

# NORTH YORKSHIRE COUNTY COUNCIL

## EXECUTIVE

10 January 2023

### Draft Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough

#### Report of the Assistant Chief Executive (Legal and Democratic Services)

#### 1.0 Purpose of Report

- 1.1 Following Stage 1 consultation on the Community Governance Reviews for the unparished parts of Harrogate and Scarborough, to present draft recommendations for new town councils for Harrogate and Scarborough, along with proposed minor amendments to parish boundaries in Scarborough.

#### 2.0 Executive Summary

- 2.1 This report provides information on the recent Stage 1 consultation and provides a summary of the consultation responses. An analysis of the responses is provided and draft recommendations made based on the responses received.
- 2.2 The report asks the Executive to agree the draft recommendations for the CGRs which will form the basis of a second round of public and stakeholder consultations.

#### 3.0 Background

- 3.1 On 19 July 2022 the Executive approved the Terms of Reference for a Community Governance Review (CGR) for the unparished parts of Harrogate and Scarborough. A CGR provides a principal council with the opportunity to consider what the most effective parish governance arrangements might be for a certain area as set out in The Local Government and Public Involvement in Health Act 2007 (LGPIHA 2007). The process can lead to the creation of new parish councils and provides a way to make sure that those living in an area, and other interested groups, have a say in how their local communities are represented.
- 3.2 Following the meeting on 19 July 2022 the Terms of Reference were published and the CGR began with Stage 1 consultation taking place over 8 weeks from 22 August to 14 October 2022. The consultation results have been analysed and draft recommendations developed for each of the areas under review. Full details of each review including consultation methodologies, analysis, full consultation responses and development of draft recommendations are available in the appendices to this report and a summary of the draft recommendations for each area is provided at Annex A on page 6 of this report.
- 3.3 A summary of the outcomes is shown in the table below:

	No. of responses	Option 2 – create a parish council	
<b>Harrogate</b>	1,250	74.4%	
<b>Scarborough</b>	538	69.9%	
<b>Eastfield</b>	151		56% support including Middle Deepdale estate in Eastfield parish
<b>Newby and Scalby</b>	20		70% of respondents in favour of parishing all of Charles Williams Apartments (35% Newby & Scalby Town Council, 35% within any new parish for Scarborough)
<b>Osgodby</b>	3		2 of the 3 respondents support becoming part of Osgodby parish

Of those residents and other stakeholders who took the time to respond there was a clear majority in favour of creating parish councils in Harrogate and Scarborough. For Eastfield, Newby and Scalby and Osgodby the responses provided a mandate to work to align the division boundaries with parish boundaries.

- 3.4 A consultant has been appointed via the Association of Electoral Administrators (AEA) to provide professional support and advice on the review.
- 3.5 The draft recommendations were presented to a Member Working Group held on 15 December 2022 consisting of the Executive and Division members representing the unparished parts of Harrogate and Scarborough.
- 3.6 It is noted that whilst the majority of people responding to the consultation were supportive of creating new town councils, there was some concern raised about the apparent low response rate and whether this gave a sufficient democratic mandate to create new town councils. It is further noted that whilst the rates are low, it is not unusual with the background of similar reviews and the AEA consultant has advised that it is sufficient to proceed with the response rate at this level based on previous reviews. The decision being requested is whether to proceed with a further set of consultations on a preferred proposal and the response rate and details of that consultation can be considered before a final decision is made.
- 3.7 The reasons for the response rate were discussed and how it could be improved for stage 2 consultation. Reference was made to the housing estates on the outskirts of Harrogate at Killinghall Moor and the previous Ethelburga's site which were currently outside the scope of the review. Members requested that issues such as the costs and powers be included in detail at stage 2 consultation, though it was noted that separate conversations would take place around the devolution of services under double devolution proposals.

#### **4.0 Stage 2 Public Consultation**

- 4.1 If the Executive approves the draft recommendations contained within this report the next stage in the review will be to publish the draft recommendations and invite representations on the detailed proposals contained therein.
- 4.2 A common theme of the consultation responses was that respondees said they felt it was difficult to come to a view on whether they supported the proposals without information on how much it would cost council tax payers. The draft recommendations document addresses this in the 'Consequential Matters' section and advice from the AEA is that the issue of the precept is addressed at this stage.

