

**Barrow Borough Council**  
**Council**  
**14 September 2022**  
**Community Governance Review**

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**Report from:** Head of Legal and Governance  
**Report Author:** Debbie Storr/Samantha Bagshaw  
**Wards:** All wards in the unparished area

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**1.0 Summary and Conclusions**

- 1.1 At its meeting on 19 July 2022, Council resolved that the draft recommendations be agreed and published as part of a Second Stage Public Consultation process, along with the revised timetable for the consultation. This report updates Members on the responses to the Second Stage Public Consultation process and consequently, the draft final recommendations from the CGR Working Group. The report also sets out the provisions of a Re-organisation Order and which, once approved, will be forwarded to the Shadow Westmorland and Furness Council to consider for the formal creation of a Barrow Town Council.
- 1.2 The purpose of this report is to consider the Final Recommendations of the CGR Working Group having considered the results of the Second Stage Consultation with residents, stakeholders and other local authorities.

**2.0 Recommendations**

**It is recommended that Council agree and recommend to the Shadow Authority for Westmorland and Furness that they:**

- (1) Agree that a new Parish Council be established for the unparished area of Barrow;**
- (2) Subject to Agreement of (1) above that the following be agreed:-**
  - (a) The new Parish be named Barrow;**
  - (b) The new Parish of Barrow should have a Parish Council and be called Barrow Parish Council (*noting the name and style of the new council is a matter for the new Parish Council to decide - the Council cannot confer the title of "Town Council" as, under***

*legislation, that is a matter to be resolved by the new parish council once formed);*

- (c) The ordinary year of election will be 2023 and then every four years after;
  - (d) The new Parish of Barrow be comprised of the existing eleven wards of Barrow Borough Council covering the unparished area of the borough, namely: Walney North, Walney South, Barrow Island, Hindpool, Central, Ormsgill, Parkside, Risedale, Hawcoat, Newbarns and Roosecote;
  - (e) The electoral arrangements that should apply for the new Parish of Barrow will be that:
    - i. The Parish be divided into wards;
    - ii. The Wards for the Parish shall be those which apply for the Borough Council namely: Walney North, Walney South, Barrow Island, Hindpool, Central, Ormsgill, Parkside, Risedale, Hawcoat, Newbarns and Roosecote;
    - iii. The number of Parish Councillors to be elected for each Ward shall be: 21 made up of:

Walney North,	2
Walney South	2
Barrow Island	1
Hindpool	2
Central	2
Ormsgill	2
Parkside	2
Risedale	2
Hawcoat	2
Newbarns	2
Roosecote	2
- (3) That in accordance with regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008), the recommended budget to be incorporated in the Reorganisation Order for the Parish Council for the financial year 2023/24 is £387,700;
- (4) That Council note the draft reorganisation order attached to this report and that the Monitoring Officer is authorised to take such steps as may be requested of it by the Westmorland and Furness Shadow Authority or Council (as the case may be) to finalise the Order and implement a decision to create a Barrow parish council; and

- (5) That the (Shadow) Westmorland and Furness Council be asked to agree that a new Parish Council shall be accommodated in the Barrow Town Hall and that the Council be further asked to make such accommodation available initially at a peppercorn rent and subject to such other terms and conditions as the parties may agree.

### 3.0 Background and Proposals

- 3.1 At the meeting of Council on 19 July 2022, it was agreed that the draft recommendations of the CGR be published as part of a Second Stage Public Consultation process.
- 3.2 In addition to holding the second stage of the public consultation, the CGR Working Group members began to consider additional matters that needed consideration as part of the preparation for creating a town council.

### 4.0 The Second Stage Consultation

- 4.1 The consultation on the draft recommendations ran from Monday 25<sup>th</sup> July to Friday 26<sup>th</sup> August inclusive. All residents of the unparished area of Barrow received a letter from Barrow Borough Council explaining the purpose of the second round of consultation. They also received information on how to take part in the consultation.
- 4.2 Once the consultation closed, all submissions and representations were considered and recorded. The members of the CGR WG had sight of and considered the responses received (**See Appendix 1**).
- 4.3 Of the 57 written submissions received: -
- **36 were in favour of the draft recommendations;**
  - **10 against; and**
  - **11 neutral comments.**
- 4.4 The consultation indicated that the majority of respondents were in support of the draft recommendations and of creating a town council for Barrow. However, the key concerns expressed by the respondents, who were either not in favour to the creation of a new parish/town council or were neutral about it, were focused around two main issues:
- The number of councillors proposed for the new authority; and
  - The potential cost to tax payers of the new authority.
- 4.5 In light of the submissions the number of councillors proposed for the parish/town council was reviewed. The working group looked again at ward boundaries and discussed the potential workload of the councillors as well as the potential cost implications of the number of councillors. They also considered the challenges of filling every council seat. There was a strong sense from the members present that whilst they understood that there was some disquiet reflected in the consultation responses regarding the number of councillors proposed for the new

council, that 15 seats, based on the Westmorland and Furness (WFC) ward boundaries, was too low.

