

# Carlisle City Council

## Report to City Council

### Report details

Meeting Date:	28 February 2023
Portfolio:	Finance, Governance & Resources
Key Decision:	No
Policy and Budget Framework	Yes
Public / Private	Public
Title:	Stanwix Community Governance Review
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD.07/23

### Purpose / Summary:

This report sets out the matter of the Community Governance Review resulting from a petition received from local electors.

### Recommendations:

Council is requested to consider the Report and make a resolution(s) from the options set out in paragraph 6.4.

### Tracking

Executive:	
Scrutiny:	
Council:	28 February 2023

## **1. Background**

- 1.1. Members will recall that in September 2021 they received a report concerning a Community Governance Review for the Stanwix area of our City (reference GD.56/21). Pursuant to section 83 of the Local Government and Public Involvement in Health Act 2007 (“the Act”), the Council was required to undertake the Community Governance Review (“CGR”) as it had received a valid petition relating to the whole or part of the Council’s area. The review should have been completed within twelve months from the date of receipt of the petition but as acknowledged at the time, the pandemic restrictions made it unwise to conduct the required process (involving public consultation) at that time.
- 1.2. In September 2021 the Council established a working group to oversee the required CGR.
- 1.3. Consultation has taken place, as set out in this report, and the working group has considered the representations which have been made. The matter is now being brought to the City Council for consideration.

## **2. Legislative Background**

- 2.1 In undertaking the CGR the Council must comply with the duties set out in section 93 of the Act but, subject to those duties, it is for the Council to decide how to undertake the review.
- 2.2 The Council is required to consult the local government electors for the area under review and any other person or body (including a local authority) which appears to have an interest in the review.
- 2.3 The Council must have regard to the need to secure that the community governance within the area under review both reflects the identities and interests of the community in that area and is effective and convenient. In deciding what recommendations to make, the Council must take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made or that could be made for the purposes of community representation or community engagement in respect of the area under review.
- 2.4 The Council must take into account any representations received in connection with the CGR. If the Council does decide to parish the Stanwix area it is obliged to create a parish council as the local government electorate for the area is in excess of 1,000 electors. Any parish council would be able to levy a precept.

### **3. Guidance**

- 3.1 CGRs make recommendations on the matters they have considered, as defined by the terms of reference set at the start of the review. The Council must make recommendations on the proposals contained in the petition, and in particular as to:
- a. whether a new parish or any new parishes should be constituted;
  - b. whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; or
  - c. what the arrangements for new or existing parishes, which are to have parish councils, should be.
- 3.2 It may also make recommendations about:
- a. the grouping or degrouping of parishes;
  - b. adding parishes to an existing group of parishes; or
  - c. making related alterations to the boundaries of a principal council's electoral areas.
- 3.3 In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. As set out above, the Act provides that it must also take into account any other arrangements that have already been made, or that could be made, for the purposes of community representation or community engagement.
- 3.4 The recommendations, in addition to taking account of any representations received, should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the Act. Where a principal council has conducted a review following the receipt of a petition, it will remain open to the council to make a recommendation which is different to the proposals advanced by the petitioners. This will particularly be the case where the proposals are judged not to be in the interests of the wider local community.
- 3.5 In making its recommendations, the Council should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. This information is derived from a range of different sources, notably through the consultation with local people in respect of the proposals. In assessing the proposal against the criteria set out in the Act, a principal council may reasonably conclude that a proposal contained in a petition should not be made. That could be the case when, for example, a

recommendation to abolish or establish a parish council is judged to be likely to negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located.

- 3.6 The aim of the Act is to open up a wider choice of governance to communities at the most local level. However, the Government considers that there is sufficient flexibility for principal councils not to feel 'forced' to recommend that the matters included in every petition must be implemented.

