

Meeting: Community Governance Review WP **Date:** 6 January 2020
Cabinet 7 January 2020
Council 9 January 2020

Wards Affected: All wards

Report Title: Community Governance Review of Torbay – outcome of second stage consultation and final recommendations

Is the decision a key decision? No

When does the decision need to be implemented? as soon as possible

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1. Purpose and introduction

- 1.1 On 14 January 2019 the Council launched a community governance review of the whole area of Torbay, to consider if any changes should be made to existing arrangements including whether new parish/town councils should be created in areas of the authority that are currently unparished.
- 1.2 Following a first phase of consultation, Council on 22 July 2019 agreed draft recommendations, to be the subject of a further consultation with local electors, residents, organisations and interested parties. The draft recommendations proposed the creation of two new parishes within Torbay – covering Torquay and Paignton respectively – and that parish/town councils be established to serve these new parishes from 1 April 2020. They further proposed electoral arrangements to apply to the new councils; that the Band D council tax precept for each of the new councils in their first year of operation would not exceed £90.00; and that no change be made to the status or electoral arrangements of Brixham Town Council, with further consultation to be undertaken on whether the ward of Churston with Galampton should be within the Paignton parish, or whether it should be included within the boundaries of Brixham Town Council.
- 1.3 Consultation on the draft recommendations opened on 2 September 2019 and closed on 25 October 2019. This report sets out the outcome of that consultation and proposes that in accordance with the majority of responses received, the proposals in the draft recommendations are not pursued and the final

recommendations of the community governance review be for no change to the existing arrangements.

2. Proposed Cabinet Recommendations

That the Council be recommended:

- 2.1 That the responses received to the second phase consultation on the Community Governance Review of Torbay be noted as set out in Appendix 1 to the submitted report.
- 2.2 That the Cabinet recommendations of the community governance review be that there shall be no change to existing community governance arrangements in Torbay and specifically:
 - (a) That no new parishes be constituted in the area under review;
 - (b) That no existing parishes in the area under review be abolished and that the name and area of Brixham parish and the electoral arrangements of Brixham Town Council remain unaltered.
- 2.3 That the Director of Corporate Services publish the final recommendations and take steps to secure that persons who may be interested in the review are informed of them; and
- 2.4 That the Council be recommended to give effect to the final recommendations set out at 2.2 above.

3. Reason for decision

- 3.1 The Local Government and Public Involvement in Health Act 2007 ('The 2007 Act') requires that a Community Governance Review must conclude within a period of twelve months after the start of the review.
 - 3.2 The 2007 Act further provides that at the end of a Community Governance Review the principal council must make recommendations as to:
 - (a) Whether a new parish or any new parishes should be constituted;
 - (b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; and
 - (c) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.
 - 3.3 The Partnership is keen to listen to the views of the community to inform their decision-making which is why the Cabinet are proposing not to pursue the creation of new parish/town councils for Torquay and/or Paignton or any other change to the existing community governance arrangements within Torbay, in light of the wishes of the significant majority of respondents to the consultation on the draft recommendations of the review, who did not support any of the proposals for change.
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Supporting Information

4. Background

- 4.1 'Community governance' refers to the way in which communities are represented at the local level including by parish/town councils, which form the most local tier of government in England. Parish/town councils do not have statutory responsibility for services but they may decide to provide some local services for their residents and/or take over responsibility for services previously delivered by the principal council. They are funded by an additional amount added to the council tax in their area called a 'precept'. Torbay currently has just one parished area, that served by Brixham Town Council.
- 4.2 Torbay Council, as a 'principal council', is responsible for making any changes to community governance within its area. Under the provisions of the 2007 Act if the Council wishes to make any such change it must first carry out a community governance review. In doing so it must have regard to the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and the Local Government Boundary Commission for England ('the guidance') and must comply with Part 4 of the 2007 Act, the relevant parts of the Local Government Act 1972 and regulations issued under those acts.
- 4.3 These requirements include a duty to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review; and to take into account any representations received in connection with the review.

