



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	29 SEPTEMBER 2011
REPORT OF THE:	COUNCIL SOLICITOR AND MONITORING OFFICER ANTHONY WINSHIP
TITLE OF REPORT:	COMMUNITY GOVERNANCE REVIEW – MALTON AND NORTON-ON-DERWENT
WARDS AFFECTED:	MALTON AND NORTON-ON-DERWENT

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To consider the outcome of the public consultation exercise on the Community Governance Review proposals for the amalgamation of Malton and Norton-on-Derwent Town Councils.
- 1.2 To consider what further action should be taken in the Community Governance Review against the background of the public consultation response.

2.0 RECOMMENDATIONS

- 2.1 That Council is recommended to resolve to take no further action on the Community Governance Review for Malton and Norton-on-Derwent.

3.0 REASONS FOR RECOMMENDATIONS

- 3.1 To comply with the statutory duty under section 83 of the 2007 Act to respond to a community governance petition.

4.0 SIGNIFICANT RISKS

- 4.1 No significant risks have been identified in preparing this report.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Policy and Resources Committee at its meeting on 10 February 2011 recommended Council to undertake a Community Governance Review following

receipt of a Community Governance petition calling for the amalgamation of Malton Town Council and Norton-on-Derwent Town Council. The recommendations of the Policy and Resources Committee to progress a Community Governance Review was adopted by the Council meeting on 10 March 2011.

- 5.2 As well as approving terms of reference for the Community Governance Review, Council also authorised the carrying out of a public consultation exercise in the following terms:-

“That consultation of local government electors be conducted by means of a questionnaire by post (Option B)

That other persons or bodies be consulted by mailing the questionnaire. Such persons or bodies to include:

- *Malton Town Council*
- *Norton-on-Derwent Town Council*
- *Malton and Norton Area Partnership*
- *The Fitzwilliam (Malton) Estate*

And any other groups brought to the attention of the Council Solicitor.”

- 5.3 In addition to the above it is a statutory requirement to consult North Yorkshire County Council.

6.0 POLICY CONTEXT

- 6.1 The Council has a legal duty to respond to the petition.

7.0 CONSULTATION

- 7.1 Section 93(3) of the 2007 Act requires the District Council to conduct a consultation exercise of local government electors and other persons or bodies which appears to the principal council to be appropriate. Accordingly consultation has been undertaken.

8.0 REPORT DETAILS

- 8.1 The consultation of householders in Malton and Norton-on-Derwent took place by questionnaire to each household between 5 May 2011 and 6 June 2011. The results of this consultation exercise are shown in Annex 1.

- 8.2 Due to legal restrictions imposed by Parliament on the use of the full electoral register, it was not possible for the District Council to send a questionnaire to each local government elector. Accordingly only one questionnaire was sent to each household in Malton and Norton.

- 8.3 Details of persons and organisations that are entitled to use or receive free copies or to be sold copies of the register of electors are governed by Regulations 97 – 114 of the Representation of the People Regulations 2001, as amended (the 2001 Regulations). There are restrictions placed on the use to which the Full Register may be put.

- 8.4 In the case of the Council of the Electoral Registration Officer, the register may only be used for Local Government Elections, Parliamentary Elections, European Elections and Local Referendums and :

“For the discharge of a statutory function of the Council relating to security, law enforcement and crime prevention.”

It is an offence to contravene the provisions of those Regulations. A person found guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

- 8.5 Election law also provides restrictions on combination of polls. A local referendum could not be combined with a Parliamentary and Local Government election.
- 8.6 In terms of numbers of questionnaires despatched 2,383 questionnaires were sent to Malton households and 3,279 questionnaires were sent to Norton households. The number of valid responses received were 642 from Malton and 945 from Norton.
- 8.7 The consultation results for the Proposed Amalgamation of Malton and Norton Town Council are as follows:

Overall:

Yes – 48.6%

No – 51.4%

Malton Households:

Yes – 52.2%

No – 47.8%

Norton Households:

Yes – 46.2%

No – 53.8%

The response rates were as follows :

Malton = 27%

Norton = 29%

- 8.8 The District Election turnout for May 2011 elections were as follows in relation to local government electors:

Malton 39.13%

Norton East 31.09%

Norton West 36.83%

- 8.9 In relation to the Community Governance Petition calling for a Community Governance Review, 452 Malton electors signed the Petition and 643 Norton-on-Derwent electors signed the petition.

- 8.10 The response rate on the consultation on the Proposed Amalgamation of Malton and Norton Town Council compares favourably with that achieved at Test Valley Borough Council in its Community Governance Review consultation where the response rate from the electorate consulted was at 15.7%. Test Valley only consulted households because of the legal restrictions on using the full electoral register.
- 8.11 The consultation response rate may be considered to compare favourably with the District election turnout rates.
- 8.13 The consultation responses from other consultees are attached as Annex 2.
- 8.14 The alternate process associated with progressing the Community Governance Review can be seen in Annex 3. Work would also need to begin on resolving the necessary Council Tax and electoral register implications of the proposals.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
There are no significant financial implications in the recommendation.
 - b) Legal
There are no significant legal implications in the recommendation.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
The report has no significant implications.

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Background Papers:

Local Government and Public Involvement in Health Act 2007
Guidance on Community Governance Reviews published by DCLG and the Electoral Commission in April 2008
Parish and Town Councils in England (HMSO 1992) Research by the Aston Business School
Circular 1126/1988 – Council Size published by the National Association of Local Councils.

Background Papers are available for inspection at:

Ryedale House, Legal Services.

COMMUNITY GOVERNANCE REVIEW

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
The District Council fails to comply with the statutory requirements relating to Community Governance Reviews in the 2007 Act.	Complaint and potentially a court order or mandamus.	2	B	There is no mitigation in this case	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

ANNEX A

Malton & Norton-on-Derwent Town Council Merger Questionnaire Results

The following information is for use within Ryedale District Council.

- Q1. Do you support the setting up of a single Town Council for Malton and Norton-on-Derwent?
- Q2. Do you support the name of 'Malton and Norton-on-Derwent Town Council' for a single Town Council?

	Overall	Malton	Norton
Questionnaires sent:	5662	2383	3279
Valid Returns:	1587	642	945
Number of valid returns which contained a response* to Q1:	1569	632	937
Number of 'Yes' responses to Q1:	763	330	433
Percentage of 'Yes' responses to Q1:	48.6%	52.2%	46.2%
Number of 'No' responses to Q1:	806	302	504
Percentage of 'No' responses to Q1:	51.4%	47.8%	53.8%
Number of valid returns which contained a response* to Q2:	1495	596	899
Number of 'Yes' responses to Q2:	731	327	404
Percentage of 'Yes' responses to Q2:	48.9%	54.9%	44.9%
Number of 'No' responses to Q2:	764	269	495
Percentage of 'No' responses to Q2:	51.1%	45.1%	55.1%

*A response is classed as a tick or cross in the answer box. Some returns may have only responded to one of the two questions or may not have responded to either questions but replied with a comment only.