#### **4. The Petition and Consultation**

- 4.1. The original petition, as submitted by the organiser, was for the following purpose:

*This is a community governance petition to Cumbria County Council for a community governance review under the provisions of section 80 of the Local Government and Public involvement in Health Act of 2007 as amended by the Legislative Reform (Community Governance Reviews) Order of 2015. Whiteclosegate and Millcroft roads are currently anomalously classed as 'rural' but also lie within 'Stanwix Urban' division. Our proposal is that Whiteclosegate be outside the new petitioned area but that Millcroft should lie within. We propose that residents' wishes should be sought by referendum and in consultation with the 'Stanwix Rural' Parish Council".*

- 4.2. The first point to note is that the community governance petition was actually made to this Council, not the County Council. The petition contained 330 valid local government elector signatures which is the minimum number required to trigger a review of the area. Consultation was carried out in two phases; the first consultation asked for views on the establishment of a parish council in Stanwix and the second phase asked more nuanced questions in the light of the responses received to phase one.
- 4.3. A summary of the consultation responses is set out in Appendix 1. Many people have signed the petition submitted in support of the proposal. Individual comments submitted in response to the consultation have both comments for and against the proposal. Numerically, including numbers signing the petition, there are more in support of the proposal than against. In the first stage of consultation, 460 people were in support of the proposal which constitutes 10% of the 4284 electors.
- 4.4. A particular difference between the phase one and phase two consultations was the boundary of the proposed parish council. In phase two an amended boundary was proposed to take account of representations received from Stanwix Rural Parish Council who objected to the proposal that an area of their parish should be

subsumed into a new urban parish. The area which was removed from the proposed parish in Phase 2 related to Millcroft and Tarraby View Estate. The original plan consulted upon is Appendix 2 and the revised plan is Appendix 3. Stanwix Rural Parish Council do not object to the amended proposal providing that its area is unaffected.

- 4.5. The petition organiser has submitted additional petitions from some occupants of the streets mentioned in the preceding paragraph who express the view that they would wish their streets to be included in the new urban parish. These new petitions include Whiteclosegate which was specifically excluded and not part of the area to which the petition originally related.
- 4.6. Currently there are 4284 electors in the proposed new parish area and according to guidance from the National Association of Local Councils this number would be best served by twelve parish councillors. Any election cycle should every four years following commencement. The Working Group has considered whether it would be appropriate to split the proposed area into wards and has concluded that it would not because the nature of the area is that there are no clear divisions within the area unlike, say, a string of villages within a rural area.
- 4.7. The Council is required to take account of the view of any other local authority which may have an interest in the review. The County Council responded to consultation by saying:

“The view of the County Council is that, in light of the impact of local government reform and the dissolution of Carlisle City Council, it would be premature to proceed with the creation of a new Stanwix Village Parish at this time and that any decision about whether it would be appropriate to establish a new parish for the new area of Stanwix Village should be considered as part of a wider Community Governance Review of Carlisle and the surrounding areas. It is appreciated that this would need to be the subject of a separate review which would be a matter for Cumberland Council after 1 April 2023.”

- 4.8. The Shadow Executive for Cumberland did not provide any specific comments other than noting the position. Ultimately, Cumberland Council will be the decision maker in this matter.

## **5. The Wider Context**

- 5.1. As Members are aware, local government in Cumbria is undergoing reorganisation as enacted by the Cumbria (Structural Change) Order 2022. This has the effect of

abolishing the seven existing Councils in Cumbria (County and Districts) and creating two new unitary authorities. Allerdale Borough Council, Carlisle City Council, Copeland Borough Council and part of Cumbria County Council will be amalgamated to form the new Cumberland Council with forty-six elected members to represent all of the citizens in its area.

- 5.2. There are three significant urban conurbations in Cumberland's area: Carlisle, Whitehaven and Workington.

	Population	Local Government Electors
Carlisle	71,145	52,166
Whitehaven	25,098	18,545
Workington	26,183	19,084

- 5.3. Both Workington and Whitehaven have Town Councils with 25 and 12 members respectively. Workington Town Council's website says it is responsible for allotments, Christmas lights, cultural events, play areas, town twinning, remembrance events, nature partnership and Vulcan park. Whitehaven Town Council's represents the community on proposals which affect the area, undertakes projects which benefit local residents, cultural events, some street furniture, Christmas lights, alerts relevant authorities to problems or work which need attending to and helps other tiers of local government keep in touch with the local communities.
- 5.4. Carlisle City Council will cease to exist on 31 March 2023 and, in contrast to the other Cumberland urban areas, Carlisle will not have a local council and will thus be subject to a democratic deficit as compared to the other two urban areas. Cumberland Council will provide the important regional voice for the area but it is also important that Carlisle has a local forum for a variety of matters such as those carried out by the other Town Councils.
- 5.5. Carlisle is a City and has had an unbroken chain of Mayors since Mayor Walkelin held office in 1240. The Mayor has been appointed by the City Council but upon cessation of the authority, Charter Trustees will be appointed to fulfil this role. Charter Trustees will be the Cumberland Council Members for the unparished areas (as defined in the Local Government (Structural Changes) (Supplementary Provision and Amendment) Order 2023). They are, however, viewed as an interim measure and the law envisages that their roles and responsibilities would be assumed by a Town ("parish") Council should one be created in due course. The

Charter Trustees also deal with the appointment of honorary and hereditary freemen of the area and the same principle would apply.

