

## North Yorkshire Council

13 November 2024

### Community Governance Review Kirby Grindalythe and Duggleby Parish Council

#### Report of the Standards and Governance Committee to Council

#### 1.0 PURPOSE OF THE REPORT

- 1.1 To consider the recommendations of the Standards and Governance Committee made at the meeting of 6 September 2024 in relation to a Community Governance Review for Kirby Grindalythe and Duggleby Parish Council.

#### 2.0 BACKGROUND

- 2.1 A Community Governance Review (CGR) is a review of the whole or part of an authority's area to consider one or more of the following:

- the creation, merger, alteration, or abolition of parishes
- the naming of parishes and the style of new parishes
- the electoral arrangements for parishes (i.e., the ordinary year of election council size; number of councillors to be elected to the council; and parish warding); and
- the grouping or de-grouping of parishes

to ensure that local governance continues to be effective and convenient and that it reflects the identities and interests of local communities. The recommendations arising from a CGR should deliver improved community engagement, more cohesive communities, better local democracy, and result in a more efficient delivery of local services.

#### 3.0 KIRBY GRINDALYTHE AND DUGGLEBY PARISH COUNCIL

- 3.1 Kirby Grindalythe and Duggleby Parish Council (KGDPC) comprises of seven seats and requires a minimum of three seats to be filled to be considered quorate. It is situated in the North Yorkshire Council Division of Thornton Dale and Wolds. The Parish Council has been without a parish clerk since September 2020. The Council covers an electorate of 260.
- 3.2 It has been difficult to maintain quoracy of KGDPC in recent months. The three remaining Parish Councillors, having been appointed at an uncontested election in May 2022, failed to attend Parish Meetings for a period of 6 months, and therefore have ceased to be members under Section 85 (1) of the Local Government Act 1972.
- 3.3 At the Standards and Governance Committee meeting on the 15 March 2024 a temporary order was approved appointing the division member for Easingwold, Councillor Nigel Knapton, the division member for Thornton Dale and Wolds, Councillor Janet Sanderson and the division member for Sherriff Hutton and Derwent, Cllr Caroline Goodrick under Section 91 (1) of the Local Government Act 1972 to Kirby Grindalythe Parish Council in order to make it quorate.
- 3.4 At the recent Annual Parish Meeting and Parish Council meeting, members of the community present requested a CGR to abolish KG&D Parish Council and form two separate Parish Meetings. Information held by Elections confirm that Duggleby is a Hamlet within Kirby

Grindalythe and Duggleby Parish. The parish is not warded and Duggleby is not a separate parish. It once was a separate parish but merged with Kirby Grindalythe on 1 April 1935 and is now one polling district with no separate statistics or borders for the Duggleby part of the parish. The electorate is 260 as at 1 August 2024, with a forecast electorate of 265 for 2030. The parish map is included at appendix 3.

3.5 The Division Member has advised that the Parish Council has no assets or functions other than to raise a precept to pay for a clerk. The Division Member is supportive of conducting a CGR.

3.6 At the Standards and Governance Committee on 6 September 2024 the Committee approved the proposals to be put forward for consultation as part of the request for the Community Governance Review subject to ratification by Full Council.

#### **4.0 TERMS OF REFERENCE**

4.1 These are set out in Appendix 1.

#### **5.0 CONSULTATION PROGRAMME**

5.1 The proposed consultation programme is also set out in Appendix 1.

#### **6.0 ALTERNATIVE OPTIONS CONSIDERED**

6.1 To not conduct a CGR and leave the Parish Council as is. This is not recommended as there is clearly a difficulty in getting individuals to come forward and stand for election or be co-opted on to the Parish Council.

6.2 Other options can be explored through the process of a CGR.

#### **7.0 FINANCIAL IMPLICATIONS**

7.1 The Parish is no longer claiming a precept.

#### **8.0 LEGAL IMPLICATIONS**

8.1 There are no legal implications arising from this report.

#### **9.0 EQUALITIES IMPLICATIONS**

9.1 There are no equality implications arising from this report.

#### **10.0 CLIMATE CHANGE IMPLICATIONS**

10.1 There are no climate change implications arising from this report.

#### **11.0 REASON FOR RECOMMENDATIONS**

11.1 The community have requested a CGR to abolish Kirby Grindalythe & Duggleby Parish Council and create a Parish Meeting.

**12.0**    **RECOMMENDATION(S)**

12.1    That Council are requested to

- Approve the Terms of Reference for the Review and Consultation Programme attached at Appendix 1
- Support the request for a CGR of Kirby Grindalythe & Duggleby Parish Council
- Subject to approval of the Terms of Reference, a working group comprising of three members of the Standards and Governance Committee be convened to oversee the review.

