

County Council

23 September 2015

Community Governance Review of Pelton and Newfield



Report of Colette Longbottom, Head of Legal and Democratic Services

Councillor Simon Henig, Leader of Durham County Council

Purpose of Report

1. To advise Council of the outcome of the final stage of consultation that has been undertaken as part of the community governance review of Pelton and Newfield and to make a final recommendation in this regard.

Background

2. On 25 February 2015 the County Council resolved to undertake a community governance review ("Review") following receipt of a valid petition from Newfield and Pelton Lane Ends Residents Association which sought to incorporate the unparished area of Newfield within the parish boundary of Pelton, served by Pelton Parish Council.
3. The County Council subsequently proposed two options for the future community governance arrangements in the area:

Option 1

To implement changes to the current governance arrangements in accordance with the petition submitted by the Residents Association. This would see the current parish boundary of Pelton parish extend to include the unparished area of Newfield.

As a number of other properties (11 in total) with a Newfield postcode were identified that had not been included in the plan received from the residents association, these were included within the area to be moved to Pelton parish.

Option 2

That the current governance arrangements in the unparished area of Newfield and the parished area of Pelton remain unchanged. This would mean that changes proposed by the Residents Association would not be implemented and there would be no change to the current community governance arrangements in the area.

Consultation- First Stage (initial responses were invited)

4. The terms of reference for the Review were published on 25 February 2015 and a consultation exercise was undertaken in accordance with the agreed timetable.

Local Government Electors

121 consultation documents were sent out to affected properties and 23 responses were received. Of those 23 responses, 17 respondents opted for option 1, and 6 respondents opted for option 2. The responses were broken down further as follows:-

Area	Forms issued	Forms returned	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
The properties in Newfield identified in the petition from the Residents Association	110	20	17 <ul style="list-style-type: none"> To improve local and community services To have representation within a parish To have a voice in decisions made for the Newfield area 	3 <ul style="list-style-type: none"> Do not want to pay more Council Tax
The 11 additional properties with Newfield postcodes that were identified and included in Option1.	11	3	0	3 <ul style="list-style-type: none"> No understanding of what Pelton Parish Council do or what the benefits would be Do not feel associated with Newfield

Web 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

Consultation letters were sent to the local MP, Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the three local County Councillors and Pelton Parish Council.

The Chester-le-Street and District Area Action Partnership commented that there was support for the proposal as long as the Council felt that there had been sufficient public consultation and support for the proposal.

The CDALC Executive Committee resolved that they would be happy to concur with the wishes of the residents of Newfield/Pelton following the Review.

Although no response was received from Pelton Parish Council during the consultation, a letter to the County Council in support of the proposal to parish Newfield was submitted by the Parish Council at the time that the Residents Association had submitted the petition.

Local members have advised of their support for the wishes of the local people.

Pelton Fell Community Partnership

The Council received representations from Pelton Fell Community Partnership ("the Partnership"). In its response the Partnership states that it believes that the current consultation was slightly premature in view of its own proposed consultation of the residents of Pelton Fell for the provision of a Community/Parish Council for Pelton Fell which includes part of the area being consulted on as part of this review.

The Partnership said that part of the area proposed to be transferred to Pelton Parish was considered to be better served by the Pelton Fell area. It was not opposed however to a more appropriate part of Newfield being incorporated into Pelton Parish. The Partnership said that if the proposal identified in option 1 of the consultation, were approved the proposal would result in the need for a change in the electoral boundaries of the Council's Chester-le-Street and Pelton wards and could disrupt the Lower Super Output area, County Durham 011F. The Partnership also states that it could result in an awkward administrative boundary in the vicinity of the unparished area of Pelton Fell.

Analysis of Consultation Responses

5. From the relevant electorate of which there were 121 properties identified; 23 responses were received, which equated to a 19% response. From those that responded 73% were in favour of the proposals.

6. Having considered the issues put forward by the Partnership the responses were broken down further:-
 - Of the 110 properties which formed part of the petition area identified for Newfield, 20 responses had been received which equated to a 18% response. Of those 17 were in favour which meant from the responses 85% were in favour.
 - Of the other 11 properties which have been included in option 1, 3 responses were received which equated to a 27% response. All were opposed to the option to transfer which meant from the responses 100% were against.
7. The County Council was aware that the Partnership was seeking views from its residents regarding the possible establishment of a parish council in the area, however Pelton Fell would be considered as a separate review if a valid petition was received. Having considered the views of the Partnership it is correct that there was an overlap in the area proposed to be transferred which included a small number of properties which the Partnership has identified as being more associated with their area. Looking in closer detail at this, the 11 properties with a Newfield postcode appear to be more associated with the Pelton Fell area, and are within the same electoral division as the remainder of the unparished area of Pelton Fell.

