **Order and commencement**

The Review will be completed when the Council publishes its final recommendations.

In the event of a Reorganisation of Community Governance Order being required, the provisions of such an order would take effect from 1 April 2013 for financial and administrative purposes. The electoral arrangements for the possible formation of any new or revised arrangements for an existing town or parish council will come into force at the local town and parish council elections in May 2013.

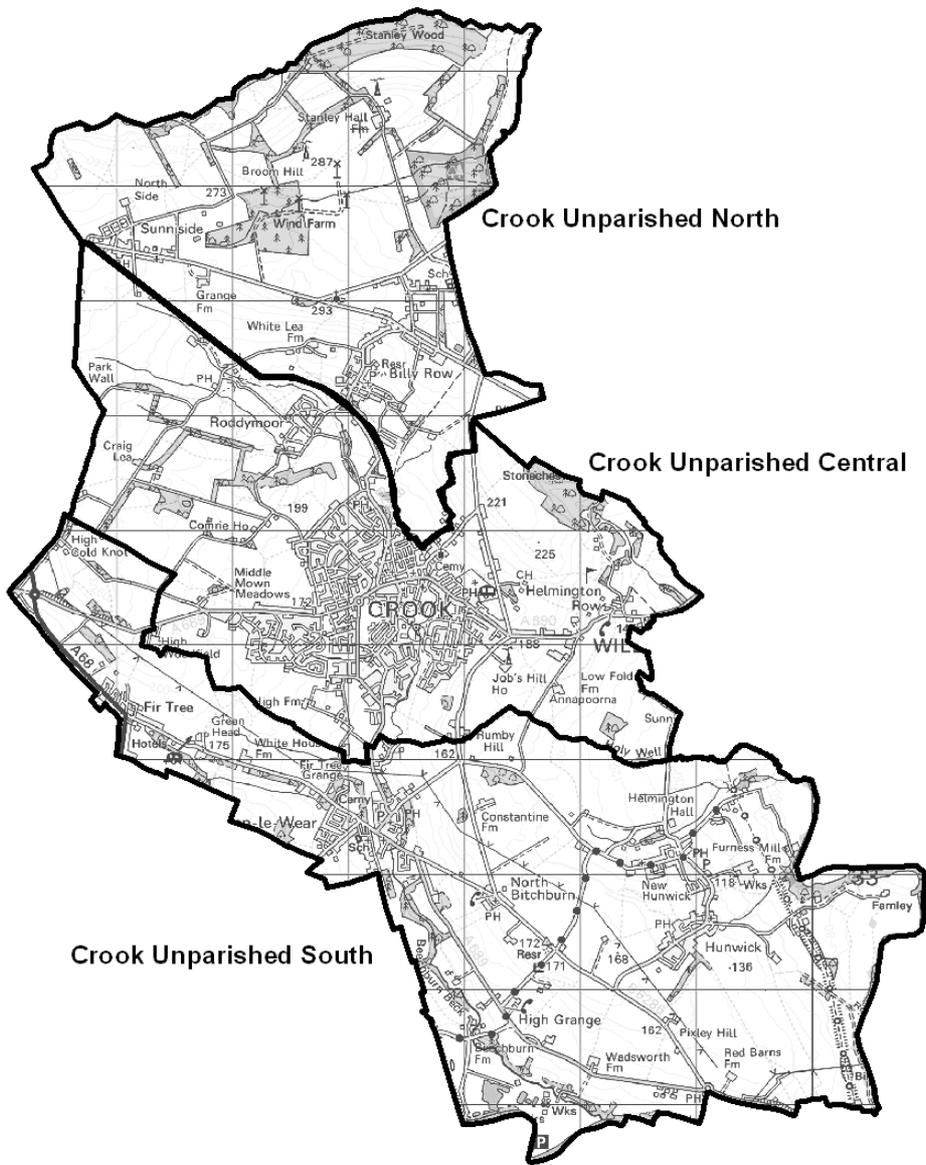
### **Publication of terms of reference**

These Terms of Reference will be published on the Durham County Council website [www.durham.gov.uk/communitygovernance](http://www.durham.gov.uk/communitygovernance) and are available for inspection at the offices of the Council.

### **Date of publication**

1 November 2011.

**Unparished area of Crook under review**



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## Appendix 6: for information – Estimated Cost of Consultation

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### STAGE ONE CONSULTATION

Costs have been calculated on an addressed outgoing envelope containing a reply paid envelope and three documents (a covering letter, details of the possible future governance arrangements for the area and a form to be completed and returned inviting initial submissions).

No account has been made for officers' time in assessing and analysing the responses.

#### Durham City and surrounding area

Initial submissions are invited on possible future governance arrangements from every household in the unparished Durham City area.

Durham – 11335 properties.

Outgoing postage –	£ 3174.00
Return postage (based on a 40% response)	£ 1201.51
Printing of two envelopes and three documents and insertion ready for posting	£ 6492.00
<b>Total</b>	<b>£10867.51</b>

#### Crook and surrounding areas

Initial submissions are invited on possible future governance arrangements from every household in three areas identified as Crook (North), Crook (Central) and Crook (South)

N.B. these areas are not recognised electoral divisions. They represent the area which is the subject of the petition – Crook (Central), and surrounding unparished areas to the north and south of the petition area.

