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PORTFOLIOS AFFECTED: All

WARDS AFFECTED: All

TITLE OF PAPER **Darwen Town Council**

1. PURPOSE

The purpose of this report is to outline to members the outcome of the recent referendum in Darwen and other relevant consultation relating to a proposed Darwen Town Council and to seek views of members as to the way forward.

2. RECOMMENDATIONS

Members are asked to decide:

- i Whether to establish a town council for Darwen under the powers given to the Council by the Local Government and Public Involvement in Health Act 2007.
- ii In the event of a decision to proceed with the town council, whether Members wish officers to explore the options and implications of setting a precept for the town council at the Finance Council in March 2009.

3. KEY ISSUES

In September 2007, the Executive Board considered a report entitled 'strengthening the neighbourhoods approach'. The report identified that, in spite of significant progress in relation to neighbourhoods, significant gaps existed including:

- Strategic involvement of elected members
- Development of funding to facilitate the resolution of local issues
- Wider involvement and engagement opportunities for residents to influence service and raise issues.

The Executive Board agreed to launch a consultation exercise on the structure to take forward neighbourhood working in the Borough. This consultation included the Shuttle, Citizens Panel and web consultation. The consultation included questions relating to neighbourhood boards and a town council. The outcome of the consultation was reported to the Executive Board in April 2008. It found that there is strong support for neighbourhood boards across the borough and in the Darwen area particularly, support for a town council.

To establish a town or parish council, the relevant upper tier authority is required under part four of the Local Government and Public Involvement in Health Act 2007 to undertake a community governance review of the area in question. In undertaking a community governance review, the upper tier authority is required to consult with local government electors in the area affected and any other person or body that appears to have an interest in the review.

In September 2008 the Executive Board approved the following proposals for a potential town council in Darwen:

- The proposed boundary will be the five core wards of Darwen being Sudell, Earcroft, Marsh House, Sunnyhurst and Whitehall.
- The number of Councillors for the town Council will be 13 in total.
- The powers will be established at a minimum level but this will be a matter for the Council to decide upon going forward.
- The relationship with Neighbourhood Boards would be as a complementary local body.

The community governance review commenced in September 2008 when the terms of reference for the review and the above proposals were published in the Lancashire Telegraph and on the Council website.

In order to further test the level of support for a town council in Darwen and comply with the requirements of the community governance review, it was agreed that a local referendum should be carried out in accordance with the Local Government Act 2000 and Political Parties, Elections and Referendums Act 2000 and the Local Authorities (Conduct of Referendums) (England) Regulations 2007.

The Referendum was held on October 16, 2008 and citizens living within the wards identified as being the boundaries for a town council were asked the following question –

“Neighbourhood Boards will be established in Blackburn with Darwen, in addition do you want a Town Council in Darwen?”

Of the 20,495 electors eligible to vote, a total of 4,198 took part in the referendum.

The result of the referendum was as follows:

- 2,378 (11.61%) voted yes
- 1,725 (8.42%) voted no
- 95 ballot papers were rejected
- Turnout was 20.49%

In addition to the referendum a notice was published in the Lancashire Telegraph in September 2008 and information was included in the September addition of the Shuttle providing details on the community governance review being undertaken in Darwen and inviting responses from anyone with an interest in the review.

No responses have been received by the Council regarding the community governance review terms of reference or the above proposals for Darwen Town Council.

Given the result, of the consultation process, members are now asked to decide whether or not to establish a town council.

Should members recommend to proceed with a town council following the community governance review then the Council may give effect to this recommendation by order. It is envisaged that the election for town council members will take place to coincide with the European Elections on June 4, 2009.

Blackburn with Darwen Borough Council has the authority to set the precept, for a town council's first year in operation under the Local Government Finance (New Parishes) (England) Regulations 2008. Therefore Members may also instruct officers to explore the options and implications of setting a precept for the town council for the financial year of 2009/2010. With a further report being brought to Finance Council next March. The Executive Board report Neighbourhood structures: Darwen referendum, approved by September Executive Board, estimated the precept for the first full financial year could be around £100,000.

4. FINANCIAL IMPLICATIONS

The town council, if established, would need to be funded by way of a precept levied upon the electorate in the wards designated. Once established, the level of that precept would be a matter for the town council to decide. Any financial implications of supporting the town council until it establishes its own precepts will be the subject of a further report at Executive Board on January 15, 2009 and where relevant, to the Finance Council in March 2009.

5. LEGAL IMPLICATIONS

All relevant legal implications are contained within the body of this report.

6. RESOURCE IMPLICATIONS

These will be covered by further reports to the Finance Council and Executive Board in the New Year.

7. CONSULTATIONS

The outcome of the referendum and other consultation is reported elsewhere in this report.

8. CONCLUSIONS

The views of members are sought.

CONTACT OFFICER: Graham Burgess – Chief Executive
DATE: November 2008
BACKGROUND PAPER: Appendix 1 (report to Executive Board April 2008)
Appendix 2 (report to Executive Board September 2007)