

Review of Community Governance in the Parish of West Rainton by Durham County Council

Background

1. On 12 February 2018, Durham County Council received a petition from the electors in West Rainton parish which had been forwarded by West Rainton Parish Council requesting that the Council undertake a community governance review to reduce the number of parish councillors on the parish council from 11 to 9, and to change the name of the parish council to include Leamside. The petition contained 284 validated signatures.
2. On 15 May 2018 the County Council published terms of reference to conduct a Community Governance Review for the area. The terms of reference were to consult and consider whether the proposal submitted by way of the petition was convenient and reflective of the identities and interests of the community in that area.

Initial Consultation

3. Initial consultation took place on 15 May 2018 for a 4 week period involving local county councillors, the County Durham Association of Parish and Town Councils (CDALC), the Member of Parliament for the City of Durham Constituency, Durham Area Action Partnership and local community groups.
4. A press release was issued to cover interested electors with articles appearing in the local media, and information given on how to make representations. Relevant information was also published on the Council's website.

Analysis of Responses to Initial Consultation

5. Responses in support were received from two residents, and one resident advised of their objection. Comments made in favour included that 11 parish councillors was an over representation, difficulties in attracting more candidates to stand, risk of meetings being inquorate, and necessitating calling of elections.
6. Against the change was concern that there was lack of openness and transparency in the parish council's proposal to reduce the council size, a lack of consistency with a neighbouring parish council size, that it decreases democratic accountability by responding to short term difficulties in recruitment of councillors, that there would be an increased electorate with developments in the area, and that the proposed name change would not better reflect the geographical area which as well as West Rainton and Leamside also covers other areas including Rainton Gate, Moorhouse, Chilton Moor and Moorsley Bank.
7. In terms of the statutory consultees, the County Durham Association of Local Councils (CDALC) advised that it usually responds to say that they have no

objections about reduction in council size and that it makes it easier for elections to be called at an ordinary election. They did however ask whether the parish council had consulted with members of the community before taking the decision to reduce its council size. CDALC had no comment on the suggested name change.

8. West Rainton Parish Council questioned whether the reduction in number of councillors could be implemented as soon as possible rather than until it fell in-line with the ordinary year of elections, if the Council did agree to a change in governance.

Draft Recommendations

9. Draft recommendations were published and a further statutory period of consultation took place from 26 September 2018 to 24 October 2018. Those stakeholders who were subject to the initial consultation, and the members of public who had responded to the initial consultation were issued with a letter advising of the draft recommendation, and provided with the opportunity of commenting further on the proposal. Press releases were also issued and further information was published on the Council's website.
10. There was support from one resident, objections made by another, and the parish council re-iterated its position relating to council numbers and asked again whether the proposals for reducing the number of councillors could be brought in earlier than May 2021.

Analysis of Responses to Draft Recommendations

11. The letter of support from a resident who had commented in the initial consultation advised of continuing support and that the recommendations would better reflect the situation in their Parish.
12. Objections made during the draft recommendation stage were from the same person who had objected in the initial round of consultation.
13. The objector had submitted two slightly different letters of objections, one to the consultation group and the other to a number of the Councillors. The points made are summarised as follows:
 - the name of the parish council already included Leamside and was therefore not an issue;
 - the council cited short term difficulties, by referencing that the last two full elections were uncontested due to the reducing number of candidates. The objector felt that the matter was only a temporary issue given that 13 candidates stood for election in 2006;
 - future generations will have to stay with this decision as the decision could not be easily reversed
 - a reduction of the number of councillors to 9 from 11 with the potential for a proposed increased electorate of 2296 (due to new development) would suggest that a council size of 12 councillors would be more pragmatic if the research by Aston Business School was applied. The objector felt that the

electorate figure was not a marginal increase as suggested in the draft recommendations.

- a parish quorum of three councillors meant that all meetings have been quorate and could transact business;
- comparisons with a neighbouring parish which has fewer electors but a higher number of councillors, therefore West Rainton would have less democratic representation.
- The Parish Council have stated that there is widespread support for the proposal yet this was not evident from its own records
- The Parish Council website showed a lack of transparency and public consultation and did not set out the business to be transacted for the community governance review
- the lack of consultation by the Parish Council is being mirrored by the County Council and has resulted in a low response to the consultation.

The Law, Duties and Guidance

14. Under section 93 of the Act, the Council must comply with various duties when undertaking a community governance review, including:
 - i. having regard to the need to ensure community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient;
 - ii. taking 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. taking into account any representations received in connection with the review.
15. Under Section 100 of the Act, the Council must also have regard to guidance issued by the Secretary of State. In March 2010 the Department for Communities and Local Government (as was) and the Local Government Boundary Commission for England published guidance on Reviews of community governance.
16. Any community governance review must make the following recommendations:
 - (i) what new parish or parishes should be constituted in the area under review (section 87(1));
 - (ii) in relation to an existing parish (section 88):
 - (a) that the parish should not be abolished and that its area should not be altered; or
 - (b) that the area of the parish should be altered; or
 - (c) that the parish should be abolished; and
 - (d) whether or not the name of the parish should be changed; and
 - (e) whether or not the parish should continue to have a council; and

(f) if so, what changes (if any) should be made to the electoral arrangements that apply to that council (section 90), and this should include consideration of what warding arrangements should apply.

