

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

Background

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.

Draft Recommendations

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

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.

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

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.

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.

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.

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.

The Law, Duties and Guidance

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 in to 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 in to account any representations received in connection with the review.

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 and the Local Government Boundary Commission for England, published guidance on Reviews of community governance.

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.

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.

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.

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		

However, in rural authorities with sparsity of population, even this table may not be appropriate.

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

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.

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.

Draft Recommendation

Taking into account the guidance, the statutory obligations and the results of the consultation exercises, the Council's draft 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.

Any comments on these draft recommendations must be received by no later than **Wednesday 24 October 2018**.

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