Chair of the Standards and Governance Committee, Councillor Clive Pearson  
County Hall  
Northallerton  
26 September 2024

Appendix 1- Terms of Reference & Consultation Programme.

Appendix 2 – Parish Map

Standards and Governance Committee Draft Minutes 6<sup>th</sup> September 2024 – [Draft Minutes](#)

Report Author:  
Christine Phillipson  
Principal Democratic Services Officer

## **Community Governance Review Terms of Reference**

### **1.0 BACKGROUND**

- 1.1 North Yorkshire Council has been asked to undertake a Community Governance Review (CGR) of the parish of Kirby Grindalythe and Duggleby.
- 1.2 The review will consider the electoral arrangements of Kirby Grindalythe and Duggleby Parish Council including options of abolishing the Parish Council, retaining a single Parish Council, grouping it with a neighbouring Parish Council or dissolving the Parish Council and replacing it with a Parish Meeting.
- 1.3 A Community Governance Review provides an opportunity for principal authorities to review and make changes to community governance within an area.
- 1.4 Full Council on 13 November 2024 is required to authorise commencement of the review process through approval of these terms of reference. A working group comprising of 3 members of the Standards and Governance Committee will oversee the progress of the review.
- 1.5 In undertaking this review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England.

### **2.0 WHAT IS A COMMUNITY GOVERNANCE REVIEW (CGR)**

- 2.1 A Community Governance Review (CGR) is a legal process whereby principal authorities can consider the following:
  - Creating, merging, altering or abolishing parishes
  - The naming of parishes and the style of new parishes
  - Grouping parishes under a common Parish Council or de-grouping parishes
  - The electoral arrangements for parishes (the ordinary year of election, council size, the number of councillors to be elected to the council and parish warding).
- 2.2 A CGR is required to take into account:
  - The impact of community governance arrangements on community cohesion; and
  - The size, population and boundaries of a local community or parish.
- 2.3 The Council is required to ensure that community governance within the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient.

### **3.0 LEGAL FRAMEWORK**

3.1 In undertaking the Review, the Council will be guided by:

- Part 4 of the Local Government and Public Involvement in Health Act 2007.
- the relevant parts of the Local Government Act 1972.
- Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010.

3.2 The Council will also be guided by the following regulations on consequential matters arising from the review:

- Local Government (Parishes and Parish Councils) (England) Regulations
- Local Government Finance (New Parishes) Regulations 2008.

3.3 Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the Council to publish its Terms of Reference in a review.

### **4.0 REASON FOR THE REVIEW AND PARISH GOVERNANCE**

4.1 At the recent Annual Parish Meeting and Parish Council meeting of Kirby Grindalythe and Duggleby, the members of the community present requested a CGR to abolish Kirby Grindalythe and Duggleby Parish Council and form two separate Parish Meetings. It is understood that this request has been made in the context of the Parish Council having difficulties in finding anyone wishing to stand for election or be co-opted to it. Parish Meetings as explained below do not require elected or co-opted councillors.

4.2 Under the Local Government Act 1972 all parishes, whether or not they have a Parish Council, must have a Parish Meeting. In many parishes the requirement to have a Parish Meeting takes the form of at least one annual meeting, or more often several meetings during each year, organised (where one exists) by the Parish Council or if not by the Parish Meeting itself. The Parish Meeting of a parish consists of the local government electors for the parish, and as such local electors are invited to attend these meetings.

4.3 Depending on the number of local government electors in the parish, there are different rules about whether or not a Parish Council must be created for the parish, or whether it is discretionary. For parishes with:

- more than 1000 electors there is a duty on North Yorkshire Council as the principal council to recommend that a Parish Council should be created
- between 151 to 999 electors the principal council may recommend the creation of either a Parish Council or a Parish Meeting
- with 150 or fewer electors principal councils are unable to recommend that a Parish Council should be created and therefore only a Parish Meeting can be created.

The thresholds help to ensure that both the population of a new parish for which a council is to be established is of sufficient size to justify its establishment and also that local people are adequately represented. Another reason for these differing thresholds

is to recognise the difficulty which sometimes exists in small parishes, in particular, in managing to get sufficient numbers to stand for election to the Parish Council.

## **5.0 WHO WILL UNDERTAKE THE REVIEW**

5.1 As the principal authority, North Yorkshire Council is responsible for undertaking CGRs within its area. The review will be carried out by the Council's Legal and Democratic team led by Jennifer Norton, Assistant Director, Legal Operations.

