

London Borough of Tower Hamlets community governance review

Proposal to create a new
parish council: second
phase consultation

Published 6 March 2019



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Why are we asking for your views?

Tower Hamlets Council has received a valid petition from residents requesting the creation of a new parish council (or 'local council') in the Spitalfields & Banglatown area of the borough of Tower Hamlets.

The council is obliged to carry out a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007. The review is considering whether or not a new parish council should be established. The review objectives can be found at Appendix 2. Full terms of reference are on the council website at www.towerhamlets.gov.uk/cgr1

In the autumn last year we asked people what they thought about the proposals made by the petitioners. A summary report of findings from that consultation is available on the councils website at www.towerhamlets.gov.uk/cgr1. The council has reviewed people's feedback and examined the options. It has now produced draft recommendations as required by law. There are three options that we want to put to local people for further consultation.

1. Create a parish council but with modifications to the proposals made in the original petition. At this stage, this is not the council's preferred option, however if a new parish council were to be created we think it should be called 'Spitalfields & Banglatown Parish Council'. We would also like people's views on three possible boundary options.
2. Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance in the area. At this stage this is the council's recommended option. The council remains strongly committed to localism and community engagement. We want to ensure that people have a say over decisions that affect them. We acknowledge that the borough cannot and should not be run from one central location. The diversity of the borough and local needs must be reflected in how decisions are made. We would like your ideas on how we might best do this.

3. Reject the proposal to create a parish council and retain existing arrangements. This would involve no change, with Tower Hamlets Council remaining the lowest tier of local government in the area. Current arrangements for community involvement and engagement would continue.

We have set out the full reasons for our draft recommendations in our initial analysis document. You can find this on the council website at www.towerhamlets.gov.uk/cgr1

The consultation on the council's draft recommendations is taking place from 6 March to 28 May 2019. The council will publish its final recommendations in July 2019.

Frequently asked questions

What is a parish (or 'local') council?

Parish councils are the most local tier of local government in much of the UK. Parish councils may call themselves 'town' or 'neighbourhood', 'community', or 'village' councils. Different areas choose to use different names but legally they are the same and have the same powers and duties. Collectively, they are often referred to as 'local councils'.

What is the role of Tower Hamlets Council?

Tower Hamlets Council 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. It is sometimes referred to as a 'principal council'. Principal councils have the power to create, alter, merge or abolish parish councils.

Who makes the final decision on whether a parish (or 'local') council is created?

Tower Hamlets Council will decide after it has received your response to this consultation. The Local Government and Public Involvement in Health Act (2007) gives the council the power to create a new parish if it believes this reflects the identity and interests of people in the area and it would ensure effective and efficient delivery of services to local people. It must consider the impact that creating a parish would have on community cohesion.

Will a parish (or 'local') council replace Tower Hamlets Council?

No, a parish council coexists with a principal council, like Tower Hamlets Council, but it is not a replacement for it. The two would need to work together. The wards of Spitalfields & Banglatown and Weavers would continue to exist. Local people would still elect ward councillors to represent them on the borough council. Tower Hamlets Council would still continue to provide most services to local people.

What does a parish (or 'local') council do?

Parish councils 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 i.e. Tower Hamlets Council. These include recreation grounds, allotments, public toilets, control of litter, community centres, parks and open spaces, crime prevention, festivals and fêtes, traffic calming measures, support for tourism and markets.

There are over 10,000 parish councils across the country. The areas they serve are called civil parishes. Parish councils are different from Parochial Church Councils (or PCCs). Civil parishes have no connection to religious bodies.

Does a parish (or 'local') council have to provide services?

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.

Is there anything else a parish (or 'local') council can do?

A parish council can provide additional services to those provided by the principal council such as the provision of car parking or street cleaning with the consent of the principal council.

