

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Democratic Renewal Scrutiny Panel
2.	Date:	23 rd October, 2008
3.	Title:	Review of Parish Boundaries
4.	Directorate:	Chief Executives Directorate

5. Summary

The report sets out the context, scope, arrangements, and timescales, for the review of parish boundaries.

The report also informs Members on the proposals submitted at phase one of the review and sets out the public consultation necessary at the next stage, before final recommendations on boundary changes can be made to Council and the Electoral Commission.

6. Recommendations

Democratic Renewal Scrutiny Panel is asked to:

6.1 Note and comment on the proposals arising from the consultation at phase one of the Parish boundary review as set out in summary at paragraph 7.4 and in full at Appendix 1.

6.2 Receive a report on the outcomes of the phase two consultation process and the final review recommendations in due course.

7. Proposals and Details

The report sets out the context, scope, arrangements, timescales, and phase one outcomes for the review of Parish boundaries and makes proposals for the next stage of the review.

7.1 Background - reasons for the review

The review is of the whole borough which comprises both parished and unparished areas. There are 29 parishes with 26 parish councils.

The Council has a duty to keep under review the electoral arrangements of its parishes. The last review was undertaken over 20 years ago and since then there has been significant new development and population movement across the borough which may mean that local identities have changed.

Also as part of the periodic electoral review concluded in 2004 there were changes made to parish wards where parts of the parish were included in more than one of the Borough wards. This has created anomalies in parish boundaries and a review was necessary to address these. Additionally the council has received on a reasonably regular basis requests from parish councils and other interested bodies to undertake such a review.

The main aim of the review was to ensure that parish boundaries continue to reflect the identities and interests of the communities they serve, are meaningful, and facilitate the delivery of effective and convenient services. The review covered the whole of the borough, whether currently parished or not. However, it was intended that the review should also cover more fundamental issues such as whether parishes should be created in parts of the borough which do not presently have them, whether current parish boundaries should be altered other than merely to address anomalies, whether existing parishes might be amalgamated, or whether new parishes might be created from within existing parishes.

7.2 The Council's legal position and decision making powers

The Parish review took place under the provisions of section 9 of the Local Government and Rating Act 1997 (the 1997 Act). Since the review started in September 2007 the 1997 Act has been repealed by Part 4 Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). The 2007 Act contains a revised set of provisions for what are known as "Community Governance Reviews". These will replace the current provisions in the 1997 Act for carrying out Parish Reviews.

The 2007 Act devolves the Secretary of State's and the Electoral Commission's decision-making powers to principal councils for community governance (parish) review and petition cases which were previously made under the 1997 Act. This means that the power to make changes to parish boundaries is now vested in the council. The council will no longer be required

submit proposals to the Secretary of State; instead the council would be able to make an order bringing the proposals into force, although the Electoral Commission would still have to be consulted about changes to electoral arrangements.

The council can recommend the creation of new parish councils under the 2007 Act. Government guidance suggests that a parish should reflect a small, distinctive and recognisable community of interest with its own sense of identity. Any proposals must also have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government.

7.3 Phase one consultation process

Where the council decides to conduct a review it must as soon as reasonably practicable take steps as it considers sufficient to secure that persons who may be interested in the review are informed of the decision to conduct it, the subject matter and the period within which representations may be made. The council has, of course, in conducting the review to take into account any representations made to them.

With the above in mind consultation with interested parties began in October 2007 with a view to completing the review within 18 months. Extensive consultation took place including:

- Attendance and talks at the Parish Network
- Discussions with Yorkshire Local Councils Association and Electoral Commission
- Press release and follow up press enquiries.
- Letters to all parish clerks for attention of Parish Councils.
- Letters to all RMBC councillors.
- Follow up of all queries and questions including one to one meetings with respondents to deal with queries.
- Council web-site and intranet
- Attendance and update briefings at Area Assembly Chairs meeting.
- Attendance at public meetings.
- Attendance at council meetings.

The initial consultation period was to end by 31 January 2008 but this was extended to allow additional responses and to await confirmation of the legal situation as there was a transition period between the repeal of the 1997 Act and the vesting of powers on the council under the 2007 Act. Phase one was thus effectively concluded prior to the May 2008 council elections.

7.4 Phase one consultation responses

A significant number of responses have been received comprising emails, phone calls, letters, petitions, surveys, and minutes of public and parish meetings. Where written consultation responses have been received these are listed in **Appendix 1** to this report.

Responses have included proposals to create parishes in parts of the borough which are presently unparished (e.g. in Thorpe Hesley and Scholes), and also to remove areas from existing parishes, either so as to become unparished (e.g. Hooper extracted from Brampton Brierlow Parish), or to create a wholly new parish (e.g. New Laughton Common splitting from Thurcroft Parish and Hellaby from Bramley Parish).

