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**REPORT TO:** POLICY & RESOURCES COMMITTEE

**DATE:** 4 December 2008

**REPORTING OFFICER:** Council Solicitor & Monitoring Officer  
Anthony Winship

**SUBJECT:** Request For Ryedale District Council To Undertake  
a Community Governance Review - Malton and  
Norton-on-Derwent Town Councils

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**1.0 PURPOSE OF REPORT**

1.1 To report the request received from Malton Town Council and Norton-on-Derwent Town Council that the District Council undertakes a Community Governance Review (CGR) in respect of the existing parishes of Malton and Norton-on-Derwent with a view to establishing a single Town Council for Malton and Norton-on-Derwent.

**2.0 RECOMMENDATIONS**

2.1 The Committee is recommended to:

- A. Formally acknowledge receipt of the request;
- B. Decide in principle whether or not to recommend Council to conduct a Community Governance Review or alternatively await a Community Governance petition.
- C. If Committee recommends Council to undertake a Community Governance Review:
  - (i) Note that a further report will be brought to a future meeting of the Committee in order that decisions may be made in respect of the terms of reference of the Community Governance Review, the timetable and the detailed arrangements for public consultation; and
  - (ii) Agree that all Parish Councils should be consulted on whether the Community Governance Review should be extended to include any matters related to their Parish.

**3.0 REASONS FOR RECOMMENDATION**

3.1 To consider whether or not it is appropriate for the Council to exercise its discretion to carry out a Community Governance Review or await the receipt of a valid Community Governance petition.

#### **4.0 BACKGROUND**

- 4.1 Members are advised that a Community Governance Review is a review of the whole or part of the principal Council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes.
- 4.2 Members are advised that the Council Solicitor gave advice to the Town Clerk of Malton Town Council on the issue of the proposed amalgamation of Malton and Norton Town Councils. Extracts of that advice are attached as Annex 1.
- 4.3 Requests have been received from Malton Town Council and Norton-on-Derwent Town Council that the District Council on 1 August 2008 and 29 July 2008 respectively to undertake a Community Governance Review (CGR) in respect of the existing parishes of Malton and Norton-on-Derwent with a view to establishing a single Town Council for Malton and Norton-on-Derwent.
- 4.4 The legislative provisions for the establishment and review of Parish Councils are now largely contained in Part 4 of the Local Government and Public Involvement in Health Act 2007. A key feature of this legislation (relevant provisions of which were implemented as from 13 February 2008) was to transfer responsibility for making parish orders from the Secretary of State to 'principal' Councils such as Ryedale District Council. Under the old legislation the Council was obliged to undertake consultation before passing the matter to the Secretary of State who would carry out a CGR and make the final decision. Now the Council undertakes the whole task. As before the legislation includes provision for local residents to petition for a CGR in addition to the Council's own powers to undertake CGRs at their own choosing.
- 4.5 Some Parish Councils are named as Town Councils. These are no different from Parish Councils and have the same status and share the same powers. The new Act provides for additional names to be used in future.
- 4.6 It should be noted that whilst civil parishes (carrying out local government functions) have their historic roots in Church of England parishes, they are entirely separate from ecclesiastical (church) parishes.

#### **5.0 INTRODUCTION**

- 5.1 Members are advised that a Community Governance Review may be precipitated in one of the following two ways:
- 5.1.1 The District Council may exercise its statutory discretion to conduct a Community Governance Review of its own volition;  
or
  - 5.1.2 The District Council has a duty to conduct a Community Governance Review in response to a valid Community Governance Petition.
- 5.2 An outline of the law relating to Community Governance Reviews and Community Governance Petitions is included in the attached Annex 2.
- 5.3 The District Council has not received a Community Governance Petition and accordingly does not have a statutory duty to conduct a Community Governance Review.

- 5.4 The District Council has a discretion as to whether or not to conduct a Community Governance Review.
- 5.5 The scope of this report is therefore to consider whether or not the District Council should exercise its statutory discretion to undertake a Community Governance Review as requested by Malton and Norton-on-Derwent Town Councils'.

## **6.0 REPORT Community Governance Review (CGR)**

- 6.1 The government's guidance is that principal Councils should keep their area under review, and that it would be good practice for a principal Council to consider conducting a review every 10-15 years, except in areas with a low population. The extent of the area to be covered in a review may be the whole District or a part of the District. Timing of reviews should also be considered, with the government's advice that it should be undertaken well in advance of any electoral reviews of the principal area. Ryedale District Council is not on notice of any form of electoral review.
- 6.2 A Community Governance Review is a review of the whole or part of the principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes.
- 6.3 The Act requires principal councils to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient. The impact on community cohesion must also be considered, along with factors such as size, population and boundaries.
- 6.4 One issue upon which the Council has a further discretion is to decide whether there are grounds for enlarging the subject of the CGR beyond that requested by the Town Councils. If Committee is minded to recommend Council in principle undertaking a Community Governance Review, Committee may wish to consider whether or not officers should write to all the parish and town councils within the District to see if there are other issues that could be addressed as part of the CGR, eg, Councillor numbers etc. The advantages of this approach are that it:
- May prevent further requests for reviews and petitions being received by the Council on an ad hoc basis; and
  - It should help the Committee consider any holistic/cross boundary issues if they arise altogether rather than piecemeal.
- 6.5 However in considering whether or not to undertake a Community Governance Review Members need to conduct a cost benefit analysis and balance the advantages of conducting a review with the advantages that would arise from a review.

## **7.0 OPTIONS**

7.1 The Policy and Resources Committee may decide to:

- a) Recommend Council to exercise its statutory discretion to conduct a Community Governance Review of its own volition of part of its area in the parishes of Malton and Norton-on-Derwent; or

- b) Recommend Council to exercise its statutory discretion to conduct a Community Governance Review of its own volition of the whole of its area; or
- c) Not to make any recommendation to Council.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 Costs of carrying out the review will be the subject of further reports when costs options can be presented. There is no budget provision for undertaking a Community Governance Review.

## **9.0 HUMAN RESOURCE IMPLICATIONS**

- 9.1 There will be a staffing impact in carrying out the CGR, particularly if key CGR activity is planned to take place during key electoral events. Some temporary assistance may be required to assist with matters such as the consultation arrangements and general workload relating to undertaking a Community Governance Review.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 The Council has a discretion to consider undertaking a Community Governance Review.

### **Background Papers:**

Local Government and Public Involvement in Health Act 2007

[http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga\\_20070028\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070028_en.pdf)

Department for Communities and Local Government (DCLG)/Electoral Commission guidance on Community Governance Reviews.

<http://www.communities.gov.uk/documents/localgovernment/pdf/743628.pdf>

Further sources of information on parish and town councils can be found at:

### ***The National Association of Local Councils:***

Home <http://www.nalc.gov.uk>

What is a parish or town council (including a list of powers and duties)

[http://www.nalc.gov.uk/About\\_NALC/What\\_is\\_a\\_parish\\_or\\_town\\_council/What\\_is\\_a\\_council.aspx](http://www.nalc.gov.uk/About_NALC/What_is_a_parish_or_town_council/What_is_a_council.aspx)

### ***Central government:***

Recent press release on legislative changes

<http://www.communities.gov.uk/news/corporate/697732?version=1>

Guidance note on financial arrangements with parish and town

Councils <http://www.local.odpm.gov.uk/finance/ctax/doubtax/guidance.pdf>

### **OFFICER CONTACT:**

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