

TORBAY COUNCIL

COMMUNITY GOVERNANCE REVIEW WORKING PARTY - 7 DECEMBER 2018

ADDITIONAL INFORMATION AND CASE STUDIES

1. INTRODUCTION

- 1.1 The Working Party at its first meeting on 21 November 2018 deferred consideration of the terms of reference and the communication/consultation plan for the Torbay Community Governance Review. To assist in their consideration of these items, the Working Party requested information on the process that had been followed when Brixham Town Council was established in 2007 and on the existing arrangements for parish and town council governance and devolution in Cornwall. During the meeting members also sought clarification of a number of points in connection with the process of a community governance review and potential creation of new parish/town councils.
- 1.2 This paper sets out additional information on a number of the issues raised, together with the requested briefing on the position in Cornwall and a range of case studies of recent community governance reviews that have resulted in the establishment of new councils and/or instances of principal councils devolving significant assets and services to parish/town councils and the transitional and preparatory steps taken.
- 1.3 Information on the establishment of Brixham Town Council is set out in a separate paper.

2. ADDITIONAL INFORMATION ON PROCEDURAL ISSUES

(a) Setting a precept/budget requirement for a new Council

- 2.1 In most cases a new parish/town council will not be established in time to set its own precept for its first year of operation. The Local Government Finance (New Parishes) (England) Regulations 2008 therefore require the principal council to anticipate a precept for the new parish council for that first year and to state in the reorganisation order the budget requirement for the parish/town council (this will be the same figure as the precept). In doing so the principal council will take into account the likely costs of establishing and running the new council and any services that it expects the new council to provide.
- 2.2 Once established the new council may not set a budget requirement for the year any greater than the amount in the reorganisation order. In theory it could set a lower figure, but this is unlikely as council tax bills will already have been issued (and re-billing would cost a significant sum which the principal council could recover from the parish/town council). If the precept turns out to be more than the new council needs in its first year, it may retain any surplus for its reserves.

(b) Commencement date for a new council, elections and possible interim arrangements

- 2.3 The Guidance on Community Governance Reviews ('the Guidance') issued by the Secretary of State under the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act) and to which the 2007 Act requires a principal council to have regard, states (at paragraph 30) '... for administrative and financial purposes (such as setting up the parish council and arranging its first precept), the order should take effect on the 1 April following the date on which it is made'.
- 2.4 However as will be seen from two of the case studies later in this paper, some new councils have been established on dates prior to 1 April in order to allow more time for preparation and negotiations with the principal council. The Council may wish to seek legal advice on this point.
- 2.5 Section 89 of the 2007 Act requires a principal council to make recommendations about the electoral arrangements for any new parish/town council, including the year in which ordinary elections are to be held. This will be the normal year of local elections in the area following the making of a reorganisation order (i.e. in Torbay, 2019, 2023 and so on). However, section 98 allows the principal council to vary this arrangement, for example to hold the first elections in an earlier year if the normal year is some way off. In this case the parish/town councillors elected in the first elections would serve a shortened term of office to enable the electoral cycle to return to normal from the second elections onwards. Any revised parish/town electoral arrangements would not apply to a by-election occurring before the date of ordinary elections set out in the reorganisation order.
- 2.6 Whichever year the elections are held in, section 37 of the Representation of the People Act 1983 act sets the ordinary day of election for councillors as the first Thursday in May. There is therefore likely to be a period of at least a month or (depending on decisions taken on the above) possibly significantly longer, between the establishment of a new parish/town council and the first elected members taking their places on that council. During this period the principal council may appoint persons (e.g. the principal council members for the relevant wards) as interim members of the parish/town council.