The reason was that the WFC wards were considered too large to be sufficiently effective as local council wards and that three councillors drawn from such a large area might result in councillors not having the local knowledge, they would need to represent their electors. It was also considered that there was a misapprehension regarding the cost of parish/town councillors in that in general they are not paid an allowance unlike councillors on principal authorities. The judgment is 15 councillors are the minimum number required to provide efficient and effective governance of the area, best calculated to respond to and meet the needs of local people.

- 4.6 It was also noted that the Local Government Boundary Commission for England will be carrying out a review of ward boundaries of the unitary authority in the near future (as is required in areas that have been through Local Government Reorganisation). It may be that at this time, if there is support to review some of the ward boundaries of the new parish council, that it could be looked at as part of that review.
- 4.7 The group therefore agreed that the recommendation for electoral arrangements for the proposed Barrow Parish/Town Council should remain at 21 councillors and based on the ward boundaries of the current Barrow Borough Council.
- 4.8 The majority of the submissions that were in support of the creation of a parish council for Barrow cited local representation as essential for the town moving forward. There were expressions of optimism that a new parish council could be a positive change for the area and there was a definite view that Barrow should have the same democratic governance arrangements as the rest of the new unitary area.

#### **4.9 Benefits of creating a local council.**

- 4.10 The review has concluded that a parish (town) council for Barrow will bring the benefit of creating a local, democratically elected voice for the town. It would be effective and efficient. Barrow is a significant urban area in Westmorland and Furness with substantial employment, clear aspirations and potential for growth, a parish council would give a clear strong voice for the Westmorland and Furness Area. In addition to councillors on the unitary authority, residents can elect local councillors to address local issues..
- 4.11 The benefits parish councils can bring include:
- They have local knowledge and care about their own town or village.
  - They can raise money to fund local projects, not just through tax but through grants and other funding streams.
  - They give local people a voice by being a consultee in planning matters and on major projects.

- They maintain the civic traditions of the town by electing a mayor who can represent the town at civic functions across the county.
- They can deliver some local services more cheaply than the larger authorities such as looking after parks and green spaces, public toilets and the cleanliness of the area.
- They can work in partnership with the unitary authority and other organisations such as charities to improve the town.

## **5.0 Recommendations**

- 5.1 In carrying out the Community Governance Review, the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires the principal council to have regard to the identities and interest of the community and for community governance to be effective and convenient. This means that Community Governance arrangements should reflect and be sufficiently representative of people living across the whole community and not just a discrete cross-section of community.
- 5.2 The Council should have regard to the results of the consultation but is not bound to follow them. However, the overwhelming result of the consultation is in favour of the proposal to establish a town (parish) council.
- 5.3 Under Section 87 of the 2007 Act, a community governance review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review. If the review results in a recommendation to create a parish; the review must also make recommendations about the name of the new parish; as to whether or not the new parish should be a parish council; and as to whether or not the new parish should have one of the alternative styles.
- 5.4 Under Section 89 of the 2007 Act, the review must also make recommendations as to what electoral arrangements should apply to any new parish council. It is not open to the Council to create a town council for Barrow by name. Under Section 245 of the Local Government Act 1972 the adoption of such a name would be a matter for the new parish council to resolve, if one is created. This report therefore refers throughout to the “parish council” even though it is widely understood that any parish council for Barrow would choose to call itself a town council.

## **6.0 Name of the Parish Council**

- 6.1 As mentioned above, it is not open to the Council to create or designate an area as a town council. However, under the 2007 Act it can designate a new parish council with an “alternative style” namely:
- Village

- Community
- Neighbourhood

6.2 Notwithstanding these alternative styles, it is recommended that the name of the new parish council shall be “Barrow Parish Council”

As stated in paragraph 5.4 it would then fall to the new parish council to resolve, under section 245(6) of the 1972 Act to have the status of a town and to adopt the name of town council.

6.3 It is proposed that the wards within the parish of Barrow shall bear the same name as the current Barrow Borough Council wards pending any future review.

## **7.0 Electoral Arrangements**

7.1 As part of the CGR, full Council is required to consider the number of councillors for the new parish council. Section 95 of the 2007 Act requires the principal authority to consider the following questions when deciding to recommend that a parish should, or should not be divided into wards for the purposes of electing councillors: -

- a) Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
- b) Whether it is desirable that any area or areas of the parish should be separately represented on the council.