There are other less significant proposals, to amend boundaries or rectify anomalies. For example Treeton Parish Council is proposing its boundary is aligned to follow the River Rother to give a more natural definition to the parish. Similarly Catcliffe Parish Council is proposing changes that will not affect residential property but aligns the boundary with permanent features like rivers, roads, and railway lines.

A number of parishes requested that no changes were made within their boundaries, for example, the parishes of Harthill with Woodall Parish, and Aston-cum-Aughton.

7.5 Phase two consultation

Following receipt of the initial submissions the next stage is for the council to produce draft recommendations. The council must then take such steps as it considers sufficient to secure that persons who may be interested in them are informed about them. The council must deposit copies of the draft recommendations at its principal office and keep them available for inspection. Consideration must be taken of any such representations as are made within the further consultation period for commenting on the recommendations.

The indicative timeline for the phase two consultation stage would be as follows:

Production of draft recommendations and Clarification of initial submissions including meetings with proposers	Oct-Nov 2008
Internal RMBC consultation with Cabinet, Delegated Powers, and Scrutiny	Nov-Dec 08
Public consultation on draft recommendations	Dec 2008
End of phase two public consultation.	Jan 2009

The same methodology as employed at phase one will be used for the second phase.

7.6 Phase 3 - Concluding the review and implementation of recommendations

At the end of phase two the council must produce a final report with recommendations and again copies must be deposited and persons interested notified.

The expected timetable for concluding the review is as follows:

Final report submitted to Council, public notice and key partners for final comments	Feb 2009
Submission of final report to Cabinet for decision, And Electoral Commission outlining final proposals	March 2009

The recommendations which the Council could make following the review are for:

- (a) The constitution of new parishes. This might include the establishment as a parish of any area which is presently not a parish or part of one. It could also include the aggregation of such an area with one or more existing parishes or parts of parishes, the amalgamation of two or more parishes or the separation of part of any parish;
- (b) The abolition of a parish, with or without the distribution of its area among other parishes; or
- (c) The alteration of the area of a parish.

If the Council makes any recommendation for the constitution of a new parish, they must include recommendations for the establishment of a new parish council. However, if the population of the new parish recommended would include fewer than 200 local government electors, the Council is not obliged to recommend the creation of a new parish council for that area, although it may do so.

If the Council makes a recommendation for the alteration of the area of a parish which has a parish council, they may make proposals to the Electoral Commission for changes to the electoral arrangements for that parish council.

8. Finance

No specific financial implications arise from this report. However there may be implications arising from the aggregation and disaggregation of assets (finance and property) where the boundary of a parish changes resulting in the sale, transfer, or disposal of assets. Further guidance and advice will be sought from DCLG and Yorkshire Local Councils Association and the Electoral Commission.

9. Risks and Uncertainties

The phase one submissions indicate a number of parishes where the proposals are in conflict or contradictory and so there is risk that a local amicable solution will not be possible and the council will have to adjudicate. There is always a risk that any newly created parish may not be sustainable or be able to attract local people to serve as councillors. To mitigate and manage these risks support and guidance is available from Yorkshire Local Councils Association, the Council, and the local Parish Network.

10. Policy and Performance Agenda Implications

Parish councils play an important part in engaging with local people and providing local leadership. The Local Government White Paper includes proposals aimed at extending and deepening parish governance, including a presumption in favour of creating parishes where communities requested them.

At a local level, supporting and enhancing the role and function of parish councils is a high priority for the Borough Council, as reflected in key plans and strategies such as the Community Strategy, the Corporate Plan and the RMBC/Parish Charter.

An equality impact assessment will be completed as part of the finalisation of any recommendations arising from the review.

11. Background Papers and Consultation

RMBC/Parish Charter.

The Local Government and Rating Act 1997.

The Local Government and Public Involvement in Health Act 2007.

Form 1 – CCI Framework.

Minutes of the Parish Council Network.

DCLG guidance and circulars available at www.communities.gov.uk

Contact Name/s:

Tim Mumford, Assistant Chief Executive (Legal and Democratic Services),
RMBC, ext 3500, tim.mumford@rotherham.gov.uk

Zafar Saleem, Community Cohesion and Engagement Manager, RMBC, ext.
2757 and email, zafar.saleem@rotherham.gov.uk

Appendix 1

Parish Boundary Review initial submissions at phase one (Oct. 2007 – May 2008)

The following is a summary of the written, telephone, and email responses to phase one of the parish boundary review.

Proposals 1-3 were submitted by more responder and were supported through supplementary emails, letters, petitions, and public meetings as indicated in the explanation of the proposal.

