

South Lakeland District Council
Council

Tuesday, 18 December 2018

Community Governance Review - End of Stage 1

Portfolio:	Councillor Jonathan Brook - Deputy Leader of the Council
Report from:	Debbie Storr - Director of Policy and Resources (Monitoring Officer)
Report Author:	Paul Mountford - Principal Performance and Intelligence Officer Tom Benson - Electoral Services Manager
Wards:	(All Wards);
Forward Plan:	Not applicable

1.0 Expected Outcome

1.1 This report considers the responses to the first stage of the public consultation carried out as part of the Community Governance Review having regard to the South Lakeland Community Governance Review Terms of Reference as agreed by Council on 24 July 2018.

2.0 Recommendation

2.1 It is recommended that Council:-

- (1) Note the consultation responses received to the first Stage 1 of the consultation;**
- (2) Consider and agree the draft recommendations as set out in Appendix 1 for progression to the second consultation stage.**

3.0 Background and Proposals

3.1 At its meeting on 24 July 2018, Full Council agreed to carry out a Community Governance Review within the District. The Terms of Reference of the Review were agreed and a Community Governance Review Project Team established to consider the review and make recommendations to the Council.

3.2 The first consultation period commenced on 10 August 2018 and as part of this all of the parish councils within South Lakeland were invited to contribute.

3.3 The Review is being undertaken in accordance with Chapter 3 of the Local Government and Public Involvement in Health Act 2007 ("the Act") and the Guidance on Community Governance Reviews (March 2010) provided by the Department for Communities and Local Government Boundary Commission for England. The timetable is included within the Terms of Reference (detailed in Appendix 3) as agreed by Council on 24 July 2018.

3.4 As part of Stage 1, as well as key stakeholders (including the Cumbria Association for Local Councils (CALC), Cumbria County Council, Lake District National Park Authority (LDNPA) and Yorkshire Dales National Park Authority (YDNPA)) residents associations, community groups and local people were asked to make representations in connection with the Review.

- 3.5 The Review must ensure that the proposed community governance reflects the interests and identities of the community. It must also make certain that the arrangements are effective and convenient for the electors of that community.
- 3.6 Parish wards must be contained within district wards and county electoral divisions; that is parish wards cannot cross principal council ward and/or division boundaries.
- 3.7 Further district-wide (stage two) consultation, as detailed in the terms of reference, will commence 4 March 2019 ending 31 May 2019. Stage two consultation will consider any submissions made on these draft recommendation culminating in the provision of final recommendations for approval.
- 3.8 Final recommendations will be considered at Full Council on 23 July 2019 with any reorganisation order issued in August 2019.
- 3.9 Following consideration of the responses received draft recommendations have been drawn up and are set out in Appendix 1. They contain a number of potential changes, including:
- reducing the number of councillors on Arnside Parish Council from eleven to eight
 - the potential altering of the parish boundary of Kendal Town Council to include an area of proposed development of land north of High Sparrowmire - a map is provide in Appendix 2 (D)
 - the potential altering of the parish boundary of Kendal Town Council to include properties on Natland Mill Beck Lane and The Beeches, and to include a small area of proposed development on land at Watercrock - a map is provided in Appendix 2 (E)
 - abolishing the current wards of Dent and Cowgill and having Dent Parish Council as an un-warded parish
 - the creation of a new Parish which amalgamates the parish of Fawcett Forest with the parish of Whitwell and Selside to create the Parish of Selside
 - that the ward of Grange West is abolished and Grange Town Council is made up of two wards: Grange North and Grange South
 - changing the naming of the wards in Kirkby Ireleth Parish Council
 - altering the election cycle and reducing the number of councillors on Lower Allithwaite Parish Council
 - a number of boundary changes to the parish of Natland
 - altering the election cycle of Skelwith Parish Council to ensure that the elections are held on the same day as South Lakeland district elections for the ward of Ambleside and Grasmere; and
 - reducing the number of councillors on Windermere Town Council from twenty to thirteen.
- 3.10 Council is asked to consider and approve the recommendations for publication and for the second consultation stage, Stage three of the review to commence.

