

# North Yorkshire Council

## Standards and Governance Committee

5 July 2023

### Final 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 2 consultation on the Community Governance Reviews for the unparished parts of Harrogate and Scarborough, to present final recommendations for new town councils to be created for Harrogate and Scarborough, along with proposed minor amendments to parish boundaries in Scarborough affecting three parish councils.

#### **2.0 SUMMARY**

- 2.1 This report provides information on the recent Stage 2 consultation on the draft recommendations that new town councils be created and provides a summary of the consultation responses. An analysis of the responses is included and final recommendations made based on the responses received.
- 2.2 The report asks the Standards and Governance Committee to consider the consultation responses received and make recommendations for consideration by Council.

#### **3.0 BACKGROUND**

- 3.1 A community governance review is a review of whole or part of a principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes and the naming and electoral arrangements of parishes. The final recommendations documents attached as appendices to this report provide further information on the scope of such reviews and set out the background for each of the reviews referred to at 3.2 below.
- 3.2 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, and three anomalous areas adjacent to the Scarborough unparished area. 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.
- 3.3 Following publication of the Terms of Reference the CGR began with Stage 1 consultation from August to October 2022. These consultation responses were used to develop draft recommendations which were considered by the Executive on 10 January 2023. The Executive considered and noted the responses from the stage 1 consultation and agreed a stage 2 consultation on the draft recommendations.

3.4 The North Yorkshire (Structural Changes Order) 2022 conferred transitional powers on the Implementation Executive to undertake community governance reviews during the transitional period up to 31 March 2023. Since 1 April 2023 North Yorkshire Council is the principal council for North Yorkshire and community governance reviews are now a council function under the council's constitution. The terms of reference of the Standards and Governance Committee provides for it to make recommendations to full Council in respect of community governance reviews.

#### 4.0 CONSULTATION

4.1 The LGPIHA 2007 required the Council to consult the local government electors for the area under review and any other person or body who may have an interest and to take the representations that are received into account by judging them against the statutory criteria.

4.2 The stage 2 consultation on the draft recommendations took place over a period of 9 weeks from 2 March to 5 May 2023. Each household within the areas under review was sent a letter and information pack and invited to provide views either via an online survey or by requesting a paper copy of the survey. More information on the consultation are available in each draft recommendations report.

4.3 The consultation results have been analysed and final recommendations are now presented in relation to each of the five 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 the final recommendations for each area are set out in the report recommendations at section 14.

4.4 A summary of the stage 2 consultation outcomes is shown in the table below:

	No. of responses	Support for creation of a town council	
<b>Harrogate</b>	1,698	65.5%	
<b>Scarborough</b>	731	69.9%	
<b>Eastfield</b>	256		61.3% support the extension of Eastfield Town Council boundary to include the unparished part of Eastfield Division (Middle Deepdale)
<b>Newby and Scalby</b>	16		75% support the amendment to Newby & Scalby Town Council boundary to include the 12 currently unparished Charles Williams Apartments
<b>Osgodby</b>	1		1 response in total, in support of the extension of Osgodby parish Council boundary to include the 3 currently unparished properties at Osgodby

4.5 It is noted from the above table that of those residents and other stakeholders who took the time to respond there is a majority in favour of creating parish councils in Harrogate and Scarborough. It is noted that the majority of residents did not respond to the consultation but it is important to consider the views of those who have taken the effort to respond and to give their views due weight. For Eastfield, Newby and Scalby and Osgodby the responses provide a mandate to work to align the parish boundaries with division boundaries.

