



Council

15 October 2018

Community Governance Review for Duddington with Fineshade – Final Recommendations

Purpose of report:

To propose recommendations for parish arrangements in the parish of Duddington with Fineshade following the conclusion of public consultation.

Attachment

Appendix A – Original Map of proposed change to parish area from petitioners
 Appendix B – Revised Map of proposed change to parish area from petitioners
 Appendix C – Original Terms of Reference for the Review.

1.0 Background

- 1.1 The receipt of a valid petition from a number of registered electors within the Fineshade area of the District requesting the separation of their area and formation of a new Parish Meeting was considered at the full council meeting of 29 January 2018.
- 1.2 The request petition was signed by 86% of the electors in the proposed new parish area located within Fineshade. The proposed new Parish Meeting would comprise 6 properties with a current electorate of 14, although two properties are currently undergoing development/renovation and the electorate is expected to increase slightly as a result. (The total electorate for Duddington with Fineshade Parish council is currently 162.)
- 1.3 At its subsequent meeting of 26 February 2018 the Council approved a set of terms of reference commencing the process of a four stage review, as outlined below

Stage	Date	Consideration	Timescale
	29 January 2018	Council considered receipt of the request for a community governance review of Duddington with Fineshade parish area.	
	26 February 2018	Terms of reference approved by Council.	
Stage 1	6 March –30 April 2018	Comments and proposals invited from residents.	8 weeks
Stage 2	30 July – 23 Sept 2018	Draft recommendations are published and consulted upon	8 weeks
Stage 3	24 September – 5 October 2018	Consideration of submissions received and final recommendations prepared	2 weeks
Stage 4	Mon 15 October 2018	Final recommendations are considered by East Northamptonshire Council for endorsement	
	w/c 22 October 2018	Final recommendations are published - concluding the review	
	May 2019 (or when the next parish elections take place)	Any changes as part of the review come into force at the parish and town council elections	

- 1.4 As part of Stage 2 of the review, officers considered comments received following the Stage 1 closing date and prepared draft proposals for consideration by Council. At the council meeting of 23 July 2018, the following draft recommendations were approved for a second stage of consultation:-

That this Council considers that no changes should be made to the parish arrangements for Duddington with Fineshade and that this proposal is consulted upon during Stage Three of the Community Governance Review.

This paper presents the outcome of that consultation

2.0 Stage 3 Submissions received

- 2.1 Further submissions supporting boundary changes made by the original petitioners, supplementary to the original petition and Stage 1 responses, are summarised below:-

- a) Re-emphasis of their original reasons for desiring the seceding of their proposed parish area from Duddington with Fineshade;
- b) Proposed development of 10 new homes in the village of Duddington offsetting the loss of six (plus two in development) in the 'Vale of Fineshade';
- c) An alteration to the original suggested boundary, which would now come down the side of Top Lodge Road and then cross it in line with the stream (see Appendix B);
- d) Acceptance of East Northamptonshire Council's view that six (plus two in development) homes would not be a viable parish area, consequently desiring for this **new revised boundary area to no longer be a separate parish, but to amalgamate with the existing Laxton Parish.**

It should be noted that in respect of the proposed development of homes in the village of Duddington, planning permission has not been granted at this time and so cannot be taken into account in calculations for any impact of the loss of the six homes in 'Vale of Fineshade' on the number of, or impact on parish precept that would result for the remaining Duddington electors.