(c) Transferring assets and liabilities to a parish/town council

- 2.7 Section 98 of the 2007 Act provides that a reorganisation order may include provision with respect to the transfer and management or custody of property; the transfer of functions, property, rights and liabilities; and/or the transfer of staff. Taken together with the setting of the precept above, the principal council may therefore equip the new council to carry out the activities that it expects it to undertake from year one.
- 2.8 Subject to the terms of any contract(s) transferred, the principal council cannot bind the new council in relation to any future decisions that it may take about its activities

once it has been established. However, Section 99 of the 2007 Act provides for public bodies affected by a reorganisation order to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement. Such an agreement may provide for the transfer or retention of any property, rights and liabilities, for the joint use of any property, and for the making of any payments by any party to the agreement in respect of such matters. Clearly an agreement with a new council under Section 99 can only be made once the new council is in existence.

(d) Community Governance Petitions

2.9 Section 80 of the 2007 Act provides for electors to submit a petition to a principal council asking for a community governance review to be undertaken. In order to be valid, a petition must be signed by a certain number of local electors as follows:-

- For a petition area with fewer than 500 local electors – at least 37.5% of those electors
- For a petition area with between 500 and 2,500 local electors – at least 187 of those electors
- For a petition area with more than 2,500 local electors – at least 7.5% of those electors

2.10 The above figures were introduced by Order in 2015, amending the previous levels of 50%, 250 and 10% respectively. However, the Guidance has not been re-issued since this change so still shows the former (now incorrect) figures.

(e) Local polls

2.11 There is no power under the 2007 Act or other legislation for a principal council to use the electoral register for the purpose of consulting local electors on a community governance review. However, section 116 of the Local Government Act 2003 provides that a local authority may conduct a poll to ascertain the views of those polled about any matter relating to (i) services provided in pursuance of the authority's functions, or (ii) the authority's expenditure on such services; or any other matter relating to the authority's power to promote well-being of its area.

3. TOWN AND PARISH COUNCILS IN CORNWALL

3.1 A briefing paper on Cornwall Council and the town and parish councils within that county is attached. In summary, Cornwall has 213 civil parishes, each with its own governance body. These include a city council, 28 town councils, 168 parish councils, a community council and 15 parish meetings. The levels of precept (Band D) range from zero in a small number of cases to £269 for Bodmin and £236 for Truro, with the majority under £100.

3.2 Cornwall Council, created as a unitary authority in April 2009 when the former county council and six district councils were abolished, is committed to locally

devolving services to the parish/town councils. It has a dedicated Localism Team and has developed a 'Framework for Town/Parish Councils and Community Groups to have an Increased Role in Service Delivery' which may be viewed [here](#). The framework notes that the current reality is that many community-based services will only continue if town/parish councils are supported to play a more active role in their design and delivery. It sets out five options for greater local involvement:-

1. Influencing and monitoring local service delivery
2. Joint delivery / service enhancement
3. Agency agreements, management agreements, licenses and sponsorship
4. Delegation of service delivery
5. Transfer of a service

3.3 Examples, key financial implications and a process for involvement are given for each option. Certain services that are high risk or require a county-wide approach or specialist skills are excluded from the approach. The criteria against which requests are assessed are stated as 'quality, cost, practicality, local views, capability and capacity, equality/diversity/safeguarding and service user needs'.

3.4 The briefing paper at Appendix A includes three case studies to illustrate how local devolution to parish/town councils has worked so far in practice, and further examples are on Cornwall Council's devolution web page [here](#). In March 2017 Cornwall Council published a [summary report on its devolution programme](#) which stated that up to 100 projects of varying scope and scale had been successfully delivered, building on the agency agreement with over 70% of the town and parish councils to deliver services such as footpath maintenance on its behalf. The majority of public conveniences were now in local management in addition to a wide range of other facilities including car parks, visitor centres, buildings in community use, sports clubs, green spaces, play areas, allotments, three library and information services, a sea pool, a skate park and a place-based town package with 36 individual elements. In addition further sites were expected to transfer by the end of March 2017 and work was continuing on more than fifty proposals beyond that date.

3.5 The Cornwall experience provides valuable information regarding opportunities and options for devolving services by agreement with parish and town councils that are already in existence.

