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Chester-le-Street
District Council

Report to: People and Place Overview & Scrutiny Committee

Date of Meeting: 30th July 2008

Report from: Director of Corporate Services

Title of Report: Review into the future of the unparished area of Chester-le-Street – Scoping Report

Agenda Item Number:

1. PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to provide a proposed scope for a scrutiny review into a town council for Chester-le-Street. This is following the development of the new People and Place priority and was also raised at the recent scrutiny workshop.
- 1.2 The report also provides a suggested outline timetable, terms of reference and objectives for the review.

2. CONSULTATION

- 2.1 Officers from Legal and Democratic Services were consulted in relation to this report.

3. TRANSITION PLAN AND PEOPLE & PLACE PRIORITY

- 3.1 The recommendation has a direct impact on the following area of the **People and Place** priority:
- Strengthening Partnerships.
- 3.2 There is a specific project within the **People and Place** priority delivery plan. This has been put on hold as result of Boundary Committee advice but there remains significant value in a scrutiny review of the potential for additional Parish or Town Councils in the currently unparished area in Chester-le-Street.

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4. IMPLICATIONS

4.1 Financial

There are no financial implications relating to this report at the current time. However there would financial implications to establishing a town council and these will be explored during the review process.

4.2 Legal

There are no legal implications relating to this report at the current time. However there are legal issues to establishing a town council that will be investigated during the review process.

4.3 Personnel

There are no specific personnel implications relating to this report at the current time. Support to the Task and Finish Group will be provided by the Director of Corporate Services, the Head of Legal and Democratic Services, the Democratic Service Officer. An approach will be made for scrutiny support from the County Council in view of future governance implications for the new unitary.

4.4 Other Services

The review will create an impact upon service departments required to support Members in relation to information requests and providing support to the investigative process.

4.5 Diversity

There are no diversity implications relating to this report at the current time. Accessibility to all service users will be considered as part of the review.

4.6 Risk

There are no risk implications relating to this report at the current time. The biggest risk is the capacity of the organisation to support the review process. It is hoped that a different way of working will address this risk particularly if support can be gained from the county council.

4.7 Crime and Disorder

There are no crime and disorder implications to this report at the current time.

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4.8 Data Quality

Every care has been taken in the development of this report to ensure that the information and data used in its preparation and the appendices attached are accurate, valid, reliable, timely, relevant and complete. The council's Data Quality Policy has been complied with in producing this report.

4.9 LGR Implications

In Durham County Council's successful unitary bid there were clear references to the importance of town and parish councils and a clear undertaking for the new unitary council to use its power to establish town and parish councils.

'This could involve the creation of new town councils in places such as Consett, central Chester-le-Street and Durham City centre, capable of providing very local place-shaping and potentially acting as the cornerstones of cooperation for wider clusters of town and parish councils.'

A New County Durham Council – Durham County Council

The proposed review is a firm part of this council's transition plan. The approval of the County Council will not be required although they ought to be consulted on the review to secure their viewpoint.

5. BACKGROUND TO THE REVIEW

5.1 Through the development of the new single priority 'People and Place' a number of Action Learning Sets (ALS) have been developed to deliver on some of the key themes and projects. ALS3 – Strengthening Partnerships is considering the potential of parish or town councils in the unparished areas of Chester-le-Street.

5.2 The Action Learning Set is very clear in that it wishes to raise awareness of and fully explore the viability of the options for the unparished area in Chester-le-Street and how this will bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

5.3 On 12 May the Council's Executive considered a report by the Council's Head of Legal and Democratic Services on the legislation which allows consideration of Town and Parish Councils. The law requires a council to undertake what is known as a 'community governance review.' The Executive considered the implications of this including potential costs, bearing in mind a new form of local government will come into force next April and the need to engage with Durham County Council. The Executive

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also considered the fact that the national Boundary Committee is to undertake a review of electoral arrangements within County Durham. The Executive noted the progress available to Chester-le-Street District Council and resolved that

“clarification be sought and discussions undertaken with Durham County Council on the status, cost and scale of a corporate governance review taking into consideration the Boundary Committee for England’s proposed review of local authority electoral arrangements.”

A letter has been sent to Durham County Council seeking such clarification and a response is awaited.

