

# Community Governance Review

## Draft Recommendations

Osgodby 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.

<b>Revised* Timetable for Consultation and Recommendations</b>	
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.

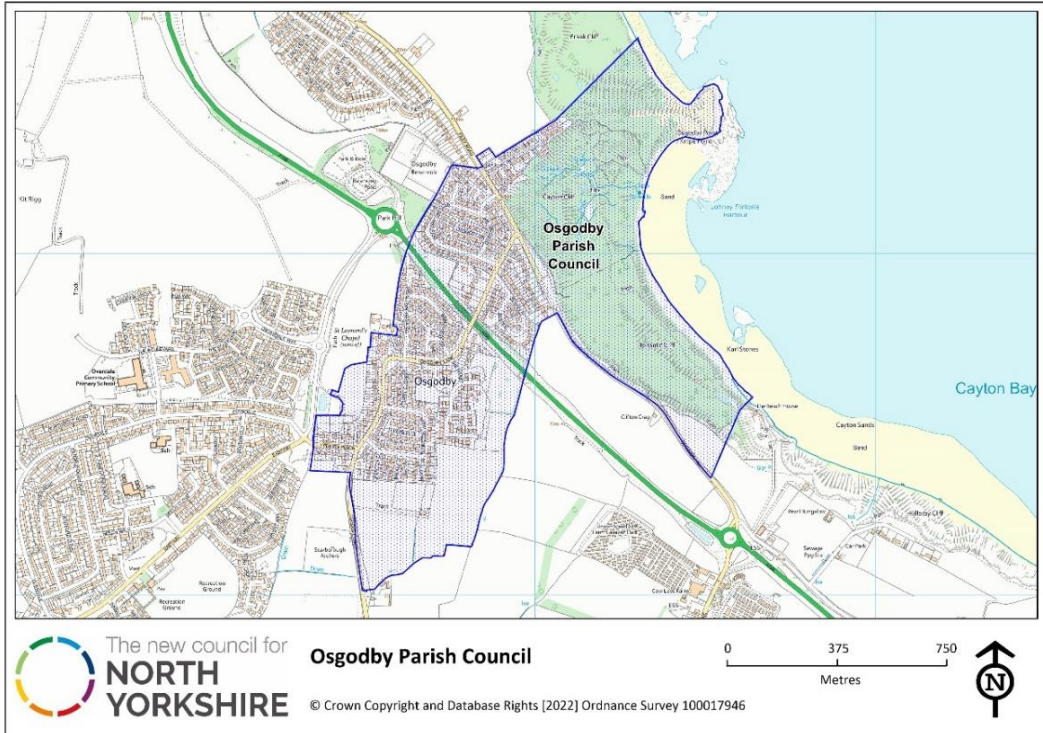
- 1.5. On 1 April 2023, a new unitary authority to be known as North Yorkshire Council will be created and will deliver all local services. The new council will replace North Yorkshire County Council and Scarborough Borough Council (SBC), along with the county's six other district councils.
- 1.6. A 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. 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

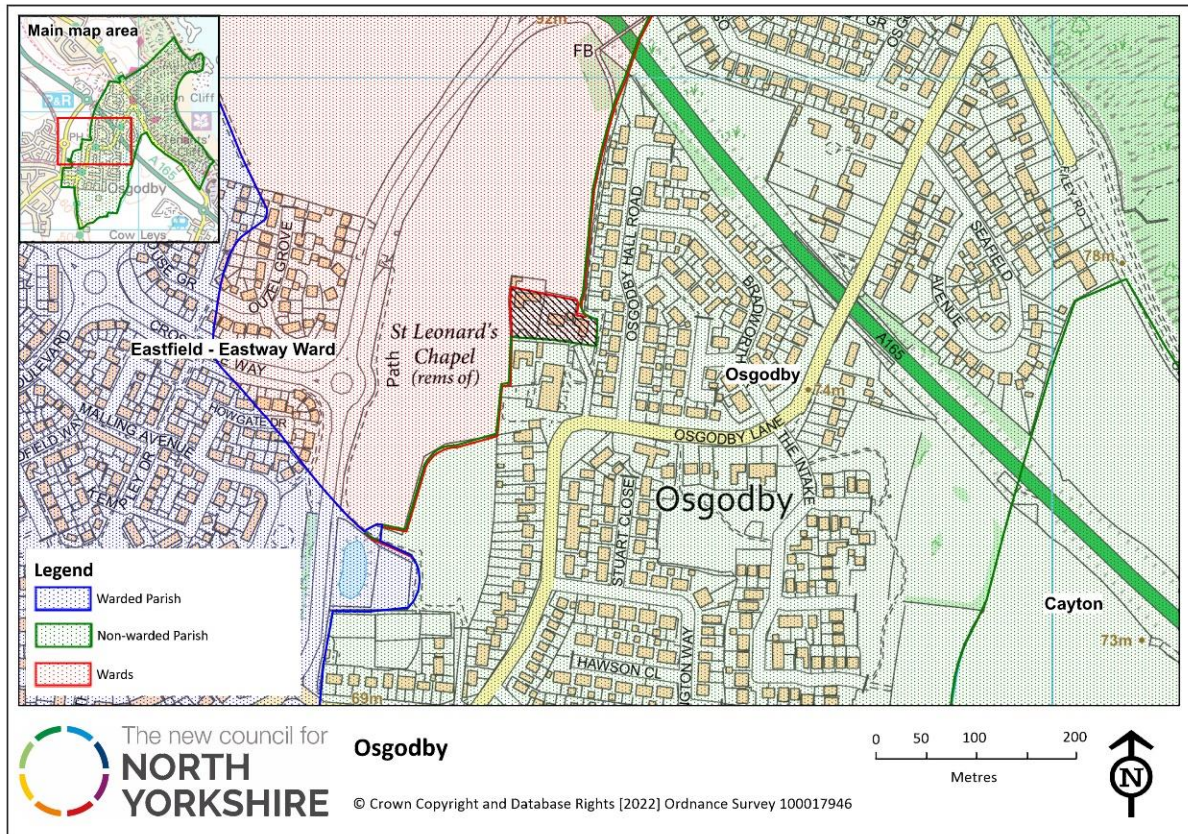
2.1. Osgodby Parish Council is not warded, and the current arrangement is as follows:



Osgodby Parish Council	Electorate (Dec 2022)	Households (June 2022)	Councillors
Whole area	1,061	698	7

### Relevant History

- 2.2. The external boundary of the parish prior to the 2017/18 LGBCE review was coterminous with alongside the SBC Cayton Ward, but the LGBCE took note that 3 properties which previously fell within the former Weaponness Ward could only access their properties through the residential estate within Cayton and decided to draw the Borough Ward boundary around the back of the properties so there was road access into the rest of Cayton ward for the electors that lived there.
- 2.3. The three affected properties now fall within SBC Cayton Ward and NYCC Cayton Division, and the parish boundary is no longer coterminous at that point, which is an anomaly in that they are not parished (hatched area in the map below), yet the rest of that area falls within Osgodby Parish Council:



- 2.4. In 2018 two requests were received from Osgodby Parish Council for their council size to be increased to 7 from 8, which would have reverted the council back to the number of seats it had prior to 2015. SBC responded to say it felt the current arrangement of 7 councillors was still suitable for the parish especially with the main supporting reason for the reduction to 7 was for voting purposes at meetings, being an odd number. SBC advised that a CGR petition would be required to pursue a CGR, if the Council still felt the change was strongly desired.
- 2.5. In January 2021 SBC was considering areas requiring a CGR, at which time Osgodby Parish Council confirmed it no longer had desire to increase in size, but referred to the situation with new North Yorkshire Council and potential double devolution as a reason to potentially increase its size at a later date.

### Five year electorate forecast

- 2.6. The electorate and 5 year electorate forecast of Osgodby Parish Council is as follows:

Osgodby Parish Council	Electorate (Dec 2022)	Electorate Prediction (2027)	Predicted Electorate increase
Whole area	1,061	1,257	196

- 2.7. The increase in Osgodby is due to an expected increase of 126 dwellings detailed within the SBC Local Plan as HA15 Land off Rimington Way, with no other smaller site developments listed.

### 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	3
Responses received for area	3
Response rate	100 %

- 3.2. Submissions received, both in summary form and in full, can be found in the Consultation Report at Appendix C.
- 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 3.
- 3.4. The responses to the options provided in the survey were as follows:

Option	Number	Percentage
Option 1 – to create a parish council for the unparished part of Scarborough Town Centre and include the three unparished houses in Osgodby within it.	0	0%
Option 2 – the three unparished houses become part of Osgodby Parish Council and the unparished part of Scarborough Town Centre becomes a separate parish	1	33%
Option 3 – to leave Scarborough Town Centre and the three houses in Osgodby unparished.	0	0%
Option 4 - the three unparished houses become part of Osgodby Parish Council, and the unparished part of Scarborough Town Centre remains unparished.	1	33%
Some other option	0	0%



Don't know/not sure	1	33%
	<b>3</b>	<b>100%</b>

- 3.5. There are three anomalous unparished houses in Osgodby and three responses received to the consultation.
- 3.6. Two of the three responses favoured options which saw the houses becoming part of Osgodby Parish Council though they disagreed on whether the unparished part of Scarborough Town should be parished.
- 3.7. One respondent selected don't know/not sure.
- 3.8. There were no comments or reasons given for preferring the selected option.
- 3.9. The consultation indicates a preference by two out of the three affected properties to become a part of Osgodby Parish Council.

## 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 3 unparished properties sitting within Cayton Ward and Cayton Division but outside Osgodby Parish Council clearly form part of the same community and have the same identity and interests as those which are parished. The LGBCE 2017/18 review identified that those 3 properties can only be accessed through the residential estate in Cayton and Osgodby parish and therefore within the Cayton Ward boundary. 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.

