

This Report will be made public on 15 February 2010

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



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Report Number

**GP/09/04**

**To:** General Purposes Committee  
**Date:** 23 February 2010  
**Status:** Non-Executive Decision  
**Corporate Director:** Kathryn Beldon  
**Cabinet Member:** Councillor R H C Bliss, Leader of the Council

**SUBJECT: LYDD DC: COMMUNITY GOVERNANCE REVIEW**

**SUMMARY:** This report sets out the responses to the consultation undertaken on the Lydd Community Governance Review and makes recommendations on the review.

**RECOMMENDATIONS:**

1. To receive and note Report GP/09/04.
2. That the Committee supports the creation of a new parish but that before making recommendations on this that the terms of reference for the review be amended as follows:  
*“That Shepway District Council undertakes a Community Governance Review under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the area comprising the Lydd DB Polling District. The objective of the review will be to determine whether or not the area should be included in a new parish for that area and the Lydd DC Polling District and if so, to decide on the name of the parish and the electoral arrangements for the new council (number of councillors), warding arrangements (if any) and ordinary year of election.”*
3. To carry out a referendum on the possible inclusion of Lydd Polling District DB in any new parish by way of postal ballot with options of Internet, freephone and text voting;
4. To receive a further report on the results of the referendum together with final recommendations on the Community Governance Review.

## **1. INTRODUCTION**

- 1.1 On 14 July 2009 this Committee resolved to undertake a community governance review of the Lydd DC polling district (minute 5 (3) refers): -

*“RESOLVED:*

*3. To conduct a Community Governance Review in respect of the Lydd DC Polling District ...”*

- 1.2 The terms of reference of the review were: -

*“That Shepway District Council undertakes a Community Governance Review under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the area comprising the Lydd DC electoral ward specified in the petition submitted to the Council on 3 May 2006 by the Greatstone Action Group. The objective of the Review will be to determine whether or not a parish should be established for that area and if so, to decide on the name of the parish and the electoral arrangements for the new council (number of councillors), warding arrangements (if any) and ordinary year of election.”*

- 1.3 Consultation has taken place and Electoral Reform Services, between 15 September and 13 October 2009, conducted a referendum of the electors of the polling district on the Council’s behalf.

- 1.4 Set out below are the results of the consultation and referendum.

- 1.5 For ease of reference plans showing both the DC and DB polling districts are attached (appendices 1 and 2 respectively).

## **2. THE REFERENDUM**

- 2.1 The question posed in the referendum was; “Do you support the proposal to set up a parish council for the Lydd DC polling district?” The ballot paper was accompanied by explanatory information

- 2.2 The electorate for the polling district numbers 1607. There was a 49.3% turnout. 556 voted in favour of the proposal and 232 against. 70.6 % of those who voted favoured the proposal.

## **3. RESULTS OF OTHER CONSULTATION**

- 3.1 In response to the consultation the letters summarised below have been received. Where the same letter from the same correspondent has been received more than once but addressed to two different people in the council it has been treated as one letter.

- 3.2 The letters are summarised in appendix 3 below; copies of the letters will be available for inspection in the members’ room.

#### **4. COMMENTS ON THE RESULTS OF THE CONSULTATION**

- 4.1 The outcome of the vote and the results of the consultation are not binding on the Council, but are important factors and need to be taken into account.
- 4.2 The turnout at the referendum was 49.3 %, which is comparable to turnout in local elections. The turnout for the Lydd Town Council elections (this related to a larger area) was 15.9 %.
- 4.3 There is a clear majority of those who voted in favour of a new parish council, though the correspondence reveals a concern that the area of the new parish should not just include the DC polling district but should encompass some or all of the DB polling district. This also supported by the petition received.
- 4.4 As noted above there has been a request that a referendum be carried out for the entire Lydd Town Council area. Although the town meeting asked for a referendum they did not formally demand a poll as they could have done.

#### **5. STATUTORY PROVISIONS AND GUIDANCE**

- 5.1 Section 93 of the Local Government and Public Involvement in Health Act 2007 requires this council 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.
- 5.2 The guidance states that when considering the criteria identified in the 2007 Act, the council should take into account a number of influential factors, including:
  - the impact of community governance arrangements on community cohesion and;
  - the size, population and boundaries of a local community or parish.
- 5.3 When reviewing community governance arrangements, the guidance states that the council may wish to take into account a number of factors, to help inform their judgement against the statutory criteria namely those set out in the following paragraphs.
- 5.4 The impact on community cohesion of community governance arrangements - the council should consider the impact on community cohesion when deciding whether or not to set up a parish council. The guidance further states that "It would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils should be able to decline to set up such community governance arrangements where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage

community cohesion. As part of a community governance review a principal council should consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.”