5. Considerations

- 5.1 In accordance with the 2007 Act the Council must have regard to the need to secure that community governance within the area under review:
- reflects the identities and interests of the community in that area; and
 - is effective and convenient.
- 5.2 In deciding what recommendations to make the Council must also take into account any other arrangements that have already been made or could be made for the purposes of community representation or community engagement in the area.
- 5.3 The guidance requires that when considering the above criteria the Council will take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

6. Community Governance Review of Torbay

- 6.1 On 20 September 2018 the Council decided that a Community Governance Review would be undertaken, this was taken in the context of Torbay Council facing significant challenges over the sustainability and resilience of future service delivery, and the Chief Executive's recommendation that the same be undertaken. With a view to creating Town Councils across the entirety of Torbay, who have the

ability to raise income through the precept mechanism, and devolve certain services to them.

- 6.2 On 14 January 2019 the Council launched a community governance review of the whole area of Torbay, to consider if any changes should be made to existing community governance arrangements including whether new parish/town councils should be created in areas of the authority that are currently unparished and if so, the electoral arrangements that should apply to those councils.
- 6.3 A first phase of public consultation ran until 15 March 2019, during which comments were invited on a range of questions related to community governance, including the Council's initial suggestion that two new parish/town councils should be set up, representing Torquay and Paignton respectively and between them, together with the existing Brixham Town Council, covering the whole of the Torbay area; whether any new parish/town councils should deliver some local services that are currently provided by Torbay Council with the costs met from the parish/town council precept; and the relative benefits of new councils compared with other potential measures such as developing the way the Council works with existing local agencies.
- 6.4 The responses received to the first phase consultation were reported to the Council on 22 July 2019. A significant majority of respondents did not support the establishment of new parish/town councils. Analysis of the responses indicated that many respondents who did not support the establishment of new parish/town councils were opposed on the grounds of the potential cost of such a development and the higher levels of council tax that this might mean for local residents.
- 6.5 In developing its draft recommendations set out at 1.2 above the Council therefore sought both to progress its strong commitment to community engagement and empowerment and its belief that parish/town councils have the potential to assist in establishing better communities and safeguarding of services, and to provide reassurance regarding the extent of any additional costs entailed by stipulating that any precept to be set by Torbay Council for the first year of operation of any new councils would be restricted to no more than £90 per annum at council tax band D.
- 6.6 It was estimated that this level of precept would enable the new councils and Brixham Town Council to take on the delivery of services for their local areas to the value of £3.45m, allowing services to continue to be delivered at existing levels in the areas of recreation and landscape, museums, theatres, public entertainment and events, public toilets and seafront illuminations.

7. The second phase consultation

- 7.1 In accordance with the revised terms of reference agreed for the community governance review, the draft recommendations were published for a second phase of consultation with local electors, residents, organisations and interested parties, which ran from Monday, 2 September to Friday, 25 October 2019.
- 7.2 The second phase consultation featured a series of events including roadshows, Facebook live sessions, attendance at a range of community meetings and an open public event held at the Riviera Centre. A series of information videos was made available and a questionnaire hosted on the Council's website that attracted

over 1, 700 responses. The Council incurred costs of £4,800 during the second phase of consultation.

7.3 The consultation addressed the areas of concern raised during the first phase such as the amount of extra council tax residents may have to pay, the reduction in local services, what council tax is currently spent on and the number of additional town councillors which may be created. It provided more detailed information on how town councils might operate and the types of local services that could be provided that might otherwise need to be reduced or discontinued.

7.4 In accordance with the guidance current and forecast (January 2024) electorate figures for each of the wards in both the parished and unparished parts of Torbay were published to inform the consultation.

8. The current position

8.1 It is now necessary to agree the final recommendations of the community governance review. These must be published as soon as is practicable after they are made and the Council must take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of the recommendations.

