

Community Governance Review

Draft Recommendations

Newby & Scalby Unparished Anomalous Area

January 2023

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1. Background to the Review

- 1.1. A Community Governance Review (CGR) 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. Where a parish of over 1,000 electors is created it must have a parish council. A parish council may be called a Town, Community, Neighbourhood or Village Council. The review is undertaken:
- In accordance with the legislation in Chapter 3 of the Local Government and Public Involvement in Health Act 2007:
 - Having regard to guidance published by the Secretary of State and the Local Government Boundary Commission for England; and
 - Complying with the terms of reference that the council has adopted for the review
- 1.2. A review is often undertaken when there have been changes in population or reaction to specific new issues to ensure that community governance for the area continues to be effective and convenient and reflects the identities and interests of the community. The aim of the review is to bring about improved community engagement, communities that are more unified, better local democracy and more effective and convenient delivery of local services.
- 1.3. The review offers two opportunities for residents to have their say. The first period of consultation has been undertaken, which forms the basis of these draft recommendations.

Revised* Timetable for Consultation and Recommendations	
August to October 2022	Initial consultation period
Nov 2022 to Jan 2023	Consideration of responses and drafting of recommendations
February to April 2023	Further consultation period on draft recommendations
April 2023 to June 2023	Formulation of final recommendations

* Reasons for revisions or delays are explained in Appendix A.

- 1.4. If the Executive approve the draft recommendations a second period of consultation is planned for February to April 2023, to allow final recommendations to be drafted and presented to North Yorkshire Council in the summer of 2023.

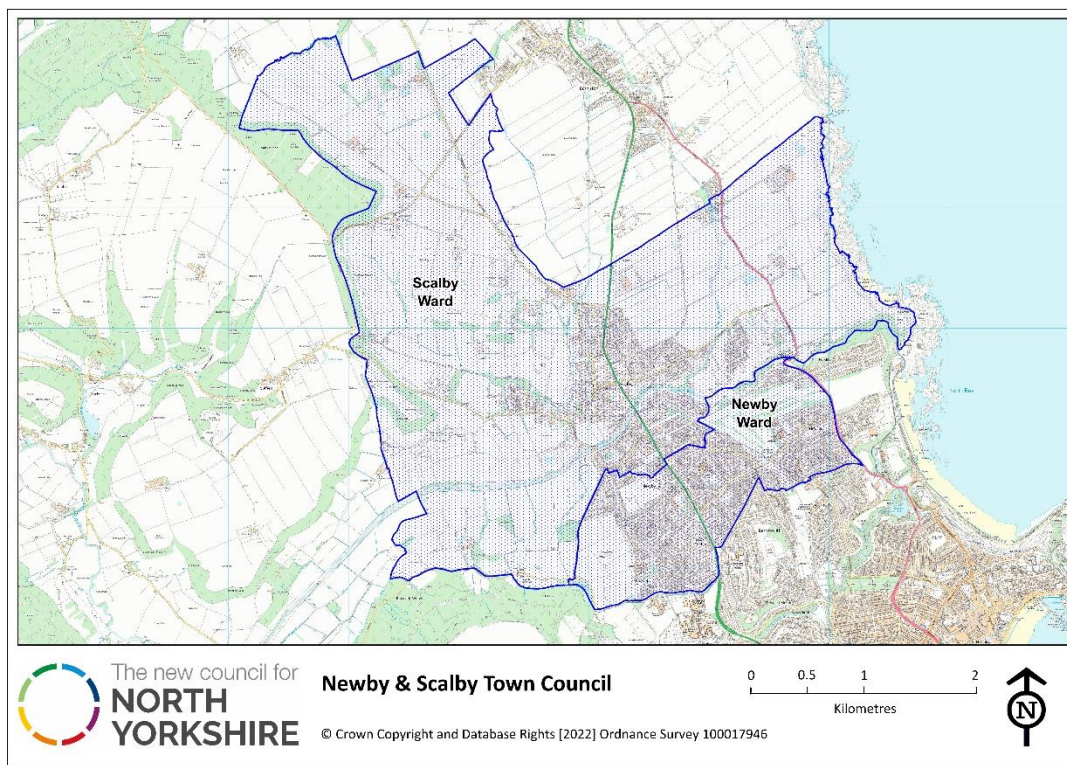
- 1.5. On 1 April 2023, a new unitary authority to be known as North Yorkshire Council will be created and will deliver all local services. The new council will replace North Yorkshire County Council and Scarborough Borough Council (SBC), along with the county's six other district councils.