17. The minimum legal number of parish councillors for each parish council is five. There is no maximum number and there is no other legislative guidance. The only other requirement is that each parish in a grouping arrangement must have at least one member on the common council.
18. National Association of Local Councils (NALC) published guidance in 1988. It recommended that a council of no more than the legal minimum of five members is inconveniently small and considers a practical minimum should be seven. It does, however, state that local council business does not usually require a large body of councillors and business convenience makes it appropriate to suggest that the practical maximum should be twenty five.
19. Aston Business School has also carried out research and the recommended figures by both the NALC and Aston are reproduced below. Within those minimum and maximum limits, the following allocations were recommended by NALC:

Electors	Councillors	Electors	Councillors
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	Over 23,000	25
9,000	16		

20. However, in rural authorities with sparsity of population, even this table may not be appropriate
21. The Aston Business School's research was published in 1992. It showed the then levels of representation and it is likely that these levels of representation have not greatly changed in the intervening years.

Electors	Councillors
<500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
>20,000	13-31

22. The Local Government Boundary Commission for England (LGBCE) is of the view that each area should be considered on its own merits having regard to population, geography, the pattern of communities and to the current powers of parish councils
23. When considering the number of electors, the Council must have regard to
 - (a) The number of local government electors of the parish; and
 - (b) Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Considerations

Number of Councillors

24. The Parish Council have had difficulties in maintaining their full complement of 11 councillors. At the ordinary elections in 2013, and 2017 there were uncontested elections with 5 standing in 2013, and 7 in 2017. Prior to 2013 there had been contested elections however since then the Parish Council have continually been looking to fill the seats by co-option. There have been

some co-options made, and some appointments through by-election where following the election notice being published elections were held, and the costs borne by the Parish Council. Currently the Parish Council have 8 councillors, and 3 vacancies, and will be required to continue to seek to fill the seats by co-option. The Council has not been made aware of any difficulties in meetings being inquorate however the Parish Council are required to continually seek co-options.

25. Having considered the guidance on council size, as detailed earlier in the report at paragraphs 8 to 14, as the number of registered electors at 31 October 2018 was 1867, if applying the NALC guidance of council size up to an electorate of 2,000 the minimum would be 8 and the maximum number would be number 9. The Aston Business school guidance on council sizes of between 501 and 2,500, would be between 6 and 12. Guidance from LGBCE is of the view that each area should be considered on its own merits having regard to population, geography, the pattern of communities and to the current powers of parish councils, and to consider any change in size of its electorate which is likely to occur in the period of five years. In local councils in County Durham as throughout the country there is a varying size of council to its electorate.
26. Planning officers have confirmed that planning permission has been granted for development in the area, with the two largest being residential dwellings of 150, and one for 65 (subject to completion of S106 legal agreement). There were, as of 31 October 2018, unimplemented planning permissions (or resolutions to grant permission) for 223 dwellings within the parish. If built then this number of dwellings would be likely to yield a further 401 electors. There are no proposed residential allocations for the parish in the emerging County Durham Plan.
27. Therefore the total number of electors may rise to above 2,000 within the next 5 years. A limit of 9 parish councillors would therefore be slightly below the NALC recommendation but the number of electors is likely to be only marginally over the 2,000 figure even if all the dwellings are built, which itself is uncertain.

Name of the Parish/Parish Council

28. The proposal of changing the name of the Parish Council to include Leamside would cover the two main settlements of the parish area. Of the other settlements mentioned by the objector most are very small with only Rainton Gate having more than 100 electors.
29. There is a separate provision in the Local Government Act 1972 that would enable the Council to change the name of the Parish Council upon receiving a request from the Parish Council to do so. That does not apply here, because the request has been received by way of a community petition.
30. During the consultation it has been pointed out that the Parish Council had previously included Leamside in its title, although not for a number of years,

and the crest on its website does include Leamside. As far as the Council is aware there has not been a formal resolution made to change its name and the use of the name “West Rainton and Leamside” appears to have been inconsistent. The fact that the name change is included within the Petition suggests that the will of the petitioners is to confirm the name as “West Rainton and Leamside”.

Timing

31. The Parish Council have questioned whether any change to council size could be implemented before the ordinary year of elections in May 2021. Legislation does not permit a change to council size to be implemented through a Review earlier than at the time of ordinary elections unless it was also to change the term of office of its sitting councillors i.e. changing the year of elections to another date instead of the usual four year period. This is possible but is unlikely to be administratively convenient.
32. The petition which was submitted to the Council by the Parish Council had 284 validated signatories of the parish electorate agreeing with their proposals. This equates to 15% of the 1907 registered electors at the time of 1 December 2017. The Parish Council website contains the agendas/ minutes/ supporting reports from its meetings where co-option/ community governance had been considered. Although there had been a limited response to the two stages of consultation undertaken by the Council with one resident objecting to the proposals at both stages, taking into account the numbers who supported the Parish Council petition, and the responses received by the Council, it can be seen there is support for the petitioners' proposals.

Other Matters

33. Of the matters that must be considered for recommendation in any Review, it is not recommended to constitute any new parishes or to abolish or alter the existing parish. The existing parish should continue to have a council and there is no reason to consider that warding arrangements would better reflect the identities and interests of the parishioners or give rise to greater effectiveness or convenience of community governance.
34. The objector complains that the Parish Council discussions of the proposal were opaque. Whether or not this is the case is not a matter for consideration, because the trigger for the Review has been the duly made petition rather than any deliberations by the Parish Council.
35. If the Council determined that it would make a re-organisation order to change the community governance in the area, and in the future the community found that it wished to make changes, the Council would be obliged to undertake a further community governance review after a period of two years had elapsed and was in receipt of a valid petition.

Final Recommendation

36. Taking into account the guidance, the statutory obligations and the results of the consultation exercises, the Council's final recommendation is as follows:-
- i. With effect from 1 April 2019 change the name of the parish/parish council to West Rainton and Leamside;
 - ii. With effect from the ordinary elections in 2021 reduce the council size from 11 to 9 councillors; and
 - iii. That a reorganisation order be made on 5 January 2019.