

# CARLISLE CITY COUNCIL

**Report to:- Carlisle City Council**

**Date of Meeting:- 15<sup>th</sup> September 2009**

**Agenda Item No:-**

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**Public**

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**Title:- Midgeholme Parish Governance**

**Report of:- Director of Legal and Democratic Services**

**Report reference:- LDS 69/09**

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## **Summary:-**

The City Council has powers under the Local Government Act 1972 and the Local Government and Public Involvement in Health Act 2007 to alter parishes and their electoral arrangements, including the creation of new parishes, alteration of parish boundaries, the amalgamation or grouping of parishes and the creation and dissolution of parish councils. Under the Council's constitution, these powers are exercised by the full Council. This report considers the dissolution of Midgeholme parish council.

## **Recommendation:-**

That an Order be made under Section 10 of the Local Government Act 1972 to dissolve Midgeholme Parish Council and transfer all assets of the parish council to the parish meeting.

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## **1. BACKGROUND INFORMATION AND OPTIONS**

- 1.1 Midgeholme parish lies within the Irthing ward on the eastern border of the City Council's area and shares boundaries with Farlam, Hayton and Castle Carrock parishes and the County of Northumberland (see attached map). The A689 road from Brampton to Alston runs through the parish but Midgeholme has no direct transport links with Hayton or Castle Carrock. The parish has been in existence since the late nineteenth century and its boundary was amended in 1990 to transfer four properties at High Midgeholme from Northumberland to Cumbria following a review of county boundaries. Although the parish is geographically relatively large, the current electorate (July 2009) is only 50, the majority of whom live in the small settlement of Midgeholme. The population of the parish at the 2001 census was 67. A table showing the electorates of the parish councils in the City area is attached as an Appendix.

### **Parish Governance**

- 1.2 Midgeholme parish council has five members, being the statutory minimum number of parish councillors. In October 2007 all members of the parish council resigned because they felt that the council was no longer viable and that the parish was really too small to sustain a parish council. The parish had no property and although a precept was levied, this was largely committed to meeting parish council administration costs (insurance premium, audit fee and clerk's expenses). Attempts were made at that time to fill the vacancies on the parish council but without success. The parish clerk stepped down in early 2008 and a small balance in the parish bank account was transferred to the City Council's account for holding on behalf of the parish. (The parish accounts have been audited to the end of March 2008 and no precept was levied in 2009/10.) There has therefore been no functioning parish council since that time.
- 1.3 In April 2008 a local resident expressed interest in reconstituting the parish council so that the local community could respond collectively to possible development in the area. In order to ascertain the views of residents, a parish meeting was held in September 2008 to consider the options for the future of the parish. Those who were unable to attend the meeting were invited to submit their views. Further work on the issue has been delayed due to other priorities within the Legal and Democratic Services Directorate, including the organisation of the combined county and European elections in June 2009.

- 1.4 At the full parish review carried out by the City Council and completed in 2003, the future of Midgeholme parish was considered but no alteration was made to the parish boundary at that time so that the parish could retain its independence, reflecting its long-standing community identity.

### **Legal Position and Options**

- 1.5 The City Council has a range of statutory powers in relation to parishes that could be exercised with a view to re-establishing parish governance in Midgeholme.
- 1.6 Section 91 of the Local Government Act 1972 – power to appoint members to a parish council on a temporary basis until such time as the vacant seats were filled by election. This would be a means of reconstituting the parish council but assumes that the parish council could continue to function in the longer term.
- 1.7 Section 79 of the Local Government and Public Involvement in Health Act 2007 – power to carry out a review of parishes, referred to in the Act as a “Community Governance Review”, replacing earlier review provisions in the Local Government and Rating Act 1997. Powers to create or abolish parishes and amend parish boundaries were previously held by the Secretary of State but have now been devolved to principal authorities. Community Governance Reviews must be undertaken in accordance with statutory requirements, taking account of central government guidance, and can cover the whole or part of the Council’s area. Terms of reference must be drawn up and published. A review may recommend –
- creation or abolition of parishes
  - alteration of parish boundaries
  - grouping of parishes
  - establishment or dissolution of parish councils
  - changes to parish council electoral arrangements

Midgeholme parish could be abolished and its area incorporated into a neighbouring parish. The existing parish would then cease to exist as a separate entity and its electors would have no separate representation on the new parish council, unless it were warded. Having regard to its location and community and transport links with Hallbankgate, Farlam would be the most appropriate parish with which to amalgamate.

Grouping involves two or more neighbouring parishes coming together to form a single parish council with councillors elected from each of the parishes. Under such

a grouping arrangement at least one representative from Midgeholme would sit on the joint parish council. Again, Farlam would be the parish with which a group could be formed although, with 504 electors, it has ten times the electorate of Midgeholme and grouping works most effectively where parishes are of similar size. There are currently two groupings in the City Council's area – Carlatton & Cumrew and Solport & Stapleton.

- 1.8 Besides the provisions in the 2007 Act, section 10 of the Local Government Act 1972 also allows the City Council to dissolve parish councils in parishes with less than 150 electors at the request of the parish meeting. Parish governance would then be exercised by parish meeting. The 1972 Act requires all parishes, whether or not they have a parish council, to have at least one annual parish meeting consisting of all the local government electors for the parish. Where there is no parish council, a parish meeting must be held at least twice a year to discuss parish affairs. The chairman of the parish meeting and the proper officer of the district council become Parish Trustees and act in accordance with the directions of the parish meeting (section 13 of the 1972 Act). Askerton (electorate 109) is currently the only parish without a parish council in the City Council's area.
- 1.9 Section 11 of the 1972 Act also provides for the grouping of parishes at the request of a parish meeting but the consent of parish meetings of each of the parishes concerned is required.