4.6 The final recommendations were presented at an informal Member briefing held on 21 June 2023, to which all Members were invited. Responses were provided to a number of questions from Members and the following comments were made:

#### **HARROGATE**

- A proposal was made that the warding pattern for a Harrogate parish reflect the warding pattern used for the former Harrogate Borough Council, and that each ward be represented by one councillor. This proposal would comply with guidance that parish wards should not be divided by a division boundaries. Members felt this could make it easier for the public to identify their ward councillor. Members were advised that such a major change to the proposed warding pattern may require a further consultation as it is a substantial change to the proposals which had been consulted on.
- A number of comments were made in support of single member wards arguing that it would reduce duplication of work by councillors and make it easier for the public to identify their councillor. Officers advised that this could be achieved by amending the warding pattern to that suggested at the bullet point above, or reducing the council size to 10 councillors, both of which might require a further period of consultation.
- Other Members supported multi-member wards, which enabled work to be shared and facilitated team working. In particular there was a proposal that the parish of Harrogate not be warded.
- In response to questions, officers advised that should members wish to amend the final recommendations a further period of consultation may be required, which would delay the implementation date of a town council, meaning the first elections probably wouldn't take place until May 2025.
- Officers advised that following the LGBCE review of division boundaries in advance of the election in 2027 it could be expected that there would be a requirement to review parish ward boundaries should new division boundaries divide parish wards. This would provide an opportunity to review the warding pattern and councillor numbers.

#### **SCARBOROUGH**

- It was suggested by some councillors that the parishes not be warded, the reason being that it would enable the councillors to act on behalf of all residents and remove confusion around who residents' ward councillors were.
- A comment was made that not enough information had been provided on what town councillors would do.
- A number of comments were made in relation to the response rate. Some members felt not enough people had responded to provide a mandate for change or that a referendum should have been arranged.
- A comment was made that it would be helpful for NYC councillors for there to also be parish councillors for constituents to speak to.

4.7 *Response rates:* the response rates for the stage 2 consultation are as shown in the table:

<b>Consultation Stage</b>	<b>Harrogate</b>	<b>Scarborough</b>
Households posted to	<b>35,583</b>	<b>21,904</b>
Responses received for area	1,698	731
Response rate by household	4.77 %	3.34 %

Every household in the areas under review were written to, and every member of a household could respond to the survey. Advice received from the Association of Electoral Administrators (AEA) is that such response rates are not unusual for community governance reviews, especially when a large number of properties are included in the survey area. Other reviews have proceeded successfully on similar or lower response rates and data obtained in other recent CGRs which resulted in parish councils being created show these figures compare favourably with other reviews. Every household in the areas under review was written to at both stage 1 and stage 2 consultation so the council took reasonable endeavours to ensure that all residents were aware of the consultations and given the opportunity to respond if they wished.

- 4.8 *Warding Pattern:* a number of different views were expressed in relation to the warding pattern, with some members suggesting an increase in the number of wards to facilitate single member wards, and others suggesting a single ward for the whole of the area of the parish.

In considering whether or not a parish should be divided into wards the principal council must have regard to the statutory guidance issued by the Secretary of State and the LGBCE under section 100 of the 2007 Act. This 'Guidance on community governance reviews' provides:

Paragraph 159 states:

"In considering whether or not a parish should be divided into wards, the 2007 Act requires that consideration be given to whether:

- a) the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) it is desirable that any area or areas of the parish should be separately represented"

Paragraph 163 states:

"The principal council should also consider the desirability of parish warding in circumstances where the parish is divided by district or London borough ward and/or county division boundaries. It should be mindful of the provisions of Schedule 2 (electoral change in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009 in relation to reviews of district or London borough and county council electoral arrangements. These provide that when the LGBCE is making changes to principal council electoral arrangements, **no unwarded parish should be divided by a district or London borough ward or county division boundary, and that no parish ward should be split by such a boundary.** While these provisions do not apply to reviews of parish electoral arrangements, the LGBCE believes that, in the interests of effective and convenient local government, they are relevant considerations for principal councils to take into account when undertaking community governance reviews. For example, if a principal council chooses to establish a new parish in an area which is covered by two or more district or London borough wards or county division boundaries it may also wish to consider the merit of putting parish warding in place to reflect that ward and/or division."

- 4.9 Given that the area under review covers 10 divisions for Harrogate, and 5 divisions for Scarborough, the recommendations have been made that the division boundaries be used for warding the parish. Both Harrogate and Scarborough consist of a number of different localities, focussed around housing estates or shopping areas, each with their own sense of identity, and residents might find it easier to identify with a particular ward councillor for their area.

