

Council	Council	Agenda Item No.:	8
Date:	25th January 2012	Category	2 nd report
Subject:	Draft Order - The Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1	Status	Open
Report by:	Head of Democratic Services		
Other Officers involved:	Solicitor to the Council Head of Finance and Revenues Democratic Services Officer Development Control Manager Planning Policy Manager		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor D Kelly as Chair of the Community Governance Review Working Group		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing local communities with an opportunity to express their views on preferred community governance arrangements at Parish level.

TARGETS

The subject matter does not contribute to any targets specified in the Corporate Plan.

VALUE FOR MONEY

This is a statutory obligation for the Council once a valid Petition has been received.

THE REPORT

At its meeting on 20th July 2011 the Council agreed to carry out a Community Governance Review under the Local Government and Public Involvement in Health Act 2007 into whether Langwith, Whaley Thorns, Upper Langwith and Langwith Junction should have a separate Parish and Parish Council from Hillstown, Palterton and Scarcliffe. This followed receipt of a valid Petition.

Community Governance Review Working Party Meeting

The inaugural meeting of the Community Governance Review Working Party took place on 16th August to consider the detailed arrangements regarding the timetable, process of the review, consultation etc.

Development within existing Scarcliffe Parish

At the last meeting I advised that the Development Control Manager and Planning Policy Manager had been consulted to see if there was any planned development within the existing Scarcliffe Parish and requested them to report to this meeting on feedback.

- The Development Control Manager advised that his estimate for major sites (in excess of 10 dwellings) is likely to be:

Station Road Langwith Junction (75+?)
Recreation Road (39)
Whaley Thorns (28)

These are either new development or existing planning permissions within the next five years.

All of this would fall in the proposed new Langwith Parish Council area.

- The Planning Policy Manager advised that at present there are no proposals for site specific allocations in the Core Strategy which would directly affect land within these areas.

He confirmed that it is likely that the potential of land adjacent to Hillstown, Langwith Junction, Langwith and Whaley Thorns for residential and/or employment development will be considered as part of the Site Specific Allocations Document planned for preparation and public consultation in 2013. It is unlikely that there will be significant development above and beyond commitments in existing planning permissions in any of these locations in the next five years.

Size of Parish Councils

I was asked by members whether the reduced Scarcliffe Parish, if the new parish of Langwith were created, would be viable and can advise that Hodthorpe and Belph, Ault Hucknall and Glapwell Parishes are smaller, Pleasley Parish has just over 400 electors more.

Timetable

In the week commencing 25th July we published Notice of the Review on our website, at the Contact Centres and Scarcliffe Parish Council were provided with copies of the Notice to display inviting comments from residents and interested organisations which commenced the process. At the same time letters were sent to the two District Councillors for the Scarcliffe Ward, the County Councillors for the Bolsover South, West and Scarcliffe and Shirebrook and Pleasley electoral divisions, the lead petitioner and Scarcliffe Parish Council inviting them to comment. The review will only affect governance at a Parish level and will not change District or County arrangements.

There was some slippage against the timetable as Scarcliffe Parish Council had a recess during August and it seemed appropriate to meet with the Parish Council first and then to hold the public meetings but we are back on target.

Consultation

A major part of the review process is consultation, for this reason a three month period was allocated within the review timetable.

The Solicitor to the Council and Head of Democratic Services attended a meeting with Scarcliffe Parish Council on 12th September to outline the process involved, answer questions and encourage responses.

There was some difficulty in securing premises for the public meetings but these were eventually arranged in October at the following venues -

The Ace of Clubs, Hillstown
Langwith and Whaley Thorns Community Centre
Langwith Junction Social Club

The purpose of the public meeting was to publicise the review and invite comments on the proposals and forms were handed out for the public to complete expressing their views which could be placed in a sealed ballot box on the evening or posted/handed in to the Council at a later date. At least one member of the Community Governance Review Working Group attended each meeting. The public were also advised that they could complete an online survey at www.askderbyshire.gov.uk/Bolsover/Community_Governance or email their

comments to abby.brownsword@bolsover.gov.uk and were encouraged to inform friends and relatives who were eligible but unable to attend to do so by the closing date of 30th November 2011.

Feedback from 1st stage consultation

The majority of respondents, including Scarcliffe Parish Council, are in favour and support the creation of a separate Parish Council for Langwith.

I have written to Scarcliffe Parish Council inviting them to consider whether they would wish the parish to be warded or not and what representation they would wish to see for the parish.

A meeting has also taken place between the Clerk of Scarcliffe Parish Council, the Solicitor to the Council, the Head of Revenues and Finance and the Head of Democratic Services to discuss issues that need to be incorporated into a draft Order, e.g. land/property; staff; proposed budgets and potential shadow arrangements.

Issues Considered by the Community Governance Review Working Group

The Community Governance Review Working Group met on 13 December and considered the following matters:

- all the representations received – the majority of respondents were in favour of the proposals set out by the petitioner that a separate parish of Langwith is created comprising the Scarcliffe Parish wards of North, East, Langwith Junction and Recreation Road.
- Whether Langwith Parish should be warded – the petitioner's proposals were for 3 wards electing 4 councillors per ward – this combines the Langwith Junction and Recreation Road wards. This would give a councillor to elector ratio of 1:235; 1:215 and 1:212 which is fairly equitable. A copy of the map showing the warding arrangements is attached to the Draft Order.

