

## **County Council**

**29 October 2014**

### **Community Governance Review of Barnard Castle and the Surrounding Area**



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

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#### **Purpose of Report**

1. To update Council on the outcome of the final stage of consultation that has been undertaken as part of the community governance review of Barnard Castle and the surrounding area, and to make a final recommendation in this regard.

#### **Background**

2. On 2 April 2014 the County Council resolved to undertake a community governance review following a request from Barnard Castle Town Council ("the Town Council") to extend its boundary as follows:-
  - (a) "That the Town boundary should follow the River Tees north as far as East Holme House, to the east along East Holme House track encompassing Barnard Castle golf course and the Red Well enclosure to join Black Beck and Town Pasture Lane as far as the existing north western boundary of Westwick Parish, with the southern boundary to be the existing boundary of Marwood Parish and Westwick Parish, with the exception of a small field north of Westwick that includes Mount Eff Farm"
  - (b) "That the part of The Oval, Stainton Grove, should be transferred to Stainton & Streatham Parish and that Mount Eff should be transferred to Westwick Parish".
3. The boundary change proposed by the Town Council is shown on the attached plan at Appendix 2.
4. The Town Council provided the following justification for the boundary change proposals:-

"The reason and justification for the request has always been that the identity of Barnard Castle is linked to its urban boundary, which defines a natural community and forms the limit of the settlement. Hence this should be the logical boundary of the parish. A parish boundary defined in these terms would represent a distinctive and recognisable community of interest, with a

sense of identity related to the civic history of the town, its services and amenities. A parish boundary, which properly reflects the natural associations of those within the urban streetscape of Barnard Castle, would strengthen community engagement and participation and provide opportunities for service users beyond the current parish boundary but within the Municipal scope of Barnard Castle to contribute to the town's community cohesion."

5. The County Council subsequently proposed two options for the future community governance arrangements in the area:

Option 1

To implement changes to the current community governance arrangements in accordance with the proposals submitted by the Town Council.

This would mean that the boundary of Barnard Castle Town Council would be redrawn to follow the River Tees north as far as East Holme House, to the east along East Holme House track encompassing Barnard Castle golf course and the Red Well enclosure to join Black Beck and Town Pasture Lane as far as the existing north western boundary of Westwick parish, with the southern boundary to be the existing boundary of Marwood Parish and Westwick Parish. This would be with the exception of a small field north of Westwick that includes Mount Eff Farm, which would be transferred to Westwick Parish Council.

This would also mean that the part of The Oval which currently sits within the Marwood parish boundary would be transferred to Stainton and Streatlam Parish.

Option 2

That the current governance arrangements in the parished areas of Barnard Castle, Marwood, Stainton and Streatlam and Whorlton and Westwick remain unchanged.

This would mean that the changes proposed by the Town Council would not be implemented and as such there would be no change to current governance arrangements in the area.

**Consultation- First Stage- (initial responses were invited)**

6. The terms of reference for the review were published on 2 April 2014 and a consultation exercise was undertaken in accordance with the agreed timetable. 549 consultation documents were sent out and 84 responses were received. Of those 84 responses, 13 respondents opted for option 1 and 70 respondents opted for option 2. One respondent did not select either option as they saw the benefits in both.

Marwood, Stainton and Streatlam and Whorlton and Westwick Parish Consultations – 239 consultation documents sent out with 82 responses

A consultation document was issued to all households within the affected parishes of Marwood, Stainton and Streatham and Whorlton and Westwick setting out the two options for the future governance arrangements within the area and consultees were asked to indicate their preferred option. The responses and additional comments made by consultees were broken down by area as follows:-

<b>Parish</b>	<b>Forms issued</b>	<b>Forms returned</b>	<b>Option 1 Number of responses &amp; summary of associated comments</b>	<b>Option 2 Number of responses &amp; summary of associated comments</b>
Marwood Urban - Mount Eff	3	2	0	<p>2</p> <ul style="list-style-type: none"> <li>• No benefit to residents.</li> <li>• The impact of a council tax increase.</li> </ul>
Marwood Urban - The Oval	56	10	1	<p>9</p> <ul style="list-style-type: none"> <li>• No benefit to residents as little in common with the urban area of Barnard Castle and may isolate more rural areas.</li> <li>• Any change would force an increase in council tax charges.</li> </ul>
Marwood Urban	99	42	<p>6</p> <ul style="list-style-type: none"> <li>• Make use of amenities within Barnard Castle and should therefore contribute towards services.</li> </ul>	<p>36</p> <ul style="list-style-type: none"> <li>• No benefit to residents of Marwood and happy with current governance arrangements and services provided by the Parish Council.</li> <li>• Do not see why need to change boundary and impose higher council tax charges for no additional services.</li> <li>• The rural / farmland areas have no place within a Town</li> </ul>

				<p>Council.</p> <ul style="list-style-type: none"> <li>• No rationale or evidence to suggest that the proposals would result in better local democracy or more effective local services.</li> </ul>
Marwood Rural	81	28  (1 respondent did not make a selection as saw benefit in both options)	6	<p>21</p> <ul style="list-style-type: none"> <li>• Would make sense to have parish boundary same as natural boundary.</li> <li>• Would like to benefit from more localised services.</li> <li>• One person said that they felt that Marwood in a smaller form would fit well under Eggleston Parish Council.</li> </ul> <ul style="list-style-type: none"> <li>• No advantage or clear benefit in changing boundary and happy with the arrangements and current services provided.</li> <li>• The changes are neither affordable nor necessary.</li> </ul>

Barnard Castle Consultation –300 consultation documents were provided to Barnard Castle Town Council with 0 responses

Due to the high number of households within the parished area of Barnard Castle, the County Council placed an advert in the local press and on the Council's website, and provided 300 copies of the consultation document to the Town Council, where they were made available to the public at the Town Council offices. No responses were received from the Barnard Castle parish. Following the consultation closing date, the Deputy Town Clerk confirmed that the Town Council had advertised the review and consultation in the local media and via social media, but that no members of public had responded to the consultation.

