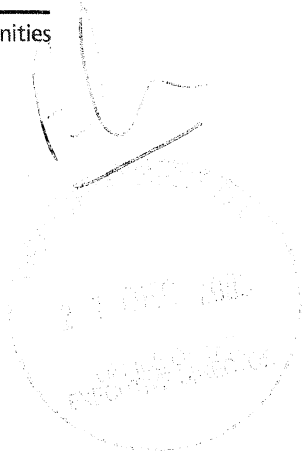




Mr M Clark
Executive Director
Derwentside District Council
Civic Centre
Consett
County Durham
DH8 5JA



Steven A'Court
Democracy and Local Governance Division
Zone 5/G9 Eland House
Bressenden Road
London SW1E 5DU
Direct Line: 0207 944 4256
Fax: 0207 944 4109
GTN No: 3553 4256
steve.a'court@odpm.gsi.gov.uk

Web Site: www.odpm.gov.uk

19 December 2005

Dear Mr Clark,

Local Government and Rating Act 1997 - Petition for a Parish of Stanley

Thank you for your letter of 9th November about the Minister's decision to give effect to the petition for a new parish and parish council for Stanley. I am sorry that it has taken a little while to reply while we have been giving consideration to the matters raised in your letter.

I shall deal with the questions raised by the members of your Council in the same order as they are set out in your letter.

1. The Minister has decided 'in principle' to the formation of a new parish of Stanley following receipt of a valid petition and after taking into account all of the information received including the district council's views on the petition. This means that while ministerial approval has been given to the establishment of the new parish until the Order establishing the parish is made the Minister will give consideration to further representations made to him. This does not necessarily mean the Minister will reverse his original decision but he will give consideration to matters of which he was not previously aware.
2. Our published guidance (Environment Circular 11/97) recommends that a district council takes the steps it considers sufficient to ensure that electors in the area of the proposed petition are aware of it. Paragraph 32 (c) of the circular requires the district council to include with the petition any information they have about local opinion on the proposal. The district council chose to do this by holding a survey of all electors in the proposed area of Stanley and also by consulting with certain local bodies.

The Minister did take into account the results of the survey. However, we do not consider that the results can be said to be representative of the views of the majority of those surveyed. This is because although the survey was sent to all such electors, only a third responded to it. Even if the response rate had been much higher, the outcome of the survey alone would not have been the only factor to be taken into account by the Minister when making his decision.

The district council seem to have relied on the results of their survey alone, rather than also taking the opportunity open to them to provide in its letter of 15 July 2005 their views on the proposed parish, both with regard to the appropriateness of the proposed

area and why in their opinion they did not consider it would reflect community identity and interests.

3. The Minister did not take into account the potential for any irregularities with regard to the petition because the district council in its letter of 15 July 2005 stated that a valid petition was enclosed and that the "petition is signed by 2,762 electors from the affected wards (over the 10% required) and has been validated by my officers". While the letter did go on to mention a list of signatures that could be queried even discounting those the petition would still appear to be valid.
4. We are satisfied from the comments contained in the petitioner's submission that the petition meets the requirement of the 1997 Act to have regard to the need to reflect the identities and interests of local communities. Prior to the Minister's decision in principle being announced, we were aware of only one representation against the proposal. In light of what you have said about the level of opposition to the proposal, we consider this surprising.

The representation in question was forwarded to us with the petition by the district council. It was from a group of district councillors who felt that their wards should not have been included in the proposal and this representation was taken into account along with the petitioner's submission.

Also considered were copies of letters in favour of a town council forwarded by the district council from Durham County Council, Sure Start Stanley Parent and Community Group and Lamesley Parish Council, as well as correspondence from the Fire Brigade, Durham Constabulary and the Derwentside Primary Care Trust all of whom expressed their willingness to work with the proposed parish council. In addition, we received three letters from members of the public in favour of the proposal. Overall, we felt that the information provided in favour of the proposal was more persuasive than the information provided in opposition to it.