Laxton Parish – Consideration of Request to Revise Parish Boundary

- 2.2 Following the desire of 'Vale of Fineshade' residents to amalgamate with Laxton Parish a preliminary meeting was held between the Chairman of Laxton Parish Meeting and approximately 50% of those members of Fineshade Parish who wish to secede from Duddington with Fineshade. A further meeting was then held in Laxton village hall, to which a representative group of these Fineshade members were invited.
- 2.3 The purpose of this meeting was to hear, discuss and vote upon the request that this group, which comprises those who live in and near Fineshade Abbey and those next to the A43, should join with Laxton to form a parish group with the proposed name of 'Laxton with Vale of Fineshade'
- 2.4 In addition to the reasons already stated for wishing to leave Duddington with Fineshade Parish, the reason for grouping with Laxton was noted to be a wish *'to develop a communal life which their knowledge and observation lead them to believe could be better found with Laxton than with their present arrangement.'*
- 2.5 The Chairman of the parish has reported that development of a communal life being better able to be found by the residents with Laxton Parish, is believed to be reinforced by the *'results of a circular sent to all Laxton parishioners which, inter alia, produced the interesting responses from those Laxton parishioners who live nearest to Fineshade who feel a strong communal bond with those very Fineshade dwellers who are the subject of this deliberation. Indeed, there is one family forming two households each in the other parish who farm the same land.'*

After all opinions had been heard and discussed a proposal was made, seconded and voted on that:

'Laxton accepts the validity of the proposal made by the electors of Fineshade who wish to secede from their existing joint parish of Duddington with Fineshade and would welcome them in the new formation provisionally called Laxton with Vale of Fineshade.'

The result of the vote was: For; 17. Against; NIL. Abstentions; 3

2.6 Laxton Parish has therefore made the following request of East Northamptonshire Council:-

'We therefore urge that East Northants Council, giving weight to the idea that a most important element of a parish is community, recommend that the just desires of this group, 'Vale of Fineshade', be granted.'

3.0 Stage 3 Proposals for No Change

3.1 Further submissions against boundary changes made by residents of Duddington with Fineshade, supplementary to Stage 1 responses, are summarised below:

3.2 Duddington with Fineshade Parish Council

Duddington-with-Fineshade Parish Council *'welcomes and supports the decision of East Northamptonshire Council's Committee on 23rd July 2018 in respect of the Community Governance Review for Fineshade. The Parish Council's response to the initial consultation and contained in its letter dated 19th April 2018 still stands.'*

The Parish Council notes that *'if East Northamptonshire Council's recommendations were to be reversed as a result of the second consultation and the population of Duddington-with-Fineshade were to dip below 150, it would be down to East Northamptonshire Council to determine if the Parish Council should continue. The Parish Council is concerned that should this be the case and the council ceased to exist, then the whole of the community would be adversely affected by the action of a mere 7% of the population.'*

3.3 Fineshade Residents (non-petitioners)

Two residents have expressed support for the recommendations made by East Northamptonshire Council, noting the likely effects on residents of social housing occupancy of increased parish precept should the petitioners leave the parish area.

3.4 Duddington Residents

Two responses have been received expressing concern regarding the proposals made by the petitioners. One respondent particularly noting the effect on the wider parish should it require the abolition of the parish council, and believing that the current situation should be maintained and that no change is required, with the Parish Council working hard for the benefit of both Duddington and Fineshade.

However that respondent states that if the current Parish Council for Duddington is able to be maintained then they would not have an objection to the proposals, but if not the case, then they strongly believe the parish should stay as it is.

3.5 It should be noted that the above responses for no change were all received prior to the possibility of joining with Laxton Parish by the petitioners being confirmed; although Duddington with Fineshade Parish Council were made aware that discussions had been taking place between the Laxton Parish and the petitioners.

4.0 Stage 3 Issues Considered

4.1 In considering proposals for changes to community governance in the parish, the Council again has to take into account a number of criteria included within the statutory guidance on community governance reviews, taking into account all representations now received throughout the course of the review:

a) That community governance is reflective of the identities and interests of local communities

There continue to be competing interests between the petitioners who see their identity as separate to the wider area of Fineshade, and to that of Duddington with Fineshade Parish, representations from the Parish Council and residents of both wider Fineshade and Duddington concerned by the potential breakup of the wider community.

b) That community governance is effective and convenient

The number of electors within Duddington with Fineshade is currently 162. If part of Fineshade separates from the remainder of the Parish, the successor parish areas would constitute 147 and 256 respectively.