Parish councils can express an interest in running a local authority service. Principal councils, like Tower Hamlets Council, must consider an expression of interest submitted by a parish council but there is no guarantee that this would be successful. Parish councils can also bid to purchase assets of community value such as pubs or community halls.

Who runs a parish (or 'local') council?

A parish council is a democratically elected and legally independent tier of local government with its own councillors elected every four years by local people. It can be sub-divided into wards, with ward councillors representing their neighbourhoods.

What are the requirements of a parish (or 'local') council?

A parish council requires the

election of parish councillors. Parish councillors may be volunteers or may be paid an allowance determined by the parish council. These councillors would be in addition to the councillors already elected to Tower Hamlets Council for the wards of Spitalfields & Banglatown and Weavers. A parish council must meet at least four times a year, hold elections every four years, comply with standing orders, financial regulations and auditing requirements as set out in legislation.

Parish Councils must appoint a responsible finance officer and a parish clerk to oversee the administration of a parish council.

How does a parish (or 'local') council raise money?

Parish councils are funded principally through an annual precept – an additional council tax levied on local taxpayers. Parish councils mainly use this to fund the administration of the council and to provide additional local services to enhance those already provided by the principal council. They have no power to raise money from business rates.

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 are eligible to receive a proportion of the Community Infrastructure Levy (CIL) collected in their area, secured from planning permissions granted after the date the parish council is established. This amount ranges from 15% up to 25% of CIL where there is an adopted neighbourhood plan in place.

How much extra will it cost me?

It is important that residents understand the potential costs of a parish council and the likely cost to council tax payers within a parish. Parish councils are funded principally through an annual precept, an additional council tax levied on eligible individuals. The parish precept is added onto the council tax bill and collected by the principal council.

For illustrative purposes only, the table below shows the national average precept for all council tax bands. Nationally, the average Band D precept charged by a parish for 2018-19 is £64.05, an increase of £3.02, or 4.9%, from 2017-18.

Council tax band	National average parish precept 2018/19
Band A	£42.70
Band B	£49.81
Band C	£56.93
Band D	£64.05
Band E	£78.28
Band F	£93.16
Band G	£106.75
Band H	£128.10

The precept is set by the principal council in the first year and then by the parish council when elected. This sum is levied on top of the standard council tax that you are eligible to pay. If you are exempt from paying council tax you will not have to pay the precept either.

How much will it cost to run a parish (or 'local') council?

It is difficult to give a clear estimate of the cost of running a parish council. The cost depends on the overheads (e.g. staff costs and premises) and the range of services that a parish council chooses to provide.

The tax base for a parish council in the area shown on the map at Appendix 1 as Boundary Option (i) is estimated at 3,277 Band D equivalent properties. At the national average of a £64.05 precept, the estimated income from the precept for a parish council in this area would be in the region of £209,892¹.

Parish councils vary enormously in size, activities and circumstances, representing populations ranging from less than 100 in small rural hamlets to almost 100,000 (Sutton Coldfield Town Council). We have provided some benchmarking examples from other parish councils at Appendix 3 for comparison. This includes Queens Park Community Council, the only parish council in London. The examples have been selected because they serve populations of a similar size to the area of Tower Hamlets under consideration. They show the different kinds of services delivered by parish councils, staff costs and income raised through the parish precept.

What else should you consider?

In considering the proposal to create a parish council for Spitalfields & Banglatown, you will need to weigh up the benefits of other models of community engagement and involvement and the benefits of having a parish council either alongside, or instead of, those arrangements. These could include, but are not restricted to, neighbourhood planning forums, residents or community associations, neighbourhood management or civic forums. The approach to community governance in the area could include a greater role for the two existing neighbourhood planning forums in Spitalfields and East Shoreditch. Neighbourhood forums are community groups that are designated to take forward neighbourhood planning in areas without parishes.

The fact that parish councils are an elected tier of local government and possess specific powers set them apart from other types of governance. You will need to consider whether a parish council is something you feel would most benefit the area or whether other options could offer greater benefits.