### **Financial Comments**

- 1.10 While it was an active parish council, Midgeholme did regularly levy a parish precept although its expenses, as described above, were relatively modest. The most recent precept was levied in 2007/08 but after the members of the parish council all resigned, the parish bank account was closed in February 2008. The balance of just over £200 was then paid over to the City Council to be held in trust pending agreement on the new governance arrangements for Midgeholme.
- 1.11 The parish meeting, assuming that this means of governance is agreed, will still retain the power to levy a precept. The parish will, therefore, have to ensure that if it wishes to do so that it makes arrangements to hold one of its meetings at a time that will dovetail with the City Council's own budget setting process. This currently requires individual parishes to send in their notifications by the end of the November preceding the relevant financial year. Most parishes tend to hold their precept setting meeting in October or November.

- 1.12 Meanwhile, the parish meeting will have to arrange to open a new bank account for Midgeholme. This will then enable the City Council to pay over the balance of funds pertaining to the former parish council.

### **Statutory Guidance**

- 1.13 Although it is not being recommended that a Community Governance Review be carried out in respect of Midgeholme, the statutory guidance issued by the Department for Communities and Local Government on undertaking these reviews provides useful pointers to the factors to be taken into account when considering changes to parish arrangements.
- 1.14 The guidance reiterates the criteria for conducting parish reviews, contained in previous guidance, that community governance should reflect the identities and interests of the community and be effective and convenient. The factors to be taken into account should include the impact of governance arrangements on community cohesion and the size, population and boundaries of the parish.
- 1.15 The guidance also points out that where new parishes are being created following a Community Governance Review, the statutory minimum size of parish to have a parish council is now 150 electors. (Previously a district council could agree to the creation of parish councils in parishes of this size.) So, although existing parishes having a parish council but fewer than 150 electors can continue to have a parish council, Midgeholme would no longer meet the criteria to have its own parish council if it were being created under the new statutory provisions.

## **2 CONSULTATION**

- 2.1 The various options outlined above were considered by the residents who attended the parish meeting and their unanimous view was that the parish council should be dissolved and governance should be by parish meeting instead. No individual representations were received. It was recognised that the electorate was really too small to sustain a viable parish council. The residents did not favour joining with Farlam parish because, while there were areas of mutual concern, they felt it would be detrimental to Midgeholme's interests and sense of community identity if the parish amalgamated or grouped with the much larger neighbouring parish. There was some support for closer ties with Hartleyburn, the adjoining parish in Northumberland – the nearest settlement at Halton-Lea-Gate is only about a mile

from Midgeholme – but parishes can only be grouped within the same district council area.

- 2.2 Representatives of the Cumbria Association of Local Councils, which supports and represents parish councils, also attended the parish meeting. The Association would usually advocate grouping where parishes are too small to support separate parish councils rather than dissolving parish councils. Its view in respect of Midgeholme, however, is that a parallel can be drawn with Askerton which was considered for abolition and incorporation into neighbouring parishes during the parish review in 2002. Electors in Askerton were very much in favour of retaining the parish to keep their community identity and wished to continue with governance by parish meeting. This has functioned successfully since that time. The Association's preferred option for Midgeholme is dissolution of the parish council.
- 2.3 Discussions have also taken place with the ward councillor who supports dissolution as the best way forward.
- 2.4 This course of action, which would leave the parish intact, would accord with the spirit of central government guidance that parish arrangements should "reflect the identities and interests of the community". Effective governance would be provided by parish meeting because the parish is small enough for all residents to be able to participate directly in running parish affairs.
- 2.5 In view of the time that has elapsed since the parish meeting, all electors in the parish have been notified of the proposal to dissolve the parish council and invited to make any further representations. Any responses will be reported to the Council meeting.

### **3 RECOMMENDATIONS**

That an Order be made under Section 10 of the Local Government Act 1972 to dissolve Midgeholme Parish Council and transfer all assets of the parish council to the parish meeting.

### **4 REASONS FOR RECOMMENDATIONS**

To reinstate parish governance arrangements in Midgeholme parish to meet the aspirations of the local community and to provide effective local government.

# Parish Electorates and Number of Councillors

August 2009

<u>Parish Council</u>	<u>Electorate</u>	<u>Number of Parish Councillors</u>
Arthuret	2042	15
Askerton (Parish Meeting)	109	-
Beaumont	365	9
Bewcastle	343	9
Brampton	3521	15
Burgh-by-Sands	981	10
Burtholme	158	7
Carlatton & Cumrew	100	6
Castle Carrock	284	7
Cummersdale	385	9
Cumwhitton	267	8
Dalston	2092	15
Denton Nether	253	7
Denton Upper	80	6
Farlam	504	11
Hayton	1807	12
Hethersgill	319	9
Irthington	652	10
Kingmoor	555	8
Kingwater	115	7
Kirkandrews	406	12
Kirklington Middle	296	8
Midgeholme	50	5
Nicholforest	321	8
Orton	352	8
Rockcliffe	661	9
Scaleby	295	8
Solport & Stapleton	331	12
Stanwix Rural	2828	15
St. Cuthbert Without	2853	15
Walton	231	8
Waterhead	118	7
Westlinton	318	8
Wetheral	4545	15