## **6.0 CONSULTATION**

6.1 Before making any recommendations or publishing final proposals the Council will take full account of the views made by, and suggestions of, local people and organisations and will comply with the statutory consultation requirements by:

- consulting local government electors and other persons or bodies who appear to the Council to have an interest in the review;
- taking into account any representations received in connection with the review;
- notifying consultees of the outcome of the review; and,
- publishing all decisions taken and the reasons for such decisions.

6.2 The review will be guided by best practice in relation to consultation and engagement. The information provided will be clear and concise and use plain English and will be available in different formats where requested.

6.3 The review will include two stages of consultation. At Stage 1 initial submissions will be sought in relation to the request by the parishioners, which will be considered and used to formulate draft recommendations. The second phase of consultation will seek views on the draft recommendations to allow final recommendations to be developed.

6.4 The Council will:

- Consult the Parish Council
- Consult the Division Councillor
- Publish a Notice and these Terms of Reference on the council's website and arrange for copies to be available for public inspection at the Council's offices
- send a copy of the Notice and these Terms of Reference to the parish contact
- seek to arrange for the notice to be published on parish council websites and notice boards
- send a copy of the Notice and these Terms of Reference to the local Member of Parliament
- Welcome comments from any other person or body that wishes to make representation
- Take into account any representations received in connection with the review.

6.5 Information relating to the review will be available on the Council's website under the 'Your Council' tab.

6.6 The Council will provide feedback to the community after each stage and will notify consultees by publishing the outcome on the website and paper copies will be available at the Kirby Grindalythe & Duggleby Village Hall. Decisions made and the reasons for those decisions will also be published following the review.

## 7.0 TIMETABLE

- 7.1 The Review will aim to be completed within 12 months of the date of commencement. An indicative timetable for the review is as listed below. This is subject to variation by the Committee as appropriate, within the overall prescribed time limit. The Assistant Chief Executive, Legal and Democratic Services may also vary the timetable in consultation with the Chair of the Committee at any time, if appropriate, to be reported to the Committee.

Detail	Dates
Commencement of CGR & Terms of Reference published.	14 December 2024
Initial consultation stage - Submissions and views sought and invited on the existing arrangements and the Council invites proposals from stakeholders on future arrangements in accordance with the Terms of Reference	14 December 2024 – 14 February 2025
Draft recommendations prepared	w/c 17 February 2025
Draft Recommendations published	24 February 2025
Consultation on draft recommendations	24 February – 24 April 2025
Final Recommendations prepared.	May 2025
Final Recommendations considered by Full Council.	July 2025
Community Governance Order made	
Any Community Governance Order made following a Community Governance Review should, for administrative and financial reasons, take effect on the first day of April following the date on which the Order is made.	April 2026

## 8.0 ELECTORAL FORECASTS

- 8.1 On 1 August 2024, the electoral register shows the following number of electors within the areas subject to the review:

Area	1 August 2024		2030 forecast
	No. of electors	No. of households	No. of electors
Kirby Grindalythe and Duggleby	260	143	265

When the Council comes to consider the electoral arrangements of the parishes in its area, it is good practice to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. This means that any proposals should remain fit for purpose for future years.

## 9.0 REPRESENTATIONS

- 9.1 North Yorkshire Council welcomes representations during the specified consultation stages as set out in the timetable from any person or body who may wish to comment or make proposals on any aspect of the matters included in the review.

- 9.2 Once the Consultation commences you can submit your views online at [www.northyorks.gov.uk](http://www.northyorks.gov.uk) (by searching for “current consultations”) or in writing to:

Christine Phillipson  
Democratic Services  
North Yorkshire Council  
County Hall  
Northallerton  
DL7 8AD

Or by email [cgr@northyorks.gov.uk](mailto:cgr@northyorks.gov.uk)

## **10.0 Publication of terms of reference**

- 10.1 Terms of Reference will be published on the Council’s website [www.northyorks.gov.uk](http://www.northyorks.gov.uk) and will be available for public inspection at the Council’s Offices.

## **11.0. REORGANISATION OF COMMUNITY GOVERNANCE ORDERS**

- 11.1 The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this order, the maps that show the effects of the order in detail, and the documents which set out the reasons for the decisions that the Council has taken (including where it has decided to make no change following a review) will be deposited at the Kirby Grindalythe and Duggleby Village Hall and on the Council’s website.
- 11.2 In accordance with the guidance the Council will also issue maps to illustrate each recommendation which will be deposited with the Secretary of State at the Department of Levelling Up, Housing and Communities and also at the Kirby Grindalythe and Duggleby Village Hall.