## **5.0 Consideration of Statutory Criteria**

- 5.1 In developing draft recommendations the LGPIHA 2007 requires the council to take account of certain criteria when conducting a review, which are listed below. These statutory criteria are discussed within each report.
- 5.2 The Council must have regard of the need to secure that community governance within the area under review:
- reflects the identities and interests of the community in an area;
  - provides effective and convenient governance of the area; and
  - takes into account any other arrangements for community representation or community engagement
- 5.3 Councils are also advised to consider factors such as:
- what impact proposed community governance arrangements might have on community cohesion; and
  - whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.
- 5.4 When deciding whether to recommend that a parish should be formed, a council must consider the following factors:
- whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
  - whether it is desirable that any area or areas of the parish should be separately represented on the council i.e. warded
  - If the principal council decides to recommend that a parish should be divided into wards, then (a) the size and boundaries of the wards, and (b) the number of councillors to be elected for each ward

## **6.0 Request for a Referendum from Harrogate Borough Council**

- 6.1 At its Council meeting held on 21 September 2022 Harrogate Borough Council unanimously passed the following resolution:

"This council calls upon North Yorkshire County Council to hold a binding referendum of Harrogate town residents who could become constituents of a new Harrogate Town Council to determine whether such a council should be formed.

“Information should be made available prior to the referendum as to which Services a new Town Council could provide, together with an indicative level of investment required to provide each Service to a reasonable standard.

“Such a referendum will give democratic legitimacy to the new town council.”

6.2 The Leader of the County Council responded that:

“it should be noted that it is not legally possible to hold a binding referendum to create a town council as the legislation does not provide for this and the Council cannot fetter its discretion in this way. However we note Council's request about how to carry out any future consultation. There is a first stage consultation process currently underway in relation to the possible formation of a town council for Harrogate. The views of Harrogate Borough Council as expressed in the motion will be taken into account when we consider the responses to that first stage consultation.”

6.3 Executive Members are therefore requested to take the views of Harrogate Borough Council into account when considering the draft recommendations for Harrogate. The Stage 1 consultation has already clearly shown that the view of the majority of those responding is for the creation of a town council. Every household and over 400 stakeholders were written to, as well as social media and press coverage. It is not clear that a referendum would elicit a different response. There is no requirement under the law for a referendum to form part of a community governance review to provide democratic legitimacy to the outcome.

6.4 This request could be addressed by undertaking the Stage 2 consultation in the same way as Stage 1 and write to every household again. Every household would receive a letter and information pack, rather than just a poll card or postal vote pack, which would only go to those on the electoral register. The additional cost of a referendum may not be justified if the outcome is likely to be the same as writing to all households.

## **7.0 Conclusions**

7.1 The appendices to this report set out the draft recommendations in relation to the community governance reviews for Harrogate, Scarborough, Eastfield, Osgodby and Newby and Scalby. Members are requested to take account of the statutory criteria as set out at section 5 of this report in consideration of these draft recommendations.

## **8.0 Financial Implications**

8.1 A budget of £100k has been allocated to the CGR to include the costs of undertaking consultation and engaging an AEA consultant.

8.2 Consultancy costs were planned to amount to around £30k with specified numbers of days allocated to each stage. Spending is on track with allocations being kept to and sufficient resource being available for the remainder of the review.

8.3 The stage 1 consultation cost £45,270 which consisted of £44,870 for postage and print and £400 for digital marketing.

## **9.0 Legal Implications**

- 9.1 In order to create town councils for the unparished parts of Harrogate and Scarborough a community governance review must take place, including consultation with the public and other stakeholders.

## **10.0 Climate Change Implications**

- 10.1 None

## **11.0 Equalities Implications**

- 11.1 Every household was sent a letter in the post. Residents were offered the option to request a paper copy of the survey if they weren't able to complete the survey online. An easy read version of the information pack was prepared and the offer was made to provide other formats on request.

## **12.0 Reasons for Recommendations**

- 12.1 Draft recommendations should be prepared following the receipt and consideration of initial submissions in a review during the first public consultation stage of a community governance review. These draft recommendations should be adopted by the principal council as the basis for a period of substantive consultation with local residents and other interested stakeholders.
- 12.2 Creation of parish councils in Harrogate and Scarborough will enable the ambitions of the new unitary council in relation to double devolution to be implemented.

## **13.0 Options**

- 13.1 The Executive could choose to amend the recommendations or to not proceed with any recommendations and to cease the Community Governance Review. The review would not be able to progress to Stage 2 consultation without draft recommendations on which to consult.
- 13.2 If the CGR were not to progress the Charter Trustees which will be created on 1 April 2023 would remain in perpetuity or until such time as a town council was created. The role of Charter Trustee bodies is limited to ceremonial activities and such bodies would not be able to fulfil any local desire to deliver services at the town/parish council.
- 13.3 Alternatively, the Executive could choose to consult on different recommendations, including, but not limited to:
- (1) Scarborough – it could be proposed that there be 3 councillors for each ward, not 2, resulting in a parish council size of 15, not 10
  - (2) Harrogate – it could be proposed that parish ward boundaries reflect the current HBC ward boundaries, rather than the division boundaries as proposed in the report

13.4 In considering all the options, the recommendations attached in Annex A is commended for approval. It is noted that there would be an opportunity during the stage 2 consultation process for members of the public to give their views to the proposal, before a final decision is made.

#### **14.0 Recommendations**

14.1 That the responses from the consultation process which took place following publication of the Terms of Reference in July 2022 and the comments of the Member Working Group be noted.