- 4.10 Members provided examples of other town councils where elections take place to a single ward, such as Helmsley. It should be noted that these town councils are relatively small, and none are larger than an electoral division. Close to Harrogate, Knaresborough Town Council and Ripon City Council both cover 4 electoral divisions, their warding pattern reflects the division boundaries and each of the wards has 3 members. We are not aware of any urban parish councils divided into single member wards within North Yorkshire, normally single member parish wards only relate to separate villages in a grouped parish council. The statutory rules for the LGBCE provides that as Harrogate and Scarborough consist of multiple electoral divisions, when they conduct their review in advance of the 2027 elections, they would be obliged to apply parish warding arrangements to any newly formed parish councils.

## **5.0 CONSIDERATION OF STATUTORY CRITERIA**

- 5.1 The legislation requires that the council must have regard to the need to ensure that community governance within the area under review:
- reflects the identities and interests of the community in that area
  - provides effective and convenient governance of the area
- 5.2 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;
  - whether there are any existing arrangements for community representation in the area which might be undertaking the functions of a parish council
- 5.3 These statutory criteria are discussed within each attached consultation report.

## **6.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 6.1 Establishing town councils can be seen as supporting the council's priorities in relation to localities. North Yorkshire Council will aim to work closely with town and parish councils, wider partners and communities to ensure that local priorities drive locally led decision-making and local action. Services and assets can be devolved to town and parish councils and community groups, where they want to take these on and where it would be better value for money for all involved.

## **7.0 ALTERNATIVE OPTIONS**

- 7.1 *Amend the final recommendations:* Any amendments to the final recommendations may require a further consultation on the amended recommendations. An additional period of consultation would lead to a delay in the implementation date for any town council / change to boundaries, which is currently timetabled for 1 April 2024.
- 7.2 *Not to approve the final recommendations to create town councils:* If town councils were not created for Harrogate and / or Scarborough the Charter Trustees would continue until such time as town councils were created. The role of Charter Trustee bodies is limited to ceremonial activities and such bodies would not be able to fulfil the ambitions of the Council to keep service delivery local and empowering local communities.
- 7.3 *Not to approve the final recommendations to align parish boundaries with division boundaries:* Anomalous areas where boundary lines differ are not easily understood by electors and can cause confusion.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 The two consultations have cost a total of £92k, which includes the printing and postage costs of two mailings to each household with an information pack, and also £800 for digital marketing.
- 8.2 A sum of £30k was allocated to the costs of engaging an AEA consultant with specified numbers of days allocated to each stage. Currently spending is below what has been budgeted for and funds are available if further support is required from the AEA.
- 8.3 Should parish councils be created a parish precept will be added to council tax bills for those living within the relevant areas. In order to create a new town council the council must make a reorganisation order and at that time must anticipate a precept for the new town council. The Charter Trustees for Harrogate and Scarborough were consulted on possible levels of precept before the stage 2 consultation and suggested precept figures were included in the consultation documentation. These figures will be used as the basis for consideration of the level of any precept which will be determined in consultation with the Corporate Director of Resources.
- 8.4 As parish councils are being established there will be set up costs and it is expected that some tasks will need to be carried out before the town councils formally come into being. The costs of these tasks would be initially borne by North Yorkshire Council, then recharged back.

## **9.0 LEGAL IMPLICATIONS**

- 9.1 The 2007 Act gave local authorities responsibility for carrying out Community Governance Reviews within the relevant guidance and taking into account consultation responses to ensure that the identities and interests of communities are reflected and that arrangements made are effective and convenient. If town councils are created a review would need to be undertaken about what roles and duties are transferred or undertaken by the new legal entities to determine the potential TUPE implications for any relevant staff affected on 1 April 2024.