7.2 If Council decides that the proposed parish should be divided into wards, it must have regard to the following factors:

- a) the number of local government electors for the parish;
- b) any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts;
- c) the desirability of fixing boundaries which are, and will remain easily identifiable;
- d) any local ties which will be broken by the fixing of any particular boundaries.

7.3 Whatever number of councillors are selected for the proposed parish council it is apparent that the number and distribution of local government electors for Barrow would make a single election of councillors impracticable or inconvenient. It is recommended that the proposed parish council adopts the current Barrow-in-Furness Borough Council wards for Barrow as set out in the recommendations.

7.4 The CGR is also required to consider the number of councillors for the proposed new parish council. The legal requirement is that a parish council must have a minimum of five members; there is no upper limit in law.

7.5 The proposed number of parish councillors has been carefully considered by the working group following the second round of consultation. For the reasons provided in paragraphs 4.5 above, it is recommended that the proposed new parish should have 21 members, with the 11 wards in the parish being identical to the existing Borough Council Wards in Barrow with number of councillors as shown in recommendation 2(e)(iii).

## **8.0 Initial Precept and Budget for the new council**

8.1 Should approval be given to the creation of a new parish council, with elections to the new parish council to be held in May 2023, Regulation 3(2) of the Local Government Finance (New Parishes) (England) Regulations 2008 requires the Council to anticipate a precept from the new parish council for 2023/24. The amount must be stated in the reorganisation order. Regulation 4 requires this to be a special item, i.e., it will be charged on only council tax payers in Barrow. Regulation 3(2) also requires the reorganisation order to state the budget requirement for the parish council (this will be the same figure as the precept). It further provides that, in calculating its budget requirements for that year, the parish council cannot calculate an amount that is greater than the amount stated in the reorganisation order.

8.2 Because an entirely new parish council is being created where none currently exists, the regime of council tax referenda for “excessive” increases in council tax does not apply.

8.3 2021-22 national figures for local (parish and town councils) show the average B and D precept charged by local precepting bodies (including local councils) for 2021-22 was £71.86.

8.4 Work in considering an initial precept is shown at **Appendix 3** which provides an initial figure for a 2023/24 budget and how those proposals have been arrived at. It is recommended that the initial budget for consideration is £387,700.

8.5 The proposed parish council, once granted parish council status, would have the right to decide their level of precept in perpetuity. However, for the purposes of planning the number and nature of services it provides, it is important that its budget for the first year is set early on to assist the planning process.

8.6 The final decision on the budget for 2023/24 will be taken when the reorganisation order is finalised.

## **9.0 The Re-Organisation Order**

9.1 If Full Council and subsequently the Shadow Authority for Westmorland and Furness agrees to create a new parish council, a Reorganisation Order must be made. A copy of the draft Re-organisation Order is attached to this report (**see Appendix 2**). The Order must contain the budgetary requirement for the proposed

Parish Council in its first year. The Order must also contain the necessary and incidental provisions relating to the establishment of the Parish Council.

- 9.2 The reorganisation order must become effective by no later than 1 April in any year if elections are to be held for the new parish council in May.
- 9.3 The Order must contain the description of any land or property which is proposed to be transferred to the new Barrow Parish Council. After discussions with the CGR Working Group and Shadow Authority Portfolio Holder, it is not intended to propose the transfer of any land or property to the parish council except for certain ceremonial chains and symbols of office and related chattels listed under paragraph 9.5 of this report. A request is however made for the parish council to be given user rights to Barrow Town Hall. The transfer of any land, property rights and liabilities would be subject to further agreements between Barrow Parish Council and Westmorland and Furness Council.
- 9.4 Regarding allotments, it was noted by the Working Group, that the parish council, on creation will become the allotment authority for the parished area. This gives it the duty to ensure that allotments are provided if requested but does not require it to directly own or run the allotments. However, it will be for the members of the new parish council to decide the future management of the towns allotments and to enter into negotiations with the new unitary authority.
- 9.5 It is considered that the following items should be transferred to the parish council and for these to be incorporated into a draft reorganisation order:

Mayoral Chain of Office
Ceremonial Mace
Mayoress's Chain of Office
Presidential Chain of Office for the Master Butcher and Pork Butcher
Mayoral Car Registration Plate
Councillors' robes and any associated accoutrements

- 9.6 The Mayoral and the Deputy Mayoral chains of Barrow Borough Council and the ceremonial mace are important historic artefacts of the Barrow mayoralty and will be used if the new parish council chooses to call itself a town council and make its Chair the Mayor of Barrow Town Council. This transfer is contained in a schedule to the draft reorganisation order. It is recommended that the transfer date takes effect after the election of the new Councillors in May 2023 when insurance cover has been arranged. There is no use which may be made by the Parish Council prior to the election. The date also takes account of the current usage of the chain of office by the Mayor of Barrow Borough Council.

