

Review of Community Governance in the Un-parished Area of Crook carried out by Durham County Council

Final Recommendations

On 26 October 2011, the County Council approved terms of reference for the conduct of a Community Governance Review in the unparished area of Crook (Map A identifies the area under review). The terms of reference were published on 1 November 2011 and included the terms of the petition which has been received from residents requesting the establishment of a Crook Town Council. The petition was compliant with the legislation.

The Review

The Council carried out this review under the Local Government Public Involvement in Health Act 2007 ('the Act'). It was known to the Council that there was a wish in the area by some residents to have the review with a view to establishing parish council arrangements. The review was however delayed whilst the Council was waiting for the Local Government Boundary Commission for England recommendations in relation to electoral arrangements for County Durham, following Local Government Reorganisation in 2009. The review was commenced before final recommendations were published by the Boundary Commission in order to enable the Council to put in place electoral arrangements for any parish council established by the review in time for the County Council elections in May 2013.

Following resolution of the Council on 26 October 2011, the terms of reference were published on 1 November 2011 and is available at www.durham.gov.uk/communitygovernance

Under the terms of reference, the Council was to consider whether:

- A new Crook Parish Council should be created for the area identified within the petition.
- More than one parish council should be created in the unparished area of Crook.
- The merging of part of the unparished area with an existing Parish Council.
- Any other alternative forms of community governance should be created.

Following the publication of the terms of reference, consultation took place with electors and stakeholders in the area including local businesses, schools and colleges, community associations, local County Councillors, tenants and residents associations, voluntary groups and societies. Neighbouring parish councils were also consulted.

In addition to this the Council:

- Provided an electronic leaflet and questionnaire and other information on its website and other social networking sites.
- Produced an information leaflet and questionnaire sent to all households in the review area.
- Published an article in the autumn/winter edition of the Council's Resident's Magazine 'Durham County News'.
- Published relevant statutory notices within the local media.

The consultation period (stage 1 consultations) ended on 31 December 2011.

Town and Villages descriptions

Crook is a market town situated about 10 miles (16km) south-west of Durham. It lies a couple of miles north of the River Wear, on the A690 from Durham.

Billy Row is a village situated a short distance to the north of Crook.

Sunniside is a small rural village to the east of Town Law and north of Crook. It is one of the highest villages within the County of Durham, at 1,000 feet (300m) above sea level.

Stanley Crook is a village situated to the north of Crook and Billy Row. The area is rural, surrounded by open farm land and woodland.

Billy Row, Sunniside and Stanley are part of the Hill Top Villages Association.

Hunwick is a semi-rural village, dating from Saxon times. Hunwick stands between Bishop Auckland and Crook.

Fir Tree is a village situated 2 miles to the west of Crook, near the River Wear.

Howden le Wear is a village approximately 1 mile south of Crook.

High Grange is a village situated on the A689 between Bishop Auckland and Crook.

North Bitchburn is a village situated to the north west of Bishop Auckland, near Howden-le-Wear.

Helmington Row is a small village situation between Crook and Willington.

Submissions Received in relation to the First Part of the Consultation which informed the Draft Recommendations

There were 860 responses out of 7,340 properties for the full un-parished area of Crook and surrounding area, 52% of responses requested no change to current arrangements. An analysis of those responses can be seen in the draft recommendations which can be accessed at www.durham.gov.uk/communitygovernance

Following analysis of those submissions, the Council noted that for the three areas which were ultimately consulted upon regarding the formation of a Parish Council, the majority of the respondents had indicated a preference for no change to current arrangements. The three areas referred to were Crook North, Crook Central and Hunwick.

The Council was mindful of guidance produced under the Act which highlights that what sets parish councils apart from other kinds of Governance is the fact that they are a democratically elected tier of Local Government with directly elected representatives, independent of other Councils, tiers and budgets, and possessing specific powers for which they are democratically accountable.

In the second stage of the consultation, therefore, an option of a parish council for each of the three areas was presented.

The proposals for consultation for Crook were:-

- For the residents identified as Crook North on Map A.
 - (i) no change
 - (ii) the formation of a Hilltop Villages Parish Council.
- For the residents identified as Crook Central on Map B.
 - (i) no change
 - (ii) the formation of a Crook Parish Council including Crook, Roddymoor, Helmington Row, Howden-le-Wear, North Bitchburn, Fir Tree and High Grange, with appropriate warding arrangements.
- For the residents of Hunwick identified on Map C.
 - (i) no change
 - (ii) the formation of a Hunwick Parish Council

The Second Consultation

The consultation involved sending consultation documents giving details of the parish council proposed for each area and the consultation response form.

