

**COMMUNITY GOVERNANCE REVIEW – EGREMONT, BECKERMET, HAILE,
LOWSIDE QUARTER, PONSONBY**

PORTFOLIO Cllr Norman Williams

HOLDER:

LEAD OFFICER: Head of Legal and Democratic Services, Martin Jepson

REPORT AUTHORS: Tim Capper, Stephanie Shaw

Summary	Reports to the Working Party proposed terms of reference for a community governance review of parts of Egremont, Beckermest, Haile, Ponsonby and Lowside Quarter and submits for approval draft proposals for inclusion in the reorganisation order.
Recommendation:	That the draft terms of reference and draft proposals be approved for the purposes of consultation.

1 INTRODUCTION

1.1 The Local Government and Public Involvement in Health Act 2007 introduced powers for a principal council to undertake community governance reviews of all or part of their area, and to make local reorganisation orders on completion of reviews. Community governance reviews (CGR's) can comprise creating, merging or abolishing parishes, naming or re-naming parishes, amending parish boundaries, and altering electoral arrangements in parishes. Electoral arrangements include the number councillors to be elected to a parish council, their terms of office, and warding arrangements within parishes. Powers to undertake CGR's replace the powers under earlier legislation for the Secretary of State to make parish review orders on the recommendations of principal councils.

2 PROPOSALS

2.1 The Copeland (Parishes) Order 2009 was made by the Secretary of State using transitional powers in earlier legislation, and took effect on 1 April 2009. The Order transfers 13 parcels of land from and to existing parishes in the Borough and makes corresponding changes to parish boundaries. It makes no changes to electoral arrangements in the parishes concerned. Changes to electoral arrangements in these areas will need to be the subject of separate local reorganisation orders which are the subject of separate items on this agenda.

2.2 There have also been separate discussions on a further set of proposed changes to boundaries and electoral arrangements in the parishes of

Egremont, St Bridget's Beckermets, St John's Beckermets, Haile, Lowside Quarter and Ponsonby. These proposals were not included in the 2009 Order because the necessary public consultations were not completed in time, and will therefore need to be progressed through a Community Governance Review under the 2007 Act. The terms of reference of the proposed CGR are attached at Appendix "A" and the draft reorganisation order at Appendix "B".

- 2.3 During initial discussion a number of suggested amendments to the proposals were received, and a summary of these is attached at Appendix "C". The working party are asked to consider whether their draft order should be amended to take account of any of these before consultation commences.
- 2.4 The proposals would result in the abolition of the existing parishes of St Bridget's Beckermets and St John's Beckermets and creation of a new parish to be known as the parish of Beckermets. The new parish would comprise 14 Councillors, meaning a Councillor:elector ratio of 1:98
- 2.5 The Council is required to consult with local government electors in the area and with other local authorities and other interested parties during the conduct of the CGR and the terms of reference set out proposed consultation arrangements.

3 CONCLUSION

- 3.1 The Working Party is asked to:
 - (i) Consider and approve the terms of reference of the Community Governance Review
 - (ii) Consider the draft reorganisation order and the representations received, and decide if the draft order should be amended to take account of them prior to the start of formal consultation.

**List of
Background
Documents**

Guidance on CGR's

List of

portfolio holder

Consultees:

REVIEWS OF PARISHES AND RELATED MATTERS – LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 TERMS OF REFERENCE

INTRODUCTION

Setting the Context

The Terms of reference might commence with a statement that The Council has resolved to undertake a Community Governance Review of the existing parishes of Egremont, Beckermest, Haile, Ponsonby and Lowside Quarter.

In undertaking the Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission in April 2008, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

The Council is required to have regards to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This Guidance was published in April 2008, and a general statement that it has been carefully considered could be included here.

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a Review. The Terms of Reference will be published on the Council's website and by publication in local newspapers.

Why is the Council undertaking the Review?

The Council is undertaking a Community Governance Review at this time because existing parishes do not reflect actual communities.

What is a Community Governance Review?

A Community Governance Review is a review of the whole or part of the district/borough area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;

- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

Parish governance in our area

“The Council believes the parish council’s play an important role in terms of community empowerment at the local level”, or “the Council wants to ensure that parish governance in our District/Borough continues to be robust, representative and enabled to meet the challenges that lie before it. Furthermore, it wants to ensure that there is clarity and transparency to the areas that parish councils represent and that the electoral arrangements of parishes – the warding arrangements and the allocations of councillors – are appropriate, equitable and readily understood by their electorate.”

The government has also emphasised: “Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Who undertakes a review?

The Review will be undertaken by the Parish Review Working Party of the Council.

Officer and Contact details are as follows:

Tim Capper – Telephone 01946 598526, email
tcapper@copelandbc.gov.uk

Stephanie Shaw – Telephone 01946 598535, email
sshaw@copelandbc.gov.uk

CONSULTATION

How the Council proposes to conduct consultations during the review?