## **10.0 Future Funding and Agreements**

- 10.1 This will not form part of the reorganisation order. A number of detailed matters will need to be addressed through an agreement or agreements under Section 99 of the 2007 Act. Section 99 provides for public bodies affected by a reorganisation order to make agreements with respect of any property, income, rights, liabilities and expenses and any financial arrangements between parties to the agreement. Westmorland and Furness Council needs to protect its fiduciary position and rights. There would also be implications for the practical operation of assets and facilities. User rights (or other appropriate arrangement) are being requested in the interim for the use of the Town Hall building.
- 10.2 The alternative would be to endeavour to settle all these matters before the reorganisation order is made or the new parish council is elected. The intention is that long term arrangements would be developed over a period of time as the new Westmorland and Furness Council is established. In respect of this it would fall on the WAF Cabinet to enter any such agreements.
- 10.3 The future of long term arrangements provides the opportunity for Westmorland and Furness Council to consider its relationships with parishes and town councils across the district area, as it becomes established. It would also enable time for the proposed new parish council to consider what it wished to do for the future. Any staffing consequences would have to be considered at the time in accordance with employment law, including TUPE regulations.

The current planning assumptions are

<b>Action</b>	<b>Dates</b>
Approval of reorganisation order by W&F	18 October 2022
Reorganisation order comes into effect	by 1 April 2023
Elections to Barrow Parish Council	May 2023
First meeting of newly elected Barrow Parish Council to take place within 14 days of the declaration of the result and WAF is responsible for arranging the first meeting	May 2023

## **11.0 Alternative Options**

- 11.1 As part of the review, the option to create Charter Trustees for Barrow was considered as an alternative, or an interim provision, to creating a new local council. Members supported the decision to inform government that the provision of Charter Trustees may be necessary should it prove impossible to create a town council due to reorganisation of local government. It is intended that a subsequent 'mopping up order' will make provisions to deal with ancillary matters, including the provision for Charter Trustees should they be needed.

- 11.2 The options leading to the recommendations in this report have been thoroughly explored through the consultation process.

## **12.0 Contribution to Council Plan Priorities**

- 12.1 A new local council will help delivery of local governance within the borough and contribute to the priorities and objectives of the Westmorland and Furness Council moving forward.

## **13.0 Implications**

### **Financial, Resources and Procurement**

- 13.1 Westmorland and Furness Council will need to ensure that there is an on-going relationship and costs in dealing with the proposed parish council met from its resource framework.
- 13.2 The costs of administering the proposed new council between April and May 2023 (including the cost of enabling the council tax computer software to enable effective administration and collection of the additional precept) are yet to be established.
- 13.3 Due to the elections for Westmorland and Furness Council being held in May 2022 it is not possible to hold the elections with the principal authority for 2023. The Council can recharge the costs of elections to a parish council and the intention is to recover the additional costs of election through the parish precept when the proposed new parish council will have resources at its disposal. For the avoidance of doubt where the parish elections are stand-alone polls, the parish council will be solely responsible for holding the cost of holding those elections. If combined with other polls those costs shall be shared in accordance with any rules/guidance in force at that time.
- 13.4 The impact of creating a parish council for Barrow was drawn to the attention of electors through the consultation process.

## **14.0 Legal**

- 14.1 In undertaking a CGR the Council has a number of statutory duties as set out in the Local Government and Public Involvement in Health Act 2007. Under Section 93(3) of the Act, the Council must consult local government electors for the area under review and any other person or body (including a local authority) which appears to the Council to have an interest in the review. This was complied with as set out in the report.
- 14.2 Under Section 93(4) of the Act the Council must have regard to the need to secure that community governance within the area under review: -
- a) reflects the identifies and interests of the community in that area, and
  - b) is effective and convenient.

These are therefore key tests that must be applied when considering representations and proposals as part of the CGR.