14.2 That the draft recommendations as set out in Appendices 1, 2, 3, 4 and 5 of the report be agreed and publicised as part of a Stage 2 consultation commencing on 20 February for eight weeks.

14.3 That the executive determine its response to the Notice of Motion approved by Harrogate Borough Council on 21 September 2022.

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)

22 December 2022

#### **Authors of Report:**

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#### **Background Documents:** None

Annex A – summary of recommendations

**Appendix 1** – Harrogate Draft Recommendations

**Appendix 2** – Scarborough Draft Recommendations

**Appendix 3** – Eastfield Draft Recommendations

**Appendix 4** – Newby and Scalby Draft Recommendations

**Appendix 5** – Osgodby Draft Recommendations

**Appendix 6** – Equalities Impact Assessment Screening Form

## Harrogate Unparished Area:

## Annex A

Recommendation 1 - a new parish be established for the unparished area of Harrogate

Recommendation 2 - the new parish be named Harrogate

Recommendation 3 - the new parish of Harrogate should have a parish council and be called Harrogate Town Council

Recommendation 4 – that the parish comes into effect from 01 April 2024 for administrative purposes, and the first election for the town council be 2 May 2024 for a reduced term of three years, with ordinary elections taking place in 2027 and every four years thereafter

Recommendation 5

(i) the parish be divided into wards

(ii) the ward names for the parish shall be those which apply to divisions for North Yorkshire County Council until 31 March 2023, and which will apply for North Yorkshire Council after 1 April 2023, with the exception of Oatlands and Stray wards, which comprise the unparished part of the Oatlands and Pannal division and the Killinghall, Hampsthwaite and Saltergate divisions respectively. The ward names are as detailed below:

Bilton and Nidd Gorge  
Bilton Grange and New Park  
Coppice Valley and Duchy  
Fairfax and Starbeck  
Harlow and St Georges  
High Harrogate and Kingsley  
Oatlands  
Saltergate  
Stray, Woodlands and Hookstone  
Valley Gardens and Central Harrogate

Recommendation 6 – there should be 19 councillors elected to the parish

Recommendation 7 - the number of parish councillors to be elected for each ward shall be

Bilton and Nidd Gorge	2
Bilton Grange and New Park	2
Coppice Valley and Duchy	2
Fairfax and Starbeck	2
Harlow and St Georges	2
High Harrogate and Kingsley	2
Saltergate	1
Oatlands	2
The Stray, Woodlands and Hookstone	2
Valley Gardens and Central Harrogate	2
<b>Total</b>	<b>19</b>

Recommendation 8 – that the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)

## Scarborough Unparished Area:

Recommendation 1 - A new parish be established for the unparished area of Scarborough (with the exclusion of identified anomalous areas)

Recommendation 2 - The new parish be named Scarborough

Recommendation 3 - The new parish of Scarborough should have a parish council and be called Scarborough Town Council

Recommendation 4 – that the parish comes into effect from 01 April 2024 for administrative purposes, and the first election for the town council be 2 May 2024 for a reduced term of three years, with ordinary elections taking place in 2027 and every four years thereafter

Recommendation 5 -

(i) the parish be divided into wards

(ii) the wards for the parish shall be those which apply for North Yorkshire County Council until 31 March 2023, and which will apply for North Yorkshire Council after 1 April 2023, as named below:

Castle  
Falsgrave & Stepney  
Northstead  
Weaponness & Ramshill  
Woodlands

Recommendation 6 – there should be 10 councillors elected to the parish

Recommendation 7 - the number of parish councillors to be elected for each ward shall be

Castle	2
Falsgrave & Stepney	2
Northstead	2
Weaponness & Ramshill	2
Woodlands	2
<b>TOTAL</b>	<b>10</b>

Recommendation 8 – that the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)



## **Eastfield boundary correction:**

Recommendation 1 – The north-eastern boundary line of Eastfield Town Council be extended towards the A165 to match the Eastfield Division and Ward boundaries (and consequentially excluding the 3 known anomalous properties at Osgodby)

Recommendation 2 – that the change takes effect on 01 April 2024 for administrative purposes.

Recommendation 3 – that the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)

## **Newby & Scalby boundary correction:**

Recommendation 1 – Extend Newby & Scalby Town Council boundary to include all of Charles Williams Apartments, to become coterminous with the SBC Newby Ward and NYCC Newby Division

Recommendation 2 – that the change takes effect on 01 April 2024 for administrative purposes.

Recommendation 3 – that the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)

## **Osgodby boundary correction:**

Recommendation 1 – Extend Osgodby Parish boundary to include those 3 properties currently outside of the parish, at the northern boundary line, and to become coterminous with the SBC Cayton Ward and NYCC Cayton Division.

Recommendation 2 – that the change takes effect on 01 April 2024 for administrative purposes.

Recommendation 3 – that the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)