The Council has drawn up and now publishes this Terms of Reference document. This document lays out the aims of the review, the legislation that guides it and some of the policies that the Council considers important in the review.

In coming to its Recommendations in a Review, the Council will need to take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Local Government and Public Involvement in Health Act 2007.

The Council will consult on the review using the Council's website and through local Parish Council's and any other community groups as appropriate.

In accordance with the Act, representation received in connection with the Review will be taken into account, and steps will be taken to notify consultees of the outcome of the Review.

A borough/district council must notify the county council that a review is to be undertaken and its terms of reference and must consult the county council. Copeland Borough Council will consult Cumbria County Council on the Review.

A timetable of the Review

Publication of this Terms of Reference formally begins the review, and the review must be completed within 6 months.

Action	Timetable	
Terms of Reference are published		14 th October 2009
Introductory stage – submissions are invited		15 th October 2009
Draft proposals are prepared		15 th October 2009
Draft proposals are published		15 th October 2009
Consultations	8 Weeks	
Final Proposals are prepared		Week Commencing 4 th January 2010
Final proposals are published		Week Commencing 4 th January 2010
Publish the Recommendations		18 th January 2010
Council publishes	thereafter	31 st March

the Reorganisation Order		2010
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ELECTORATE FORECASTS

The electorate and electorate forecasts for the district/borough

The Council has used the Register of Electors of December 2008 in providing the existing parish / parish ward electorate figures. These are presented in Annex A.

When the Council comes to consider the electoral arrangements of the parishes in its area, it is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day the review starts. Electorate forecasts have been prepared using extant planning permissions, the Local Plan / the Local Development Framework to project the five years electorate forecast.

It is the government's guidance that these forecasts should be made available to all interested parties as early as possible in the review process, ideally before the formal commencements of the review so that they are available to all who may wish to make representations. These are presented in Annex A.

THE PRESENT STRUCTURE OF PARISHES AND THEIR ELECTORAL ARRANGEMENTS

Present structures of parish governance in our area

The Borough of Copeland is divided into 28 Parishes and an un-parished area in Whitehaven.

PARISH AREAS

The legislation requires that the council must have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community area, and
- Is effective and convenient, and
- Takes into account any other arrangements for the purposes of community representation or community engagement in the area.

PARISHES

- the Council is anxious to ensure that electors should be able to identify clearly with the parish in which they are resident because it considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representative and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride;
- the council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this Review;
- the Council is anxious to balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area.
- the Council notes the governments Guidance that community cohesion should be taken into account in this Review
- the Council also notes the Government's strongly stated Guidance that it "expects to see a trend in the creation, rather than the abolition, of parishes" and that "the abolition of parishes should not be undertaken unless clearly justified". The Council also notes that the Government also considers that, where existing parishes are abolished "it would be undesirable to see the area becoming unparished with no community governance arrangements in place". In light of the strength of government Guidance, a more specific policy that the Council intends the whole of its area to be parished may be appropriate.

BOUNDARIES

- the Council considers that the boundaries between parishes will normally reflect the 'no-man's lane' between communities represented by areas of low population or pronounced physical barriers. These barriers will be either natural or man-made: they might include coastal features, rivers, marshland, moorland and mountain or man-made features such as parks, canals, railways, major road and motorways – those barriers that oblige the residents of an

affected area to have little in common with the remainder of the parish to which they may have been allotted;

- that the Council considers that 'natural' settlements or settlements as they are defined in the Local Development Framework should not in normal circumstances be partitioned by parish boundaries;
- The Council will endeavour to select boundaries that are and are likely to remain easily identifiable.

VIABILITY

- That the Council is anxious to ensure that parishes should be viable and should possess a precept that enables them to actively and effectively promote the well-being of their residents and to contribute to the real provision of services in their areas in an economic and efficient manner;
- Some parishes are anxious to take on the new power of well-being provided in the Local Government and Public Involvement in Health Act 2007; others hold Quality Parish status, while others are anxious to enter into charters with principal councils for the provision of local services. The Council sees these initiatives as important measures of effective and convenient local government and will respect them in this Review;
- That the Council recognises that, in its rural area, a strong sense of community can prevail over an extensive but otherwise sparsely populated area. Parishes in these areas may have limited capacity to facilitate service provisions and effective local government; even so, arrangements in these areas, when they accord with the wishes of the inhabitants of the parish, will at least represent convenient local government.

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;

A Council for a parish

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish:

Where the number of electors is 1,000 or more – a parish council must be created

Where the number of electors is 151-999 – a parish council may be created with a parish meeting being the alternative form of parish governance;

Where the number of electors is 150 or fewer – a parish council is not created.

What considerations cover the number of parish councillors?

