



# **London Borough of Tower Hamlets community governance review**

## **Consultation document**

**Published 8 October 2018**

## **Introduction**

Tower Hamlets Council has received a valid petition on 23 July 2018 from local residents requesting the creation of a new parish council, 'Spitalfields Town Council', within the two wards of Spitalfields and Banglatown and Weavers.

The council is now carrying out a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007. The review will consider whether a parish council should be created.

This document is being published to support the consultation on the community governance review. The council is consulting all local electors in these two wards as well as any other person, organisation or business who has an interest in the review.

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 in Appendix 1.

Two consultation phases will take place. The first phase runs from 8 October and will close on 31 December 2018. A second stage, putting forward the council's draft recommendations, will take place in spring 2019. The review must be complete by 22 July 2019.

## **Review objectives**

The objectives of this review as a whole are as follows:

1. To fulfil the council's obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that 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.

### **Consultation questions:**

We will be asking the following questions:

1. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area? Please give the reasons for your response.
2. Do you support the proposed boundaries for the parish council ('Town Council') (see map in Appendix 1). Please give the reasons for your response.
3. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?
4. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

### **Frequently asked questions**

#### **What is a community governance review?**

Community governance reviews provide the opportunity for councils to review and make changes to community governance within their areas. The recommendations made in a community governance review have two main objectives:

1. To improve community engagement and better local democracy
2. To enable more effective and convenient delivery of local services.

A community governance review considers one or more of the following:

- Creating, merging, altering or abolishing of parish councils
- The naming of and the style of new parish councils
- The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council and warding)
- Grouping or degrouping parish councils.

In this case, the review is considering whether a parish council should be created and the electoral arrangements for that parish council should the proposal be adopted.

Government guidance on community governance reviews can be found at [www.gov.uk/government/publications/community-governance-reviews-guidance](http://www.gov.uk/government/publications/community-governance-reviews-guidance)

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

Tower Hamlets Council is a unitary authority that 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, in this case Tower Hamlets Council. A parish council 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.

A parish council can also be called '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:

1. Representing the local community
2. Delivering services to meet specific local needs
3. 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 is formed it can enter into discussions with the principal council (eg 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 that are excluded by legislation (eg 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. 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 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.

Guidance on neighbourhood planning in Tower Hamlets can be found on the council’s website at [www.towerhamlets.gov.uk/lgnl/planning\\_and\\_building\\_control](http://www.towerhamlets.gov.uk/lgnl/planning_and_building_control)

More information about parish councils can be found online:

- [www.gov.uk/government/get-involved/take-part/set-up-a-town-or-parish-council](http://www.gov.uk/government/get-involved/take-part/set-up-a-town-or-parish-council)
- [www.nalc.gov.uk/our-work/create-a-council](http://www.nalc.gov.uk/our-work/create-a-council)

## **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). 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 and 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, there are other responsibilities such as the required meetings of the parish council (four per year), the elections of councillors (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 taxpayers. 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.

Parish councils mainly use this to fund themselves and to provide additional local services to enhance 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 are eligible, should they wish, 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 a base of 15% of receipts (capped in relation to the amount of homes in the area), up to 25% (uncapped) where there is an adopted neighbourhood plan in place.

National planning and CIL regulations and guidance state that this proportion of CIL, known as the neighbourhood portion, must be spent on:

- the provision, improvement, replacement, operation or maintenance of infrastructure; or
- anything else that is concerned with addressing the demands that development places on an area.

It can also be used to develop a neighbourhood plan.

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.

### **What else should residents consider?**

In considering the proposal to create a parish council, residents will need to weigh up the benefits of other models of community governance and the benefits of having a parish council either alongside, or instead of, those arrangements.

Furthermore, residents from across the two wards covered by this review will need to consider whether a parish council is something they feel would benefit the area as a whole or whether other options would provide greater benefits. For example, the approach to community governance in the area could include a greater role for other ward based forums in the Spitalfields and Banglatown and Weavers wards.

### **How do I have my say?**

At this stage, we are inviting you to comment online.

This is our preferred and most cost effective method of collecting consultation feedback.

However, if this is not possible and you require a printed version of the consultation questions or need support completing the questionnaire, please email [CGR@towerhamlets.gov.uk](mailto:CGR@towerhamlets.gov.uk) or write to:

Community governance review  
London Borough of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

All responses must be received by no later than **5pm on 31 December 2018**.

Consultation responses will be published on the council's website. All personal information will be removed.

If you have any questions about the consultation or require further information, please email [CGR@towerhamlets.gov.uk](mailto:CGR@towerhamlets.gov.uk)

### **What happens next?**

After the first phase consultation has closed on 31 December 2018, the council will draft recommendations. It will publish these and invite further comments from electors and others with an interest in the review in spring 2019. The review must be completed by 22 July 2019. The planned timetable for the review is included with the terms of reference published separately on the council's website.

# Appendix 1 – the petition proposed area