Statutory guidance advises that local communities should have access to good quality local services, ideally in one place. It also encourages the use of parish councils on the basis they are viable in terms of providing at least some local services and easy to reach and accessible to local people.

The petitioners' desire to amalgamate their proposed area of 'Vale of Fineshade' with Laxton Parish is in the knowledge that Laxton Parish does not have a council or a precept and the understanding that local parish services previously available from Duddington with Fineshade Parish Council would not be provided on that basis.

Duddington with Fineshade Parish Council has engaged throughout this process and clearly has a strong identity which, in the view of officers, would be expected to continue, even if the number of electors was to fall below 150 as a result.

c) The impact on community cohesion of community governance arrangements

Setting up of parishes and parish councils offers the opportunity to strengthen community engagement and participation, generating a positive impact on community cohesion and bringing different groups of people to get on well together. The government's vision in terms of cohesion is for:-

- A shared future vision and sense of belonging
- A focus on what new and existing communities have in common, alongside a recognition of the value of diversity;
- A strong and positive relationship between people from different backgrounds.

Part of the responsibility of the principal council remains consideration as to whether a recommendation made by petitioners will undermine community cohesion in any part of its area. As part of the responses to this stage of the consultation there continues to be a number of residents of the wider Fineshade ward expressing a wish for it not to be split in two and to continue as the current parish council.

However, that responsibility is now somewhat balanced by the desire of Laxton parish to welcome the petitioners into its community and the strong communal bond expressed by some of its closest neighbouring residents in the proposed new parish area.

d) Size, population and boundaries of a local community or parish

The general rule is that a parish be based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government.

Guidance in respect of Section 94 of the Local Government and Public Involvement in health Act 2007, paragraphs 153-157, states that where a parish has 150 or fewer local government electors and currently has a council or was part of a parish that had a council it is for the principal council to decide whether or not the parish has a council.

Where a parish had 150 or fewer local government electors and does not currently have a council the review must recommend that the parish should not have a council.

Based on the Parish Council's continuing positive and enthusiastic engagement in this process, it is believed that it could continue to operate with a reduced elector base, however this is balanced by the effect the removal of six households would have on the current tax raising ability of the area in continuing to deliver its current services.

Whilst a consequential matter for the Parish Council, this Council should take into account:

- the need to reduce its precept to take into account the reduced number of households (spanning council tax bands E to F) potentially reducing the level of services provided; OR
- be required to redistribute the level of precept needing to be raised to the remaining households, the effect on council tax at current rates being an increase of **£10.06** for Band D properties:-

REVISED TOTAL COUNCIL TAX DUE (BASED ON 2018/19)

Tax Base	Total Precept	A	B	C	D	E	F	G	H	
	£	£	£	£	£	£	£	£	£	
Duddington with Fineshade	95	8500	1123.41	1310.65	1497.89	1685.13	2059.61	2434.08	2808.54	3370.26
Duddington with Fineshade (revised)	86	8500	1130.12	1318.48	1506.84	1695.19	2071.9	2448.61	2825.31	3390.38
Difference	9	0	6.71	7.83	8.95	10.06	12.29	14.53	16.77	20.12

5.0 Stage 3 Summary and Conclusions

5.1 The current arrangements in Duddington with Fineshade provide for parish services to 162 electors. By separating into different parish areas, there would be two revised parish areas of 147 electors and 256 electors respectively.

In considering the issues discussed in section 11 above, it is considered that the pros and cons of amending parish boundaries to the revised arrangements requested by the petitioners and supported by Laxton parish meeting, arising from this final stage of consultation, are now relatively balanced.

It is therefore recommended that this Council considers carefully the request of the petitioners in coming to a decision over the future boundaries for both the existing Duddington with Fineshade Parish and Laxton Parish areas.

Should the request be granted, it is proposed that the new parish areas be named 'Laxton with Vale of Fineshade' and 'Duddington with North Fineshade' respectively.

