

Allerdale Borough Council

Council – 25 September 2019

Community Governance Reviews

The Reason for the Decision:	To consider 1. a petition requesting a Community Governance Review of the Flimby ward of the Maryport parish area and 2. a Community Governance Review of the the boundary of Silloth-on-Solway parish area
Summary of options considered:	To decide whether to conduct the reviews, and if so what the remit and scope of each should be.
Recommendations:	<ol style="list-style-type: none">1. That Council agrees to carry out a Community Governance Review of the Maryport Parish area to consider:<ul style="list-style-type: none">• The establishment of a separate parish council for the Flimby ward and associated electoral arrangements• Ward boundaries of Maryport Town Council• Council size of Maryport Town Council2. That Council agrees to carry out a Community Governance Review of the Silloth-on-Solway Parish area to consider amendments to the parish boundary with the Holme Low parish area3. That the Terms of Reference for the Community Governance Reviews, as set out at Appendices 1 and 2 to the report, are agreed4. That a Community Governance Review Working Party consisting of the nine members from the Flimby, Maryport North, Maryport South and Silloth & Solway Coast wards be established to co-ordinate the reviews and to make final recommendations to Council.

Financial / Resource Implications	There will be some financial implications associated with the public engagement work and with the cost of holding a number of working group meetings
Legal / Governance Implications	Implications for electoral administration of the parishes involved
Community Safety Implications	None
Health and Safety and Risk Management Implications	None
Equality Duty considered / Impact Assessment completed	N/A
Wards Affected:	Maryport North, Maryport South, Flimby, Silloth & Solway Coast
Is this a Key Decision:	Yes
Portfolio Holder:	Councillor John Cook
Lead Officer	Lindsay Tomlinson Electoral Services Manager lindsay.tomlinson@allderdale.gov.uk

Report Implications

Community Safety	N	Financial	Y
Legal	N	Partnership	N
Social Inclusion	N	Asset Management	N
Equality Duty	N	Health and Safety	N
Employment (internal)	N	Employment (external to the Council)	N

Background Papers

- Local Government and Public Involvement in Health Act 2007
- LGBCE Guidance on Community Governance Reviews
- LGBCE Final recommendations for new local government electoral arrangements for Allerdale Borough Council

- Petition submitted 30 July 2019 requesting a Community Governance Review of the Flimby Ward of Maryport Town Council

1.0 Introduction

1.1 Section 100 of the Local Government and Public Involvement in Health Act 2007 (The Act) sets out the process by which Principal Authorities such as Allerdale Borough Council can carry out a Community Governance Review (CGR) of parish arrangements within its area.

1.2 CGRs can cover such issues as:

- changing boundaries of existing parishes,
- reviewing ward boundaries within a parish, and ward names
- setting up a new parish in an unparished area
- the electoral arrangements of a current or new parish (for example council size, electoral cycle)
- the grouping or de-grouping of parishes.

2.0 Request for Community Governance Review of Flimby

2.1 A petition calling for the establishment of a separate parish council for the Flimby ward of the Maryport parish area was submitted on 30 July 2019. The petition contained 250 valid local government elector signatures which is the minimum number required to trigger a review of that area.

2.2 Section 83 of the Local Government and Public Involvement in Health Act 2007 requires a district council to undertake a review where a valid petition is received which relates to whole or part of the council's area and where the council is not currently carrying out a review of the area and has not carried out a review in the preceding two years. As all of the conditions are met then the council had a duty under the legislation to carry out the review as requested in the petition.

2.3 In 2017 all town and parish councils were written to asking if they wished to have a review of their areas. A number of parishes requested reviews and these were carried out during 2018. Maryport town council did not request a review at that point.

2.4 The Local Government Boundary Commission for England (LGBCE) reviewed the Allerdale Borough Council area during 2016 and published its recommendations in 2017. The review amended the Allerdale ward areas for Maryport and Flimby which had the effect of losing co-terminosity with the Maryport town council ward areas.

2.5 The loss of co-terminosity was most evident in the new Flimby ward which now includes two streets at the southern end of Maryport; Whitestile and Whitestile Close. The implications of this are that residents in those streets vote for the Flimby ward in the Allerdale Borough Council elections, and for the Maryport Glasson ward in the town council elections. Had the 2019

Maryport town council elections been contested then those electors could have been required to vote in two different polling stations. In practical terms, a separate ballot box for the Maryport Glasson ward would have been allocated to the Flimby polling station to reduce confusion for electors, but this would have further complicated the administration of the elections and added some additional risk to the process.