## **Effective and convenient local government**

- 4.4. A modification to the town council boundaries to capture all 3 properties 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, or within a revised Eastfield Town Council (refer to Eastfield Draft Recommendations).

## **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. No respondents to the survey were aware of what they thought to be alternative forms of local government in the area.
- 4.7. Other groups/organisations 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.
- 4.8. It would be expected that if other groups/organisations exist, they would be involved in a community network for Osgodby, and work together for the benefit of the town. 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. Two thirds of respondents favoured parishing of the unparished 3 properties, with the other third unsure, therefore it is proposed to extend Osgodby Parish boundary to become coterminous with SBC ward and NYCC division boundaries.
- 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 Osgodby Parish boundary to include those 3 properties currently outside of the parish, at the northern boundary line, and to become coterminous with the SBC Cayton Ward and NYCC Cayton 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 Osgodby Parish Council).

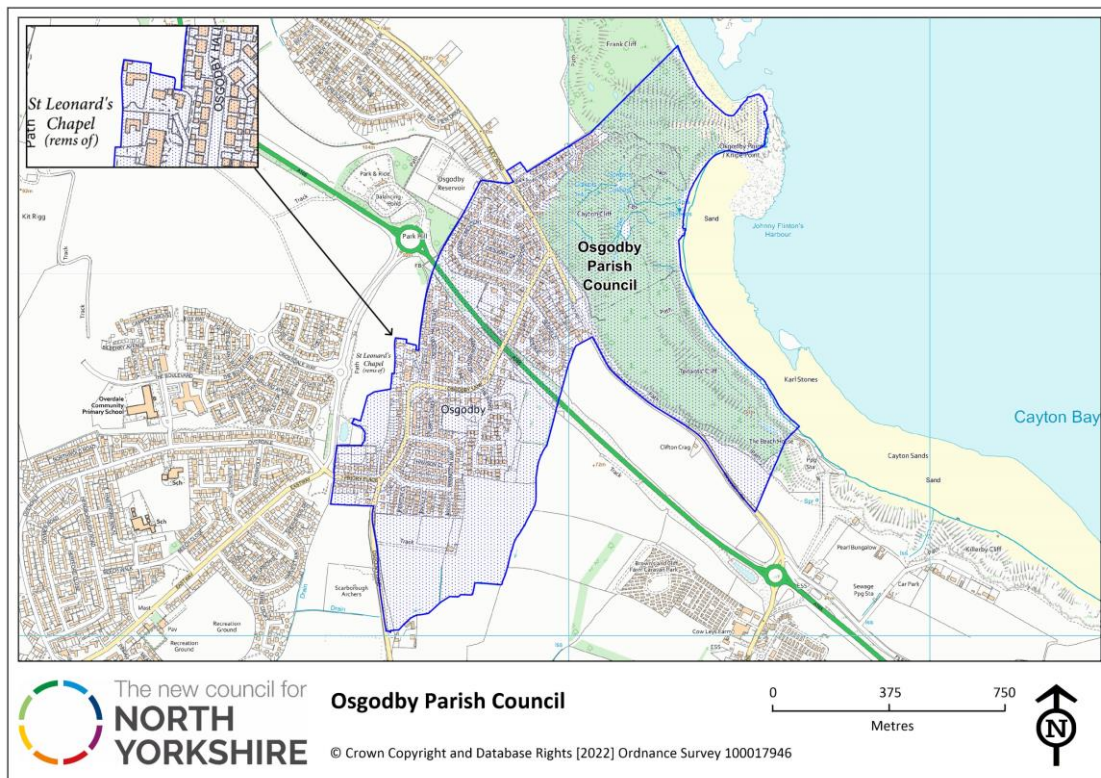
**Recommendation 2 – that the change takes effect on 01 April 2024 for administrative purposes.**

5.4. The warding pattern, council size, and electoral cycle are to remain unchanged.

5.5. Based on the recommendation the arrangements for Osgodby Parish Council would be:

Osgodby Parish Council	Electorate (Dec 2022)	Electorate Prediction (2027)	Councillors
whole parish	1,064	1,260	7

5.6. A map of the recommendations for Osgodby Parish Council are shown here:



- 5.7. The Councillor representation is not hugely affected by these recommendations, as it only affects 3 properties.
- 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 15<sup>th</sup> October in the year preceding proposed initial elections.

**Recommendation 3 – that the change takes effect on 15<sup>th</sup> October 2023 for electoral purposes (ahead of publication of the revised register planned for 01 December 2023)**

## 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 Osgodby from 01 April 2024. Currently this is set at £13.23 for a Council Tax band D property.

## 7. Contact Details

Named officers?

W: [www.northyorks.gov.uk/CGR](http://www.northyorks.gov.uk/CGR)

E: [CGR@northyorks.gov.uk](mailto: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