6.0 Next Steps

- 6.1 The final decision of Council will be published. If changes are approved, the Council must draw up a reorganisation order to give effect to the decisions. In addition, if any of the final decisions involves a change to either district ward or county electoral division, the Council must request the Local Government Boundary Commission for England (LGBCE) to make changes to those boundaries to reflect the changes made at parish level.
- 6.2 If changes are approved as part of the review, they will come into effect for the next parish council elections, currently scheduled for May 2019 but which may be delayed until May 2020 as part of the current process of local government structural reform being considered with Northamptonshire.
- 6.3 We must also inform the following organisations if an order has been made:
- The Secretary of State for Housing, Communities and Local Government
 - The LGBCE
 - The Office for National Statistics
 - The Director General of the Ordnance Survey
 - Any other principal council whose area the order relates to (in this case, Northamptonshire County Council)

7.0 Equality and Diversity Implications

- 7.1 There are no equality and diversity implications arising from the proposals.

8.0 Privacy Implications

- 8.1 There are no privacy implications arising from this report, all responses from residents have been anonymised.

9.0 Implications for our Customers

- 9.1 Should the Council approve the change to parish boundaries as requested by the petitioners the parish services currently available to them from Duddington with Fineshade Parish Council would cease. There are no implications in terms of services provided to residents by this Council.

10.0 Legal Implications

- 10.1 The Council has conducted this Community Governance Review pursuant to powers in the Local Government and Public Involvement in Health Act 2007. In conducting the review, the Council must observe the statutory duties that apply when a review is being undertaken (as outlined in paragraph 2.3 of this report) and have regard to Guidance issued by the Department for Communities and Local Government and The Local Boundary Commission for England on Community Governance Reviews.
- 10.2 In deciding what community governance arrangements should be recommended for implementation by Reorganisation Order, regard must be had to the need to ensure that community governance within the district of East Northamptonshire reflects the identities and interests of the community and is effective and convenient.

11.0 Risk Management

- 11.1 There are no significant risks arising from the proposed recommendations in this report.

12.0 Financial Implications

12.1 There is no additional budget for the review, so costs such as the production of hard copies of maps for the stages of public consultation and mail-outs have been found from existing budgets.

Officer time will be required to implement any proposed changes in preparation for the May 2019 (or later) parish council elections.

There are also financial implications for the successor 'Duddington with North Fineshade' Parish Council, described in paragraph 11.1 above.

13.0. Corporate Outcomes

13.1 The corporate outcomes relevant to these recommendations are:

- Effective Partnership Working – with parish and town councils in the district;
- Strong Community Leadership – consultation with residents for the affected area;
- Knowledge of Customers and Communities – understanding our local communities and making decisions on future community governance that will continue to provide effective and convenient local government.

14.0 Recommendation

14.1 The Council is asked to consider:-

- a) Whether or not it wishes to grant the request of petitioners to cede the area identified in Appendix B of this report from Duddington with Fineshade Parish, thus creating revised parished areas of 'Laxton with Vale of Fineshade' and 'Duddington with North Fineshade';