- 5.5 A further factor to consider is the size, population and boundaries of a local community or parish. These are linked to aspects of both principal criteria as identified in the 2007 Act, but perhaps more specifically to community governance being effective and convenient. Size, population and boundaries all influence whether or not a new parish council will be viable.
- 5.6 Rather than identify a size that is viable the Government’s approach is that authorities should be based on natural communities and reflecting people’s expressed choices.
- 5.7 The guidance states that “The general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government. This is generally because of the representative nature of parish councils and the need for them to reflect closely the identity of their communities.”
- 5.8 On boundaries the guidance states “these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable.”

## **6. OPTIONS**

6.1 The options are

- to take no action on the current governance arrangements; the do nothing option;
- to ward Lydd Town Council area;
- to create a parish for the Lydd DC polling district (separating that area from the existing parish of Lydd) or;
- to agree in principle to the creation of a new parish for Lydd DC polling district but consult on the inclusion in the new parish of Lydd BC polling district.

6.2 It is clear from the guidance that the Council can decide to make no changes; to reiterate the guidance; “principal councils should be able to decline to set up such community governance arrangements (i.e. to set up a new parish council) where they judged that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.”

6.3 The creation of a new parish council would undoubtedly influence the precept of Lydd Town Council, however there is no evidence that the creation of a new parish council would damage community cohesion; no one in the consultation has argued that the two area form one community and that the creation of a new parish would damage this. The evidence is that the coastal area sees itself as distinct from the town area.

- 6.4 There is a clear demand for a change in the current arrangements and whilst this is not binding should not be ignored. The do nothing option should not therefore be adopted.
- 6.5 Lydd town council area is currently unwarded. It would be possible for the council to create wards. The most obvious way to do this would be on the basis of the polling districts. The electorate of each polling district is:
- Lydd DA – 2716
  - Lydd DB - 416
  - Lydd DC – 1609.
- 6.6 Translated in percentage of the electorate:
- Lydd DA – 57%
  - Lydd DB - 9%
  - Lydd DC – 34%
- 6.7 Assuming a Lydd Town Council of 16 members as at present the representation for each ward would fall as follows:
- Lydd DA – 10
  - Lydd DB - 1
  - Lydd DC – 5
- 6.8 Warding would not appear to address the concerns of the petitioners and consultees for two principle reasons; firstly there would be a perception that the coastal ward councilors would be outnumbered and secondly the belief, real or not, that most of the money raised by Lydd Town Council has to be spent in the town as that is where the majority of the facilities are and that this would not change.. In addition warding could institutionalise splits in the town council along coast and town lines.
- 6.9 New Romney Town Council states that it is content with the warding arrangements in its parish. The electorate for the New Romney Town Ward is 2693 and for the Coast Ward 2952. Both wards return eight town councilors. There is therefore an equality of representation; the comparison with New Romney therefore is of limited usefulness.
- 6.10 The original petition requested the creation of a parish council for the DC polling district. The creation of a parish council would, from the evidence of the support gathered for the proposal reflect the community interest in the area. There is no suggestion that it would adversely affect community cohesion and there is some suggestion that it would strengthen it.
- 6.11 As far as the any new parish being effective and convenient it would have a population of approximately 1609. Of the 24 parish / town councils in Shepway four have populations in the 1,000 –1,700 bracket (Elham, Lympe, Selindge and Swingfield). There is no evidence to suggest that a parish of this size would not be viable.