4. FURTHER CASE STUDIES

(a) SALISBURY CITY COUNCIL

4.1 Despite its name, Salisbury City Council is a parish council. It received media coverage in 2018 for the expansion of its services and related 69% increase in its precept (to approximately £3million, or £208 per Band D household, in 2018/19).

4.2 As with the Cornwall example above, Salisbury is not a complete model for the matters to be considered in Torbay as it is not a new council. However, it does

provide an interesting instance of a local council that has taken on devolved services from a principal council.

- 4.3 Salisbury City Council was established in April 2009 when local government in Wiltshire underwent reorganisation. A unitary Wiltshire Council was created, the former Salisbury District Council was disbanded and in those parts of the county that were not already parished, local councils were created. This included Salisbury City Council, a relatively large local council with a population of about 45,000. Following negotiation with Wiltshire County Council and public consultation the City Council took on a mix of services that enabled the precept to be set at a 'reasonable level'.
- 4.4 More recently Wiltshire Council proposed an extensive programme of service devolution and asset transfer driven in part by financial constraints, with unitary authorities capped and prioritising statutory services. Wiltshire Council declared its commitment to devolving services and facilities to local town and parish councils 'that are best placed to deliver local services'.
- 4.5 As part of this programme, transfer of responsibility for a significant package of buildings, facilities and services to Salisbury City Council was agreed, including street cleaning, Shopmobility, grounds maintenance of parks, playgrounds and open spaces; a Wiltshire Council-funded upgraded CCTV system, Section 106 monies for projects within the City boundary; ownership of nine property assets including the Market Place and its public conveniences, monuments and a range of other properties; and the grant of leases and management of three public conveniences in Wiltshire Council's city centre car parks.
- 4.6 Negotiations on the detailed arrangements continued over a number of months and the two councils signed a Memorandum of Understanding in October 2016 prior to the transfer taking place in April 2017.

(b) KIDDERMINSTER TOWN COUNCIL

- 4.7 The establishment of Kidderminster Town Council is perhaps more closely relevant to possible developments in Torbay subject to the forthcoming review. Kidderminster Town Council was established on 1 December 2015 by Wyre Forest District Council following a community governance review, the consultation arrangements for which included a local poll under the Local Government Act 2003. The recommendations of the community governance review dated 31 May 2015 may be viewed [here](#).
- 4.8 In making its recommendations Wyre Forest District Council stated that 'the creation of the new council for Kidderminster provides an opportunity to enhance local control and responsibility for local assets and services, giving a voice for the town and scope within the new council's overall budget to support activities and initiatives beyond those undertaken by existing organisations' and that 'the concept of transferring assets, rights and liabilities to the new council would be fully in accordance with the Council's stance on localism'. The District Council envisaged

that the new council would have a substantial set of responsibilities that would result in a scale of activity similar to other established town councils in the district.

Transfer of assets etc

- 4.9 Accordingly the order establishing Kidderminster Town Council transferred a range of assets to the new council including Kidderminster Town Hall (freehold transferred but with a lease on the whole building granted back to the District Council, which occupies much of the building); land occupied by the war memorial and various statues; a public convenience; street furniture at a number of locations e.g. benches, boundary signs, bus shelters, poles and holders used for floral displays etc.
- 4.10 The order also transferred the property, rights and liabilities of a charitable education foundation and the contract with a private provider for Christmas lights, in line with equivalent arrangements in the other towns, and provided for an initial precept (Band D £27) and budget (£441k) equivalent to the other town councils to enable Kidderminster, like them, to take devolved control over a number of items of revenue expenditure including the provision of hanging baskets and flower beds in the town centre, a 'lengthsman's scheme' and maintenance of a churchyard.
- 4.11 The District Council envisaged a more substantial transfer of functions to the new Town Council over time as 'the transfer process provides the opportunity for it to secure significant reductions in what it presently spends on what is transferred and that some or all of the related costs would therefore be borne by the new council'. However it noted that 'the new council is not going to be in a position fully to have considered [all relevant] matters ... before the proposed date of transfer' and that to mitigate risks arising from such an approach the arrangements for transfer of further assets/responsibilities should 'support a sustainable and measured transition, including cost sharing and other joint arrangements with the District Council'.