If you responded to the first phase of the consultation we still want to hear from you

When the council started this review we wanted to find out what people thought of the ideas in the petition. We ran an initial phase of consultation in the autumn of 2018. Although most people told us that they do not support the creation of a parish, there was support for the idea from people living in the area. Some people said that they wanted more information before they made up their minds.

Even if you responded to the first phase of consultation, we would still like to hear from you. You may want to reconsider or reaffirm your views after reviewing the information we have provided here. The council is committed to a two stage consultation. We said we would provide more information at the second stage about the role and powers of a parish council. We also want your views on the area and the naming of a parish if one were to be created.

¹If a council tax collection rate of 97.25% is assumed then the figure would be 3,177 Band D equivalent properties with an estimated total precept of £203,487

Options and consultation questions

The council is now consulting people on three options:

1. Create a new parish council to be called Spitalfields & Banglatown Parish Council.
2. Reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved.
3. Reject the proposal to create a parish council with no change to current governance arrangements.

This document gives you more information about parish councils. Once you have read it, the council would like your views on the following questions:

1. Do you support
 - Option 1: the creation of a new local parish council to be called Spitalfields & Banglatown Parish Council?
 - Option 2: reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved?
 - Option 3: reject the proposal to create a parish council, with no change to current governance arrangements?
2. If a parish council was to be created, which boundary do you think best balances the identity of the area, and would be best for the delivery of services and follows clear natural

boundaries? (See map at Appendix 1)

- a. Boundary option I
 - b. Boundary option II
 - c. Boundary option III
 - d. Not sure
 - e. Do not support any of the proposed boundaries
3. The council is considering alternative forms of community governance. If a parish council is not created, which other (non-parish) forms of community involvement or engagement should we consider?
 - a. Neighbourhood forum
 - b. Neighbourhood management
 - c. Tenant management organisation
 - d. Community forum
 - e. Residents association
 - f. Community association
 - g. Other (please specify)
 4. Do you have any other comments? (e.g. proposed name, other boundary options we've not included) Is there anything else you would like us to consider in making our decision?
 5. Are you responding
 - a. as an individual?
 - b. on behalf of an organisation or group?

If you are responding on behalf of an organisation, please give a summary of the people or organisation you represent and where relevant, who else you have consulted in reaching your conclusions.

How do I have my say?

You can respond to the online survey on the council's website at

www.towerhamlets.gov.uk/cgr

This is our preferred and the most cost effective method of collecting people's views. If this is not possible and you want a printed version of the consultation questionnaire you can also download it from the website. Alternatively, to be sent a copy please email CGR@towerhamlets.gov.uk or write to:

**Community Governance Review
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 2BG**

Consultation responses must be received by no later than **5pm on Tuesday 28 May 2019**.

To be considered by the council all responses must include a full name, address and post code. Hard copy responses will also require a signature.

Consultation responses will be published on the council's website. Any personal information will be removed before publication. Please see our Privacy Notice at Appendix 4 for information about how we use your personal information and your rights.

There is more information on the council website including our analysis of the phase 1 consultation, our draft recommendations and a leaflet about

parish councils produced by the National Association of Local Councils.

We will be organising information giving events during the consultation period. You can find out when and where these will be held by visiting www.towerhamlets.gov.uk/cgr

If you have any questions about the consultation or require further information, please email CGR@towerhamlets.gov.uk