- 6.12 So far as the boundaries of the proposed parish / polling district are concerned as will be seen from the map at appendix 1 the western one crosses an area of low population and the eastern one is the sea. Although it is difficult to identify the western boundary on the ground, as it traverses such a sparsely populated area this should cause little difficulty. The northeastern boundary largely follows an identifiable feature – the Romney Hythe and Dymchurch Light Railway.
- 6.13 The northern boundary where it leaves the light railway and the southern boundary are however problematic. There is little that can be done with the northern boundary as that represents the boundary with New Romney Town and unless the Council wishes to consider altering the parishing arrangements of New Romney it will have to remain as it is. There is however no natural break of any feature natural of man made that distinguishes the two areas. To leave it as it is would in a sense continue the existing situation as this represents the boundary between New Romney and Lydd.
- 6.14 The southern boundary where it crosses Coast Drive, whilst not fatal to the creation of a new parish based on the Lydd DB polling district alone is however particularly “weak.” The area south of the line is not distinguishable from the remainder of the polling district until the unique area of Dungeness is reached. Some of the correspondents have suggested extending the new parish to Battery Road to accommodate this.
- 6.15 There appears to be a case for the creation of a new parish for the Lydd DC polling district. However the southern boundary is, as stated above “weak”. In addition there appears to be support for the inclusion of the DB polling district in whole or in part in any new parish. The inclusion of this polling district would give the new parish more recognisable boundaries.
- 6.16 If the Council were to do consider the inclusion of the Lydd DB polling district it would have to alter the terms of reference of the review and consult those in the newly affected area.

## **7. NEXT STEPS**

- 7.1 If the Committee accepts the conclusion that terms of reference should be amended there would need to be a further referendum, to assess gather the views of those living in the Lydd DB polling district. That referendum would be undertaken it is suggested by an all postal ballot, with options of internet, freephone and text voting. The cost of this would be approximately £1,000. This cost can be contained within existing budgets. Once completed, the Committee will need to consider the results of this referendum. It will then be in a position to make the community governance review recommendations to Council.
- 7.2 The recommendations on the community governance review will cover the following:

- whether a new parish should be constituted in the area under review. the name of any new parish;
- whether or not the new parish should have a parish council.
- what style any new parish should go by; town, parish, community or neighbourhood;
- whether or not the name of the existing Lydd parish should be changed.
- what electoral arrangements should apply to any new parish council and the Lydd Town Council

7.3 Prior to the consideration of the results of the referendum discussion will take place with Lydd Town Council on possible electoral arrangements based on certain assumptions.

7.4 Indicative timetable

General Purposes Committee	23 February 2010
Referendum	March 2010
General Purposes Committee considers community governance report	Week beginning 11 April 2010
Council considers community governance recommendations	28 April 2010
Community Governance Order made	1 June 2010
Elections to any new parish council	5 May 2011

## 8. OTHER MATTERS

Questions have been asked as to what the precept of any new parish would be. Similar size parishes have a precept in the range of £11,000 - £34,000 but a lot will depend on the priorities of any new parish.

## 9. CONCLUSIONS AND RECOMMENDATIONS

9.1 There is support for the creation of a new parish. The new parish would meet the statutory criteria and its creation would be in accordance with the guidance with the proviso that the southern boundary seems to be “weak”.

9.2 It is recommended that the Committee indicate that it supports the creation of a new parish but before making any recommendations that the terms of reference of the review are modified to consider whether the new parish should include the Lydd DB poling district.

9.3 The proposed amended terms of reference are:

*“That Shepway district Council undertakes a Community governance Review under the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007 in respect of the area comprising the Lydd DB polling district. The objective of the review will be to determine whether or not the area should be included in a new parish for that area and the Lydd DC polling district and if so, to decide on the name of the parish and the electoral arrangements for the new council (number of councillors), warding arrangements (if any) and ordinary year of election.”*

- 9.4 If this recommendation is accepted then a referendum of the Lydd DB polling district will be held. It is further recommended that an all postal ballot be held with options of Internet, freephone and text voting.

## **10. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

### **10.1 Legal Officer’s comments (JC)**

Any relevant legal issues have been addressed in the body of the Report.

### **10.2 Finance Officer’s comments (GW)**

No further comment required.

### **10.3 Diversity and Equalities Implications**

No implications for the Council's diversity and equalities policies.

## **11. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Claire Thomas, Acting Information and Electoral Services Manager  
Tel: 01303 853444 E-mail: [claire.thomas@shepway.gov.uk](mailto:claire.thomas@shepway.gov.uk)

The following background documents have been relied upon in the preparation of this report:

Correspondence and petitions received through the Governance Review

### **Appendices:**

[Appendix 1: Map – Lydd DC polling district](#)

[Appendix 2: Map – Lydd DB polling district](#)

Appendix 3: Summaries of representations received

## APPENDIX 3

16 letters in the same form have been received from Ms R Saunders, Mrs. E Smith, Miss K Dobbs, Mr. M Mayne, Mrs. J Mayne of respectively, 9, 11, 13, 15 and 15 Pleasance Road North, from Mrs. S. Gardner, Ms. M King, Mr. R Smith, Mr. and Mrs. K W Eyres, Mr. G. Martin, Ms R Russell, Mrs. P Stephens, and Mrs. R W Benstead of respectively 43, 67, 70, 70, 80, 108, 120, 125, 130, 134, Coast Drive and from Mr. A Skelton of "Stanmore" Dungeness.