- 5.6. Appendix 4 indicates the likely area of a town/City Council for Carlisle and the area for the proposed Stanwix Urban parish council has been highlighted yellow/hatched to demonstrate how it would sit within the said possible area (using the stage two consultation boundary).
- 5.7. For a new Council to be established in Carlisle there would need to be a further, wider Community Governance Review in accordance with the legislation. This would be commenced by the City Council and be able to be continued by Cumberland Council.
- 5.8. Members will recall that they have often mentioned the need for a Council for Carlisle but it was felt appropriate for there to be some breathing space between the cessation of Carlisle City Council and the establishment of a new smaller Council. The rationale was that it was of vital importance for the new Cumberland Council to have an opportunity to properly establish itself without any confusion about whether Carlisle City Council had, in fact, ceased to exist. Further, it is important that Cumberland Council make the decision as to any new Council as, allotments aside, any functions carried out by a new Council are 'given' to it by the Cumberland authority.
- 5.9. The consultation response points to the proposed Stanwix urban council being one which reflects the identities and interests of the local community in that area. However, it is unclear whether that arrangement would be effective and efficient, there being no substantial evidence on this point. In that context, it is important to have regard to the fact that the new Cumberland Council will need, and is likely to, make a careful assessment of the most appropriate arrangements for local governance within its area, and there is clearly a risk that the creation of the parish and parish council that is proposed might prejudice those arrangements. With that in mind, notwithstanding the local support for the proposal, the recommendation is that it should not be supported.

## **6. The Options Available**

- 6.1. The matters before the Council are of great importance to the future of Carlisle and how its Citizens are represented at a local level as we move forward. The Stanwix petition clearly garnered support and, as stated above, the consultation responses are in the main supportive of the establishment of a new parish for the Stanwix Urban area. The Council could resolve that a new parish be established for the Stanwix Urban area which would also mean that a new parish council would also be created.

- 6.2. However, for the reasons set out in section 5 of this Report, such a decision may be premature. It would be unwise to establish a new Stanwix parish and parish council pending a wider community governance review for the area of the city of Carlisle, which would be very likely to impact materially on a Stanwix Urban Parish Council. That prospect is not consistent with the institution of effective and convenient forms of local government for the area.
- 6.3. In evaluating the proposal, it is important to take into account the guidance published by the government. Whilst great weight has been given to views elicited through the Stanwix consultation process it remains open to the Council to take a different decision than that promoted by the petition, and nor should the Council feel forced to recommend uncritically that the matters sought in the petition are implemented. The Council has discretion to make its own decision but must do so reasonably and after taking in to account all relevant matters and disregarding irrelevant ones. The law allows the Council to take into account other arrangements which could be made in the future for community representation.
- 6.4. The options for resolution and recommendation to Cumberland Council are as follows:
- a. That the Council agree the establishment of a new parish and parish council proposal promoted in the Petition including the specified area shown in Appendix 2; or
  - b. That Council agree the establishment of a new parish and parish council for the Stanwix Urban area shown in Appendix 3; and
  - c. If established any parish council should have 12 Members but the parish council area be not split into wards. The parish council to be known as Stanwix Urban Parish Council.
  - d. If the decision is to establish a parish council then the Cumberland Council Chief Legal and Monitoring Officer be delegated authority to make the required Order pursuant to the Local Government and Public Involvement in Health Act 2007.

OR

- e. That the Council resolve that a decision to create a parish in the Stanwix area, as proposed in the petition, is premature at this stage given other arrangements which could be made for community representation and,



accordingly, the City Council decision is to recommend to Cumberland Council that a Stanwix Urban Parish Council not be established; and

- f. Members agree that they wish a Community Governance Review to be carried out in relation to the wider Carlisle Urban area and officers be instructed to bring a report to a subsequent Council meeting in respect thereof.