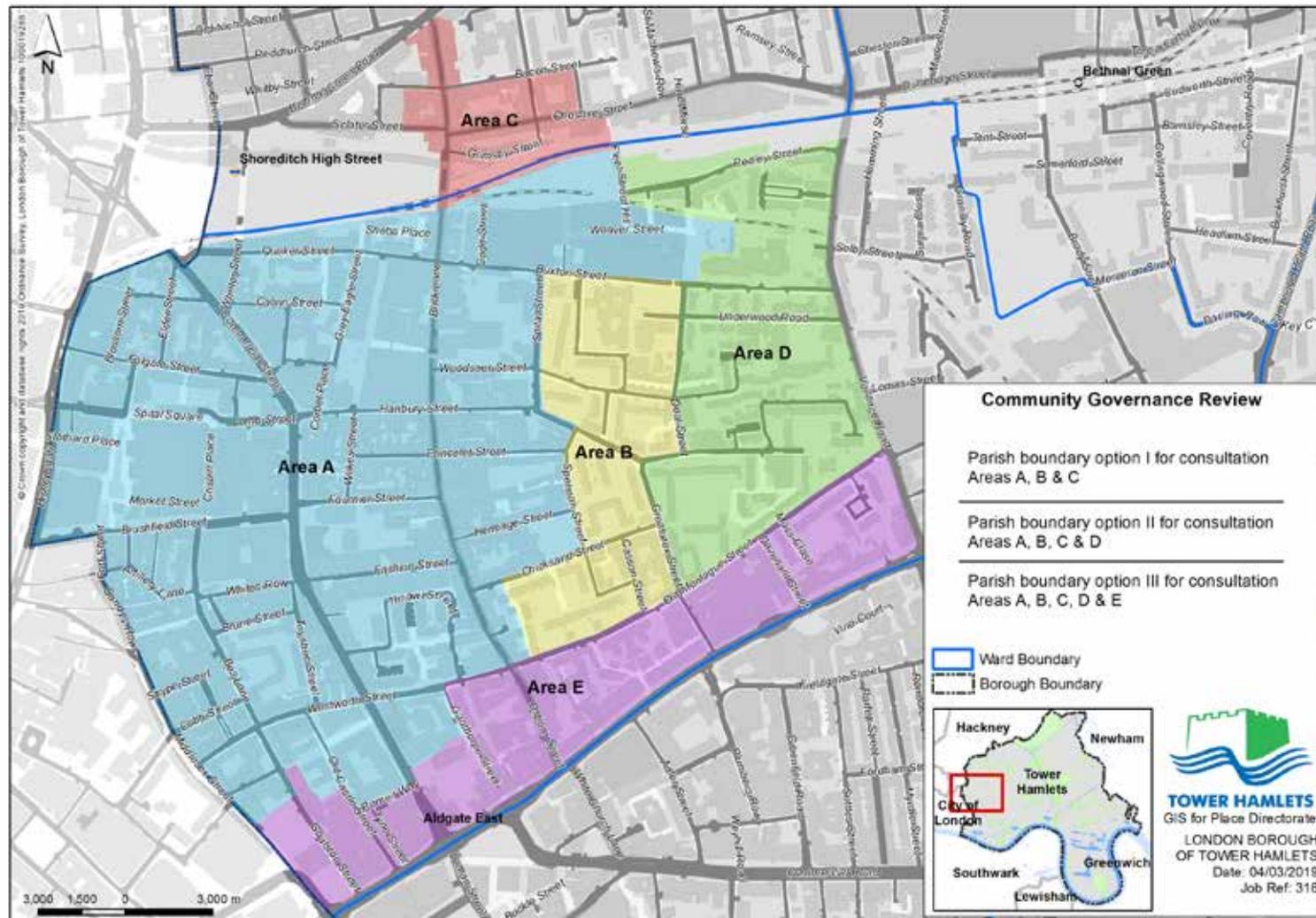
About this consultation

This consultation document and the consultation process have been designed to adhere to the Consultation Principles issued by the Cabinet Office.

Information given in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004.

Tower Hamlets Council will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A Privacy Notice is at Appendix 4.