During the course of the consultation, staff also attended presentations at the Area Action Partnership and held drop in sessions (afternoon and/or evening) for residents to visit, discuss and have any aspects of the review explained to them.

The attendance at these sessions is set out below:

- St Catherines Community Centre, Crook, 24 April 2012 - 2 sessions – 15 people attended
- Hunwick Community Centre, 30 April 2012 - 4 attendees
- Stanley Crook Community Centre, 2 May 2012 - 3 attendees

Following the drop-in sessions some frequently asked questions were answered on the Council's website and are detailed at Appendix 1.

Crook North

Out of 826 questionnaires sent out 99 were returned, which is a response rate of 12.0%.

The Hill Top Villages respondents have shown a response against the parishing of the area, with 68.5% preferring no change to current arrangements.

The Hill Top Villages individual responses are set out in the table below.

	Frequency	Percentage
A Parish Council	29	31.5%
No change to current arrangements	63	68.5%

Crook Central

The total responses were 1,068 out of 6,014 questionnaires sent out, which is a response rate of 17.8%.

The Crook Central respondents have shown a response against the parishing of the area, with 72.5% preferring no change to current arrangements.

The Crook Central individual responses are set out in the table below.

	Frequency	Percentage
A Parish Council	285	27.5%
No change to current arrangements	750	72.5%

Hunwick

The total responses were 86 out of 608 questionnaires sent out, which is a response rate of 14.1%.

Hunwick respondents have shown a response against the parishing of the area, with 76.5% preferring no change to current arrangements.

Hunwick individual responses are set out in the table below.

	Frequency	Percentage
A Parish Council	20	23.5%
No change to current arrangements	65	76.5%

In summary:

- The Hill Top Villages respondents are against having a parish council in their area, with 68.5% indicating so.
- Crook respondents are against having a parish council in their area, with 72.5% indicating so.
- Hunwick respondents are against having a parish council in their area, with 76.5% indicating so.

Further detailed analysis is attached at Appendix 2 for Crook.

Further Representations

In addition to the questionnaires, further written representations were received and these together with comments received at AAP meetings and drop in sessions are attached at Appendix 3. This review was undertaken at the same time as the review into the unparished areas of Durham City and there were generic questions from members of the public which are also set out in the table, but the specific comments about Crook are identified separately. Letters that submitted questions were responded to and contents of the responses are also included where addresses were supplied.

Analysis of the Responses

Whereas a minority of the responses contained some suggestions for changing the boundary or the inclusion of an area felt by the correspondent to be missing, the majority of the responses were against the formation of a parish council. The majority related to Crook.

A recurrent theme from the responses was a concern about the cost to the council tax payer. Some respondents questioned whether a parish council would serve a useful purpose. The proposed precept was clearly a concern

to some correspondents. Other comments questioned whether the precept proposed justified the formation of a body, some considered to have insufficient powers to deal with the issues that most concerned them. There was some comment about the size of the council tax when the Three Towns Partnership and local community partnerships could tackle local issues.

Correspondence from Hunwick also raised the expense of a parish council at a time of economic difficulty and suggested that greater efforts be made to improving communications with existing community groups including, the Hunwick Community Association. There were also concerns expressed about the possibility of councillors claiming attendance expenses.

Officers attended the Area Action Partnership on 24th May 2012 following the launch of the second consultation.

A variety of views were expressed at this, some of the comments were critical of the review taking place and the costs of the consultation. The main view expressed at meetings was opposition to the need for a parish council. Some residents expressed the view that the petition that had been submitted had not represented the views of the population.

The Law Duties and Guidance

Under section 93 of the Local Government and Public Involvement in Health Act 2007, Council must comply with the following duties when undertaking a community governance review:

- (i) It must consult the local government electors for the area under review.
- (ii) It should consult any other person or body (including the local authority) which appears to the principal council to have an interest in the review.
- (iii) It must also 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.
- (iv) 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 made for the purposes of community representation or community engagement in respect of the area under review.
- (v) The Council must take in to account any representations received in connection with the review.
- (vi) As soon as practicable after making any recommendations, the principal councils must:
 - a. publish the recommendations, and
 - b. take such steps it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (vii) The Council must conclude the review within a period of 12 months starting with the day on which the council begins the review. In this case the review commenced with the publication of terms of reference on the 1 November 2011 and ends with publication of the recommendations.
- (viii) Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State.

This guidance referred to in (viii) exists. It is guidance on Community Governance Reviews published in March 2010 about Communities of Local Government and the Local Government Boundary Commission for England.

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 stresses that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role 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 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.