- 1.6. A central pledge in the bid for a new unitary authority was 'double devolution'. This will enable town and parish councils the opportunity to take on greater responsibilities. Currently, the only parts of North Yorkshire which do not have a parish are the towns of Scarborough and Harrogate, hence those areas have limited ability to take on these responsibilities. More information on Local Government Reorganisation (LGR) is available here [The new council and devolution for North Yorkshire | North Yorkshire County Council](#).
- 1.7. Parish and town councils play a key role in representing the views and promoting the needs of communities and can provide services to their residents. Parish councillors are directly elected to the parish council by the electors of the parish area. Parish Councils are mainly funded by a levy incorporated into local residents' council tax bills, known as a precept. Parishes can also apply for grant funding. Parish Councils are also able to bid to a wide range of bodies for grant funding at a local level.
- 1.8. The terms of reference for the Scarborough area included three anomalous areas along the boundary lines of the unparished area, which following a Borough Council review of wards by the Local Government Boundary Commission for England (LGBCE) in 2017/18 saw changes made to wards which were once coterminous with the parish boundaries. The changes now mean that affected residents no longer fall within the same borough ward, county division and parish, with some remaining unparished. It is felt that these 3 anomalous areas could be addressed as part of this review, being consequential matters arising from the LGBCE review. These 3 areas consist of an unparished part of Eastfield (Middle Deepdale development), 3 properties at Osgodby, and Charles Williams Apartments which are currently split between being part parished within Newby & Scalby Town Council, and part unparished. Separate draft recommendations documents have been generated for each of those areas.
- 1.9. North Yorkshire County Council agreed to conduct this review at a meeting of the Executive on 19 July 2022. The report and the legal basis on which the review is conducted, along with the terms of reference for this review can be found here: [Agenda for Executive on Tuesday, 19th July, 2022, 11.00 am | North Yorkshire County Council](#). The Executive resolved that:
 - Community governance reviews be undertaken for the unparished parts of Harrogate and Scarborough, incorporating Eastfield Town Council.