- 14.3 Under Section 93(5) of the Act the Council must take account of other arrangements (other than e.g., parish councils) that have already been made or could be made, for the purposes of community representation or community engagement in the area under review. The review has had regard to the guidance from Government on this, and the Cumbria (Structural Changes) Order 2022 under which Barrow Borough Council will cease to exist from 1 April 2023.
- 14.4 A new parish council is created by means of a Re-organisation Order. The Re-organisation Order should be made, ideally, in October of any year. The new parish council is created with effect from 1 April in the year concerned although the first election of the parish council will not take place until the following May. The Order will calculate the budget requirements for the first year of operation of the new parish council.
- 14.5 It is for the Shadow Westmorland and Furness Council to make the final resolutions. Once the order is made, the Council must deposit at its main office a copy of the reorganisation order and the map must be available for public inspection at all reasonable times and the Council must publicise its availability for inspection. The Council must also notify the relevant agencies.

## **15.0 Local Government Reorganisation**

- 15.1 The process of Local Government Reorganisation was a key factor underpinning actions taken – crucially regarding the timing of the Community Governance Review given that Barrow Borough Council would cease to exist on 31<sup>st</sup> March 2023. Knowing that the new Shadow Authority for Westmorland and Furness would make the final decision on whether to create a town council for Barrow, underlined the need for a clear mandate for the creation of a new authority to be given by the people of Barrow.

## **16.0 Equality and Diversity**

- 16.1 Have you completed an Equality Impact Analysis?

Yes, the report has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

## **17.0 Risk**

The risks identified through the process are as set out in Appendix 4.

## **Contact Officers**

[dstorr@barrowbc.gov.uk](mailto:dstorr@barrowbc.gov.uk)

## **Appendices Attached to this Report**

<b>Appendix No.</b>	<b>Name of Appendix</b>
1	Second Stage Consultation Summary of Results Table
2	Draft Re-organisation Order for Barrow Parish Council
3	Draft Report on the proposed budget for 2023/2024
4	Risk Assessment

### **Background Documents Available**

<b>Name of Background document</b>	<b>Where it is available</b>
1 Previous reports to Council re Community Governance Review	<a href="http://www.barrowbc.gov.uk">www.barrowbc.gov.uk</a>

## APPENDIX 1

### Community Governance Review

#### Stage 2 Consultation Results and Summary

#### 57 Submissions Received

##### In support of the draft recommendations:

The Second Stage of the Community Governance Review Public Consultation closed on Friday 26 August 2022.

**36** submissions were received from the public in support of the creation of a town council for Barrow.

The main reasons given were that a town council would give Barrow a local voice when the Borough Council is abolished.

Date	Comments
16/8	Thinks a new town council important to give Barrow a local voice and to be able to act more quickly than W&FC.
9/8	Very positive response to the creation of a new town council
5/8	Expressing support for the new town council
15/8	In favour of all the draft recommendations
26/7	In support of all recommendations
5/8	In support of all recommendations
5/8	In support of all recommendations
5/8	In support of all recommendations
3/8	In support – seems like a fair arrangement and gives Barrow a voice in the face of the downgrade
2/8	In favour of a town council and supports recommendations (10)
2/8	In favour of a town council and supports recommendations
2/8	Agrees with recommendations except that Barrow Island should have 2 councillors
2/8	Agrees with recs

2/8	Agree with TC but thinks Walney only needs one cllr – concerns about payments to councillors
1/8	Yes, need to have local people saying whats best for Barrow
31/7	V strongly in favour of town council as local people know best
31/7	Support recommendations but not sure why only 1 rep for Barrow Island
30/7	Supports tc – but thinks any future review should create single councillor wards – though he thinks 21 cllrs is the right number
30/7	Strongly in favour of a town council
30/7	In favour of all recommendations as TC needed to give Barrow a voice (20)
28/7	Supports the town council and the recommendations
28/7	in favour of creating a single Barrow Town Council. To ensure that we have local councillors representing the wards, understanding the issues, being part of the community and readily accessible.
28/7	Supports the recommendations
27/7	Entirely supportive
28/7	Agree that you should create a town council for Barrow
28/7	Having read the recommendations carefully only suggestion is that the name of Furness Parish Council should be considered
27/7	Agree with all 6 recommendations
26/7	Agree with all 6 recommendations
No date by letter	Agree but feels that 21 cllrs too many that 11 would be acceptable.
25/8	In favour of the recommendations (30)
25/8 Shadow WFC	<p>Cabinet Members were unanimous in their support of the proposals and welcomed the review recognising the importance of strong and effective local governance arrangements in providing the public with a sense of place and continuity with the past.</p> <p>The Shadow Authority is committed to working with local parish and town councils going forward and looks forward to the conclusion of the Review.</p>

17/8	I agree , and Barrow is reducing in population anyway, so take this opportunity to reduce the number of wards.  Bearing in mind the responses received from SLDC when an Ulverston project needs approval, I cannot see the benefit of having even more discontented councillors sitting on a Barrow council.  Just keep it lean and mean .
23/8	Yes, fully support a new town council for Barrow
24/8	Yes, in support but worried about the number of councillors receiving 'generous allowances'.
19/8	Yes, agree with the draft recommendations
19/8	Agree with draft recommendations

### Against the draft recommendations

Ten submissions against the creation of a town council were received. The main concern was around the cost and the number of parish councillors to be appointed to the new parish council.