The letters make the following points: -

- The Lydd DB polling district should have been included in the review;
- There is no natural boundary between the DC and DB polling districts;
- Lydd Town Council has ignored the coastal area and disproportionately allocated money to the town area;
- The coastal area has different requirements and aspirations;
- Lydd Town Council will not be able to address these issues

Letter from Cllr. Ms. R Saunders of 9 Pleasance Road North making the following points:

- Disappointment that the DB polling district not included in the review;
- Integration of the coastal area and the town is not possible;
- The facilities in Lydd Town mean that most of the Town Council's funds have to be used to support these as a consequence it is not possible to redirect resources to the coast;
- There are two distinct areas geographically separate;
- A new coastal council for Greatstone and Lydd – on Sea is necessary to address the concerns of the coastal area.

Letter dated 21 October from Cllr. J D Shepherd of 7 Pleasance Road North:

- The level of support for a separate council is shown in the electoral success of the candidates standing for the Coastal Community Group;
- The coast and Lydd town have separate needs
- Most of the precept is spent in the town area;
- Wishes to see the Lydd DB polling district included up to the Pilot public house.

Two letters dated 14 October from Cllr. G McKay of 12a Baldwin Road making the following points:

- There is strong local support for a separate parish council evidenced by the petition;
- Historically there has been negligible spending by the Town Council in the coastal areas;

- Support is also shown in the electoral success of the Coastal Community Group;
- Warding of Lydd parish area would not solve the problems as the coastal ward members would be out voted by the town ward members;
- Concern about the process and the time taken

Letters from Cllr. Revd A J Davis of 8 Roberts Road dated 21 October, 2 November and 12 November making the following points:

- Lydd and Greatstone / Lydd – on – Sea are geographically distinct;
- The majority of Lydd Town Council's expenditure is spent in the town area and will continue to be so spent because of the concentration of facilities in Lydd;
- 1000 petitioners signed the original petition in favour of a new parish council;
- there is a separate identity for the coastal area;
- the whole of the coastal strip should form a separate parish council and;
- unhappiness at the list of organisations consulted.

Letter dated 13 October from Cllr. D F Watts expressing support for a coastal council and making the point that most of the Town Council's expenditure is directed towards Lydd.

Letter dated 21 October from the Time Youth Club of 7 Pleasance Road North expressing support for a separate parish council and expressing concerns about the organisations consulted.

Letter dated 14 October from Cllr. M Masters stating that the DB polling district should be included in the review at least up to the Pilot Public House and to include Battery Road.

Petition containing 128 signatures expressed to be from the residents of Lydd DB polling district supporting the formation of a separate parish council for Greatstone and Lydd – on – Sea to cover the area from Dunes Road to Battery Road.

Letter from MR. D Alford and Mr. D Donohoe both of 244 The Parade opposing the formation of a new parish council.

Letter from Mrs. A Ryde of 22 Taylor Road dated 2 October opposing the idea of a new parish council on grounds of cost and expressing doubts that any new parish council would attract people to run it.

E – mail from Mr. R K. Whiting, Group Scout Leader of 1<sup>st</sup> Lydd Scout and Guide Group expressing the view that warding would be the preferable course. Mr. Whiting states that he cannot discern any support for the new parish.

E – mail from New Romney Town Council dated 8 December opposing the idea of a new parish and suggesting that the Lydd should be warded as New Romney is.

The Town Council considers that the ward system works for the town council and should work for Lydd.

Minutes of the town meeting of Lydd stating: -

“The Parish electorate must be given the opportunity to exercise their choice, albeit in favour or against the proposals contained within the petition submitted to Shepway District Council by the Coastal Community group, and the only democratic and transparent method of achieving that end, is by putting in place a ‘community referendum’

Petition received on 16 November requesting a community referendum on the issue to cover the whole of the electorate of the Lydd Town Council area. The petition has 282 signatures.