## **10.0 EQUALITIES IMPLICATIONS**

- 10.1 The public consultation was undertaken in such a way as to ensure that a broad range of responses are obtained and no groups were excluded. Every household was sent a letter in the post at both stage 1 and stage 2 consultations. Consultation documents were offered in alternative languages and formats on request. An Equality Impact Assessment screening form is attached at Appendix 6.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

- 11.1 None. An initial climate change impact assessment form is attached at Appendix 7.

## **12.0 CONCLUSIONS**

- 12.1 This report sets out the final recommendations in relation to the community governance reviews of Harrogate, Scarborough, Eastfield, Newby & Scalby and Osgodby. Members are requested to take account of the statutory criteria as set out section 5 of this report in consideration of the final recommendations.

### **13.0 REASONS FOR RECOMMENDATIONS**

- 13.1 The Local Government Public Involvement in Health Act 2007 gives power to local authorities to make decisions about the creation of parishes and the electoral arrangements for parishes created. On 19 July 2022 the council resolved to undertake a community governance review of the unparished parts of Harrogate and Scarborough, and some minor amendments to boundaries of existing parishes adjacent to Scarborough. The council must now make recommendations on whether or not to establish parish councils for Harrogate and Scarborough.
- 13.2 In making its recommendations the Council must consider representations received during the consultation and can also use its own local knowledge of the area. In accordance with the statutory criteria the recommendations should ensure that the arrangements for the areas are reflective of the identities and interests of the community in the areas and provide effective and convenient governance of the area
- 13.3 Following the making of a decision the 2007 Act requires councils to make available a document setting out the reasons for the decisions it has taken and to publicise these reasons.

### **14.0 RECOMMENDATIONS**

That Standards and Governance Committee are requested to

- i) consider the consultation results and equality impact assessment
- ii) make recommendations to Council in relation to each of the areas under review at A) to E) below:

#### **A) HARROGATE**

- (1) to create a new parish for the unparished area of Harrogate
- (2) the new parish be named Harrogate
- (3) the new parish have a parish council and to name that parish council Harrogate Town Council
- (4) the parish come into effect from 1 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
- (5) the parish be divided into wards, named
  - Bilton & Nidd Gorge
  - Bilton Grange & New Park
  - Coppice Valley & Duchy
  - Fairfax & Starbeck
  - Harlow & St Georges
  - High Harrogate & Kingsley
  - Oatlands
  - Saltergate
  - Stray, Woodlands & Hookstone
  - Valley Gardens & Central Harrogate

- (6) there should be 19 councillors elected to the parish
- (7) the number of parish councillors to be elected for each ward shall be

Bilton & Nidd Gorge	2
Bilton Grange & New Park	2
Coppice Valley & Duchy	2
Fairfax & Starbeck	2
Harlow & St Georges	2
High Harrogate & Kingsley	2
Oatlands	2
Saltergate	1
Stray, Woodlands & Hookstone	2
Valley Gardens & Central Harrogate	2

- (8) the change take effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 1 December 2023)
- (9) the boundaries of the new parish and wards should be as shown on the map at Annex A

**B) SCARBOROUGH**

- (1) to create a new parish for the unparished area of Scarborough
- (2) the new parish be named Scarborough
- (3) the new parish have a parish council and to name that parish council Scarborough Town Council
- (4) the parish come into effect from 1 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
- (5) the parish be divided into wards, named

Castle	
Falsgrave & Stepney	
Northstead	
Weaponness & Ramshill	
Woodlands	

- (6) there should be 15 councillors elected to the parish
- (7) the number of parish councillors to be elected for each ward shall be

Castle	3
Falsgrave & Stepney	3
Northstead	3
Weaponness & Ramshill	3
Woodlands	3

- (8) the change take effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (9) the boundaries of the new parish and wards should be as shown on the map at Annex A



**C) EASTFIELD**

- (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)
- (2) the changes take effect on 01 April 2024 for administrative purposes.
- (3) the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (4) the changes should be as shown on the map at Annex A

**D) NEWBY AND SCALBY**

- (1) to extend Newby & Scalby Town Council boundary to include all of Charles Williams Apartments, to become coterminous with the Newby Division)
- (2) the changes take effect on 01 April 2024 for administrative purposes.
- (3) the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (4) the changes should be as shown on the map at Annex A