Appendix 1 – Boundary options map



Appendix 2 – Review objectives

The objectives of the community governance review as a whole are as follows:

1. To fulfil the Council's obligations to do a community governance review following the receipt of a valid petition. The current guidelines say we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To take into account any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Appendix 3 – Benchmarking information from other parish councils

Council	Elected members	Committees (in addition to full council)	Functions & services	Political groups	Tax base for precept 2018/19	Staff costs	Council tax precept 2018/19	Average £ Band D property 2018/19
Queen's Park Community Council Population 14,122	12	Policy & resources Planning Environment & open spaces Communication & events HR Appeals	Community grants, festivals & events, newsletter, allotments, Queens Park Gardens, dog fouling, neighbourhood plan	None	3,407	£39,047	£157,999	£46.38
Southborough Town Council Population 12,330	18 in 3 wards	Planning & transportation Finance & parks	Town guide, newsletter, allotments, common, fishing licences, sports facilities, cemetery, community centre, library, civic awards	Conservative (majority) Labour Liberal Democrat	4,278	£306,075	£492,960	£66.78
Battle Town Council Population 6,700	17 in 4 wards	Environment External relations & town development Finance & general purposes Planning & transport	Civic awards, museum, public garden, allotments, cemetery, church yard, recreation grounds, play areas, magazine, grants, twinning, events	None	2,705	£147,656	£349,000	£129.02
Lingfield Parish Council Population 4,500	7	Planning	Community centre, nature reserve, allotments, grounds maintenance & graffiti removal, benches, small grants, Speedwatch volunteers	None	1,929	£17,110	£55,000	£28.51

Appendix 4 – Community governance review privacy notice

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018. Please note this section only refers to the personal data that you give us, not the content of your response to the consultation.

The identity of the data controller and contact details of our Data Protection Officer

The London Borough of Tower Hamlets is the data controller. The Data Protection Officer can be contacted at DPO@towerhamlets.gov.uk

Why we are collecting your personal data and how will we use it?

Your personal data (e.g. name, address and post code) is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for monitoring and statistical purposes. Where you consent to provide us with more sensitive (special category) personal data (such as gender, sexual orientation, ethnicity, faith, health, etc) we will depersonalise (anonymise) this data before analysis.

Our legal basis for processing your personal data

The Data Protection Act 2018 and GDPR Article 6 states that, as a local government body, the London Borough of Tower Hamlets may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. The London Borough of Tower Hamlets may also, with your consent, collect and process more personal data (such as gender, sexual orientation, ethnicity, faith, health, etc.) under GDPR Article 9 of the GDPR and DPA 2018.

With whom we will be sharing your personal data

Your personal information may be shared with internal departments or with external contractors analysing consultation findings on our behalf. Once data has been analysed and

consultation is concluded, it will then be stored by the council with all more sensitive personal data (e.g. gender, sexual orientation, ethnicity, faith, health etc.) redacted (removed).

For how long we will keep your personal data, or criteria used to determine the retention period

Your personal data (e.g. name, address, post code) will be held for two years from the closure of the consultation and then destroyed.

Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- to see what data we have about you
- to ask us to stop using your data, but keep it on record
- to ask to have all or some of your data deleted or corrected
- to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk> or telephone **0303 123 1113**.

You can find out more about your rights on our Data Protection page www.towerhamlets.gov.uk/lgnl/council_and_democracy/data_protection_freedom_of/

Your personal data will not be sent overseas

The data you provide through the online survey will be stored by SmartSurvey on their servers in the UK / European Union. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this. Your personal data will not be used for any automated decision making.

Your personal data will be stored in a secure IT system

SmartSurvey will be used through the council's internal systems; therefore data will be stored here throughout with secure, limited access.

This document is available on our website at www.towerhamlets.gov.uk/cgr where you can also respond to the consultation questions or download a copy of a consultation questionnaire.

If you have any questions about the consultation, if you want us to send you a paper copy of the questionnaire or if you need support to complete it, email CGR@towerhamlets.gov.uk

Or you can write to us at:

**Community Governance Review
London Borough of Tower Hamlets
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All consultation responses must be received by 5pm on 28 May 2019.