Preparation and transition

- 4.12 The District Council therefore decided to develop with the new council, once established, a long-term funding and service agreement under section 99 of the 2007 Act which would give a higher degree of operational and financial certainty to both councils but with the ability to adjust the precise level of transactions in the light of experience, and allowing time for the new council to make its own decisions about what it wished to do for the future. Subject to the agreements entered into the district council calculated that this process could allow it to reduce its expenditure by up to £250k a year initially.
- 4.13 In relation to transitional and commencement arrangements, although the Guidance states that for administrative and financial purposes the effective date of a re-organisation order should be 1 April in any year, the order for Kidderminster provided for the Town Council to be created on 1 December 2015. Membership of the council from that date until the first elections in May 2016 consisted of the serving district councillors for wards in Kidderminster. The period from December

2015 until April 2016 was used to finalise the long-term funding and service agreement between the two councils as well as conducting the necessary formal business for the new council including adopting standing orders and financial regulations, policies, a detailed budget plan and staffing structure, and conducting the recruitment of a clerk.

(c) SUTTON COLDFIELD TOWN COUNCIL

- 4.14 The establishment of Sutton Coldfield Town Council in 2016 has similarities in its process to the Kidderminster example above and as the establishment of a new Town Council is also relevant to the potential position in Torbay.
- 4.15 Sutton Coldfield Town Council is the largest town council in England, with over 100,000 residents. Its establishment followed a valid petition to Birmingham City Council in 2014 triggering a community governance review including a postal consultative ballot in the summer of 2015. The recommendations for a new town council were set out in a [report to the Birmingham City Council in September 2015](#) and the reorganisation order establishing the town council was approved by the city council's Council Business Management Committee in December 2015.
- 4.16 As in the Kidderminster example, Sutton Coldfield Town Council was established earlier than 1 April in the relevant year (in this case on 1 March 2016) to enable additional time for preparatory work, and the principal council agreed that it would seek to negotiate over time a long-term funding and service agreement with the new town council separately from the reorganisation order, under section 99 of the 2007 Act. This would set out any property, income, rights, liabilities and expenses and any financial relations between the parties rather than endeavouring to settle all these matters before the order was made and the town council elected.
- 4.17 In Sutton Coldfield's case, the reorganisation order itself therefore did not include the transfer of any land, property rights, liabilities or services from the city council to the town council. The order set a budget requirement for the town which was based on the national average precept of £50 per Band D property.

Preparation and transition

- 4.18 In relation to the transitional and commencement arrangements for Sutton Coldfield Town Council, immediately following agreement to the recommendations, a Steering Group of key local stakeholders was established to act as a consultative body and take forward the planning and implementation of the new council. This Steering Group included two city councillors from each of the wards in Sutton Coldfield constituency as well as community representation (three representatives from the Town Council Referendum Group, one from the Sutton Coldfield Business Improvement District and one from the Sutton Coldfield Charitable Trust).
- 4.19 From the formal commencement date for the new council (1 March 2016) until councillors were elected in May 2016, the members of the Steering Group became

the members of the interim parish council (with all the statutory powers of the new council). The councillors elected in May 2016 then served a two-year term of office with further elections taking place in 2018 and every four years thereafter to reflect the new Birmingham City Council electoral arrangements arising from a Boundary Commission Review.

(d) WEYMOUTH TOWN COUNCIL AND CHRISTCHURCH TOWN COUNCIL

- 4.20 Town Councils will be established in Weymouth and Christchurch, and other changes made to community governance in some neighbouring areas, on 1 April 2019 following community governance reviews conducted by Weymouth and Portland Borough Council and Christchurch Borough Council respectively.
- 4.21 The two borough councils mentioned will both be abolished on 31 March 2019 when local government in Dorset is reorganised. From 1 April 2019 new unitary councils will be established serving Dorset (including the area of Weymouth and Portland BC) and Bournemouth, Christchurch and Poole. The community governance reviews proposed the creation of local councils in previously unparished areas, potentially to take over certain assets and services from the outgoing borough councils.