Proposals 4-6 were submitted directly by the relevant parish chair, committee member, or clerk.

Proposals 7-8 were submitted by individuals.

Proposal 1 Creation of a new parish in an unparished area.

A written proposal has been received with evidence of support in the form of vote at a public meeting, survey, and letters of support seeking the creation of a new parish covering the villages of Thorpe Hesley and Scholes.

A variation of the above proposal has also been received seeking consideration of the expansion Wentworth parish to cover the two villages.

Proposal 2 Removal of an area currently within a parish so that it becomes unparished.

2.1 A written proposal has been received with evidence in support in the form of household survey requesting that the Hooper (electoral box) be taken out of the Brampton Bierlow Parish.

2.2 A written proposal has been received requesting that the Maltby Parish is disaggregated to create a separate and new parish.

Proposal 3 Removal of an area currently within a parish so that it becomes a separate and new parish.

3.1 A written proposal has been received requesting a wholly new parish be created covering Laughton Common through disaggregation of Thurcroft Parish. This proposal has received evidence in support in the form of letters, emails, phone calls, public meetings, letters from partners, and petitions.

3.2 A written proposal has been received requesting a wholly new parish be created covering Hellaby through disaggregation of Bramley Parish. This proposal has received evidence in support in the form of letters and a household survey.

Proposal 4 Maintenance of existing parish boundary.

The following parishes submitted a written request that no changes were made within their boundaries: Harthill with Woodhall, Brampton Bierlow, and Aston-cum-Aughton.

Proposal 5 Annexation of area within an adjoining parish.

5.1 Todwick Parish Council has submitted a written proposal requesting that parts of Wales Parish and Anston Parish be transferred into Todwick Parish.

5.2 Wickersley Parish Council has submitted a written proposal requesting that Brecks which is in Dalton Parish is transferred into Wickersley Parish.

5.3 Bramley Parish Council has submitted a written proposal requesting that the parish boundary be adjusted so that the Lings (off Flash Lane) and Woodlaiths village in Dalton Parish become incorporated into the Parish.

Proposal 6 Amendments to boundaries or rectify anomalies.

There have been a number of written proposals to amend boundaries or rectify anomalies as follows.

6.1 Brinsworth Parish have requested the following changes to the boundary to: include the 'Estate' and Jubilee Cottages which are situated on the northern side of Bawtry Road and have a Brinsworth address but which are currently outside the Brinsworth Parish; include the residential properties close to the BOC depot which are again situated on the northern side of Bawtry Road and have a Brinsworth address but are not currently in the Brinsworth Parish; include all properties which are situated on Boundary Walk and Century View; and leave the southern edge of the Parish boundary as it is now.

6.2 Brampton Bierlow Parish Council has requested that the south of parish boundary which adjoins Wentworth Parish Council is fragmented and could do with realignment.

6.3 Laughton en le Morthen Parish Council has requested the transfer of two excluded properties in Brookhouse into the Parish; transfer of two properties into Maltby Parish; and transfer of three properties into Laughton Parish.

6.4 Treeton Parish Council has requested that its boundary is aligned to follow the River Rother to give a more natural definition to the parish.

6.5 Catcliffe Parish Council has requested that its boundary is realigned to follow permanent features like rivers, roads, and railway lines without affecting residential property.

6.6 Orgreave Parish Council has requested that its boundary along the River Rother between Treeton and Orgreave parishes is realigned as minor tidying up of the boundary is required. It is suggesting that no properties are affected.

6.7 Dalton Parish Council is proposing changes to include: amending the boundary along Oldgate Lane East to Thrybergh Junior School to take in houses on Chesterhil Avenue and Oldgate Lane; reduction in Dalton Parish through extending Wickersley Parish; and an extension of the Parish to include the whole of East Herringthorpe. They are also rejecting proposals made by Bramley Parish and Wickersley Parish for the annexation of areas currently within Dalton Parish (see proposals 5.2 and 5.3 above).

Proposal 7 Individual submissions within the scope of the review.

7.1 A written proposal has been submitted requested that the Hamlet of California that is situated in Woodsetts Parish but is in Dinnington Parish is transferred to the Woodsetts Parish.

7.2 A written proposal has been received requesting a realignment of boundaries within the Wickersley Parish.

7.3 A written proposal has been received requesting that the B6086 should be included in the "Thorpe Hesley Parish" should a new parish council be created as a result of the Parish boundary review.

Proposal 8 Individual Submissions outside the scope of the review.

8.1 A written proposal has been submitted requesting that an individual property with an address in Dalton Parish is re-designated to have an address in Wickersley Parish.

8.2 A written proposal has been submitted requesting that a street in the "Bradgate" district into Kimberworth.