

## **Community Governance Review**

Tower Hamlets

October 2018

### **Contents**

[relevant section headings here]

Appendix 1 Further background information

Appendix 2 Initial list of consultees for phase 1 consultation

Appendix 3 Map of the proposed boundaries for 'Spitalfields Town Council'

### **Introduction**

This document is being published to support the consultation on Tower Hamlets Council's community governance review for the two wards of Spitalfields & Banglatown and Weavers. Local residents have presented a valid petition to Tower Hamlets Council requesting the establishment of a new parish council to be named 'Spitalfields Town Council'. The review is considering the question of whether Spitalfields should have a parish council.

The petition was received by the council on 23 July 2018. The wording of the petition is as follows:

*"We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.*

*We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under Section 83 of the Act. We hope that the outcome of this review leads to the creation of a new local council for Spitalfields to be called Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council area includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate Goods Yard site (only that part within Tower Hamlets)."*

A map showing the proposed boundaries of the new parish council was presented with the petition. The map is at appendix 4.

This document provides background information to inform the initial consultation on the proposals made in the petition. A more extensive consultation putting forward the council's draft recommendations will take place with residents and others with an interest in the review early in 2019. The review must be completed by 22 July 2019.

### **What is the role of Tower Hamlets Council?**

Tower Hamlets Council is a unitary authority which is responsible for providing a range of services within its boundaries. These include education, highways, transport planning, social care, housing, libraries, leisure and recreation,

environmental health, waste collection, waste disposal, planning applications, strategic planning, council and business tax collection.

### **What does a parish council do?**

A parish council operates at a local level below the principal council. It is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area (such as Spitalfields).

A parish council can also be styled 'community council', 'neighbourhood council', 'village council', or 'town council'. They all operate within this framework. Parish councils are at the heart of many communities in England. They provide neighbourhoods, villages and towns with a voice and a structure for taking local action – real people power at grassroots level. They are able to tackle specific local issues of concern and residents can work closely with their parish and parish councillors to improve their locality.

Parish councils work towards greater responsiveness to community needs and interests. Their activities fall into three main categories:

- representing the local community;
- delivering services to meet specific local needs;
- striving to improve quality of life and community wellbeing, including promoting community cohesion.

Parish councils are not tasked with statutory responsibilities relating to the provision of housing, social care, education and waste collection. They are a statutory consultee in relation to planning but they are not a Planning Authority. They have the option to exercise a variety of powers and duties including the delivery of a small number of specific local services that add to those provided by the principal council such as:

- Recreation grounds
- Allotments
- Public conveniences
- Control of litter
- Play areas
- Community centres
- Parks and open spaces
- Crime prevention
- Festivals and fêtes
- Traffic calming measures
- Tourism activities
- Markets

A parish council can choose not to deliver any services and instead act purely as a means of influencing local service provision made by the principal council or other partners such as the police. Alternatively, a parish council can provide additional services to those provided by the principal council such as the provision of car parking with the consent of the principal council. A parish council is not a replacement for a principal council and will not deliver

complete independence and autonomy for an area.

When a parish council (e.g. Spitalfields) is formed it can enter into discussions with the principal council (e.g. Tower Hamlets Council) about the transfer of services, budgets and assets within the service areas listed above. However this is subject to mutual agreement and securing “Best Value” by law.

The Localism Act 2011 enables relevant bodies, including parish councils, to express an interest in running a local authority service. This is called the Community Right to Challenge (CRC). Exceptions to this are services which are excluded by legislation (e.g. packages of services for health and social care for named individuals). The CRC relates to ‘relevant services’ and not functions. Principal councils must consider an expression of interest submitted by a relevant body. There are various reasons why an expression of interest can be rejected or modified, but if it is accepted, the authority must carry out a procurement exercise. Hence, there is no guarantee that the eventual provider of the service would be the organisation that launched the expression of interest. Parish councils can also exercise the Community Right to Bid in order to purchase assets of community value.

The Localism Act 2011 also created a new process for Neighbourhood Planning, which enables parish councils as well as neighbourhood forums to work with the principal council (the Planning Authority) to create a plan for their area. The plan sets out policies and priorities for the physical development of the area and must be in accordance with the Local Development Plan approved by the Planning Authority and the Secretary of State. Details of the process are in the Appendix 2. Guidance on Neighbourhood Planning in Tower Hamlets can be found at [RELEVANT LINK HERE]

### **What are the governance requirements of a parish council?**

A parish council requires:

- The appointment of parish councillors, from which a Chair and Vice Chair are elected (these positions can be termed Mayor and Deputy Mayor). Based on the numbers elected elsewhere, it is likely that Spitalfields parish council, if created, would require in the region of xx parish councilors [insert number] parish councilors, although there is no upper limit. Parish councilors may be volunteers or may be paid an allowance determined by the parish council. These councilors would be in addition to the councilors already elected to Tower Hamlets Council for the wards of Spitalfields & Banglatown and Weavers.
- A responsible finance officer.
- A parish clerk is essential to oversee the administration of a parish council and would also need to be appointed.
- In addition to this there are other responsibilities such as the required meetings of the parish council (four per year), the elections of councilors (every four years) central administration functions (and associated posts), compliance with standing orders and financial regulations (for the supply of goods and services) and financial auditing requirements.

### **What are the financial implications of a parish council?**

Parish councils are funded principally through an annual precept – an additional Council Tax levied on local tax payers. The money raised locally through the precept belongs to the parish council, not the principal council, and the parish council takes decisions on how it is spent, within its legal remit. This has always been the primary funding mechanism of parish councils, as a means to deliver governance and administration related to the council and to provide additional services to enhance at a local level those already provided by the principal council. Funding can also be raised through income, for example from car parks or markets, or rental of property owned by the parish council. Parish councils may also apply for grant funding and be awarded a portion of the planning gain from developments in their area. These can also be used to fund the work of the parish council.

Estimates of the costs of running a parish council in Spitalfields will be included in the second phase of this consultation where more detailed recommendations will be set out.

### **Other possible models of community governance**

In considering the proposal to create a parish council for Spitalfields, residents will need to weigh up the benefits of other models of community governance review and the benefits of having a parish council either alongside or instead of those proposals. Furthermore, residents from across the two wards covered by this review will need to consider whether a parish council in Spitalfields is something they feel would benefit the area as a whole or whether other options would provide greater benefits.

The approach to community governance in the area could include further support for the two existing neighbourhood planning forums in Spitalfields and Weavers.

### **Consultation questions**

A further consultation on our recommendations in this community governance review will be carried out with residents and others with an interest in the review early in 2019.

At this stage we are inviting you to comment on the following questions:

1. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area? (YES / NO)
2. Please give the reasons for your response (FREE TEXT)
3. Do you support the proposed boundaries for the parish council ('Town Council') (see attached map) (YES / NO)
4. Please give the reasons for your response (FREE TEXT)
5. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think? (FREE TEXT)
6. If a parish council is created, the petitioners propose that it is divided into at least 3 electoral wards. What do you think? (FREE TEXT)

You can fill in a form on the council website at [www.xxxx](http://www.xxxx)

Alternatively you can write to:

[mailbox address]

Responses must be received by no later than 5pm on 9 December 2018.

Please ensure that you state your name and address clearly on any submission made. Any submissions made anonymously will not be considered. In the interest of transparency and openness the council will make available for public inspection full copies of all representations it takes into account as part of this review. (Details of names and addresses will not be made public.)

**What happens next?**

Following the close of the first phase of consultation the council will draft recommendations. It will publish these and invite further comments from electors and others with an interest in the review. The timetable for the review is included with the terms of reference published separately on the council website.