(Note: 'f' could also be resolved in conjunction with either 'a' or 'b'.)

6.5 For the reasons set out in the report, the recommendation is that Council resolves in accordance with options 'e' and 'f'.

**Contact details:**

Contact Officer: Mark Lambert

Ext: 7019

**Appendices attached to report:**

- Appendix 1: summary of consultation responses.
- Appendix 2: proposed Stanwix Urban parish council area as per the original petition.
- Appendix 3: proposed Stanwix Urban parish council area as amended following consultation responses.
- Appendix 4: likely area of a Carlisle Town/City Council with the inset of the proposed Stanwix Urban parish council shown hatched/yellow.

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- Local Government and Public Involvement in Health Act 2007
- The Local Government Boundary Commission for England: Guidance on Community Governance Reviews
- Consultation responses.
- Guidance from National Association of Local Councils (NALC)

**Corporate Implications:**

Legal – Contained within the body of the report.

Property Services – None. At this stage it is not intended that any property would be transferred to a newly established parish council.

Finance – The Council has been responsible for the costs associated with carrying out the Community Governance Review and this principle would apply to any review of the wider

Carlisle area. Similarly, officer costs will be incurred in drawing up the required Order should Council decide to establish a Stanwix Urban parish and parish Council. Any such parish council established would be able to levy a precept on eligible properties in its area. Equality – None.

Information Governance- None

## Stanwix Community Governance Review

### Appendix 1

#### Details of Consultation Responses

##### 1.Phase 1

Initial public consultation ran from 1/2/22 to 18/03/22.

Online and paper surveys resulted in 460 responses being received.

293 responses were in favour of the proposed parish, 124 against & 43 did not answer this question.

227 comments were received after the first round of public consultation. A summary of these comments is shown below (number in brackets is the number of times it was mentioned)

Positive comments	Negative comments	Neutral comments	Number of times mentioned
More of a say about decisions in the local area			58
Improved area e.g. look and feel, less crime			11
Additional funding for the area			10
Increased sense of community / community togetherness			9
	Increase in costs		46
	Don't agree with the proposed area		21
	More bureaucracy		18
	Don't see the purpose		15
	Not appropriate for a city ward		11
	Existing system works well so no need to change		4
		Insufficient information on things like precept amounts, how the parish council will be managed, detail of proposed future projects	24

## 2.Phase 2

The second consultation ran from 10 08 22 to 26 08 22.

