



Chester-le-Street District Council

Report to:	People and Place Overview & Scrutiny Committee
Date of Meeting:	14 th January 2009
Report from:	Director of Corporate Services
Title of Report:	Review into the future of the unparished area of Chester-le-Street – Final Report
Agenda Item Number:	

1. PURPOSE AND SUMMARY

- 1.1 The purpose of this report is for members to consider and agree the final report on the scrutiny review into the future of the unparished areas of the district.
- 1.2 The final report is set out in Appendix 1. Members are recommended to:
 1. Consider and comment on the report
 2. Delegate decision on final amendments to the Director of Corporate Services in conjunction with the Chair and Vice Chair of the Overview and Scrutiny Committee
 3. Present the final report to the council's Executive on 2nd February 2009

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.

4. IMPLICATIONS

4.1 Financial

There are no financial implications relating to this report for this council at the current time. However there would future financial implications to establishing a town council, possibility to the new unitary, and these have been 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 have been investigated during the review process and as set out in the final report.

4.3 Personnel

There are no specific personnel implications relating to this report at the current time. Support to the Task and Finish Group has been provided by the Director of Corporate Services, the Head of Legal and Democratic Services, the Democratic Service Officer.

4.4 Other Services

The review has had limited impact upon other service departments.

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 to the council relating to this report at the current time. The biggest risk is the capacity of the organisation to support the review process.

4.7 Crime and Disorder

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

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 review is a firm part of this council's transition plan. The approval of the County Council was not required. A County Councillor took part in the extended focus group as part of the review consultation process.

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 was very clear in that it wished 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 also considered the fact that the national Boundary Committee is to undertake a review of electoral arrangements within County Durham.
- 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 remained 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 involved considering the possibility of options including a 'parish council' with 'town status' for the unparished area of Chester-le-Street. It involved 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 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.
- 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.?

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.

8. PROPOSED METHODOLOGY AND WORK PROGRAMME

- 8.1 The review methodology 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 looked 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 series of visits were arranged to neighbouring town councils 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. The findings are set out in the Final report.

8.4 Evidence Gathering

The Task and Finish Group sought 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 included a questionnaire and extended focus group.

8.5 Report Findings

Appendix 1 sets out the report findings.

8.6 Timeline

The following timetable was agreed:

- 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

8.7 The review has taken slightly longer than expected due to reduced capacity in the Legal and Democratic Services Team

9. CONSULTATION FOR THE REVIEW

9.1 The review gathered evidence from a variety of sources. The main evidence came from information provided by Officers and external partners, including:

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

10. RECOMMENDATIONS

1.2 The final report is set out in Appendix 1. Members are recommended to:

1. Consider and comment on the report
2. Delegate decision on final amendments to the Director of Corporate Services in conjunction with the Chair and Vice Chair of the Overview and Scrutiny Committee
3. Present the final report to the council's Executive on 2nd February 2009

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

AUTHOR NAME: Ian Forster
DESIGNATION: Director of Corporate Services
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AUTHOR CONTACT DETAILS:
Tel: 0191 387 2130
Email: ianforster@chester-le-street.gov.uk