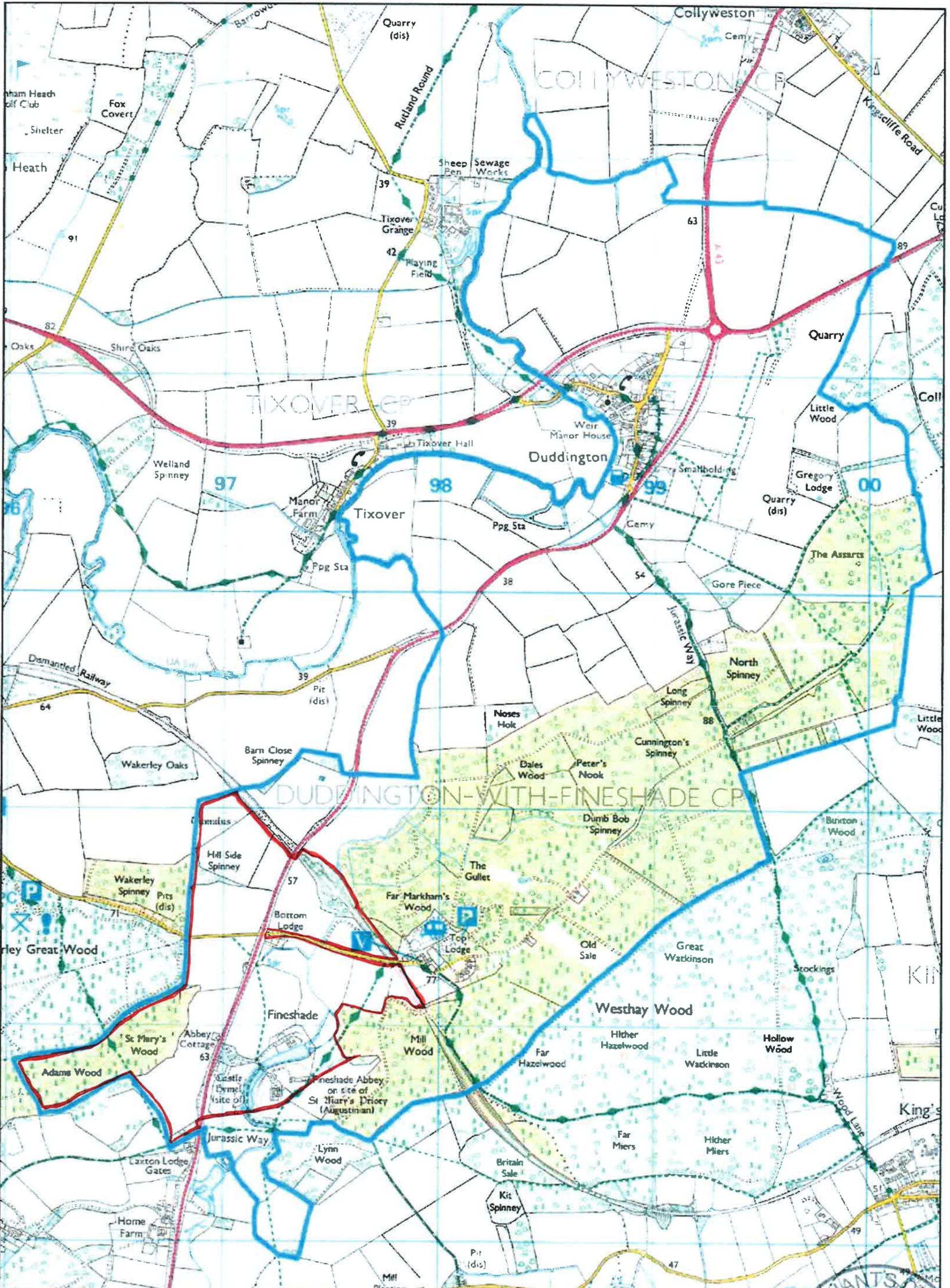
Should Council approve the creation of the new parish areas, necessitating revised boundaries for Duddington with Fineshade and Laxton parishes respectively, Council is asked to approve:-

- b) That the Democratic Services Manager be delegated the power to draw up the required reorganisation order, and make the request to the LGBCE to make minor changes to those boundaries to reflect the changes made at parish level, as necessary.

[Reason: to fulfil the Council's responsibility to undertake a community governance review]

Legal	Power: Local Government & Public Involvement in Health Act 2007				
	Other considerations: Guidance on community governance reviews – Department for Communities & Local Government and The Local Government Boundary Commission for England				
Background Papers:					
Person Originating Report: Ben Smith, Democratic Services Manager, 01832 742113, bsmith@east-northamptonshire.gov.uk					
Date: 30 September 2018					
CFO		MO		CX	

(Committee Report Normal Rev. 22)



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Scale:
1:22,000

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Ordnance Survey 100019072

**Duddington With Fineshade
Proposed Neighbourhood Plan Area**



Appendix B

THIS MAP SHOWS THE SUGGESTED
ALTERATION TO OUR ORIGINAL
APPLICATION MAP