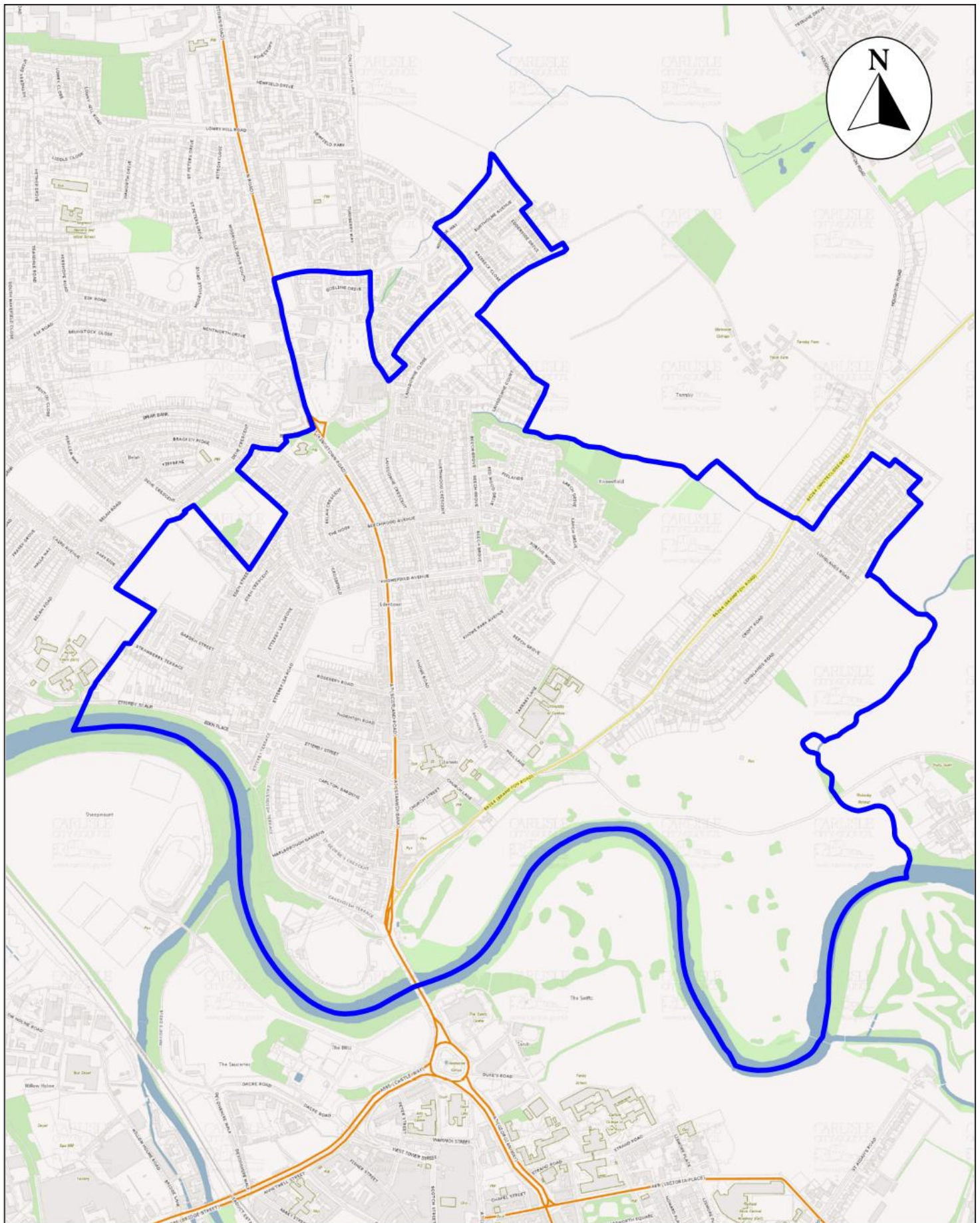
The comments below were all received via email during this period.

already paying too much for Council tax
the boundaries of the area proposed in the second recommendations may cause confusion & do not reflect the identity of Stanwix village
proposed new parish should not go ahead as it would prevent future possibilities for a more strategic and relevant change for the status of Carlisle to become a City/Town council. Also mentions future plans for Carlisle in relation to the new Cumberland Council
Concern raised that, going forward, the new parish may be influenced by future Cumberland Council members. Extra costs to local taxpayers are mentioned, in particular, any additional precept and Council tax rises. Also mention of how much or how little representation and power any elected parish councillors will hold.
<p>460 questionnaire responses* to first consultation out of some 4284 electors is approximately 10% and is hardly a mandate to proceed, 80% of 10% of the responders is still only 8% of electors</p> <ul style="list-style-type: none"><li>NB 460 refers to the total number of questionnaires received after the first consultation. Response figures were as follows: Agree 70.26% 293 Disagree 29.74% 124 Did not answer this question 43</li></ul>
Parish council supports the potential new parish if the amended boundary in the second recommendations is followed. Object strongly to any boundary changes that were contained in the original proposal.
Correspondence from one individual containing objections to new boundary changes & also suggesting new areas (including Whiteclosegate) are also included as well as all of the areas in the original proposal. Along with the boundary changes, the correspondence mentions problems with vehicular access and traffic in Tarraby view Estate Phase 1, Millcroft & Whiteclosegate. Whiteclosegate residents had been sent a copy of the first consultation document and the correspondence suggests that this road should now be included in the planned new parish. Also makes comparison to Barrow-in-Furness Governance Review and complains that the Carlisle working group is not politically balanced. Further comments that the proposed recommendations do not place the feelings of local community and the wishes of local inhabitants as a primary consideration.