Date	Comments
12/8	Letter largely refers to LGR – complaining that the abolition of Barrow BC will take away local decision-making. But generally complaining about lack of consultation on LGR and also the CGR
8/8	Opposed to the town council and requesting information on the result of the consultation  (Also copied to Simon Fell MP)
15/8	Against TC on grounds of increased cost
14/8	Not supportive of the town council but if it is created he believes that the number of councillors should be further reduced from 21
2/8	Against the creation of a town council
30/7	Against the creation of a town council – does not think it will be value for money

28/7	Against the town council on the grounds of cost
26/7	Can't see the point of creating another council for Barrow when one has just been abolished, broadly against the creation of a town council
25/7	Against the creation of a town council due to the cost.
22/8	Not in favour of a new town council (unless it is like Askam's parish council)

### Neutral Comments

**Eleven submissions** were received that either did not express a clear view on the specific question of creating a parish/town council for Barrow or raised questions rather than expressing an explicit view in favour or against.

Date	Comments
15/8	Various suggestions about the process
14/8	Wants cllrs on town council to reside in the wards they represent so that they have very local knowledge
25/7	No mention of the town council but feels his area (St Quintin Avenue) is unfairly neglected
26/7	Wondering if the new TC will make any improvements to services?
26/7	Confused as to what the new town council will do and why it is needed
3/8	Complaints against Barrow BC with the view that a town council can't be any worse
27/7	Sees value in a genuinely opportunity for change but fears it will not achieve this.
No date by letter	Against a town council for wider political reasons – lack of trust in politics
10/8	Many positive comments but some concerns expressed including:

	<p>a) Numerous concerns have been passed to my office regarding the costs and salaries of staff, and allowances and expenses for prospective parish councillors.</p> <p>b) I would suggest a careful review of the number of councillors needed for an effective Town Council, and also a consideration that a single Town Council for the borough may not be the best route forward. Many Walney residents have suggested to me that it would be best served by its own representation</p>
26/8	Would like more info on the Stage 1 result and more info on the specific comments
18/8	Would like more information about the results of Stage 1.

## **APPENDIX 2**

### **DRAFT REORGANISATION ORDER**

#### **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

#### **The Westmorland and Furness (Reorganisation of Community Governance) Order 2022**

*Made*

*Coming into force in accordance with article 1(2)*

By virtue of Article 17 of the Cumbria (Structural Changes) Order 2022 (the 2022 Order) the Shadow Authority for Westmorland and Furness has the powers under the 2007 Act to make this Order.

Barrow-in-Furness Borough Council, (“the Borough Council”) in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated [*month*] [*year*] to the Shadow Authority for Westmorland and Furness (“the Shadow Authority”).

Under Article 4 of the 2022 Order, a new district council, to be known as the Westmorland and Furness Council is to be established as the sole principal authority for the non-metropolitan district of Westmorland and Furness and Barrow-in-Furness Borough Council is wound up and dissolved on 1<sup>st</sup> April 2023.

The Borough Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

More particularly, in accordance with section 93 of the 2007 Act, the Borough Council has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient.

The Shadow Authority has considered the conclusions of the Community Governance Review and the Borough Council’s recommendations, and in the exercise of the powers conferred on it by sections 86, 98(4) and 240(10) of the 2007 Act makes the following Order.

## **Citation and commencement(a)**

- 1.— (1) This Order may be cited as the Westmorland and Furness (Reorganisation of Community Governance) Order 2022.
- (2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2023.
- (3) Article 9 shall come into force on the ordinary date of election of councillors in 2023.
- (4) For the purposes of:
- (a) this article;
  - (b) article 5; and,
  - (c) proceedings preliminary or relating to the election[s] of parish councillors for the parish of Barrow, to be held on the ordinary day of election of councillors in 2023;
- this Order shall come into force on the day after that on which it is made.

## **Interpretation**

### **2. In this Order—**

“Council” means the Westmorland and Furness Council.

“map” means the map marked “Map referred to in the Westmorland and Furness (Reorganisation of Community Governance) Order 2022” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

## **Effect of Order**

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

## **Constitution of a new parish**

4.—(1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the area of Westmorland and Furness Council.

(2) The name of the new parish shall be Barrow.