Weymouth

- 4.22 In relation to Weymouth, an initial reorganisation order was made just to establish the town council and set the warding arrangements and councillor numbers so that these could be taken into account in the LGBC's considerations of warding arrangements for the new unitary Dorset Council. A Shadow Town Council was established in October 2018 in order to advise on which assets and services currently owned and operated by Weymouth & Portland Borough Council could transfer to the new town council when it comes into existence in April 2019. The Shadow Town Council comprises of the 29 members of the borough council for wards in Weymouth. It is a committee of Weymouth & Portland Borough Council and has no decision making powers but may comment on any proposals in relation to the establishment of the town council including what services it should initially provide. They have been doing this against
- 4.23 This preparatory work is seeking to ensure the establishment of a financially sustainable town council whilst complying with the provisions of a spending protocol and principles on asset transfers developed by the Shadow Dorset Council. The final decision about which assets and services will transfer to the new town council, and the level of its budget and precept, will be made at Weymouth & Portland Borough Council's full Council meeting in early 2019. A second reorganisation order will then be made including these details.
- 4.24 Therefore no firm decisions have yet been made on assets or areas of service to transfer but the areas being considered were set out in a [report to the Shadow Town Council in October 2018](#). The principles driving this work are that services to transfer should be traditional town council services, services not provided by the unitary

council and services that support Weymouth rather than a wider area; and that there should be no financial detriment to the unitary council. Examples include the council offices; parks, gardens and cemeteries; beach and seafront including esplanade lighting, festivals and events; community development, clocks and monuments, public toilets and the Weymouth Museum Collection.

Christchurch

- 4.25 In relation to Christchurch, the final recommendations of the community governance review were reported to the Borough Council's Community Committee on 22.8.18 and may be viewed [here](#).
- 4.26 As for Weymouth, no details have yet been agreed for the transfer of assets, services and precept requirements for year one – these are under consideration by a task and finish Group which will report to the Council and a reorganisation order will be prepared to be effective from 1 April 2019

(e) LOWESTOFT TOWN COUNCIL

- 4.27 Lowestoft Town Council was established by Waveney District Council from 1 April 2017. The first elections to the town council were held in May 2017 when members were elected for a term of two years. Elections will then return to the normal cycle for district elections i.e. 2019 and four yearly thereafter. The establishment of the Town Council followed a community governance review the final recommendations of which were [reported to the district council in November 2016](#).
- 4.29 Lowestoft was at the time the only part of Waveney that was not parished. Waveney District Council stated at the outset of consultation that its preference was for the whole of the district to be represented by town/parish councils, and that it envisaged those councils could budget for priorities which may no longer be supported by their district or county councils but that their residents feel are important to their local area, particularly in the context of a possible future merger of Waveney District Council and Suffolk Coastal District Council (this in fact will occur on 1 April 2019 with the establishment of East Suffolk Council).

Budget and transfer of assets etc.

- 4.30 The reorganisation order establishing the town council, made on 26 January 2017, made provision for a budget in the first year of approximately £1.4 million (Band D precept £117.46), based upon estimates of the costs of administering similar sized councils and the assets that would be transfer to the new council.
- 4.31 The order also included a sizeable list of property, assets and associated services to be transferred, subject in some cases to a leaseback to the district council (although the legislation quoted in relation to the transfer is not appropriate power). The transfer included areas of public open space, parks, gardens, play areas & equipment, public conveniences, a market, allotments, museums, the town hall

(which required significant renovations), a theatre, community centres and CCTV equipment. Contracts transferred included those for the management of the Marina Theatre, grounds maintenance and CCTV services. In addition ownership of the 'Lowestoft Collection' of museum exhibits was transferred subject to it remaining subject to a current loan agreement with the Lowestoft Archaeological and Local Historical Society for at least one further year from 31 May 2017.

