

Criteria for the consideration of Local Government Boundary Extensions 2004

- (1) that the promoters' area and the area/s sought are really one community;**

The Department considers this to be a straightforward matter of judgement.

- (2) that there is community of interest in all or most public services, social agencies (for example schools, doctors' surgery/ies, recreation areas and community halls) and communal requirements of the future;**

There may arise situations where those residing in the area under consideration have used the facilities of or located within the Applicant Authority. It may also be, for example, that the catchment area for childrens' schooling or registration at the local doctors' surgery/ies covers, or will be extended to cover, the proposed area to be included within the boundary extension.

- (3) that the area sought is an overspill or outgrowth of the promoters' area;**

The Department considers this to be a straightforward matter of judgement.

- (4) that, wherever possible, clear physical boundaries are followed;**

Whilst the Department regards these as highly likely to be obvious the Chief Minister¹ has said that these include matters of topography such as roads, rivers, hedges and other natural features of an area known or understood locally.

- (5) that there is insufficient acreage left for the development of the promoters' area within its borders and injury is suffered thereby;**

This is a further development of (3) in that if it is accepted that the area sought is an overspill or outgrowth then do the boundaries need to extend further in order to enable proper facilities or amenities to be provided. The Chief Minister of the day² stated, "... the people of an area that is expanding need the services and need the space,, and if that is being restricted in some way by the lack of a boundary extension then that is wrong. That might be the requirement to produce playing fields to allow recreational activity, to take control of an area, so that they can develop amenities for the benefit of the majority of people."

- (6) that the balance of advantage lies in the acceptance of the scheme, though it may generally be admitted that the area sought may be valuable in various ways to the local authority by whom they are now governed;**

The Department considers this to be entirely a matter of judgement.

¹Debate in Tynwald Court on Tuesday 16th March 2004, page 977 T121

² *ibid*

Note: Applicant Local Authorities should, in submitting their applications, address each point. Similarly, any affected Local Authority wishing to comment or oppose such application should as far as possible, confine their comments to the above points. However, applicant Local Authorities should also note that these criteria are not intended to be exhaustive.

The Department considers that all of these points are important and should be addressed but than an Applicant Authority may consider that there are other points or ways of addressing the issues additionally that may support its application and so the criteria are not exclusive to anything further being brought in support of the application.

The following shall not be considered by the Inquiry under s.6 of the Local Government Act 1985:

- **the financial impact on an Authority either beneficially or negatively through the rateable income of a boundary application.**

What is being addressed in a boundary extension application is not the relative levels of rates as between one Authority and another or the financial implications or questions of efficiency as between Authorities. These issues are to be ruled out of order.

List of criteria has been placed in order of priority, although it's not intended to being exhaustive, or exclusive of any other relevant factors.

There is, of course no requirement that all the above points must be satisfied and one combination or another of them may be used.