

**LOCAL GOVERNMENT AND RATING ACT 1997: COPELAND PARISH REVIEW –
VARIOUS PARISH BOUNDARY CHANGES**

PROTFOLIO HOLDER: Cllr Norman Williams
LEAD OFFICER: Head of Legal and Democratic Services, Martin Jepson
REPORT AUTHOR: Head of Legal and Democratic Services, Martin Jepson

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| Summary | The Department for Communities and Local Government has asked the Council whether it would be prepared to make an order, following enabling legislation, to bring into effect the changes submitted by this Council to them in July 2006. This report asks Members to decide whether to recommend to Council taking such action bearing in mind the contents of the report. In addition at its last meeting the Working Party decided it wished to review some of the proposals. |
| Recommendation: | That Members consider whether or not to recommend to Council to make the Parish Boundary Changes Order referred to or whether instead to ask the Department for Communities and Local Government to make such an Order itself together with each of the proposals. |

1 INTRODUCTION

- 1.1 In July 2006, this Council submitted a request to the Department for Communities and Local Government to make an order to bring into force various Parish Boundary Changes. The extent of these changes is shown at Appendix A to this report.
- 1.2 Those changes have still not been made. In February 2008, a Statutory Instrument was made which would enable District Councils to take back and make such Orders themselves. Following a Parishes Liaison Meeting in March 2008 the Council's Leader undertook to write to the Department for Communities and Local Government for clarification as to this process.
- 1.3 In particular, the Leader asked if the Council had a choice as to whether to leave the Department itself to conclude its considerations or alternatively for the Council to deal with the matter itself "how long it would take for the Department to come to a conclusion bearing in mind the length of time already elapsed". Alternatively, if the Council were itself to make such an Order what procedure should be followed (there being none published).
- 1.4 The Department's reply to the Leader is as set out at Appendix B. As can be seen, the questions raised by the Leader have not been answered. We are still not clear how long it would take the Department to make such an Order, or what is involved in the Council making such an Order, The Elections and Emergency Planning Manager has been in touch with the Department and any further developments will be reported verbally. What we do know, locally, is that Lancaster City Council is in a similar position in that there appears to be no guidance as yet as to what Councils need to do to conclude such orders.

2. OPTIONS

- 2.1 Since it is the wish of the Council that such Order be made, the options are:
- a) to ask the Department to make the Order;
 - b) for the Council to make the Order.
- 2.2 In principle, since the Department has offered no timescale for concluding the Order itself, it would appear that the correct recommendation is for this Council itself to process the Order. However, this must be subject to receipt of guidance from Government over how to conclude such Orders and to your Officers' need as it arises, to obtain further clarification and guidance from Members.
- 2.3 If such recommendation is made to Council, the Working Party may wish to ask for such delegated power to conclude the Order as may be necessary.
- 2.4 If such an Order were to be made staff time would be involved and some expenditure on advertising from the Elections budget, is anticipated.

3. LITE INFORMATION

- 3.1 Since the above was written a further piece of correspondence, shown at Appendix C, has been received.
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List of Appendices A – Terms of Proposed Order
B – Copy letter from Communities Department dated 23/05/08
C. Further correspondence with DCLG

List of Background Documents File on review with Elections and Emergency Planning Manager

List of Consultees: Chief Executive, Acting Head of Finance

COPELAND BOROUGH COUNCIL

LOCAL GOVERNMENT AND RATING ACT 1997

PARISH REVIEW - FINAL RECOMMENDATIONS

Notice is hereby given that Copeland Borough Council

- (i) in accordance with the powers contained in section 9 of the Local Government and Rating Act 1997;
- (ii) taking into account the provisions of the Borough of Copeland (Electoral Charges) Order 1998
- (iii) after consultation with and representation from all Parish Councils within the Borough

hereby publishes final recommendations thereon before submission to the Department for Communities and Local Government for approval.

The effect of the final recommendations will be:-

- (a) to transfer an area comprising Birks Farm, Threapthwaite and Parkside from the Frizington Ward of the Parish of Arlecdon and Frizington to the North Ward of the Parish of Cleator Moor.
- (b) to transfer an area comprising Pheasants Rise, Rowrah Head, Ainsdale House, Rowrah Hall Farm and Rowrah Hall from the Parish of Lamplugh to the Arlecdon Ward of the Parish of Arlecdon and Frizington.
- (c) to transfer an area comprising Annaside from the Parish of Whicham to the Parish of Bootle.
- (d) to transfer the Ingwell Ward of the Parish of St Bees to the North Ward of the Parish of Egremont.
- (e) to transfer an area comprising Vicarage Lane, Kelton Mill, Low Stowbank and the Hollins from the Parish of Lamplugh to the Parish of Ennerdale.
- (f) to transfer Wasdale Head Hall Farm from the Parish of Eskdale to the Parish of Wasdale.
- (g) to transfer an area comprising Gaterigghow, Hollins, Crag House, Gill House, Burnt House, Stangends, Flass and Easthwaite from the Parish of Irton with Santon to the Parish of Wasdale.
- (h) to transfer the Haverigg Ward of the Parish of Millom Without to the Haverigg Ward of the Parish of Millom.
- (i) to transfer an area comprising Kirksanton Haws, Layriggs, Kirksanton, Bankfield, Hestham Hall Farm and Langthwaite Farm from the Millom Without Ward of the Parish of Millom Without to the Parish of Whicham.
- (j) to transfer an area comprising Croft Morris Farm, Tollbar Cottage, Scilly Bank, Round Close Farm, Part of Parkfield Estate, Whinrigg Close and Whitehaven Commercial Park from the area of the former Borough of Whitehaven(unparished) to the Parish of Moresby.
- (k) to transfer an area of the Rannerdale Drive Estate currently in the Parish of Moresby from the Parish of Moresby to the (unparished) former Borough of Whitehaven.
- (l) To transfer the area of Muncaster Head from the Parish of Muncaster to the Parish of Eskdale, and that part of Fell View Garage within the Parish of Irton with Santon, from the Parish of Irton with Santon to the Parish of Eskdale.