**E) OSGODBY**

- (1) to extend Osgodby Parish Council boundary to include those 3 properties currently outside of the parish, at the norther boundary line, and to become coterminous with the Cayton Division
- (2) the changes take effect on 01 April 2024 for administrative purposes.
- (3) the change takes effect on 15th October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)
- (4) the changes should be as shown on the map at Annex A

- iii) if Council recommends creation of parish councils and changes to existing parishes authority be granted to the Assistant Chief Executive (Legal and Democratic Services) in consultation with the Corporate Director of Resources to implement the decisions including making reorganisation orders which amongst other things will set the precept for the first year of the town councils to take effect from 1 April 2024.

**APPENDICES:**

- Appendix 1** – [Harrogate Final Recommendations](#)  
**Appendix 2** – [Scarborough Final Recommendations](#)  
**Appendix 3** – [Eastfield Final Recommendations](#)  
**Appendix 4** – [Newby and Scalby Final Recommendations](#)  
**Appendix 5** – [Osgodby Final Recommendations](#)  
**Appendix 6** – [Equality impact assessment screening form](#)  
**Appendix 7** – [Initial climate change impact assessment form](#)

**BACKGROUND DOCUMENTS:**

Executive report of 10 January 2023 – [Draft Recommendations on the Community Governance Reviews relating to the unparished town centres in Harrogate and Scarborough](#)

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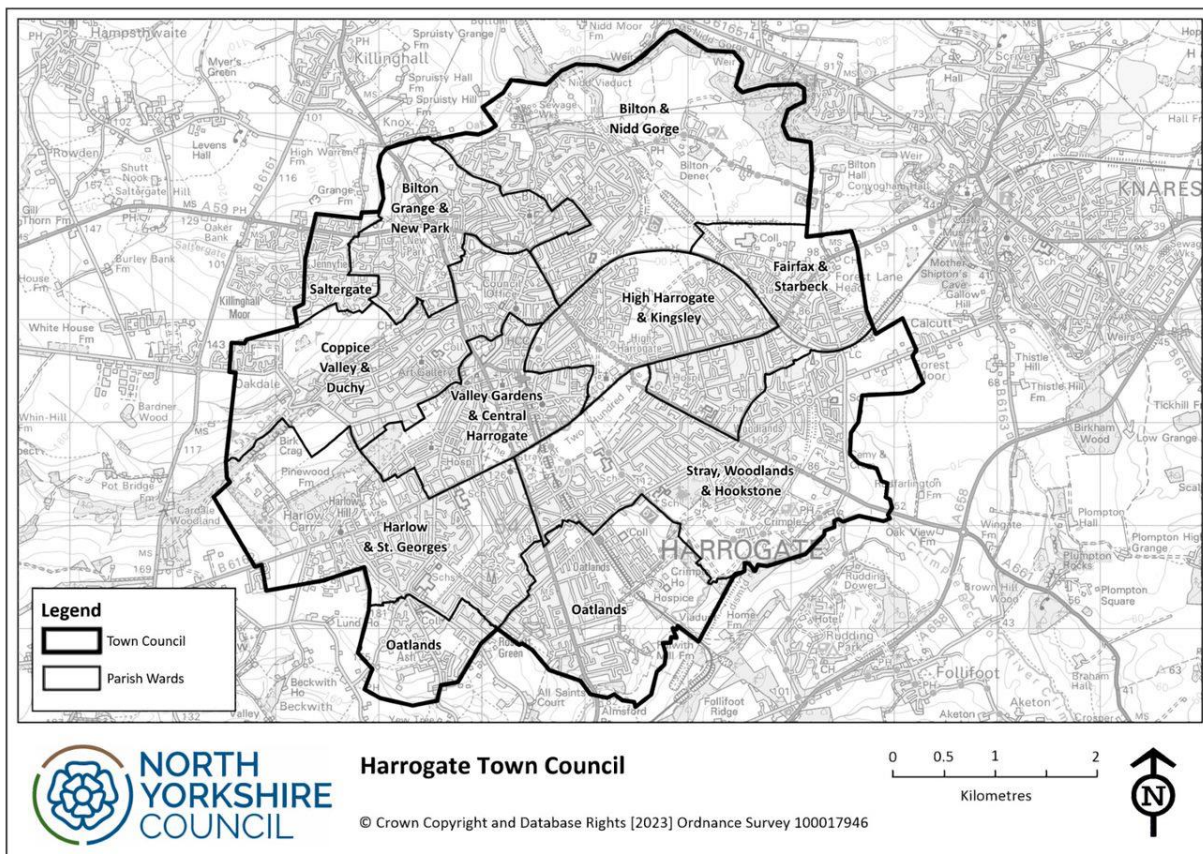
27 June 2023