## **Calculation of budget requirement**

5. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Barrow the sum of £387,700.

## **Parish council for the parish of Barrow**

6.—(1) There shall be a parish council for the parish of Barrow.

(2) The name of that council shall be “Barrow Parish Council”

### **Elections for the Parish of Barrow**

7. (1) The election of all parish councillors for the parish of Barrow shall be first held on the ordinary date of elections of Councillors in 2023, and every four years thereafter.

(2) The term of office of every parish councillor elected on the ordinary day of councillors in 2023 for the parish of Barrow shall be 4 years.

## **Number of parish councilors for the parish of Barrow**

8. The number of councillors to be elected for the parish of Barrow shall be twenty one (21).

## **Wards of the parish of Barrow and number of parish councillors**

9. (1) The parish of Barrow shall be divided into 11 wards which shall be named Walney North, Walney South, Barrow Island, Hindpool, Central, Ormsgill, Parkside, Risedale, Hawcoat, Newbarns and Roosecote.

(2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by orange lines. Each ward shall comprise the area of the Council ward bearing the same name.

- (3) The number of councillors to be elected for each ward shall be Walney North - 2, Walney South - 2, Barrow Island - 1, Hindpool - 2, Central - 2, Ormsgill - 2, Parkside - 2, Risedale - 2, Hawcoat - 2, Newbarns - 2 and Roosecote – 2.

### **Annual meeting of parish council**

10. The annual meeting of the new parish council in 2023 shall be convened by the Monitoring Officer of Westmorland and Furness Council. The meeting shall take place no later than 14 days after the day on which councillors elected to the new parish council take office.

### **Electoral Register**

11. the registration officer for the Westmorland and Furness Council shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

### **Transfer of property, rights and liabilities**

12. The land, property, rights and liabilities described in Schedules 1 and 2 shall transfer from Westmorland and Furness Council to the Barrow parish council on the date specified in column (2) of those Schedules.

### **Charter Trustees**

13. (1) Any Officers appointed by the charter trustees (if any) for the proper discharge of their functions who hold office immediately before the date of dissolution of the charter trustees (“the date of dissolution”) shall by virtue of this Order be transferred on the date of dissolution and on the same terms and conditions of appointment to the employment of the parish council.
- (2) Any powers to appoint local officers of dignity exercisable by the charter trustees (if any) immediately before the date of dissolution shall be exercisable by the parish council.
- (3) Any functions which would have been exercisable in relation to the account of the charter trustees, or, (as the case may be), their responsible finance officer if the charter trustees had not been dissolved shall on and after the date of dissolution be exercisable by the parish council or, as the case may be, the parish council’s responsible financial officer.



## SCHEDULE 1

#'

LAND AND PROPERTY TO BE TRANSFERRED

N/A

## SCHEDULE 2

HISTORICAL AND CEREMONIAL PROPERTY TO BE  
TRANSFERRED

<b>Historic and Ceremonial property to be transferred</b>	Date
Mayoral Chain of Office	*May 2023
Ceremonial Mace	
Mayoress's Chain of Office	
Presidential Chain of Office for the Master Butcher and Pork Butcher	
Mayoral Car Registration Plate	
Councillors' robes and any associated accoutrements	

## APPENDIX 3

### Barrow Parish Council Budget 2023 – 2024

#### 1. Barrow Parish Council Draft Budget

- 1.1 Below is information to consider a budget for the new parish council for Barrow for 2023 – 24.

#### Set-up Costs

- 1.4 Given that the parish council is not going to be delivering services in its first year, nor is it taking on significant assets, it is proposed that the interim clerk be appointed from 1 April 2023 for a period of 6 months. Their initial tasks will be to prepare paperwork for the inaugural meeting of the council in May, to set up the parish council's office and prepare a website as well as announcing the creation of the new authority to the community. There are no set up costs additional to the draft budget for 2023-24. The clerk is considered to be 'interim' as it is for the newly elected councillors to undertake a recruitment process to appoint a permanent Parish/Town Clerk.