5. Anyone who considers that the decision of a Minister has not been made in accordance with due process may challenge that decision by seeking a judicial review through the courts. Any person or parties considering this course of action would be advised to seek legal advice, as such action would normally need to be taken within three months of the decision. We refer you however to point 1 above in which we explain that the decision in this case is currently a decision in principle.
6. Please see above my comments in paragraph 5.
7. As mentioned in my letter of 4 November 2005 the district council will need to make proposals to the Electoral Commission for the electoral arrangements of the proposed parish council. When this has been done the Commission can consider the electoral arrangements and decide to make an order implementing them. We can then consult on a draft order to implement the boundary of the new parish area. As you probably know new parishes and changes to existing parish arrangements can only take place on the 1 April in any year. We appreciate that there is insufficient time now for implementing the proposed parish council in time for when elections are held in May 2006. So at this stage I would say we are looking towards implementation in time for elections in May 2007 when other parish elections in the district will also take place.

8. We were aware that the district council was opposed to the petition but I do not see that there was any reason for us to consult with you further prior to the Minister reaching a decision in principle on this matter. The decision in principle was based on the fact that a valid petition had been received and that the related information provided to us did not reveal any good reason for rejecting the proposal. If the district council felt that we were lacking any other information that was relevant to the case then this could also have been sent it to us for our consideration.

I hope this helps to answer the questions raised by your council members.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve A'Court', written in a cursive style.

Steve A'Court

Proposed Stanley Town Council

Ward	Agree	Percent.	Of elec.	Disagree	Percent.	Of elec.
Annfield Plain	367	31.91	10.02	783	68.09	21.39
Catchgate	188	23.77	8.05	603	73.23	25.82
Craghead & South Stanley	497	41.18	13.17	710	58.82	18.82
Havannah	727	52.23	18.61	665	47.77	17.03
South Moor	508	43.57	14.44	658	56.43	18.70
Stanley Hall	620	45.99	16.73	728	54.01	19.64
Tanfield	473	35.94	13.15	843	64.06	23.44
	3380	40.38	13.80	4990	59.62	19.96

Petition for the Creation of Stanley Town Council

Petition Statistics

Ward	Electorate	Valid	% of total	% of ward
	1.5.05	Signatures	Signatures	electorate
Annfield Plain	3661	286	10.36	7.81
Catchgate	2335	130	4.71	5.57
Craghead and South Stanley	3773	290	10.50	7.69
Havannah	3906	768	27.82	19.66
South Moor	3518	510	18.47	14.50
Stanley Hall	3707	491	17.78	13.25
Tanfield	3596	286	10.36	7.95
	24496	2761		11.27



Office of the
Deputy Prime Minister

Creating sustainable communities

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Executive Director
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Zone 5/G9 Eland House
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Direct Line: 0207 944 4256
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9 March 2006

Dear Mr Clark,

Local Government and Rating Act 1997 - Petition for a Parish of Stanley

Thank you for your letter of 23rd December 2005 in reply to my letter of 19th December 2005. I am sorry that due to other work pressures I have been unable to respond sooner on this matter.

I note your general comments about the replies contained in my letter and your request for clarification of specific responses to your questions at page 3 of your letter, which are numbered 1 - 5. On these I would say in relation to points 2 and 4 about the results of the survey carried out by the District Council and the level of response to it, that in our view the results were not representative of the majority of those surveyed because only a minority responded to it. We were not disputing whether or not a third of electors in Stanley responding to the District Council's survey was a representative return, simply that a third is not a majority of those consulted.

In respect of points 1 and 3 the Minister has agreed, in principle, to the parishing of the area of the proposed parish. DETR Circular 11/97 states at paragraph 32(c) that the district council may wish to comment on the appropriateness of the area of the proposed parish, both with regard to community interest and identity and with regard to the area as an administrative unit. You may therefore wish to provide us with your comments on this matter. Please could I ask that you provide us with these by 7 April 2006.

With regard to point 5, I can confirm that any communications we have received on this matter from interested parties, including the District Council, have been treated in the same way and that the views expressed by those parties have been carefully considered.

A copy of this letter has been sent to the Electoral Commission and to Kevan Jones MP for his information and to update the petitioners on the present situation.

Yours sincerely,

Steve A'Court