- 5.4 On 2 June the Council’s Director of Corporate Services attended a meeting with the Boundary Committee. This is a statutory committee of the National Electoral Commission. The Boundary Committee is responsible for reviewing local authority electoral arrangements, administrative boundaries and structure. The Electoral Commission is responsible for considering and implementing electoral review recommendations. It is likely that a review in Durham could commence in July this year. At the meeting, also attended by Durham County Council the Boundary Commission strongly advised councils not to undertake any community governance review arrangements until final recommendations have been reported. This could not be until August 2009.
- 5.5 However there remains value in progressing the research and engagement work associated with the possibility of developing a Town council and considering other local engagement models such as a Federation of Residents’ Associations, which is another potential **People and Place** project. The Scrutiny project will involve considering the possibility of options including a ‘parish council’ with ‘town status’ for the unparished area of Chester-le-Street. It could involve considering the implications of undertaking a formal ‘Community Governance Review’ working closely with Durham County Council as heralded in their successful local government reorganisation bid in line with the County Durham Association of Local Councils policy objective of fully parishing the County. It should possibly aid engagement work that may be required by the Boundary Committees Review.

6. PARISH AND TOWN COUNCILS

- 6.1 Parish and town councils in England and community and town councils in Wales are the first tier of local government. They deliver a vast range of services at a community level. There are around 10,000 community, parish and town councils in England and Wales, made up of nearly

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100,000 councillors. These first-tier councils can respond to the needs of the community through delivery of services or providing required representation.

6.2 Town and parish councils have a large range of powers and are involved in a great number of activities including planning, promoting tourism, licensing, communal halls and management of town and village halls. A full list of these powers and duties are contained in **Appendix 1** of this report.

6.3 Communities Secretary Hazel Blears recently signalled a new era for parish and town councils where they would have a real purpose in modern society. Local parish and town councils are a force for local pride and empowerment and have an important contribution to make in reinvigorating local democracy. They are often the most immediate form of representation, acting as a focal point for local debate and identity.

6.4 An 'Empowerment' White Paper, with proposals designed to refresh local democracy and devolve power to the grass roots, is due within weeks. This will be complemented by separate powers for parish councils including:

- Plans to make it easier to bring in local experts to help drive key priorities and shape services that matter.
- A new 'wellbeing' power for eligible local parish councils. The aim is to shift more power locally, so eligible parish councils can freely make decisions as long as they are in their community's interest and promote the wellbeing of its area.

6.5 A survey by Aberystwyth University found that 75% of parish and town councils were expecting to make use of the new wellbeing power once in operation. The new power was extended to eligible parish and town councils by the Local Government and Public Involvement in Health Act (LGPIH) 2007. Secondary legislation is being drawn up, in order to bring it into operation later in 2008.

6.6 The LGPIH Act 2007 has also devolved responsibility for the creation of parish and town councils to local authorities.

6.7 Members need to consider a title for the review and a suggested title is as follows:

People and Place Refreshing Local Democracy – the future of the unparished area of Chester-le-Street.?

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TERMS OF REFERENCE

7. OBJECTIVES OF THE REVIEW

- 7.1 To understand the legislation and requirements both legally and financially for the establishment of parish and/ or town councils in the unparished area of Chester-le-Street.
- 7.2 To understand the benefits of a town council or other potential engagement models such as a Federation of Residents' Associations for the residents and communities of Chester-le-Street.
- 7.3 To gauge public opinion on the creation of a parish and/or town councils for the unparished areas of Chester-le-Street through a variety of consultation and engagement techniques.
- 7.4 To assess the practicalities, procedures and operations of other similar parish and town councils.
- 7.5 To evaluate the options and viability of a parish and/or town council model and present findings and contribute to the People and Place priority.
- 7.6 To explore the scope to undertake engagement work that may be required to assist the Boundary Committee Review.

PROPOSED METHODOLOGY AND WORK PROGRAMME

- 8.1 An outline work programme is detailed below but Members should note that a more in-depth programme with timetable of activities will be drafted for discussion and approval by Members when appropriate.

8.2 Introduction

The Task and Finish Group will look at the recent changes to the legislation and the procedures that will need to be undertaken for the establishment of a town council whilst considering the implication of other delivery models.

8.3 Visits

A visit to be arranged to a neighbouring town council to look at a town council in operation taking evidence from officers and members on the benefits and weaknesses of this model of local government. This may include joint work with the County Council.

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8.4 Evidence Gathering

The Task and Finish Group will seek to engage the public through a variety of techniques in order to gain opinion on the formation of parish and town councils in the unparished areas of Chester-le-Street. This may include engagement work that may be required to assist the Boundary Committee Review. This will be done through a series of techniques including questionnaires, consultation events and online surveys.

8.5 Report Findings

The Task and Finish Group will prepare a draft report of their findings to be presented to the People and Place Overview and Scrutiny Committee and following agreement to the Executive.

8.6 Lead Members and Officer

The Panel ought to appoint Lead members for the work. The Officer Leads in respect of this review will be Ian Forster, Chris Potter and Colin Turnbull.