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:

that have already been made, or that could be made for 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 having considered separately the two areas that were included in the proposal, there was strong support in favour of the unparished area of Newfield, with the exclusion of the 11 properties with Newfield postcodes, to be incorporated in the boundary of Pelton Parish Council. The proposed boundary change would be consistent with current electoral division boundaries. The 11 properties would remain in the Chester-le-Street West Central electoral division. This would reflect identifiable communities within the current area, retain the existing electoral divisions, and maintain effective and convenient local government arrangements (a map is attached at Appendix 2).

Warding

14. The consultation document identified that if option 1 was taken forward the County Council would then need to review the electoral arrangements of Pelton Parish Council.
15. Pelton Parish Council consists of the following 3 parish wards with the number of electorate and councillors as identified:-

- Grange Villa Ward – 742 electorate- 3 councillors
- Pelton Ward- 3987 electorate - 11 councillors
- High Handenhold Ward- 75 electorate- 1 councillor

16. In reviewing the electoral arrangements for the Pelton Parish Council the following would need to be considered:-

- Whether any further warding arrangements should be introduced;
- The drawing up of appropriate ward boundaries if required;
- If the number of councillors to be elected to the parish council should be amended;
- If the number of councillors to be elected per ward should be amended.

17. It was considered whether the area to be incorporated in Pelton Parish Council boundary should be separately represented on the council, or be merged with the Pelton Parish ward which it lies adjacent to. A separate fourth ward on the council would provide for an electorate of 176 and it would have required its own councillor representation. If the area was incorporated in the Pelton Parish ward which was represented by 11 councillors, there would be a small increase in size of the ratio of electorate to councillor from 362 to 378. Having taken this into consideration together with guidance about the suggested number of councillors on parish councils, and in seeking to provide an arrangement that would provide community cohesion, the recommendation proposed was to amend the boundary of Pelton Parish Council and that the area to be transferred was incorporated within the Pelton Parish ward.

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

18. On 17 June 2015 Council considered the outcome of the first stage of consultation, and agreed that a draft recommendation be published for the Pelton Parish Council boundary to be extended to incorporate the unparished area of Newfield as identified on the map, which excluded the 11 properties with Newfield postcodes. It was further agreed that the draft recommendation include that convenient community governance would be best achieved by retaining the current council size, and that the warding arrangements be amended by incorporating the area to be transferred in the Pelton Parish Ward with effect from 1 April 2016.

19. The draft recommendation was published on 17 June 2015 and a further period of consultation commenced which ran until 29 July 2015. Stakeholders and householders who were part of the initial consultation were issued with a letter advising of the draft recommendations, and a press release was issued. The only response received during this second stage of consultation was from the Partnership who accepted the draft recommendations.

Next Steps

20. In accordance with the review timetable, a final recommendation will be published on the Council's website on 23 September 2015. Those householders and stakeholders who have previously been consulted will be notified of the final recommendation, and a press release will be issued to this effect.
21. If the Council agree to make a final recommendation to change community governance arrangements in the area, a Reorganisation Order would be made.
22. Constitution Working Group agreed at its meeting on 4 September 2015 to recommend that Council agree the final recommendation of the review and of the warding arrangements.

Recommendation and reasons

23. Council is asked to agree that the final recommendation of the review be that the Pelton Parish Council boundary be extended to incorporate the unparished area of Newfield as identified on the map, which excludes the 11 properties with Newfield postcodes that are within the same electoral division as the remainder of the unparished area of Pelton Fell. Council also agree that convenient community governance would be best achieved by retaining the current council size, and that the warding arrangements be amended by incorporating the area to be transferred in the Pelton Parish Ward with effect from 1 April 2016. The final recommendation would be published on 23 September 2015, following which a Reorganisation Order would be made.

Background Papers

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 25 February and 17 June 2015

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Appendix 1: Implications

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

Equality and Diversity - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation – See report

Procurement - None

Disability Discrimination Act - None

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