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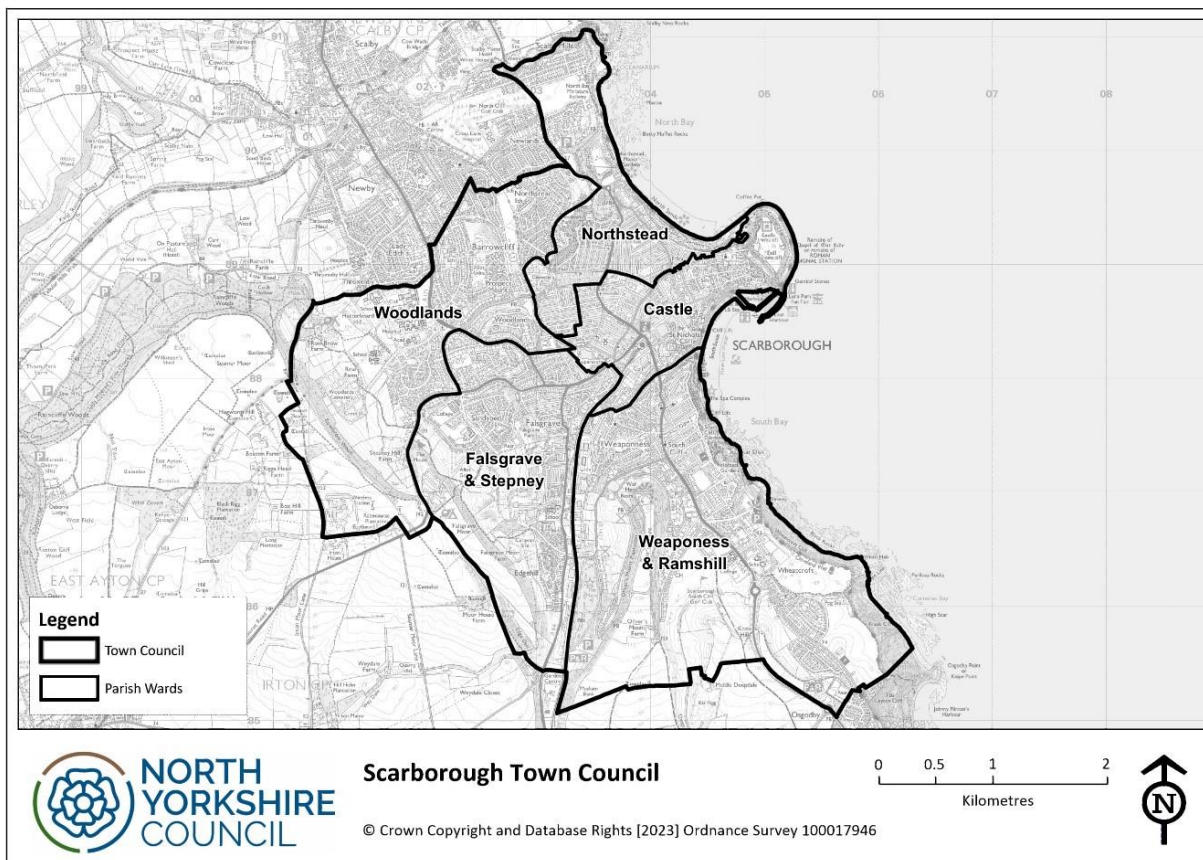
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Note: Members are invited to contact the authors in advance of the meeting with any detailed queries or questions.