- 4.32 Waveney District Council stated during the consultation process that it would intend to transfer as much of Lowestoft's assets and services that would usually be provided by a town/parish council as possible, so that local residents could control and decide exactly what they want for their area, recognising that ultimately it would be for the new council to determine how to spend their budget and to balance its spending between administrative overheads and expenditure on services in order to secure value for money.
- 4.33 No specific shadow or transitional arrangements appear to have been put in place but an interim Town Clerk was appointed in February 2017 to progress the establishment of the new council and support was provided by the district council officers and Suffolk Association of Local Councils.

(f) CENTRAL SWINDON SOUTH PARISH COUNCIL

- 4.34 Swindon Borough Council carried out a community governance review of the unparished parts of its area in 2016. One of the drivers for this was to enable community empowerment and allow the borough council to extend localism, with any new parishes being able to provide services being deprioritised by the borough council that existing parish councils were providing in other areas of the borough. In 2014 the borough council had estimated that services costing it around £5m per annum could potentially be provided by parish councils in future as there were examples of parishes providing those services across the country. Since that date some parish councils had increased the range and depth of service provision provided in their areas which has been well received as local communities had more influence over local services and priorities. Each parish, as a separate entity, negotiated as to which services would be transferred.
- 4.35 The Council agreed (inter alia) that four new parishes would be created with effect from 1 April 2017; namely, West Swindon, Central Swindon North, Central Swindon South, and South Swindon. The first elections to those councils took place in May 2017.

Preparation and transition

- 4.36 In order to allow consultation on the details of the reorganisation order and to oversee the work required between the decision to create the parish councils on 10 November 2016 and their establishment on 1 April 2017, shadow parish councils were established, made up of the borough council ward members for each area (and where there were insufficient numbers of ward members available, other borough

councillors subject to the membership reflecting the then political balance of the area). Part of the role of the shadow parish councils was to provide input over the assets that should transfer from the borough council, to set the budget and precept of the new parishes for the 2017-18 Financial Year and to oversee operational arrangements to ensure the safe provision of services from 1 April 2017.

- 4.37 The borough council put in place a transitional team to support the parish councils over service delivery and operational, financial and clerking issues and agreed that in some areas, the borough council would remain the service delivery provider for a transitional period until the parish was established and felt able to manage the services either directly or through a third party.
- 4.38 In order to support the success of the newly created parish councils the borough council took steps to increase their financial resilience from the first day of operation rather than waiting for reserves to be established over time. Accordingly £3m of one-off resources were set aside to fund parish reserves and transitional funding. This support included a payment of 10% of the cost of services that had been provided by Swindon Borough Council that were discontinued with effect from 1 April 2017 and instead provided by parish councils, to be held as a start-up reserve by the parish councils to cover unforeseen costs; and for all parish councils that agreed to provide services previously provided by the borough council, transitional funding was provided for two financial years (50% of the marginal costs savings in 2017-18, reducing to 25% in 2018-19) in order to allow parishes to phase the cost of services into their annual precept over a 3 year period.
- 4.39 Taking Central Swindon South Parish Council as an example, the shadow parish council's budget for 2017/18 showed a total precept requirement, net of the transitional funding above, of just over £2 million which equated to a Band D household equivalent of £114.90. The budget provided for expenditure on a range of services including community support, grants to local organisations and youth groups, library provision and additional hours, eight community centres, grounds maintenance, recreation grounds, four major parks, 14 allotment sites, 17 play areas, two skateparks, emptying of dog bins, waste bins and litter picking, clearance of fly-tipping, removal of graffiti, minor tree works and street sign cleaning.

(g) CITY OF DURHAM PARISH COUNCIL

- 4.40 City of Durham Parish Council was established on 1 April 2018 with the first elections to the council in May of that year. The community governance review that preceded the establishment of the parish council was undertaken in response to a valid petition and the final recommendations of the review were set out in [a report to Durham County Council in September 2017](#).
- 4.41 The county council set a precept to enable the parish council to function during its first year, with a sum of £150,000 being considered sufficient for the basic operation of the council. This equated to a precept charge for a council tax Band D property of approximately £34.46 per year. No major transfer of assets was made or

transitional/shadow arrangements put in place. The county council report noted that once established it would be for the parish council to set its precept for year two onwards and to determine exactly what services it would provide.

