

County Council

30 October 2013



Review of Community Governance for the area of Forest and Frith Parish Council

**Colette Longbottom, Head of Legal and Democratic Services
Councillor Simon Henig, Leader, Durham County Council**

Purpose of Report

1. To notify the Council of the outcome of the consultation undertaken as part of the Community Governance Review for the area of Forest and Frith Parish Council and to advise the Council of the recommendation of the Constitution Working Group in this respect.

Background

2. On 24 July 2013 the County Council resolved to undertake a Community Governance Review covering the parished area of Forest and Frith following a request from the Parish Council.
3. Forest and Frith Parish Council ('the Parish Council') had been experiencing issues for some time in relation to membership and attendance at meetings. The Parish Council, with a current electorate of 142, was established with seven elected Members. However, it has been functioning with several vacancies for some time and the Council has been unsuccessful in generating interest for those vacant seats. The Parish Council struggles to achieve a quorum at its meetings, making it difficult to achieve the legal requirement for Parish Councils to hold 4 meetings per year.
4. The Parish Council is apprehensive about its role going forward, aware that there is an expectation for Local Councils to broaden the services which they provide. Although the geographic area covered by the Parish Council is relatively large, they have very few qualifying residents on which to levy a parish precept demand and as such their budget remains small. Furthermore, the Parish Council have been operating without a Clerk for some time.
5. There were several options available for the future of Forest and Frith Parish Council.
 - a) The Parish Council could continue to operate in its current form, thus making no changes to the existing governance arrangements.

- b) The Parish Council could be abolished and replaced with a Parish Meeting, which would come into effect on 1 April 2014. This was the preferred option of Forest and Frith Parish Council and would mean that all of the current Councillors would cease to hold office and there would be no requirement for a Parish Clerk to be employed.
 - c) Amalgamate with another parish council which borders Forest and Frith Parish Council. This would mean possible amalgamation with either Stanhope, Middleton in Teesdale and Newbiggin, Lunedale Parish Councils or Holwick Parish Meeting.
 - d) Introducing any other alternative forms of community governance to the area.
6. As such, the Community Governance Review which has since been undertaken has considered the following:
- Whether the current governance arrangements in the area of Forest and Frith Parish Council should remain unchanged;
 - the possibility of dissolving Forest and Frith Parish Council and creating a parish meeting in its place;
 - the possible merging of the parished area of Forest and Frith with an existing parish council(s);
 - whether any other alternative forms of community governance could be created.

Consultation

7. The terms of reference were published on 24 July 2013 and an initial consultation was undertaken in accordance with the agreed timetable.
8. A detailed document was issued to all households within the affected area setting out all the options available for future governance arrangements within the parished area of Forest and Frith. Consultees were asked to indicate their preferred option for the future arrangements from the four possible options set out in paragraph 5 of this report.
9. The consultation letter was sent to 80 households and recipients were asked to respond by 15 September 2013. The responses received were as follows:
 - No change to current arrangements (Forest and Frith Parish Council to continue in it's current form) – 3 respondents indicated this to be their preferred option;
 - Amalgamate with a neighbouring Parish Council/Meeting – 2 respondents indicated this would be their preferred option

- Dissolve the current Parish Council and replace with a Parish Meeting – 14 respondents indicated this would be their preferred option;
- Alternative Arrangements – 1 respondent made the following comment regarding alternative governance arrangements:-

- “Stanhope Parish Councillors decided that as it is not our area then Teesdale should decide the outcome”

10. A similar letter to that sent to residents, was also sent to the local MP, the Rt.Hon Mrs Helen Goodman, Teesdale Area Action Partnership, the County Durham Association of Local Councils (CDALC) and the surrounding Parishes of Stanhope, Lunedale, Newbiggin and Middleton-in-Teesdale and Holwick. In addition several local groups were consulted as follows: U.T.S.G; Forest of Teesdale Primary School; Langdon Beck Sheep Show.
11. One response was received from County Durham Association of Local Councils who confirmed they had no comments to make on the review and were prepared to leave it for the outcome of the review to shape the way forward for the local communities.