8.2 The Council meeting on 9 January 2020 will then be recommended to give effect to the final recommendations. This decision and the reasons for it must also be published.

8.3 The report on the responses received during the second phase consultation on the community governance review is attached at Appendix 1. In summary:

- Proposal 1 (That two new parish councils be created within Torbay) was supported by only 15.8% of respondents.
- Proposal 2 (That the new parish/town councils for Torquay and Paignton are each divided into electoral wards with the same boundaries and number of councillors as there are for Torbay Council) was supported by 14.9% of respondents; and
- Proposal 3 (That Torbay Council will set a maximum council tax precept of no more than £90 a year (£1.73 per week) for each new parish/town council in their first year of operation in order to see certain specified services continue) attracted 14.7% support.

8.4 In relation to Proposal 4 (regarding Churston with Galmpton Ward), 10.6% of respondents stated that the ward should be within a new Paignton parish, 17.4% within Brixham parish and 11.7% split between the two, whilst 43.4% chose none of those responses.

8.5 No evidence was provided in response to the consultation that the existing community governance arrangements do not reflect the identities and interests of the community in the area or are not effective and convenient. Neither was it suggested that the existing arrangements have an adverse effect on community cohesion.

- 8.6 Whilst the position of the Council has not significantly changed in respect of the sustainability and resilience of future service delivery, taking into account the representations received in connection with the review both as set out above and during the previous phase of consultation, the Cabinet is proposing that the creation of new parish/town councils for Torquay and/or Paignton be not pursued and that the final recommendations of the community governance review shall be for no change to existing community governance arrangements in Torbay.

9. Possibilities and Options

- 9.1 One main alternative to the proposed recommendation was considered – to propose the implementation of the Council’s draft recommendations for the establishment of new parishes/town councils subject to a limitation of the initial level of precept.
- 9.2 This option would have the advantage of realising the potential benefits of establishing parish/town councils in terms of community engagement/ empowerment and retention of services that may otherwise need to be ceased, as set out in the report. The town councils would have suitable governance arrangements in place in order to help to support the community to deliver services within each town. This would enable them to be more sustainable in the longer term as they would have a structured support network instead of relying on the community to oversee and manage volunteers themselves, and would significantly contribute to the challenges faced by the Council over the sustainability and resilience of future service delivery,
- 9.4 The implementation of new town councils, however would be contrary to the consultation responses and representations received during the review.

10. Fair Decision Making

- 10.1 Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.
- 10.2 In accordance with its commitment to promote community engagement and transparency in decision-making, the Council sought to promote awareness of and encourage responses to the review by:
- publishing the terms of reference for the review and any revisions made to these;
 - publicising the review as widely as possible and seeking to engage the local media in reporting the issues under review;
 - consulting through a variety of mediums residents, business organisations, community groups, other local organisations, political parties and elected representatives for the areas under review and Brixham Town Council; and
 - taking into account representations received in connection with the review.

11. Public Services (Social Value) Act 2012

11.1 The proposal does not require the procurement or provision of services, the purchase or hire of goods or the carrying out of works.

12. Risks

12.1 The Council decided to undertake the community governance review because it considered that the establishment of parish/town councils could promote community engagement at the most local level and, because such councils may raise income through the precept that is not currently subject to capping rules, could enable the continued provision of local services that Torbay Council may be unable to sustain going forward due to resource and demand pressures particularly in the statutory services of Children's and Adult Services.

12.2 The decision not to pursue the creation of new parish/town councils gives rise to a risk that the Council will not fully explore the opportunities available to safeguard the future the provision of local services that it may be unable to sustain in the future due to resource and demand pressures. Alternative responses to these budgetary issues will be required.

Appendices

Appendix 1: Community Governance Review of Torbay: report on responses to the second phase of consultation

Additional Information

No unpublished background documents have been relied upon to a material extent in the preparation of this report.