- 2.6 It would seem sensible, given that a petition has been received asking for a review of the Flimby ward, that the opportunity be taken to carry out a wider review of the Maryport parish area. As this will be looking at the Maryport town ward boundaries and could potentially see Flimby ward and part of the Glasson ward forming a new parish then the Maryport town council size and the allocation of councillors to each of the wards should also be included in the review.
- 2.7 The legislation requires that a review is concluded within 12 months from the date the council begins the review. It is anticipated that the review of Maryport therefore should be concluded by the autumn of 2020 with an effective date of April 2021. If the outcome of a review is that a new parish council is to be established then interim elections must be held as soon as the council is established, potentially May 2021. The councillors would serve an initial two year term of office to bring the new parish back into line with the term of office dates of the Allerdale parishes.

3.0 Community Governance Review of Silloth-on-Solway Parish Area

- 3.1 On 2 May 2019 an elector from the Silloth area raised an issue that he had been unable to vote for Silloth-on-Solway town council, as he had done in the past, and instead was asked to vote for members to Holme Low parish council.
- 3.2 Following the Local Government Boundary Commission for England review of Allerdale and the local elections it became clear that there was an anomaly with the boundary between the Silloth-on-Solway parish and Holme Low parish areas which had put the whole of Lido Village, Silloth, into the Silloth-on-Solway parish area. The correct parish boundary does actually run through Lido Village, effectively placing around 20 properties in the Holme Low parish.
- 3.3 There is no evidence of any boundary reviews since the time that Lido Village was established that would have had the effect of amending the Silloth-on-Solway/Holme Low parish boundary to place all of Lido Village in the Silloth-on-Solway area.
- 3.4 Allerdale Borough Council as principal authority has the power to conduct a review of the Silloth-on-Solway parish area and, if necessary, agree an Order to amend the boundary.
- 3.5 It is anticipated that a review could be completed by the spring of 2020 to enable the amended boundaries to take effect from 1 April 2020.

4.0 Establishment of a Community Governance Review Working Group

- 4.1 The main focus of the work of the CGRs will be in connection with planning and delivering a strategy of public engagement, and from the outcome of that and consultation with the relevant town and parish councils and other key stakeholders, draft Reorganisation Orders will be prepared. It is suggested that this work should be carried out by a working group comprising the nine elected members from the relevant Allerdale Borough Council wards, supported by the Electoral Services team and with input from the Communications team and Legal team as required. As Allerdale Borough Council is the responsible body for the CGRs then the working group must comprise Allerdale Borough Councillors. The town and parish councils affected by the reviews will be consultees during the process and as such will be invited to send representatives to the working group meetings.
- 4.2 The working group will not have any delegated decision making powers beyond agreeing the programme of consultation, the timetables for the reviews and making final recommendations to Council.
- 4.3 The Council must agree the Terms of Reference of any CGR before it commences, the draft Terms of Reference are set out at Appendices 1 and 2.

5.0 Finance/Resource Implications

- 5.1 The duty to carry out a Community Governance Review and to bear the associated costs rests with Allerdale Borough Council as the principal authority. The costs will mainly arise from staff resources, the cost of public consultation events and from the running of working group meetings.

6.0 Legal Implications and Risks

- 6.1 The procedure for conducting a Community Governance Review is set out in legislation. Appropriate guidance and advice will be sought at all stages to ensure compliance with the statutory requirements.

7.0 Options for Consideration

- 7.1 In the case of the Flimby review, as the petition meets the legal requirements and as the council is not currently reviewing that area, nor has it reviewed it within the past two years, then council is duty bound to conduct a review. To decide not to conduct a review would be unlawful. The outcome of the review will be for Council to decide once the process has concluded.
- 7.2 Council could in the case of the Silloth issue decide not to conduct a review. However, the boundary now splits Lido Village across two parish council areas. Residents have traditionally identified with Silloth-on-Solway rather than Holme Low parish and have given strong indications that they wish the boundary be reviewed. Should council not agree to the review then residents have the opportunity to petition for the review and, should the required

number of signatures be received then the council would in all likelihood be duty bound under the legislation to conduct a review.

8.0 Recommendations

- 8.1 That Council agrees to carry out a Community Governance Review of the Maryport Parish area to consider:
- The establishment of a separate parish council for the Flimby ward and associated electoral arrangements
 - Ward boundaries of Maryport Town Council
 - Council size of Maryport Town Council
- 8.2 That Council agrees to carry out a Community Governance Review of the Silloth-on-Solway Parish area to consider amendments to the parish boundary with Holme Low parish area
- 8.3 That the Terms of Reference for the Community Governance Reviews, as set out at Appendices 1 and 2 to the report, are agreed
- 8.4 That a Community Governance Review Working Party consisting of the nine members from the Flimby, Maryport North, Maryport South and Silloth & Solway Coast wards be established to co-ordinate the reviews and to make final recommendations to Council.

Appendices:

Appendix 1 Draft Terms of Reference for the Maryport Community Governance Review

Appendix 2 Draft Terms of Reference for Silloth Community Governance Review

Lindsay Tomlinson
Electoral Services Manager