Analysis of Responses

12. It is clear from the responses received that there is majority support for the dissolving of Forest and Frith Parish Council, to be replaced with a parish meeting.
13. In undertaking a review of arrangements within any area, the Council must ensure that community governance in the locality under review, reflects the identities and interests of the community in that area, and is effective and convenient.
14. Any recommendations which the Council makes for future governance arrangements in an area should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

The Law, Duties and Guidance

15. Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
 - (a) It must have regard to the need to secure that community governance within the area under review:
 - (i) reflects the identities and interests of the community in that area;
 - (ii) is effective and convenient.

- (b) In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - (i) that have already been made, or
 - (ii) that could be made for the purposes of community representation or community engagement in respect of the area under review.
 - (c) The Council must take in to account any representations received in connection with the review.
 - (d) Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State.
- 16. The guidance referred to in paragraph 14 (iv) is Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England.
- 17. This guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
- 18. It also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.
- 19. The Council must also take into account other arrangements that have been made and could be made for the purposes of community engagement and they must consider the representations received in connection with the review.
- 20. The Guidance also acknowledges that a recommendation to abolish or establish a parish council may negatively impact on community cohesion and that there is flexibility for councils 'not to feel forced' to

recommend that the matters included in every petition must be implemented.

21. In this case, the majority of the residents who responded have stated that they do support the abolition of the existing Parish Council on the assurance that, as a more convenient means of community governance more relevant for the local area, a parish meeting will be established in its place.
22. The outcome of this consultation indicates a support for a change in the current governance arrangements for the parished area of Forest and Frith. Most of the respondents do wish to see the current Parish Council dissolved and replaced with a Parish Meeting.

Parish Meetings

23. Parish meetings are recognised as local government bodies or public authorities for a number of statutory purposes.
24. The Parish Meeting comprises the local government electors for the parish coming together for the purpose of discussing parish affairs and exercising any statutory functions conferred on them. The parish meeting must assemble annually between 1 March and 1 June and on at least one other occasion during the year on a date to be fixed by the Chairman of the meeting.
25. At the Annual Meeting the electorate attending the meeting choose a member of the electorate to become chair of the Parish Meeting for the ensuing year. There are no elected councillors for a parish meeting.
26. Parish meetings can still precept from the electorate similar to a parish council, although they are not a body corporate and have fewer powers available to them. The precept would be to fund the associated costs of holding the Parish Meeting. Some of the powers available to a parish meeting are allotments, bus shelters, burials: cemeteries and crematoria, charities, churchyards, commons, land, lighting, rights of way, village greens and war memorials.

Dissolving the Parish Council and establishing the Parish Meeting

27. There are several consequential issues which will need to be addressed when dissolving the Parish Council and establishing the Parish Meeting. These are listed and addressed at Appendix 2 of this report.

Recommendations and reasons

28. Constitution Working Group has considered the outcome of the consultation and reached the view that a more convenient means of community governance more relevant for the local area would be

achieved should a parish meeting be established replacing the parish council. The Constitution Working Group recommends to Council

- (i) that Forest and Frith Parish Council be dissolved with effect from 31 March 2014 and a Parish Meeting be established with effect from 1 April 2014;
- (ii) that the required Order be made in this respect;
- (iii) that consequential issues be addressed as detailed in Appendix 2 of the report.

Background Papers

29. Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England.

Report to County Council of 24 July 2013.

Report to Constitution Working Group of 8 October 2013.

Appendix 1: Implications

Finance – The costs associated with the review, particularly in respect of consultation, were met from the existing budget.

Staffing – There are staffing implications when undertaking Community Governance Reviews and these are kept under review.

Risk – None specific in this report.

Equality and Diversity – None specific in this report.

Accommodation – None specific in this report.

Crime and Disorder – None specific in this report.

Human Rights – None specific in this report.

Consultation – Consultation is a major part of community governance reviews and methods used are detailed in the terms of reference.

Procurement – None specific within this report.

Disability Discrimination Act – None specific within this report.

Legal Implications – The legal implications are covered in the terms of reference and in previous progress reports.