- The Assistant Chief Executive (Legal and Democratic Services) in consultation with the relevant Executive Members be given delegated authority to approve the terms of reference once final typographical changes have been completed and to take any necessary action to progress the Community Governance Review.

- 1.10. The Local Government and Public Involvement in Health act 2007 requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account by judging them against the statutory criteria.
- 1.11. Following the resolution of the Executive to commence a review the terms of reference were published on the NYCC website and preparations finalised for the stage 1 consultation. The methodology used for the consultation is set out at Appendix A and the survey at Appendix B.
- 1.12. The tensions between the potential cost of the consultation and the need to offer all affected residents and interested parties the opportunity to respond were considered. Direct mail was chosen for all households within the areas under review. Other known stakeholders were contacted by email and the consultation was also publicised by means of local press and resident newsletters and social media. Online responses were encouraged but alternatives were available.

2. Current Arrangements and History of the area

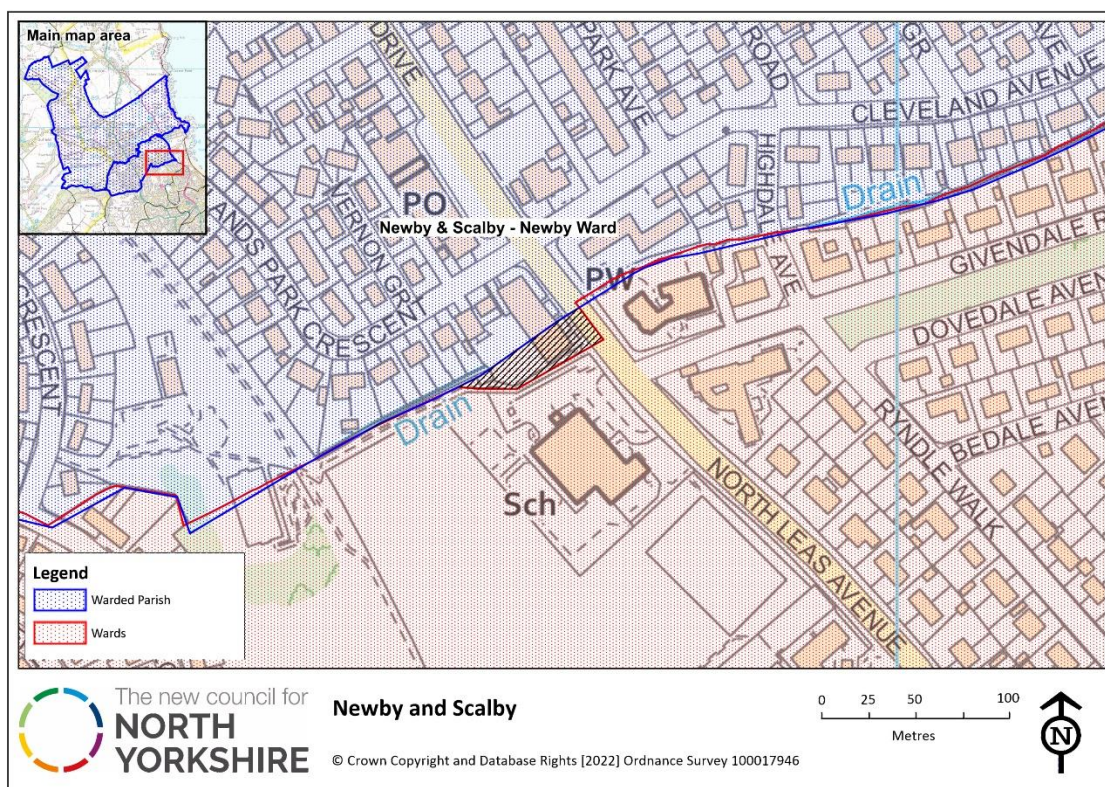
2.1. Newby & Scalby Town Council is currently arranged by two wards, as follows:



Newby & Scalby Town Council	Electorate (Dec 2022)	Households (June 2022)	Councillors
Newby Ward	4,856	2,849	8
Scalby Ward	2,934	1,858	5
TOTALS:	7,790	4,707	13

Relevant History

2.2. The external boundary of the parish prior to the 2017/18 LGBCE review was wholly coterminous with the SBC Newby Ward. However, the LGBCE took note that Charles William Apartments on North Leas Avenue are split between areas: twelve apartments (numbers 1-12) are unparished (hatched area in the map below) within SBC Woodlands Ward and NYCC Woodlands Division, whilst the remaining apartments are within SBC Newby Ward, NYCC Newby Division and the area of Newby & Scalby Town Council (shaded blue in the map below).



2.3. The LGBCE concluded that for the purposes of community identity and cohesion that all apartments should be within the same ward, and adjusted the ward boundary to capture all apartments within Newby Ward. At parish level, the split remains in place and the parish boundary is no longer coterminous with the ward boundary, which is now also the same as the NYCC division boundary.

2.4. In April 2022 the parish council resolved to change its name from Newby & Scalby Parish Council to Newby & Scalby Town Council (keeping a chairman rather than appointing a mayor) taking effect on 01 May 2022. According to a news release by the parish, this change was justified based on:

- the parish council establishing that it was the 7th most populated parish in North Yorkshire, and of the 10 most populated parishes in North Yorkshire, Newby & Scalby was the only one on the list not called a ‘town’ council.
- Raising the council’s profile to assist with potential devolution opportunities under the new single unitary authority
- Support with other potential funding opportunities

Five year electorate forecast

2.5. The electorate and 5 year electorate forecast of Newby & Scalby Town Council is as follows:

Ward of Newby & Scalby Town Council	Electorate (Dec 2022)	Electorate Prediction (2027)	Predicted Electorate increase	Councillors
Newby	4,856	4,872	16	8
Scalby	2,934	3,464	530	5
Totals	7,790	8,336	556	13

2.6. The small increase in the Newby Ward is due to an expected increase in dwellings detailed within the SBC Local Plan in relation to various smaller site developments, building conversions, changes in premises use, etc.