#### Year One Costs

- 1.5 The costs of being in business are the clerk and other officers' salaries, office costs, audit, setting up an office etc. The salary for the Clerk is based on the National Joint Council's agreed pay scales. The pay scale is determined by the likely size of the council's budget and the number of electors it serves as well as the number of staff and committees it is likely to have.
- 1.6 One of the challenges that the parish council will face is the cost of the election of the parish council. It was hoped that some of this cost would be shared with the new unitary authority, but this is unlikely to happen. 2023 is the only year this will occur as from 2027, there will be alignment with the unitary authority and costs will be split. Other factors include a required contingency fund, buying or renting software such as accounting and office software. For a larger council, internal and external audit costs are significant as are the costs of buying good quality IT equipment that will last.
- 1.7 **Service Provision** – there are no specific services being delivered by the town council in the first year, but it is envisaged that the councillors will be busy entering into negotiations with the principal authority, engaging with the community about their priorities for service delivery and asset management, plus getting to grips with setting up and operating committees including a planning committee. Every planning application has a 21 day period of consultation and some local councils choose to hold their planning meetings every fortnight to ensure that they never miss the opportunity to comment.
- 1.8 However, if the 2023-24 budget did not include any budget for services, the new council would not be able to provide any it wishes to provide. It is therefore

suggested that the budget includes a sum to support projects and deliver some small projects itself. It is for members to determine what is an appropriate sum to include – the figure of £50,000 is suggested. Also, any provision which is not fully used can go into the parish council's reserves.

1.9 **Training** – this is also an important part of the first year's activities. Every councillor will need to be trained. The legislation that applies to the first tier of local government i.e. town and parish councils, is different to that of the principal authorities and even experienced councillors need to attend training to understand the key differences.

1.10 **Revenue Reserve** – All local authorities need a revenue reserve to enable them to cope with unexpected events/opportunities during the year. This is particularly important for Barrow Parish Council, as the annual precept will, at least initially, be its only source of income and it will not be able to raise additional income during the year. It is suggested that a reserve of £20,000 is created.

1.11 **Summary Budget 2023-24**

With a general reserve of £20,000 and including the cost of the parish elections, at an estimated cost of £100,000 the proposed budget would be: £387,700(see the budget below).

1.12 With a tax base of 16,158.26 (December 2021), the above budget total would lead to a Council Tax charge for the precept of:

Property Band	£387,700	Cost per week
A	£16.00	0.308p
B	£18.66	0.359p
C	£21.33	0.410p
D	£23.99	0.461p
E	£29.33	0.564p
F	£34.66	0.666p

1.13 This compares to the indicative figure of £20.00 per Band A property in the consultation literature.

1.14 **Possible Impact of Restrictions on Future Council Tax Increases**

1.15 For several years there has been legislation in place which allows Government to restrict local authority Council Tax increases unless a referendum confirms any proposed rise above the Government limit. This limit has been 2% in

recent years and has only been applied to principal councils, for example, counties, districts and unitaries. However, under legislation, the restrictions can be applied to parishes.

1.16 Whilst the Secretary of State has made some suggestions about extending capping to parishes, the general feeling is that this is unlikely (it hasn't happened in the last 10 years). The National Association of Local Councils report back to government each year on the precept increases across the parish sector so it seems prudent to ensure that there is some allowance for project funding if not service delivery. It can be argued that the circumstances for brand new councils are exceptional too.

1.17 It should also be noted that the 2023-24 budget gives some headroom for the next year, as one-off costs in relation to the set-up costs and creation of the reserve would fall out.

### 1.18 Draft Budget for Barrow Parish Council for 2023- 2024

See below:

Audit and Accountancy	£ 13,000
Banking	£ 500
Equipment/IT	£ 10,600
Insurance	£ 8,000
Legal	£ 3,000
Accommodation, etc.	£ 16,100
Community Consultation	£ 5,000
Elections	£100,000
Future Elections	£ 10,000
Subscriptions	£ 4,000
Staff	£103,500
Civic Costs	£ 14,000
Community Grants	£ 30,000
Projects	£ 50,000
Reserve	£ 20,000
<b>Provisional Total</b>	<b>£ 387,700</b>

## Appendix 4

### Risk Matrix

<b>Risk Ref</b>	<b>Date</b>	<b>Risk</b>	<b>Consequences</b>	<b>Mitigation</b>	<b>Action Plan</b>
1	Sept 2022	That a parish council is not created for the unparished area of Barrow borough.	As the only remaining unparished area in the new unitary authority, the community in the unparished area of Barrow will not have a local voice through a town or parish council as is available to other communities in the wider new council area	That a realistic timetable is set to ensure the new authority can be created within the required timeframe.	Follow agreed mitigation
2	Sept 2022	That recommendations may not be adopted by the new Westmorland and Furness Council.	Recommendations not implemented, leading to no new parish council.	Ensure full engagement and consultation around the process.	Follow agreed mitigation
3	Sept 2022	That no parish council be created in time for elections in 2023.	That the unparished area is unable to maintain civic, ceremonial and other functions that are connected with Borough status.	In the event of no parish council being created, that Charter Trustees are established as an interim measure until such time that a parish council is created. Charter Trustees can ensure that civic, ceremonial and other functions are continued.	Follow agreed mitigation