Crook (North) – 816 properties

Outgoing postage	£229.00
Return postage (based on a 40% response)	£ 86.39
Printing of two envelopes and three documents and insertion ready for posting	£978.00
<b>Total</b>	<b>£1293.39</b>

Crook (Central) – 4834 properties

Outgoing postage	£1354.00
Return postage (based on a 40% response)	£ 512.51
Printing of two envelopes and three documents and insertion ready for posting	£3217.00
<b>Total</b>	<b>£5083.51</b>

Crook (South) – 1714 properties

Outgoing postage	£ 480.00
Return postage (based on a 40% response)	£ 181.79
Printing of two envelopes and three documents and insertion ready for posting	£1490.00
<b>Total</b>	<b>£2151.79</b>

<b>Grand Total</b>	<b>£19396.20</b>
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**Appendix 7:**

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**Durham County Council – Altogether Better Equality Impact Assessment Form**

**NB: Equality Impact Assessment is a legal requirement for all strategies, plans, functions, policies, procedures and services. We are also legally required to publish our assessments. You can find help and prompts on completing the assessment in the guidance from page 7 onwards.**

**Section one: Description and Initial Screening**

<b>Section overview: this section provides an audit trail.</b>	
Service/team or section: Democratic Services, Resources	
Lead Officer: Sharon Spence	Start date: 16.9.2011
Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate) The Council has received petitions requesting a Parish/Town Council for Crook and for Durham City. To consider these the Council needs to carry out a Community Governance Review. This is a review of the way decisions are made on local issues. A review will look at the best ways of enabling the public to influence decisions affecting them and represent the interests of their area. The County Council must undertake to consult local government electors and any other persons or organisations with an interest in the area under review. It must also ensure that community governance arrangements reflect the identities and interests of the community in that area and that the proposals for community governance review are effective and convenient. The Council must take account of arrangements for representing and involving the local community along with any suggestions and views it receives.	
Who are the main stakeholders: General Public/Employees/Elected Members/Partners/Specific Audiences/Other (please specify) – General public within Crook and Durham City, and the surrounding areas, who may be affected by the proposals. Local	

businesses, voluntary organisations, schools, health bodies, parish council already existing, residents' associations, Community Forums, Community Groups, Partners.

Is a copy of the subject attached? Yes/~~No~~

If not, where could it be viewed?

**Initial screening**

Prompts to help you:

Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Durham County Council is responsible for undertaking Community Governance Reviews following receipt of a valid petition or when it considered a review is appropriate.

The consultation applies to all regardless of gender, age, disability, religious belief, race/ethnic minority or sexual orientation.

**Is there an actual/potential negative or positive impact on specific groups within these headings?**

Indicate :Y = Yes, N = No, ?=Unsure

Gender	Yes	Disability	Yes	Age	Yes	Race/ethnicity	Yes	Religion or belief	No	Sexual orientation	No
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**How will this support our commitment to promote equality and meet our legal responsibilities?**

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

**What evidence do you have to support your findings?**

The proposals for consultation involve sending a survey and background information to every household in the affected area. Copies will be available in different size print. Documents checked for being easy to read. Seeking views of all the community including disabled people. People will not be treated differently because of their gender, race, religion or belief.

**Decision: Proceed to full impact assessment – Yes Date: 12 October 2011**

**If you have answered 'No' you need to pass the completed form for approval & sign off.**

## Section Two: Identifying Impacts and Evidence- Equality and Diversity

**Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.**

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
<b>Gender</b>	Provide a drop in session in the area.  Staff will be available to explain documentation if required. Plain English will be used.		Will consult with Crook and Durham Community Partnerships.
<b>Age</b>	Provide a drop in session in the area.  Staff will be available to explain documentation if required. Plain English will be used.	County Durham has an ageing population and this is reflective within the population of Durham City and Crook (JSNA)	Will consult with Crook and Durham Community Partnerships.
<b>Disability</b>	Provide a drop in session in the area.  Reasonable adjustments and accessible communications will	County Durham has a higher percentage of permanently sick and disabled people than the North East and England average, representing a quarter of the working age population. Durham City and Crook are relatively reflective	Large print documents Easy to read documents. Ensure all literature includes

	<p>be provided to ensure people with disabilities have fair access to the process.</p> <p>Staff will be available to explain documentation if required. Plain English will be used and information will be made available in different formats on request.</p>	of this (JSNA).	<p>'available in different formats panel and statement' and that if requested the documentation will be explained.</p> <p>Will consult with Crook and Durham Community Partnerships.</p>
<b>Race/Ethnicity</b>	People will not be treated differently because of their race/ethnicity.	Documents will be available in different languages if required.	Documents provided in different languages
<b>Religion or belief</b>	People will not be treated differently because of religion or belief.	The same procedure will be followed regardless of religion or belief	None
<b>Sexual orientation</b>	People will not be treated differently because of their sexual orientation.	The same procedure will be followed regardless of sexual orientation	None

**How will this promote positive relationships between different communities?**

Provide facility should people not understand the documentation. Providing on-line facility – letter to every household. Press releases.

### Section Three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.			
<p>Producing easy to read document          Various means to consult – by letter, questionnaire – online          Promote awareness of activity – through websites and media          Produce documentation in large print and other languages.  <b>Include different format statement</b></p>			
Action to be taken	Officer responsible	Target Date	In which plan will this action appear?
Produce simple, easy to understand documents available in large print and different languages.	Colin Turnbull	1 November 2011	Working Group – project plan and regular meetings of the Group.
Include different format statement in all documentation.	Colin Turnbull	1 November 2011	Working Group – project plan and regular meetings of the Group.
Ensure staff is available to explain process.	Sharon Spence	1 November 2011	Working Group – project plan and regular meetings of the Group.
Keep process under review.	Sharon Spence	Continuously reviewed	Working Group – project plan and regular meetings of the Group

When will this assessment be reviewed?	Date: March 2012	
Are there any additional assessments that need to be undertaken in relation to this assessment?	No	
Lead officer - sign off:		Date:
Service equality representative - sign off:		Date:

**Please email your completed Impact Assessment to the Equality team - [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk).**