8.6 Timeline

The following timetable is proposed:

- Initial meeting to discuss scoping report on 22nd July 2008
- Initial presentation, Scoping report and Task and Finish Group membership agreed 30th July 2008
- Visits to other councils by 31st August 2008
- Progress Update to **People and Place** Overview and Scrutiny Committee on 10th September 2008
- Web based questionnaire by end September with article in next District News by 30th September 2008
- Meeting with Parish Councils and relevant residents associations by 19th September 2008
- Report of findings and Options by 30th September 2008
- Progress Update to **People and Place** Overview and Scrutiny Committee on 22nd October 2008
- Meeting with parish councils and appropriate Residents Group representatives on Boundary Committee consultation issues by 31st October 2008
- Task and Finish Group informal meeting to discuss evidence gained by 14th November 2008 and agree recommendations
- Findings of Task and Finish Group reported to **People and Place** Overview and Scrutiny Committee on 3rd December 2008

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9. CONSULTATION FOR THE REVIEW

9.1 The review will gather evidence from a variety of sources. The main evidence will come from information provided by Officers and external partners, likely to include:

- Existing town and parish Councils
- Local residents
- Head of Legal and Democratic Services
- Parish Councils and Community groups
- Durham County Council

10. RECOMMENDATIONS

10.1 That Members note the report.

10.2 That the panel give consideration and agree to the title of the review.

10.3 That Members of the panel discuss and agree the outlined aims and objectives for the review.

10.4 That Members of the panel give consideration to the outlined work programme for the review.

10.5 That Members give consideration to witnesses to be used for consultation purposes during the review.

11. BACKGROUND PAPERS / DOCUMENTS REFERED TO:

- Transition Plan & People and Place Priority
- Blears heralds a new era of 'parish power' – Communities and Local Government website
- Putting communities in control – Communities and Local Government website
- National Association of Local Councils – website
- A New County Durham Council – Durham County Council Unitary Submission Document

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DESIGNATION: Director of Corporate Services

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APPENDIX 1

POWERS & DUTIES OF TOWN and PARISH COUNCILS

The powers which have been vested in Parish, Town and Community Councils by Acts of Parliament are summarised in this publication as a guide to Councillors and others. Each description is brief and is intended to be general indication. Like all powers given to public bodies the powers of local councils are defined in detail in legislation and these details may include a requirement to obtain the consent of another body (for example the approval of the County Council to the provision of a car park). Local Councils must exercise their powers also subject to the provisions of the general law (for example planning permission is necessary for a sports pavilion). Information on all these details should be in the hands of the Clerks of the Council.

The powers are listed below.

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demanded unsatisfied	Small Holding & Allotments Act 1908, ss. 23, 26, & 42
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936, Ss 221, 222, 223 & 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s. 215(6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye Laws	Power to make bye-laws in regard to pleasure grounds, Cycle Parks Baths and Washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Charities	Duty to receive accounts of parochial charities	Charities Act 1960, s.32

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Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to enclosure, as to regulation and management, and as to providing common pasture	Enclosure Act 1845; Local Government Act 1894, s.8(4); Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community Centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Education	Right to appoint school governors	Education (No.2) Act 1986, s.4
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridleways. Power to light roads and public places Provision of litter bins Power to provide parking places for vehicles, bicycles and motor-cycles. Power to enter into agreement as to dedication and widening. Power to provide roadside seats and shelters, and omnibus shelters. Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway. Power to complain to district council as to protection of rights of way and roadside wastes Power to provide traffic signs and other notices Power to plant trees etc. and to maintain roadside verges	Highways Act 1980, ss.43,50 Parish Councils Act 1957, s.3; Highways Act 1980, s.301 Litter Act 1983, ss.5,6 Road Traffic Regulation Act 1984, ss.57,63 Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47,116 Highways Act 1980, s.130 Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11

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Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss.124, 126, 127 Local government Act 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5,6
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire land and maintain	Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Postal and telecommunications facilities	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained providing post or telegraph office or telecommunication facilities	Post Office Act 1953, s.51; Telecommunications Act 1984, s.97
Public buildings and village hall	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools	Public Health Act 1875, s.164 Local Government Act 1972, Sched.14 para.27 Public Health Acts Amendment Act 1890 s.44 Open Spaces Act 1906, ss.9 and 10 Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Town and Country Planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to contribute to organisations encouraging	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water Supply	Power to utilise well, spring or stream and to provide	Public Health Act 1936, s.125

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	facilities for obtaining water there from	
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(Source: National Association of Councils Website)