4.0 Consultation

- 4.1 At the close of the consultation period responses were received from the following parish councils:
- Arnside
 - Claife
 - Coniston
 - Dent
 - Hawkshead
 - Hellington
 - Kendal Town
 - Natland
 - New Hutton
 - Old Hutton and Holmescales
 - Preston Patrick, and
 - Ulverston.
- 4.2 Details of all the responses and recommendations can be found in Appendix 1.
- 4.3 Oxenholme Village Residents Group made a submission with a proposal for Oxenholme to be a new parish with its own parish council. The boundaries of this parish would not include any properties west of the railway line which currently lie in the Oxenholme ward of Kendal Town Council. Full details can be found in Appendix 1 and Appendix 2 (G).
- 4.4 Fawcett Forest parish has a very small electorate and has a recent history of not meeting, leading to the Council's Monitoring Officer being appointed by auditors to sign off its accounts. Given this, the Council is proposing to create a new Parish which amalgamates the parish of Fawcett Forest with the parish of Whitwell and Selside. The new parish would have a forecasted electorate of 183.
- 4.5 The small parish ward of Grange West was created as the properties there were in a different district council ward to the rest of Grange. Following a further electoral review by the Local Government Boundary Commission for England this is no longer the case. The Council propose that the ward of Grange West is abolished and Grange Town Council is made up of two wards: Grange North and Grange South.
- 4.6 The Council are seeking views on altering the election cycle of Lower Allithwaite Parish Council to ensure that the elections are held on the same cycle as the South Lakeland district election cycles for the wards of Grange and Cartmel. The Council propose Lower Allithwaite Parish Council holds elections in 2020 to begin the new cycle of elections, with subsequent elections held every four years.
- 4.7 As a result of the further electoral review carried out by the LGBCE, Allithwaite Parish Council is part of both Grange and Cartmel district wards. Cartmel is a two-member ward with a fallow year in 2019 (and every four years subsequent to this). Lower Allithwaite Parish Council has its scheduled elections in 2019 and, in the two wards belonging to the Cartmel district ward, is not able to combine these elections and get the cost benefits that combined elections bring.
- 4.8 Natland Parish Council submitted a comprehensive list of comments. The Council is proposing altering the parish boundaries of Natland Parish Council to ensure that community governance reflects the identities and interests of the community in that area - as detailed in Appendix 1 and Appendix 2 (E) and 2 (G).

- 4.9 The Council is seeking views on altering the election cycle of Skelwith Parish Council to ensure that the elections are held on the same day as South Lakeland district elections for the ward of Ambleside and Grasmere. The Council propose Skelwith Parish Council holds elections in 2023 to begin the new cycle of elections, with subsequent elections held every four years.
- 4.10 The Council would like to seek views on reducing the number of councillors on Windermere Town Council to thirteen. Windermere Town Council currently has twenty town councillors. It has, in recent years, carried many vacancies and has a history of uncontested elections. With regard to government research which shows that a parish council of this size should have between nine and sixteen parish councillors, the Council recommended the number of thirteen to ensure a greater electoral equality between each ward.

5.0 Alternative Options

- 5.1 Under the Act, South Lakeland District Council has the power to stimulate debate in respect of parish boundaries. Community Governance Reviews can take place for the whole, or part of, the District to consider one or more of the following:
- Creating, merging, altering or abolishing parishes;
 - The naming of parishes and the style of new parishes;
 - The electoral arrangements for parishes (the ordinary year of election; council size, the number of councillors to be elected to the Council, and parish warding), and
 - Grouping parishes under a common parish council or de-grouping parishes.
- 5.2 The Council is required to ensure that community governance within the area under review will be:
- Reflective of the identities and interests of the community in that area; and
 - Is effective and convenient.
- 5.3 In doing so the community governance review is required to take into account:
- The impact of community governance arrangements on community cohesion; and
 - The size, population and boundaries of a local community or parish.
- 5.4 Arnside Parish Council resolved that the number of Parish Councillors to represent Arnside Parish Council be reduced to six. The reason being that there are permanently vacant seats on the Parish Council and the current level of eleven Parish Councillors is unattainable. The Council noting a pattern of a high number of vacancies and uncontested elections, recommend a reduction in the number of Parish Councillors to eight. This is recommended to ensure effective and convenient community governance.
- 5.5 In order to alter the boundary on areas of land bordering Kendal, the Council would have to apply to the Local Government Boundary Commission for England (LGBCE) to make a consequential change to both district ward boundary and county electoral division boundary in this area. It will be for the LGBCE to decide, following receipt of the proposals, if a related alteration to these boundaries should be made and when it should be implemented.