In addition, three petitions have been submitted regarding the inclusion of Millcroft, Whiteclosegate and Tarraby View Estate. All three have the title *"Petition to Carlisle City Council and also to the Shadow Cumberland Unitary Authority. We, the undersigned, believe that our roads belong in proposed*

*Stanwix Village Council not the Stanwix Rural Parish Council*". Details of signatories are set out below (NB these have not been verified)

Area	Number of inhabited households	Number of households responded	For	Against
Millcroft	56	32	96.9%	3.1%
Whiteclosegate	36	32	93.8	6.3
Tarraby View Estate	121	73	94.5	5.5



©crown copyright database rights 2022 ordnance survey LA100024459

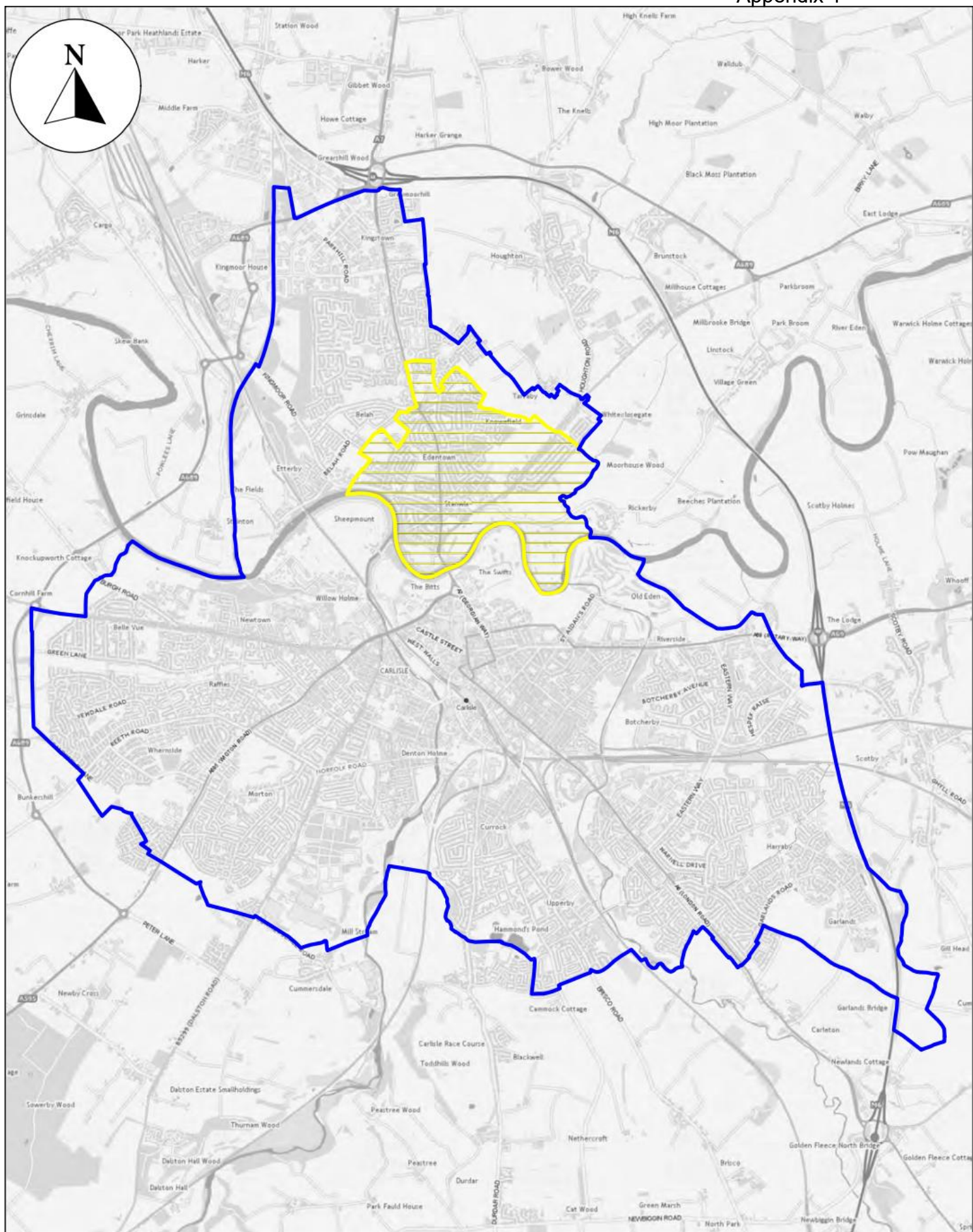


**CARLISLE**  
CITY COUNCIL  
  
[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

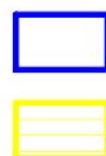
Economic Development  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG

## Proposed Stanwix Village Boundary





©crown copyright database rights 2022 ordnance survey LA100024459



Carlisle Urban Boundary

Proposed Stanwix Village Boundary