

Review of Community Governance in the unparished area of Pelton Fell by Durham County Council

Final Recommendations

On 23 September 2015 the County Council approved and published terms of reference to conduct a Community Governance Review covering the unparished area of Pelton Fell.

Background

Pelton Fell Community Partnership submitted a valid petition to the County Council seeking the creation of an independent Community Council for the unparished area of Pelton Fell.

Initial Consultation

Consultation took place with households and stakeholders in the area between 23 September 2015 and 6 November 2015 to scope people's initial views on the suggestion put forward by Pelton Fell Community Partnership. The consultation documents comprised an information leaflet and feedback form.

900 consultation documents were sent out to households identified as being directly affected by the proposal.

In addition to this consultation letters were sent to the local MP, Kevan Jones, Chester-le-Street and District Area Action Partnership, County Durham Association of Local Councils (CDALC), local County Councillors and the Parish Councils of Edmondsley, North Lodge, Pelton and Waldrige.

The consultation document and response form was made available on the County Council's website.

The consultation document set out two options for future governance arrangements with consultees being asked to indicate their preference.

One option was to implement changes to the current community governance arrangements in accordance with the petition submitted by the Partnership. This would see the unparished area of Pelton Fell become parished and have its own community council.

The second option was that the current community governance arrangements in the unparished area of Pelton Fell remain unchanged. This would mean that the changes proposed by the Partnership would not be implemented and there would be no change to community governance arrangements in the area.

Analysis of Responses

110 responses were received. Of those 110 responses, 62 respondents selected option 1 (in favour of a community council), and 48 respondents selected option 2 (no change to community governance arrangements).

In terms of the statutory consultees, the Executive Committee of the County Durham Association of Local Councils indicated that they would be happy to concur with the wishes of the residents of Pelton Fell following the Review process. The local County Councillors had previously advised of their support for the wishes of the local people. No completed web forms were received.

The responses and additional comments made by households are broken down by area as follows:-

Forms issued	Forms returned	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
900	110	62 <ul style="list-style-type: none"> • Ability to bring suggestions to own council • Greater influence on local services provided • Better community and help bring people together 	48 <ul style="list-style-type: none"> • Current arrangements adequate • Can't afford increase in council tax • Would bring increased costs and bureaucracy

Analysis of Initial Consultation Responses

From the relevant electorate of which there were 900 properties identified; 110 responses were received, which equated to a 12% response. From those that responded, 56% were in favour of the proposals, which equates to 6.87% of the total households consulted in favour, and 44% were against which equates to 5.33% of the total households i.e. a very marginal support for the formation of a new council

Second Consultation

Given the finely balanced nature of the initial consultation, the Council carried out a second period of consultation with householders in the area and the statutory consultees. This took place for a period of six weeks from 20 January 2016. The additional consultation provided more detailed information about what a community council would look like if established, including its size (number of Councillors), and a suggested precept for its first year. The same two options regarding future governance arrangements were offered.

Letters were again sent to the local MP for North Durham, Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the two local County Councillors and the Parish Councils of Edmondsley, North Lodge, Pelton and Waldrige.

The CDALC Executive Committee had responded to the consultation and confirmed that it was supportive of the creation of a new parish (community) council in the Pelton Fell area and fully supported the Partnership in its attempt to create a new parish. Local members had previously advised of their support for the wishes of the local people.

The Pelton Fell Community Partnership who submitted the original petition had confirmed its support for there to be a Pelton Fell Community Council, and advised that the local Councillors, who held positions as directors of the Partnership, had confirmed their support, as had the local MP Kevan Jones, who advised how any new arrangement could play an important role in supporting community development, ensuring local people had a say on what happens in their local area and would provide a forum for residents to have an input regarding the provision of local services.

160 responses were received. Of those 160 responses, 109 respondents selected option 1 (no change to community governance arrangements), and 51 respondents selected option 2 (in favour of a community council). The responses have been broken down further with a summary of associated comments in the table below:-

Forms issued	Forms accepted	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
900	160	109 <ul style="list-style-type: none"> • Pay enough for existing services • Served well currently no need for added expense • Additional cost and bureaucracy not required • Low response rate indicates lack of interest so not needed 	51 <ul style="list-style-type: none"> • Would enable more to be achieved in area • More local accountability, more accessible • Better prospects for area • Bring more community feel • More community engagement

Analysis on Second Stage of Consultation Response

From the relevant electorate of which there were 900 properties identified; 160 responses were received, which equated to a 17.77% response rate. From those that responded 68.12% were in favour of no change. This equated to 12.11% of the total households consulted in favour of no change to existing community governance arrangements. 31.88% were in favour of the formation of a community council. This equated to 5.66% of the total households in favour of the area being parished and the establishment of a community council.

The views expressed by those in support of the formation of a community council spoke of more local accountability, greater community engagement and better prospects for the area.

The written representations against the formation of a community council largely picked up on cost, adequacy of the current arrangement and that the low response indicated very little or no interest and was not needed.

In addition to the 160 responses, a further 133 responses had been received by the Head of Legal and Democratic Services. These were not returned on the original form, nor in the official envelope provided. A complaint made by a member of the public casted doubt on the provenance of the photocopied forms. Concerns were also raised regarding the manner in which a representative of the Community Partnership had collected the forms from residents. The key significance of the complaint was that forms had been completed with a resident's postcode, however, the suggestion was that they had been asked not to select either option.