Scarcliffe Parish – this would comprise the villages of Hillstown, Palterton and Scarcliffe. The Parish Council has been approached to seek their views on warding and representation and have requested 3 wards returning 4 councillors per ward. This would give a councillor to elector ratio of 1:184 for Hillstown; 1:78 for Palterton and 1:75 for Scarcliffe, clearly representation is not equitable. To reflect the wishes of the parish and to recognise the rural nature of Scarcliffe and Palterton villages and the urban nature of Hillstown the Working Group considered two wards – the North ward comprising Hillstown electing 4 councillors (ratio of 1:184) and the South ward comprising the villages of Palterton and Scarcliffe electing 4 councillors (ratio of 1:153) having a total of 8 parish councillors rather than the requested 12.

Barlborough and Whitwell Parishes elect 8 parish councillors. If the Parish was unwarded it would give a ratio of 1:112. A copy of a map showing the proposed warding arrangements is attached to the Draft Order. When defining wards care needs to be taken to use recognised features, for example a road, railway line etc. The proposed Hillstown ward takes in 3 properties from Scarcliffe and 1 from Palterton.

The reason the Parish Council would like it to be warded to reflect the identities and to encourage local people to stand for election but one of the criteria to be able to stand as a parish councillor is "I have during the whole of those twelve months resided in that Parish or within 4.8 kilometres of it at" By warding the Parish this does not guarantee that those standing for election will live in the particular ward, or even within the parish there are close neighbours living in Bolsover, Glapwell, Shirebrook and Pleasley who would be eligible to stand. The existing Scarcliffe Parish Council comprises councillors only living in the south ward.

- Whether to convene an additional meeting of the Working Group to allow verbal representations and if the Group wish to ask any further questions.
- Transitional arrangements – in order to comply with The Local Government Finance (New Parishes) (England) Regulations 2008 any new parish needs to come into force on 1 April in the year of election. It is necessary therefore to have shadow councillors in place to take decisions for the newly created Parish and open a bank account etc. As all of the councillors of the existing Scarcliffe Parish live in the south ward, it is suggested that the 2 County Councillors and the District Councillor who does not live in Scarcliffe Parish represent the new Langwith Parish in order to provide perceived neutrality. Shadow arrangements are not necessary for Scarcliffe Parish Council as the existing councillors would remain in office until the scheduled elections in either 2013 or 2015.
- TUPE – there are staff employed by the Scarcliffe Parish Council who may need to be transferred from Scarcliffe Parish to Langwith Parish
- the date of implementation of the order – the very earliest this could happen would be in May 2013 (the date of the next scheduled County Council elections), or it could take place at the next ordinary elections of parish councillors in May 2015. The Parish Council and District Councillors for Scarcliffe Ward have requested that it takes effect from 2015.
- The review must be completed by July 2012
- electoral registration amendments must come into effect on 15th October in the year before the elections are due to be held.

- Any new parish needs to come into force on the 1 April in the year of the election in order to comply with The Local Government Finance (New Parishes) (England) Regulations 2008.

The earliest this can happen therefore is for the electoral registration purposes to take effect on 15th October 2012, the new parish created on 1st April 2013 and for the elections to take place on the first Thursday in May 2013 along with the elections for county councillors. The term of office of the newly elected councillors would be for a 2 year period in order to align the Parishes with the all out District and Parish Council elections on the first Thursday in May in 2015.

Next Stages

A Draft Order is attached and it is recommended that this together with maps showing the warding arrangements for the Parishes of Langwith and Scarcliffe forms the basis of the next stage consultation which runs from 1st February to 30th April 2012.

The Community Governance Review Working Group will meet again on 9th May to consider representations received during this further consultation period and will then make their final recommendations to Council.

Recommendations of the Community Governance Working Group

1. A new Parish of Langwith be created from the 4 Scarcliffe Parish wards of North, East, Langwith Junction and Recreation Road.
2. Langwith Parish be split into the 3 wards of Bathurst, Bassett and Poulter Wards.
3. The numbers of councillors to be elected to each ward of Langwith Parish to be 4.
4. The remaining Scarcliffe Parish be divided into 2 wards – North Ward (comprising Hillstown) and South Ward (comprising Palterton and Scarcliffe)
5. The numbers of councillors to be elected to each ward of Scarcliffe Parish to be 4.
6. There is sufficient evidence to support the proposals without the need for an additional meeting of the Working Group to consider verbal evidence or ask any additional questions.
7. The Transitional arrangements for the newly formed Langwith Parish to be the two County Councillors covering the Scarcliffe Ward of the District and the District Councillor for Scarcliffe Ward who lives outside the ward.
8. TUPE transfers of staff be considered after the next stage consultation.
9. The implementation date in the Draft Order contain the two dates of 2013 and 2015 and views be sought as part of the next stage consultation.
10. The draft order now submitted form the basis of the consultation to take place from 1st February to 30th April 2012.

ISSUES FOR CONSIDERATION

Whether to split the existing Scarcliffe Parish and create a new Parish of Langwith.

IMPLICATIONS

Financial : Minimal costs of hiring three meeting rooms for the initial consultation were £36, two accounts are awaited And the costs of printing copies of maps and submission which have yet to be finalised.

Legal : As in the report.

Human Resources : Officer time in administering the review.

RECOMMENDATIONS that

- (1) the Council agree the recommendations of the Community Governance Review Working Group set out above,**
- (2) the Draft Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1 and accompanying maps form the basis of the public consultation to take place from 1st February to 30th April 2012.**

ATTACHMENT: **Yes – the Draft Order**

FILE REFERENCE:

SOURCE DOCUMENT: **The Petition**