(h) WARWICKSHIRE

- 4.42 Warwickshire's principal and local councils in 2014 agreed a [Warwickshire Local Councils Charter](#) which includes (inter alia) a commitment by the principal councils to 'consider devolving services to local councils currently provided by principal councils on a case by case basis. Each case will be the subject to its own formal agreement for which a business case will be drawn up enabling an assessment of value, cost, accountability, practicality and any other relevant issues'. In turn the local councils agreed to 'contribute to the development of a business case for the local delivery of services provided by principal councils, in conjunction with neighbouring councils where appropriate.'

(i) OTHERS

- 4.43 A number of other local councils have received publicity in relation to taking on services and/or significantly increasing precepts but an examination of the circumstances has identified no particular procedural issues of relevance to the current exercise. Examples include:-
- 4.44 **Mountsorrel Parish Council** (Leicestershire) – Services including a library were transferred from Leicestershire County Council and Charnwood Borough Council in 2018 leading to a rise in the council's budget to £540,000 in 2018/19 (up from £207,000) and an increase in its band D precept by 162% from £76 to £199. Mountsorrel is not a newly establish parish council.
- 4.45 **Cranbrook Town Council** (East Devon) – The town council was established in 2015. Its council tax base is projected to rise significantly over the next decade due to new housing development. In April 2018 the council virtually trebled its Band D precept to £256. However, the bulk of this increase relates to the town council's decision to take ownership of a country park that East Devon District Council had not adopted, and as a result residents will no longer have to pay an annual estate charge to a management company for maintaining the areas of open space.
- 4.46 **Leominster Town Council** (Herefordshire) – The town council has been in existence since 1974. In 2015 it significantly increased its service delivery and precept when, following public consultation, it agreed to provide a range of services cut by Herefordshire Council.

Report prepared by: John Williams
Date: 29 November 2018

Cornwall County Council and Town and Parish Councils Briefing Paper

Context

In December 2007 central government confirmed that Cornwall would move from a county and district council model of local government to a one tier unitary model. Subsequently this was enacted by a statutory instrument in 2009. The change took effect from 1 April 2009 and on that date Cornwall County Council and the six district councils were abolished and were replaced by Cornwall Council. However, the lowest tier of local government in Cornwall which is its civil parishes or town/parish councils remained.

Cornwall has 213 civil parishes, each with its own governance body. These include a city council, 28 town councils, 168 parish councils, a community council and 15 parish meetings. These councils are generally referred to as 'local councils' or 'town and parish council sector'.

What can local councils do in Cornwall?

The parish/town councils in Cornwall are no different to other town/parish councils in other parts of England in that they have a variety of powers and duties given to them by Acts of Parliament. However, not all parish/town councils decide to use all of their powers. The general powers/duties of parish/town councils is detailed in the below appendix 1. However, what is different in Cornwall is the scale, pace and commitment of Cornwall Council to locally devolving services, sites and responsibility to the parish/town councils.

For some activities local councils require the approval of the principal authority e.g. Cornwall Council.

How are parish/town councils funded in Cornwall?

As per the rest of England local councils are funded via a precept which the local council sets each year. This is the total amount they raise through council tax to meet their budget needs.

The levels of precept set in Cornwall as based on a band D property range from zero in a small number of cases to as much as £269 for Bodmin and £236 for Truro. However, the majority are set under £100.

How are town/parish councillors elected in Cornwall?

Councillors in Cornwall are elected by local residents with elections taking place every 4 years in May.

What is the Cornwall experience since unitary status?

Since 2009 Cornwall has fully embraced the local devolution and Localism Act (2011) agenda and has actively sought to work closely with town/parish councils to devolve powers where appropriate.