2.7. The increase in Scalby Ward is due to an expected increase of 334 dwellings detailed within the SBC Local Plan as developments at Former Scarborough Rugby Union Football Club, Scalby Road, Newby (Updated Position - HA7), Land to east of Lancaster Park, Land off Mill Way (Full Permission), Mill Way (Outline), and Danes Dyke, plus various smaller site developments, building conversions, changes in premises use, etc.

3. Assessment of Submissions

- 3.1. The following table shows the number of households written to, with the number of submissions received, and response rate. As detailed at Appendix 1 responses were not limited to households only, anyone with an interest was invited to respond.

Households posted to	12
Responses received for area	20
Response rate	166.67 %

- 3.2. Submissions received, both in summary form and in full, can be found in the Consultation Report at Appendix C. Some comments are quoted in this assessment where they may be helpful to illustrate a point.
- 3.3. Response rates in the table above were calculated by comparing the number of returns with the number of households directly consulted by means of a mailout inviting responses to all properties in the areas under review. The total number of responses is 20.
- 3.4. The responses to the options provided in the survey were as follows:

	Number	Percentage
Option 1 – to create a parish council for the unparished part of Scarborough Town Centre and include the unparished part of Charles William Apartments within it	7	35 %
Option 2 – the unparished part of Charles William Apartments becomes part of Newby & Scalby Town Council, and the unparished part of Scarborough Town Centre becomes a separate parish	5	25 %
Option 3 – to leave Scarborough Town Centre and the unparished part of Charles William Apartments unparished.	5	25 %
Option 4 - the unparished part of Charles William Apartments becomes part of Newby & Scalby Town Council, and the unparished part of Scarborough Town Centre remains unparished.	2	10 %
Some other option	0	0 %
Don't know/not sure	1	5 %
	20	100 %

- 3.5. Those opting to include Charles William Apartments within Newby & Scalby Town Council by selecting option 2 and 4 represented 35% of respondents.
- 3.6. 35% opted for option 1, to include the unparished part of Charles William Apartments within any new town council for Scarborough. Reasons given centred mostly on ideas of location and more efficient local governance.
- 3.7. Some felt that option 1 was the better option: *“It seems more logical given its geographic position”*. Though it is worth noting that there may also have been some element of confusion, as one respondent commented *“Scalby and Newby seems better managed and listen to residents views”*.
- 3.8. However, others felt that option 2 was the better option: *“It seems to make sense to align the parish boundary with the ward boundary following the 2018 review to avoid future confusion for voters within the Charles William Apartments. I also support the creation of a town council for the currently unparished areas of Scarborough. We have seen good examples in the borough of how town councils can work together with partners to enhance local communities and believe this would be the case in the Scarborough Town area”*.
- 3.9. 25% preferred option 3 - to leave both the unparished area of Charles William Apartments and Scarborough Town Centre unparished citing additional cost or bureaucracy as reasons.
- 3.10. There were 10% of respondents who thought that option 4 was the best option, with one commenting: *“Scarborough needs to remain unparished, while Newby & Scalby Town deserves enlargement.”*
- 3.11. The final 5% selected don't know/not sure and none chose some other option. One local group was mentioned and should be included in the next consultation phase. Some respondents selecting don't know/not sure commented that they didn't have enough information.
- 3.12. 70% of responses agree that the unparished part of Charles William Apartments should be parished whilst there were differing views on whether it should be part of a new Scarborough Town Council or be included in Newby & Scalby Town Council. The number of respondents (7) who chose Newby & Scalby outnumbered those (5) who chose Scarborough Town Council.
- 3.13. It is noted that Newby & Scalby Town Council responded to the consultation with the following comments:
 1. *Council supports the CGR proposal that the civil parish boundary of Newby & Scalby be amended so that once again it is coterminous with the existing Newby Ward boundary.*

2. Council asks for the ward and civil parish boundaries to be amended so that Endcliff Crescent, Heathcliff Gardens and parts of St. Leonards Crescent are moved out of Newby and Scalby Civil Parish into the unparished Woodlands Ward of SBC.

Newby & Scalby Town Council did not include its reasons or arguments in favour of the request to move Endcliff Crescent, Heathcliff Gardens and parts of St. Leonards Crescent out of Newby & Scalby.