Under the circumstances, the Head of Legal and Democratic Services took the view, after careful consideration of the forms, that there was too great a risk of challenge in allowing the forms to be counted for the Review. Members of the public had been led to believe by the Council that they should complete the form provided and return it in the envelope provided, and anyone seeking to challenge the outcome of this, on disclosure of the documents, would see significant differences between the submitted documents. For that reason the Community Partnership, as the local group who had submitted the petition for the review, was advised of this outcome, and they had subsequently objected to Head of Legal and Democratic Services' view.

On 13 April 2016 Council noted the decision and reasons of the Head of Legal and Democratic Services to exclude the consultation responses returned that were not on the original form or returned in the envelopes provided. Council decided that the second stage consultation be re-run so as to remove any doubt about the validity of responses received going forward.

Rules regarding what constituted a valid response to the consultation were established for the benefit of the Council and the consultees. It was agreed that only the Council produced form and prepaid envelope should be used and that any other response forms received by the Council including photocopied forms and handwritten envelopes would not be counted. This was made clear through a covering letter issued with the consultation form. A contact number was also

provided for anyone who required a replacement form or envelope. In light of the re-run of the second consultation the Council revised the review timetable.

Consultation (Re-run Second Stage)

This re-run of the second stage consultation was undertaken for a period of six weeks from 13 April 2016 in accordance with the revised Review timetable.

Properties in Pelton Fell

893 consultation documents were sent out to affected properties and 204 responses were received. Of those 204 responses, 110 respondents selected option 1 (no change to community governance arrangements), and 94 respondents selected option 2 (in favour of a community council). All 204 responses were made in accordance with the criteria adopted for valid returns. The responses have been broken down further with a summary of associated comments in the table below:-

Forms issued	Forms accepted	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
893	204	110 <ul style="list-style-type: none"> • The community was served well with current arrangements • Concerns about affording additional cost, which would increase yearly • Extra layer of bureaucracy not required • Low response rate from the electorate indicates this is not wanted 	94 <p>Would enable:</p> <ul style="list-style-type: none"> • more to be achieved in area • More local accountability, more accessible • Better prospects for area • Community cohesion • More local matters to be dealt with

No further responses were received from the statutory consultees, therefore the comments they made in the second stage of the consultation were considered as their comments for this consultation.

Analysis on Re-Run Second Stage of Consultation

From the relevant electorate of which there were 893 properties identified; 204 responses were received, which equated to a 22.84% response rate. From those that responded 53.92% were in favour of no change. This equates to 12.32% of the total households consulted in favour of no change to existing community governance arrangements. 46.08% were in favour of the formation of a community council, which equates to 10.52% of the total households in favour of the area being parished and the establishment of a community council.

The views expressed by those in support of the formation of a community council include that there would be more local accountability, greater community cohesion, and better prospects for the area.

The written representations against the formation of a community council largely pick up the themes of the cost; that the current arrangements are adequate; and the low response indicates there is no interest and it is not needed.

The Law, Duties and Guidance

Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:

- i. It must have regard to the need to secure that community governance within the area under review:
 - a. reflects the identities and interests of the community in that area
 - b. is effective and convenient.
- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:

that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.
- iii. The Council must take in to account any representations received in connection with the review.

Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.

The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does

stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.

The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.

The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.

The Council must also take into account other arrangements that have been made and could be made for the purposes of community engagement and they must consider the representations received in connection with the review.

Whilst the guidance is generally supportive of parish councils, it is not prescriptive and does not state that they should be routinely formed. Indeed in parts of the guidance, it stresses that the statutory duty is to take account of any representations received and gives the view that where a council has conducted a review following receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wish the council to make. It also acknowledges that a recommendation to abolish or establish a parish council may negatively impact on community cohesion and that there is flexibility for councils 'not to feel forced' to recommend that the matters included in every petition must be implemented.

Conclusion of Review

At the time of the first round of consultation was undertaken with relevant households it could be seen that from a limited return (110 responses from 900 households-12.22% from the total households) there was a marginal majority in favour of changing community governance arrangements in the area (62 from 110 responses- 56.36%). The additional information provided at the second and re-run second round of consultation on what a community council would look like if it was established, including its size and the level of precept to be set for its first year, highlighted that there was more interest from those that would be affected. From the response to the re-run consultation there had been an increase in the responses received with 204 responses from 893 households - 22.84% from the total households. The returns also showed a majority in favour of leaving community governance in the area as it is (110 from 204 responses- 53.92%).

The majority of the residents who responded to the consultation had stated that they did not wish to see any changes to the current governance arrangements. The Council has a statutory duty to take account of any representations received. Imposing an arrangement that had little support (10.52% of the total households consulted) and more opposition (12.32% of the total households consulted) could have impact on community cohesion.

The Council must also take into account when considering community governance for an area, other arrangements that provide community engagement. In the Pelton Fell area there is already another form of community governance in place, with the Pelton Fell Community Partnership already providing community engagement in the area.

Draft Recommendation

Draft recommendations were published on 22 June 2016 and publicised by way of statutory notice, press release and a letter issued to the statutory consultees.

One response to the draft recommendations was received from Pelton Fell Community Partnership. Whilst the Partnership expressed their disappointment of the draft recommendation, they accepted that the results of the consultation meant that the Council could come to no other conclusion.

The Partnership took some consolation that the County Council had acknowledged in their recommendations that the Partnership were already providing community engagement in the area. The Partnership did however point out that it did not receive any rate funding as a community council would.

If their forms of current funding were not sustained it potentially meant that activities at the centre could be restricted, or in a worst case scenario, the centre would have to close.

Final Recommendation

Taking into account the guidance, the statutory obligations and the results of the consultation exercises, the Council's final recommendation is that the current governance arrangements in Pelton Fell **remain unchanged**.