- 5.6 As detailed in Appendix 1, Helsington Parish Council would support a boundary change as large areas of the current Parish have little connection with Helsington and Brigsteer. The Council is not recommending changes in Helsington Parish Council based on the comments received. However, the Council is open to further representations. The Council is minded not to make recommendations that creates a much smaller parish council. The comments suggested would create a complex set of proposals to the LGBCE and the benefits are not clear.
- 5.7 The Council is not proposing a recommendation to create a new civil parish of Oxenholme. The creation of a new parish on boundaries recently reviewed and altered by the LGBCE would create a greater degree of complexity having, as it would, a significant impact on electoral equality within the wards of Kendal Town Council. However, the Council would like to use the next consultation stage of the Review to explore community governance in Oxenholme in terms of the identities and interests of communities and whether local government there is effective.
- 5.8 As a result of the further electoral review carried out by the LGBCE, Skelwith Parish Council sat within the ward of Ambleside and Grasmere. Ambleside and Grasmere is a two-member ward with a fallow year in 2020 (and every four years after this). Skelwith Parish Council has its scheduled elections in 2020 and is therefore not able to realise the cost benefits that combining parish and district elections bring.
- 5.9 Though the Council is recommending no changes to the electoral arrangements for Ulverston Town Council, the Council is aware of wishes to alter the names of the wards to give them a clearer description and better reflect community identities.
- 5.10 In order to reduce the number of Windermere Town Councillors the Council would have to apply to the LGBCE to make a consequential change. There are no proposals to alter any boundaries, however the electoral arrangements for Windermere Town Council were considered as part of the further electoral review and as such are protected under law from five years after this review. It will be for the LGBCE to decide, following receipt of the proposals, if a reduction in councillor numbers should be made and when it should be implemented.

6.0 Links to Council Priorities

- 6.1 Our Place - The Council will put South Lakeland at the heart of decision making. The Council will help towns and villages thrive commercially whilst retaining their distinctive character. The Council is committed to furthering the localism agenda and empowering local communities to develop.

7.0 Implications

Financial, Resources and Procurement

- 7.1.1 Under the Act, local authorities have responsibility for undertaking community governance reviews. The process is prescribed and involves officer time and other associated costs, such as postage and printing. These costs will be met from within existing budgets.

Human Resources

- 7.2.1 There will be human resource implications arising from a review which will involve Officers from across the council.

Legal

- 7.3.1 Section 82 of the Act empowers the District Council to undertake a Community Governance Review of the whole or part of its area, for the purpose of making recommendations with regard to the constitution of new parishes, the alteration or abolition of existing parishes, the grouping or de-grouping of parishes, and consequential matters. In this current case the fact that the conclusion of the last review took place in December 2013 does not detract from that power.
- 7.3.2 Any review would be undertaken in accordance with Chapter 3 of the Act and the Guidance on Community Governance Reviews (March 2010) provided by the Department for Communities and Local Government Boundary Commission for England. The process that has been adopted by the Council complies with those requirements.
- 7.3.3 Where parish councils are directly affected by the Boundary Commission's recommendations for district ward boundaries, they can make recommendations for their electoral arrangements. These include recommendations:
- for the number of councillors to be elected to the council
 - the need for parish wards
 - the number and boundaries of any parish wards
 - the number of councillors to be elected from any parish ward
 - the name of any parish ward
- 7.3.4 Whilst making recommendations on these aspects of parish electoral arrangements, the Boundary Commission state that they will not normally make recommendations to change the total number of parish councillors for any particular parish. Their guidance states that this is a matter best resolved locally. The District Council can resolve to make such changes following a Community Governance Review.
- 7.3.5 Where parish councils are directly affected by the Boundary Commission's recommendations for district ward boundaries, the LGBCE can make recommendations for their electoral arrangements.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No
- 7.5 The Community Governance Review Health, Social, Economic and Environmental Impact Assessment was completed and provided to Council at its meeting on 24 July 2018.

Equality and Diversity

- 7.6 Have you completed an Equality Impact Analysis? No
- 7.7 The Community Governance Review Equality Impact Assessment was completed and provided to Council at its meeting on 24 July 2018.

Risk

Risk	Consequence	Controls required
That without periodic Community Governance Reviews, areas of South Lakeland are not represented by the appropriate parish council.	Residents feel disconnected from the business of the parish council.	Community Governance Reviews carried out periodically to respond to changes in circumstances or valid petitions presented within the appropriate timeframe.

Contact Officers

Paul Mountford, Principal Performance and Intelligence Officer - p.mountford@southlakeland.gov.uk

Tom Benson, Electoral Services Manager - t.benson@southlakeland.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Community Governance Review 2018-2019 - Draft Recommendations
2	Community Governance Review 2018-2019 - Draft Recommendations - Maps
3	Community Governance Review 2018-2019 - Terms of Reference

Background Documents Available

Name of Background document	Where it is available
Community Governance Review Report March 2017	Minute C/93
Community Governance Review Report July 2018	Minute C/30

Tracking Information

Signed off by	Date sent
Legal Services	22 November 2018
Section 151 Officer	22 November 2018
Monitoring Officer	22 November 2018
SMT	22 November 2018

Circulated to	Date sent
Assistant Director	22 November 2018
Human Resources Manager	22 November 2018
Communications Team	22 November 2018
Leader	30 November 2018
Committee Chairman	N/A
Portfolio Holder	22 November 2018
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	18 December 2018
Group Leaders	30 November 2018