Also, as a consequence of the above the Council intends to request the Electoral Commission to amend the District Ward boundaries for the Borough of Copeland where appropriate between:

- (a) Cleator Moor North and Frizington
- (b) Arlecdon and Ennerdale
- (c) Bootle and Millom Without
- (d) No change necessary
- (e) No change necessary
- (f) Gosforth and Seascale
- (g) Gosforth and Seascale
- (h) No change necessary
- (i) No change necessary
- (j) Bransty and Moresby
- (k) Moresby and Bransty
- (l) Bootle and Seascale

and to amend the County Divisional Boundaries for the County of Cumbria within the Borough of Copeland accordingly as follows:

- (a) No change necessary
- (b) Gosforth and Ennerdale, and Hensingham and Arlecdon
- (c) No change necessary
- (d) Mirehouse, and St Bees and Egremont
- (e) No change necessary
- (f) Gosforth and Ennerdale, and Seascale and Whicham
- (g) Gosforth and Ennerdale, and Seascale and Whicham
- (h) Seascale and Whicham, and Millom
- (i) No change necessary
- (j) Bransty, and Distington and Moresby
- (k) Distington and Moresby, and Bransty
- (l) No change necessary

The numbers of Councillors representing the Parish of Lamplugh shall be reduced to eleven, and the number of councillors representing the St Bees Ward of the Parish of St Bees shall be increased to thirteen, otherwise the number representing each Parish Ward, Parish, District Ward and Electoral Division shall remain the same.

Anyone wishing to make any representation on these is requested to do so in writing to the Department of Communities and Local Government, Zone 5/G9, Eland House, Bressenden Place, London, SW1E 5DU within a month of the date of these recommendations, with a copy to the undersigned.

Dated this 29th day of June, 2006

Martin Jepson
Head of Legal and Democratic Services
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ

33 B "

23 May 2008

Councillor Elaine Woodburn
Leader of Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

Our Ref: DLG 23/7/25
Your Ref:

Dear Cllr Woodburn,

Local Government and Rating Act 1997 - Copeland parish review

Thank you for your letters of 12 March and 30 April about the above review. I am sorry for not responding sooner although you may be aware that I have been in discussion with Alan Southward about the progressing of the council's recommendations for changes to parish boundaries within the borough.

I am also sorry about the length of time taken to deal with this case following it being submitted to the Department in July 2006. Parish cases are dealt with on a rotational basis in order of the date they are received. Unfortunately, by the time we might have been able to give consideration to this review it was caught between the above previous legislation and the new provisions for community governance reviews contained in the Local Government and Public Involvement in Health Act 2007.

These provisions commenced on 13 February 2008 and as you are aware from my correspondence with Alan Southward we have invited the Borough Council to take the decision on the parish boundary recommendations by virtue of the transitional provisions we have made. We hope principal councils will want to take advantage of this opportunity to use the new powers and by doing so should allow for the case to be concluded more quickly. It will be for the council to consider whether any further work needs to be carried out on the review. However, if the council agrees to take over conduct of the review the transitional provisions we have devised will allow for the recommendations to be implemented by an order made by the council.

While I know Alan has been looking into our request for the council to take over this review we have not received so far a formal response from the council. I enclose for your information a copy of a further letter sent today to the Chief Executive formally inviting him to take over and conclude the parish review.

Department for Communities and Local Government
5/A3 Eland House
Bressenden Place
London
SW1E 5DU

Tel 0207 944 4256
Fax 0207 944 4109
Email steve.a.court@communities.gsi.gov.uk

One again I am sorry for not responding sooner and I hope that this case can be concluded soon.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve A'Court". The signature is written in a cursive style with a large initial "S" and a distinct "A'Court" following.

Steve A'Court

To: Martin Jepson
Subject: RE: Parish Reviews

From: Steve A'Court [mailto:Steve.A'Court@communities.gsi.gov.uk]
Sent: 22 September 2008 16:42
To: Alan Southward
Subject: RE: Parish Reviews

Hello Alan

Within our recourses I think we could get a Ministerial decision within the next 2/3 weeks. Cannot say much more definite than that I'm afraid. We would need to prepare a sub to the Minister and if he gives the ok then we would consult on a draft order and maps which would take around a further 4 weeks before being made. So I'd say our part could be done by the end of November.

Let me know what decide.

Regards,
Steve

From: Alan Southward [mailto:Alan.Southward@copeland.gov.uk]
Sent: Monday, September 22, 2008 3:48 PM
To: Steve A'Court
Subject: Parish Reviews

The old chestnut. If we were to ask you to approve the one with you at the moment and leave us free to concentrate on any "new" ones when would you be able to do so ? Could you give me a definite date ? At the moment I'm getting nowhere fast with the Commission with regard to the Principal Area boundary changes which suits me fine as they will affect the forthcoming County Elections.

Alan

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