The current review is concerned with the unparished areas of Scarborough Town Centre and rectifying anomalous boundaries, therefore the request is beyond the scope of this review. Whilst the terms of reference for this review allow for consideration of minor boundary changes to parish council areas which lie adjacent to the unparished areas, the requested amendment is not considered to be a minor change. It would affect 102 households and 160 electors, which were not within the review area and so not included in the original direct consultation of potentially affected households.

This request would also create another boundary anomaly with the suggestion not aligning with any existing ward or division boundary, which the review essentially seeks to resolve, and the Town Council is keen to resolve in relation to Charles William Apartments.

4. Statutory Criteria

- 4.1. Section 93 of the Local Government and Public Involvement in Health Act 2007 requires that the Council must have regard to the need to secure that community governance in an area under review
 - reflects the identities and interests of the community in that area
 - is effective and convenient
- 4.2. and in deciding what recommendations to make the principal council must take into account any other arrangements for community representation or community engagement that already exist in an area.

Identities and Interests

- 4.3. The 12 unparished Charles Williams Apartments clearly form part of the same community and have the same identity and interests as those which are parished. There is little justification in splitting the apartments with a boundary line and leaving them unparished. It is felt to be in the interest of the affected residents to apply the same boundary line to the parish as has been applied to the division and ward boundary for these apartments.

Effective and convenient local government

- 4.4. A modification to the town council boundaries to capture all of Charles Williams Apartments within the same parish is likely to offer more effective and convenient local government to the affected residents, than to leave the area unparished, or to include with any new parish for the Scarborough town.

Existing Arrangements for Community Representation

- 4.5. The consultation survey asked if respondents were aware of any existing local community governance in the areas (e.g. community or neighbourhood forums, resident associations etc.) which would serve the local community as an alternative to a parish council. The principal council is required to take into account any other arrangements already in place in an area.
- 4.6. Only 10.5% of respondents (19 answered this question, with 2 selecting 'yes') to the survey were aware of what they thought to be alternative forms of local government in the area, the only example provided was The Scalby and Newby Village Trust.
- 4.7. If the outcome of the review were that the unparished part of Charles Williams Apartments remained unparished or became part of a larger Scarborough parish, those organisations' ability to sufficiently represent and advocate for the interests of the residents would be limited.
- 4.8. Trusts may be unrepresentative of the areas they cover as their membership is self-selecting. No governance is involved and they lack the accountability and status of a democratically elected council. Such groups work best when they cover a specific area and are invited by the town/parish council to contribute to debate on a range of topics.
- 4.9. It would be expected that such organisations would be involved in a community network for Newby & Scalby, and work together for the benefit of the town. However, none of the organisations named could provide an alternative to being part of a town or parish council. Whilst community organisations have the right to bid to take responsibility for assets or local services should they wish, they would not be able to take on statutory powers such as consultation on planning applications.

5. Final Assessment and Draft Recommendations

- 5.1. The majority of respondents favoured parishing of the unparished part of Charles Williams Apartments (73%), and 48% were in favour of it becoming part of Newby & Scalby Town Council, therefore it is proposed to extend Newby & Scalby Town Council boundary to become coterminous with the SBC Newby Ward and NYCC Newby Division.
- 5.2. Coterminosity means boundaries that follow the same line, for example where a principal ward boundary (i.e. North Yorkshire Electoral Division boundary) follows the same line as a parish council boundary. Coterminosity aids electoral administration; non-coterminous boundaries can be confusing for the electorate and difficult to administer.