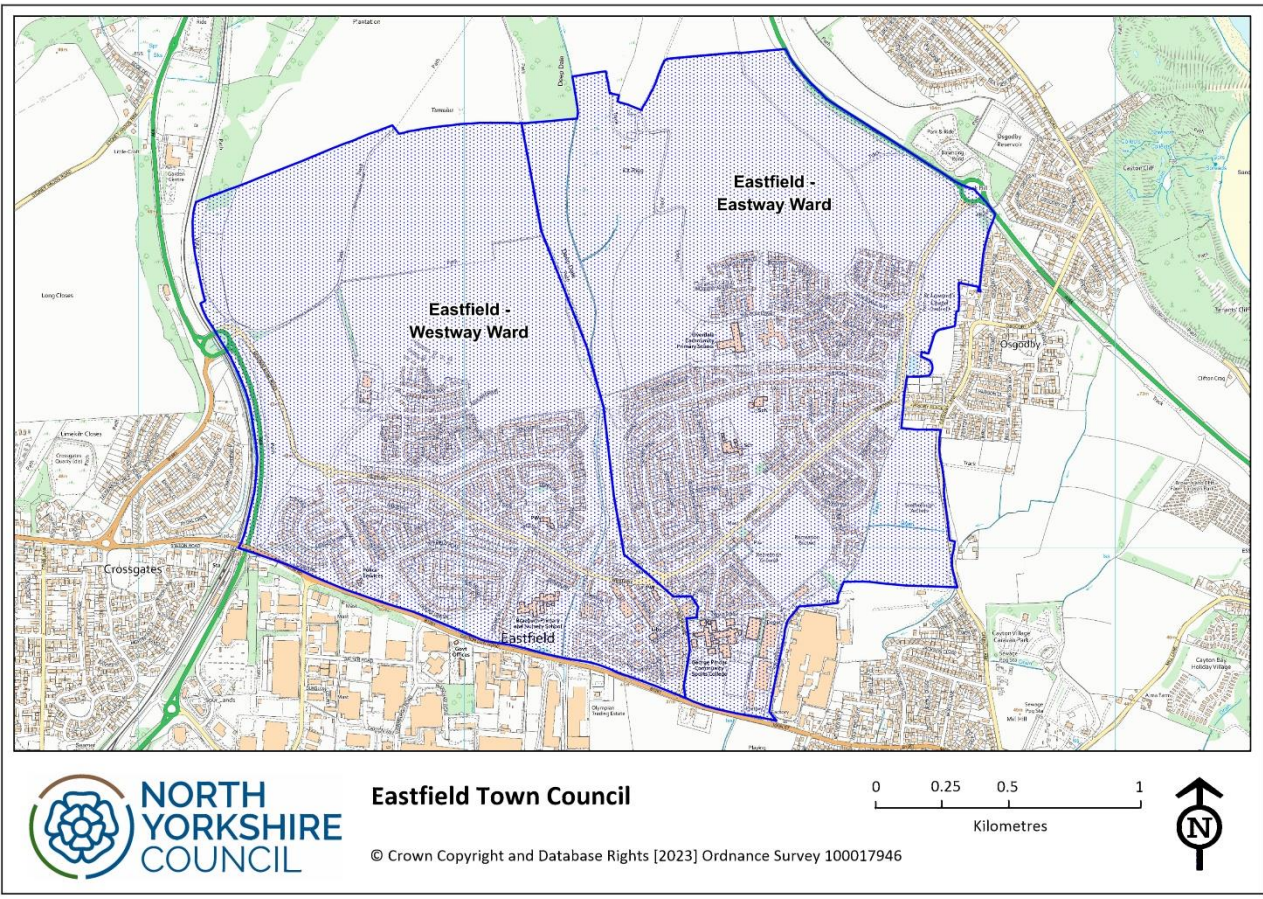
**A) HARROGATE**



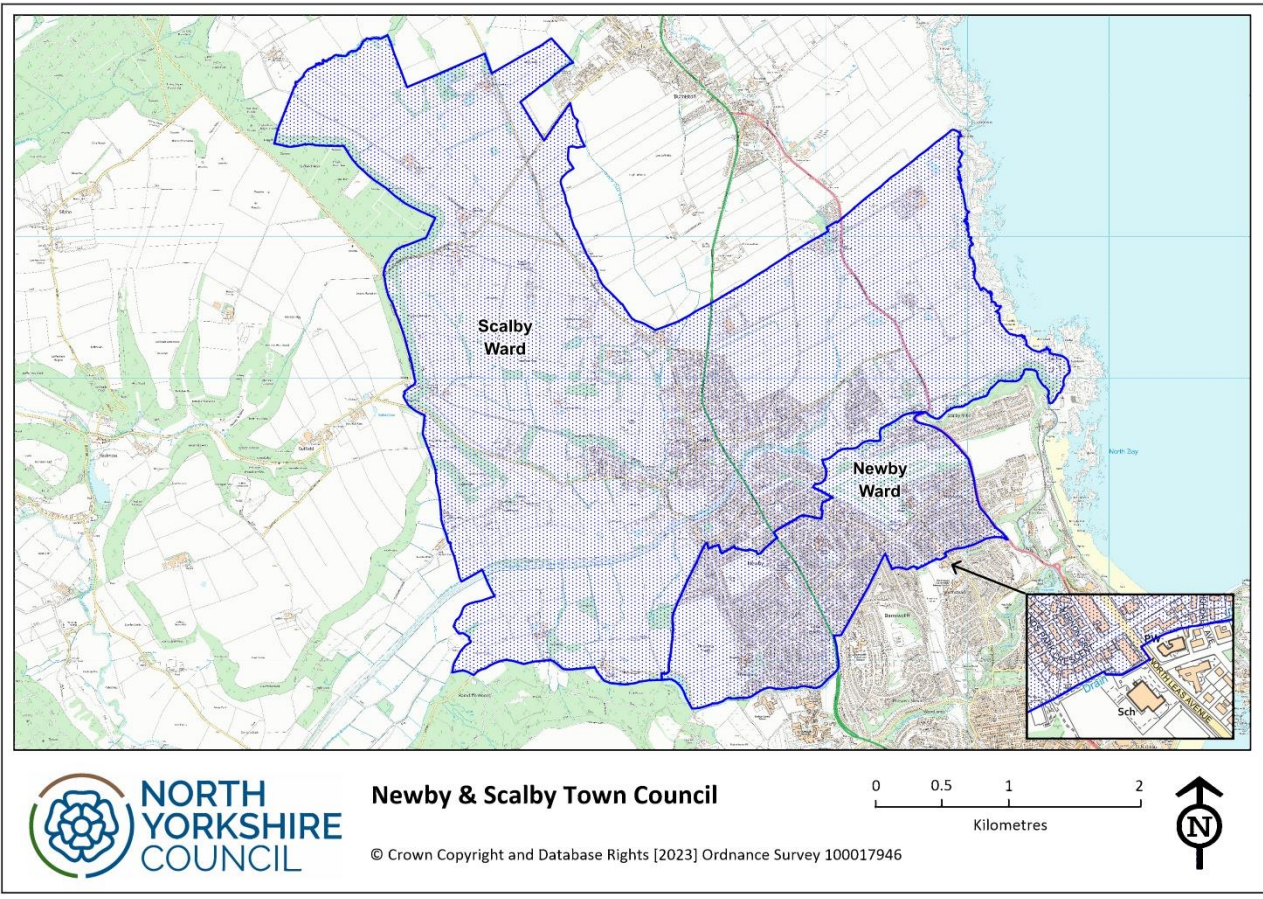
**B) SCARBOROUGH**



### C) EASTFIELD



### D) NEWBY AND SCALBY



# E) OSGODBY