It also states that the Council must have regard to the need to ensure that community governance within the area under review, reflects the identities of the community in the area and is effective and convenient. The application of these obligations was addressed in the Council report of the 21 March and the draft recommendations document, which can be accessed at www.durham.gov.uk/communitygovernance

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.

Whilst the guidance is generally supportive of parish councils, it is not prescriptive and does not state that they should be routinely formed. Indeed in parts of the guidance it stresses the statutory duty to take account of any representations received and gives the view that where a council has conducted a review following receipt of a petition it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wish the council to make. It 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.

In this case, the majority of the residents who responded have stated that they do not support the establishment of a parish council and the response has been limited. On the 21 March, this Council approved draft recommendations that made suggestions for the formation of parish councils giving the view that the proposals for consultation were effective and convenient and reflected community identities. The same report also contained a recommendation from the Constitution Working Group that households be given the option to consider 'no change' so that any arrangements made have the broad support of communities. Although the responses given have been limited it has, however been given in the context of a consultation in which members of the public were advised that their wishes were significant. It would not be appropriate to make a decision that does not address the product of that consultation.

The outcome of this consultation is that it does not show a broad support for the formation of a new council. Most of the respondents do not want one and the most that can be assumed from the non-respondents is that they have no views either way.

There are also themes from the written representations received and from the comments made at drop in sessions and AAPs which suggest the outcome from the household questionnaires is not at variance with the feelings expressed within the community.

The following table contains a summary of factors for and against the formation of a parish council in these circumstances:

Factors Favouring Formation	Factors Not Favouring Formation
Statutory guidance is generally supportive of parish council formation.	The guidance is not prescriptive.
The alternatives contained in the draft recommendation are proposed as effective and convenient.	<p>That was a statement made prior to the second stage of consultation. The legislation requires consultation and there are other themes in the guidance in which views and representations are expected to be considered.</p> <p>Imposing arrangements where there is no support is arguably not proposing effect arrangements.</p> <p>The majority of respondents are opposed to the formation of a parish council.</p>
A petition was proposed requesting formation.	That was a document initiating a process. The process has involved advising residents what the alternatives would involve and seeking their views which have now been given.
The petition was arguably produced following local government review. It reflects a local view that following this reorganisation, the area had been left without a layer of local government below unitary council level which may be problematic for residents if they believe that their issues conflict with the Unitary Council policies and decisions.	<p>There are other forms of community governance in place for example:</p> <ul style="list-style-type: none"> • The Area Action Partnership allow for such issues to be raised in advance. It was referred to as effective in representations. • Other community groups appearing in the list of bodies consulted in Appendix 4 and Hunwick Community Association. <p>There is a theme in the representations received from the area that the powers of a parish council are limited or will not address the issues that the community has or bring the</p>

	benefits that the community needs. Also as evidenced by the formation of the associations referred to above, the population has shown aptitude to form its own associations to address local issues. Indeed it formed its own steering group in order to collate the petition and organise responses to the community governance review.
There are concerns about the abolition of the district council.	<p>The issue for this review is the creation or otherwise of a parish council. It is not within the Council's powers to create another district council, although a parish council, with general power of competence could have more powers than parish councils have traditionally provided.</p> <p>The result of the consultation does not suggest that the desire to have another tier of local government is common across the areas and the consultation sessions and representations produced comment that a further layer of government is not required.</p>
	The costs of a parish council at a time of austerity.

In terms of community cohesion and effective local governance, the establishment of a precept raising body that will require the expense of elections at a time of recession in a community that shows little enthusiasm for it may not be an act supportive of effective local governance and, given that current guidance does not allow for an easy dissolution of a parish council once it is established, the Council wishes to exercise caution by not creating a body for which there appears to be only limited initial support and some clearly articulated opposition.

If there was no parish council formed, there are other forms of community governance available in the areas as referred to in the table above. The area action partnership is also in place. These partnerships were subject to a review of their effectiveness by the Overview and Scrutiny Management Board which reported to Cabinet on 27 September 2011. The review found the partnerships to be fit for purpose with a pivotal role in understanding the needs of their area, acting upon those needs and influencing service delivery.

Furthermore the fact that the residents have formed community groups and associations as referred to in the table above, suggests that they have the wherewithal and commitment to form community associations and other forms of governance should they wish to do so. Imposing alternative community governance arrangements when the community did not opt for this in the first stage of consultation would not seem appropriate at this stage, but support is available from local members with the support of officers to assist communities in establishing any further groups or association, should they wish to do so.

Taking into account the guidance, the statutory obligations and in particular results of the consultation, the Council has finally recommended that there should be no parish or parish council created for any of the three areas of Crook.

Enquiries for further information on these final recommendations please contact:-

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