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

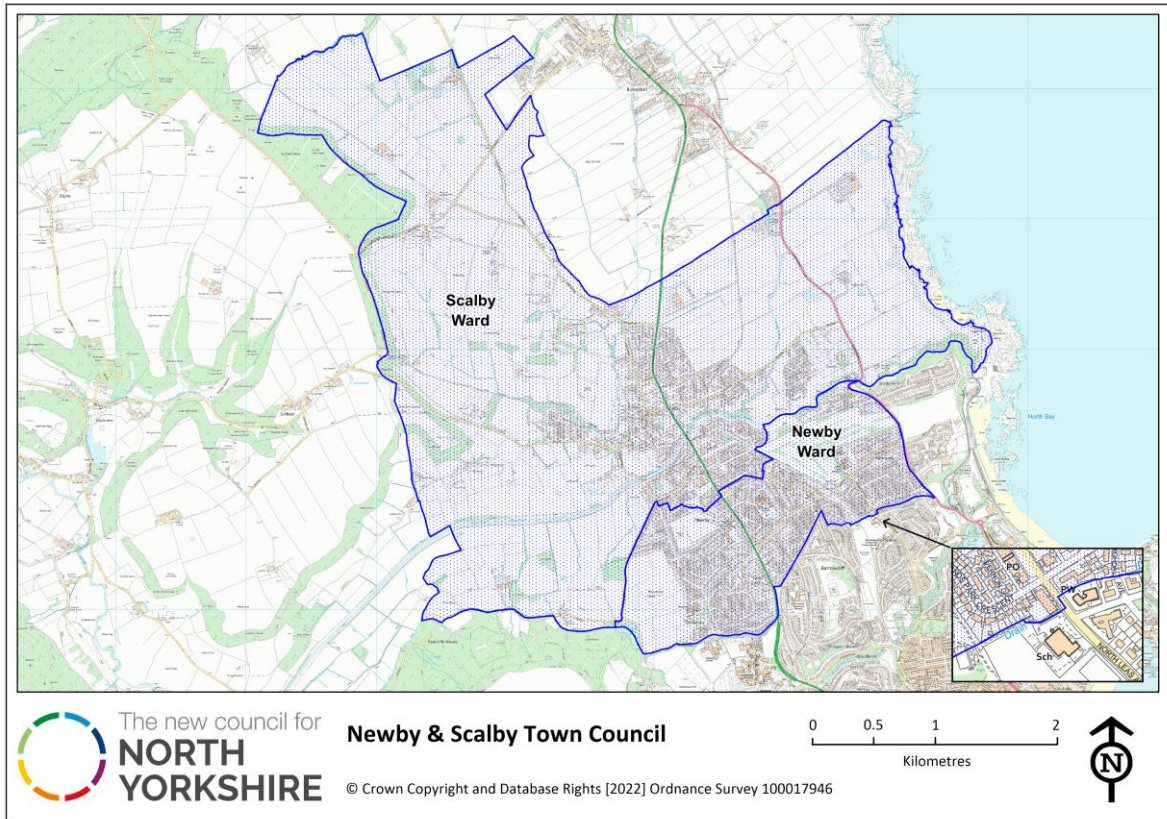
- 5.3. If the Community Governance Review continues on the current timetable, and second stage consultation shows support for the draft recommendations it is likely that an order to amend the boundary will be made in the summer of 2023. If that is the case it is proposed that the date for implementation would be 01 April 2024 for administrative purposes (budget and precept setting by Newby & Scalby Town Council).

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

- 5.4. The warding pattern, council size, and electoral cycle are to remain unchanged.
- 5.5. Based on the recommendation the arrangements for Newby & Scalby Town Council would be:

Newby & Scalby Town Council	Electorate (Dec 2022)	Electorate Prediction (2027)	Councillors
Newby	4,867	4,883	8
Scalby	2,934	3,464	5
Totals	7,801	8,347	13

- 5.6. A map of the recommendations for Newby & Scalby Town Council are shown here:



- 5.7. The Councillor representation is not hugely affected by these recommendations, it affecting only 12 apartments.
- 5.8. Parliamentary polling districts already in place within the proposed parish area can be applied, as the warding pattern within the proposed parish area is coterminous with existing ward and county divisions. To allow electoral administrators sufficient time to make changes to electoral registers ahead of register publication planned for 01 December 2023 for the area, (nominations for elections on correct registers for example) the changes would need to be applied to registers on 15th October in the year preceding proposed initial elections.

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)

- 5.9. It is acknowledged that Newby & Scalby Town Council could benefit from a CGR of the whole parish (which is out of scope of this review) at a future date in light of the development within that area.

6. Consequential Matters

- 6.1. Those properties to be included within the area currently do not pay a parish precept, but would be included within the parish precept area for Newby & Scalby from 01 April 2024. Currently this is set at £22.84 for a Council Tax band D property.

7. Contact Details

Named officers?

W: www.northyorks.gov.uk/CGR

E: CGR@northyorks.gov.uk

T: 01609 780780

North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AD

Appendix A - Consultation methodology

Appendix B – Consultation survey

Appendix C – Full consultation results