The government has advised, and this Council concurs that “it is an important democratic principle that each person’s vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the elections of councillors.” Likewise, the Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. However, each parish grouped under a common parish council must have at least one parish councillor.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the effects of the order in details, and the document(s) which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council’s offices, website, libraries, contact points.

In accordance with the Guidance issued by the government, the Council will issue maps to illustrate each recommendation at a scale the will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Councils office at Catherine Street, Whitehaven. Prints will also be supplied, in accordance with regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Electoral Commission.

An indication of when the provisions of the Order would take effect should be given. For financial and administrative purposes

this will be on 1 April in the designated year.

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council. These might be the next ordinary local elections. However, where the next ordinary elections are not for some time, the Council might have resolved to modify or exclude the application of sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in an earlier year, with councillors serving a shortened first term to allow the parish electoral cycle to return to that of the borough/district.

CONSEQUENTIAL MATTERS

General principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation of loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

DATE OF PUBLICATION OF THESE TERMS OF REFERENCE

1st April 2010.

Annex A

Electorate Forecasts

Parish	Current Electorate	No. of Councillors	Number of Electors per Councillor	5 Years Electorate Forecasts (2015)

Egremont (South)	2930	5	586	3003
Haile	221	7	32	226
Lowside Quarter	493	8	62	505
Ponsonby	86	7	12	88
St Johns	1547	10	155	1586
St Bridget's	339	9	38	347

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COPELAND BOROUGH COUNCIL (BECKERMET)

**COMMUNITY GOVERNANCE REORGANISATION ORDER
2010**

The Copeland Borough Council, in exercise of the powers contained in Section 86 of the Local Government and Public Involvement in Health Act 2007, hereby makes the following order:

- (1) This Order may be cited as the Copeland Borough Council (Beckermet) Community Governance Reorganisation Order 2010.
- (2) This Order shall come into force on 1 April 2011
- (3) Each area described in Column 1 of the Schedule to this Order and shaded and designated a letter on the map, and referred to in column 1 by reference to that letter, shall cease to be part of the parish specified in the corresponding row of Column 2 and shall become part of the parish specified in the corresponding row of Column 3.
- (4) The areas consisting of Thornhill, the village of Beckermet, the part of the parish of St Bridget's Beckermet to the south west of the A595 trunk road, and the Dent Road area of Thornhill, shown hatched red on the map, shall become the Parish of Beckermet, and the number of Councillors representing the parish shall be fourteen.

Dated this _____ day of _____ 2010

Martin Jepson
Head of Legal and Democratic Services

SCHEDULE

(1) Area Shaded and Shown on Map (letter)	(2) Transfer from (Parish)	(3) Transfer to (Parish)
(A) Briscoe Mill, Cobra Castle, St Helena, Ullcoats, St Thomas Cross House	St John's Beckermets	Egremont
(B) Scurgill, Grange, Whitehow Head, Yeorton Hall, Carleton	St John's Beckermets	Haile
(C) Godderthwaite, High Beck Cote, Thornholme, Skalderskew, Priorling, Calder Abbey, Calderbridge	St Bridget's Beckermets	Ponsonby
(D) Low Mill	St John's Beckermets	Lowside Quarter
(E) Crakesdale, Black Ling, Kell Head, Catgill, Snellings Farm	Egremont	Lowside Quarter
(F) Beggarghyll House, Ennerdale Mill, New House Farm	Lowside Quarter	Egremont
(G) Bridge End, Cringlethwaite, Little Mill, Woodbank	St John's Beckermets	Egremont

SCHEDULE OF OBJECTIONS

RECEIVED FROM	OBJECTION
Egremont Town Council	Recommendation (a) should include Sherwen's Terrace. Send all residents affected by the recommendations an explanation as to why these changes are being recommended.
Haile and Wilton Parish	Accept the proposed changes with

Council	<p>the exception of Scurgill. The council feels that the residents of Scurgill will be better represented by Egremont Town Council.</p> <p>If proposed changes are accepted, should this not increase the number of councillors?</p>
Councillor of Beckermet Ward	<p>Thornhill Mission Church should be included in the new parish of Beckermet as opposed to the Parish of Haile as shown in the proposals. The Mission Church is part of the main St John's Church in Beckermet.</p>
Clerk to Lowside Quarter Parish Council	No objections.
Clerk to St John's Beckermet Parish Council	Include Thornhill Mission and Carleton in the new Parish of Beckermet instead of Haile.
Mr Robert Lace 1 High Croft, Moss Side, Egremont	Proposes that the boundary should be changed so that the properties on the south side of A595 near the Blackbeck roundabout would become part of Ponsonby Parish as opposed to the new parish of Beckermet. See attached plan for proposed new boundary.
Clerk to St Bridget's Beckermet Parish Council	As above
Clerk to Ponsonby Parish Council	Ponsonby Parish Council have no objection to the proposals made by Mr Lace and St Bridget's Beckermet Parish Council, however, they would not wish to see the implementation of the present proposals delayed.