Cornwall Council has a dedicated Localism Team who work with the town/parish councils and the council has made devolution a key strand of their strategy for 2015-2019. Cornwall Council has also developed a discrete Localism Strategy in 2016 as well as a Framework for Town/Parish Councils and Community Groups to have an Increased Role in Service Delivery. A copy of the Framework is included at Appendix 2 of this report.

The Localism Act 2011 seeks to pass powers from central government to local authorities as well as the local communities giving them freedom and flexibility to achieve their own ambitions. The main components of the Act are:

- New freedoms and flexibilities for local government
- New rights and powers for communities and individuals
- Reform to the planning system to make it more democratic
- Reform to ensure that decisions about housing are taken locally.

In particular two community rights are included in the Act:

- Right to Bid – town/parish councils and local voluntary groups have the right to nominate local land or buildings which they believe is important to the communities well being
- Right to Challenge – provides an opportunity for voluntary groups, community bodies, charities, town/parish councils as well as 2 or more employees of the local authority to submit an expression of interest to run local authority's services if they can do so better and differently

How has devolution actually been delivered in Cornwall?

To understand the Cornwall experience on local devolution to parish/town councils the following case studies illustrate how it has worked so far in practice.

Case Study 1 – Lafrowda Car Park, St. Just

Cornwall Council was in the process of reviewing the council car parks it owned that were free with the view to introducing car parking charges to aid the council's budget position. However, St. Just Town Council worked with Cornwall Council and agreed to pay a fee to Cornwall Council to keep the car park free and to avoid the introduction of ticket machines. One of the key objectives of the town council was to keep parking off the main shopping roads and to maintain a free flow of traffic in the town.

Case Study 2 – Shevioc Parish Council

Cornwall Council and Shevioc Parish Council agreed that the following services would be devolved to Shevioc Town Council:

- Public Toilets – on a 99 year lease
- Car Park – on 99 year lease
- Flower beds
- Management of Portwrinkle Harbour.

This has enabled Shevioc to control/manage issues without constant referrals to Cornwall Council. It has also allowed Shevioc to determine their own levels of service/maintenance on the areas they control and has also enabled the employment of local people to deliver these services. It is generally agreed that the initiative is popular with local residents.

Case Study 3 – Killacourt, Newquay

Killacourt is an open grassed area in Newquay above Town Beach and is used for multiple open air events throughout the year. It is owned and maintained by Cornwall Council but Newquay Town Council have agreed to manage all the events held at Killacourt. Newquay Town Council hold the premises licence for Killacourt and charge a fee to promoters of events to fund the work they

undertake. This initiative has had a significant impact on the size of Newquay Town Council as it now employs 12 staff due to the increased income from events and this now enables them to have the confidence and budget to take on the delivery of public toilets and CCTV in Newquay functions that were previously delivered by Cornwall Council.

These are just 3 case studies that illustrate the relationship between Cornwall council and the parish/town councils and many more can be seen on Cornwall Council's devolution web page.

<https://www.cornwall.gov.uk/community-and-living/communities-and-devolution/devolution/devolution-within-cornwall/completed-devolution-projects/>

Cornwall Council has recently reported on its devolution programme in March 2017 and this report is attached at Appendix 3.

Appendix 1 – What Local Councils Do

https://www.cornwall.gov.uk/media/3623778/what_can_local_councils_do.pdf



what_can_local_councils_do.pdf

Appendix 2 - Framework for Town/Parish Councils and Community Groups to have an Increased Role in Service Delivery

<https://www.cornwall.gov.uk/media/13154151/Devolution-Framework-for-Town-Parish-Council-and-Community-Groups-March-15.pdf>



Devolution-Framework-for-Town-Parish

Appendix 3 – Cornwall Council Report on Devolution March 2017

<https://www.cornwall.gov.uk/media/25626282/devolution-summary-report-march-2017.pdf>



devolution-summary-report-march-2017

Mark Hammett

Strategic Support Manager

15 September 2017