Web Form – 0 requests for a form

The consultation document and response form was also made available on the Council's website, however no completed web forms were received.

Statutory Consultees – 10 consultation documents were sent out with 2 responses

Consultation letters were sent to Helen Goodman MP., the Teesdale Area Action Partnership, the County Durham Association of Local Councils (CDALC), the four local County Councillors and the affected Parish Councils

of Marwood, Stainton and Streatlam and Whorlton and Westwick. 10 letters were sent in total and 2 responses were received. Both responses selected option 2 as the preferred option for the future community governance arrangements of the area.

One of those returned forms was from Marwood Parish Council which, in selecting option 2, commented that Barnard Castle Town Council had not at any time during the previous 18 months, approached Marwood Parish to either discuss the proposals with the Council or its residents. Marwood Parish Council felt that the exercise was simply a land grab and the letter from them further explained how the Marwood Township had existed before Barnard Castle.

The second Statutory Consultee form which was received could not be identified although the author did comment that they felt the only financial benefit of the proposals would be to Barnard Castle Town Council in the form of increased precept and to access Section 106 contributions coming from the Darlington Road development. The author stated that the proposals from Barnard Castle Town Council would leave the smaller parish areas much worse off.

7. It was clear from the responses received that there was a majority support for option 2, for there to be no change to the current governance arrangements in the area.

### **The Law, Duties and Guidance**

8. 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:
  - i. It must have regard to the need to secure that community governance within the area under review:
    - a. reflects the identities and interests of the community in that area;
    - b. is effective and convenient.
  - ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
    - a. that have already been made, or
    - b. that could be madefor the purposes of community representation or community engagement in respect of the area under review.

- iii. The Council must take in to account any representations received in connection with the review.
- 9. Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.
- 10. The 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.
- 11. The guidance 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.
- 12. The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.
- 13. In this case, the majority of the residents who responded to the consultation stated that they did not wish to see any changes to the current governance arrangements, and members may have been concerned about imposing an arrangement that had no support (and more opposition) and the possible impact that could have on community cohesion.

**Consultation- Second Phase (responses to the draft recommendations were invited)**

- 14. On 23 July 2014 Council considered the outcome of the first stage of consultation, and agreed that the current community governance arrangements in the parished areas of Barnard Castle, Marwood, Stainton and Streatlam, and Whorlton and Westwick, remain unchanged, and that a draft recommendation to this effect be published on the Council's website in accordance with the review timetable.
- 15. The draft recommendation was published on 23 July 2014 and a further period of consultation commenced which ran until 3 September 2014.

Consultation documents advising of the draft recommendation were issued to the stakeholders and householders who were part of the initial consultation, and a press release was issued.

16. 4 responses were received in support of the draft recommendations, 3 were from householders from the Marwood parish who were all in favour of supporting the draft recommendations, and making no change to the current governance arrangements. The fourth response was from the County Durham Association of Local Councils, on behalf of their Smaller Councils Forum, who were expressing their dissatisfaction with the proposals by larger local councils to be a 'take over' of land, and that smaller councils would be at a disadvantage especially the impact it would have on councils future precept requests and council tax charges for their residents. The Forum asked for the council to take this into account on the current consultation taking place on Barnard Castle, and any future boundary change proposals that would be considered by the Authority.

### **Next Steps**

17. In accordance with the review timetable, a final recommendation will be published on the Council's website on 29 October 2014. Those householders and stakeholders who have previously been consulted will be issued with the final recommendation, and a press release to this effect will be made.
18. If the Council agree to make a final recommendation of no change to the governance arrangements in the area, the review will be complete once the recommendation had been published.

### **Recommendations and reasons**

19. Council is asked to agree that the final recommendation of the review be that the parished areas of Barnard Castle, Marwood, Stainton, Streatlam and Whorlton and Westwick remain unchanged.

### **Background Papers**

20. Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England. Reports to County Council of 2 April, and 23 July 2014.

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## **Appendix 1: Implications**

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**Finance** - The main costs will be in respect of a consultation and will be met from the budget identified for community governance reviews.

**Staffing** – The work will impact on staff time.

**Risk** – None specific in this report.

**Equality and Diversity / Public Sector Equality Duty** – None specific in this report.

**Accommodation** – None specific in this report.

**Crime and Disorder** – None specific within this report.

**Human Rights** – None specific within this report.

**Consultation** – Within the body of the report.

**Procurement** – None specific within this report.

**Disability Issues** – None specific within this report.

**Legal Implications** – A review will be undertaken in line with current legislation and guidance.

## Appendix 2: Boundary changes proposed by Barnard Castle Town Council

