

# Urban Parishing - The Big Debate

## Information Pack

Prepared by the Overview and Scrutiny Team for

**Royal Tunbridge Wells Town Forum - Thursday 7 February 2008**

### Advantages and Disadvantages of Parish Councils and Possible Alternatives

The following is not an exhaustive list but intended to stimulate debate at the meeting:

Advantages	Disadvantages
Community Engagement – a democratically elected accountable voice for the community/ies of RTW would be created	Increased cost for local people
Local communities will be able to prioritise services according to the needs of the local community as all their statutory powers are discretionary so the council will decide where resources are best placed.	Creating an additional layer of government – duplicating services that can be provided by the District Council
Hold community events and promote the local areas.	Parish Councils can act independently of the District Council and outside the priorities identified for the area in the Strategic Plan and community strategy.
Foster community spirit and identity	
Allow residents to influence and shape their communities	
Local Asset ownership	

Possible Alternatives:

- Use Section 236 to delegate power from the executive to ward councillors in non-parished areas to carry out parish functions in consultation with existing community and neighbourhood forums;
- Set-up constituted Area Committees with devolved budgets for non-parished areas;
- Carry on as we are;
- Create a neighbourhood charter setting out what people can expect from the local government and other service providers.

## Finance

### How much will it Cost?

There are a number of issues to be considered in relation to cost including:

- the initial cost of set-up;
- the precept that will be set, this is dependent on size and area and what services will be provided by the parish council; and
- Parish council elections.

### Special Expenses:

These are the cost of services provided by the Council to some areas in the borough, which in other areas of the borough are provided by a Parish or Town Council. The Parishes raise their own 'precept' and Council Tax to pay for those services. The Council in some areas charged the cost of those services it provides only to Council Tax payers in the area receiving the service for example:

- (Southborough) Footway Lighting
- (Capel) Footway Lighting
- (Royal Tunbridge Wells) Camden Centre
- Closed Cemeteries at Trinity and Woodbury Park, Tunbridge Wells and Bidborough

In Royal Tunbridge Wells they include recreation grounds, commons, cemeteries, community hall and footway lighting. In Southborough and Capel they relate to footway lighting only. In Bidborough they relate to the maintenance of disused cemeteries.

### Cost of precept and special expenses

	2007/08	2006/07
	£	£
For the whole area	<b>43,854.52</b>	43,646.73
For the following special expenses, town and parish council areas		
Tunbridge Wells Special Expenses	<b>19,608.35</b>	19,488.43
Southborough Special Expenses	<b>4,323.48</b>	4,340.69
Bidborough Special Expenses	<b>518.76</b>	512.48
Capel Special Expenses	<b>920.63</b>	913.80
Benenden	<b>895.94</b>	897.33
Bidborough	<b>518.76</b>	512.48
Brenchley	<b>1,352.49</b>	1,343.38
Capel	<b>920.63</b>	913.80
Cranbrook	<b>2,617.56</b>	2,594.18
Frittenden	<b>394.75</b>	392.19
Goudhurst	<b>1,301.91</b>	1,310.85
Hawkhurst	<b>1,903.65</b>	1,837.32
Horsmonden	<b>967.58</b>	965.90
Lamberhurst	<b>723.15</b>	715.42
Paddock Wood	<b>3,036.89</b>	3,041.04
Pembury	<b>2,333.05</b>	2,352.42
Sandhurst	<b>599.59</b>	588.78
Southborough	<b>4,323.48</b>	4,340.69
Speldhurst	<b>2,356.74</b>	2,352.52

For 2007/08 the Special Expenses Council Tax rates were:

	£
Royal Tunbridge Wells	88.09
Southborough	2.16
Capel	1.01
Bidborough	1.27

### Population of Areas

Ward	Census 2001	Electorate
Broadwater	4063	3229
Culverden	6313	5245
Pantiles and St Mark's	5948	5007
Park	6527	5522
Rusthall	4775	3513
St James'	4598	3652
St John's	6690	4942
Sherwood	6729	4728

### Legislation

#### **Establishing Parish Councils – clauses 54 - 77**

- No apparent amendment to current legislation, but proposals clearly an addition to LGA '72.
- Additional requirement for District Councils to conduct a “Community Governance Review” if petitioned to do so by qualifying number of electors (clause 59 (3)). Can also apparently conduct such review without receiving petition – can set own terms of reference.
- Petition must specify area to be covered by the review sought and a recommendation, eg, change of boundary, creation of new local Council.
- Various duties imposed in course of conducting review – consultation, ensuring that “community governance in the area under review reflects the identities and interests of the community and is effective and convenient” (clause 68). Secretary of State may issue guidance – must have regard if so.
- If considering recommending a new local Council, new Council must be created if 1,000 + local electors in the area, must not be created if less than 150. Otherwise up to the DC as to recommendation.
- Groups may propose forming in non-traditional parish areas, and may style themselves “X Community Council”, “X Village Council” or “X Neighbourhood Council”. Areas and communities / neighbourhoods may also group together to create a local council. DC recommendations can be along these lines (including name and style of the local council to be created).
- Various publicity/deposit/consultation obligations once review completed.
- Under the Local Government and Public Involvement in Health Act, Tunbridge Wells Borough Council would be able to make an order to establish a town or parish council following a community governance review without having to seek approval from the Secretary of State, the provisions are not in force at present and it is not clear when they will be brought into effect.
- Principal aim appears to be encouraging groups / communities etc which do not have a traditional parish focus to use existing legislation to form into an incorporated body.

## Powers of Parish Councils

<b>Function</b>	<b>Powers &amp; Duties</b>	<b>Statutory Provisions</b>
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demanded unsatisfied	Small Holding & Allotments Act 1908, ss. 23, 26, & 42
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936, Ss 221, 222, 223 & 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s. 215(6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye Laws	Power to make bye-laws in regard to pleasure grounds, Cycle Parks Baths and Washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s.57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Charities	Duty to receive accounts of parochial charities	Charities Act 1960, s.32
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to enclosure, as to regulation and management, and as to providing common pasture	Enclosure Act 1845; Local Government Act 1894, s.8(4); Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Education	Right to appoint school governors	Education (No.2) Act 1986, s.4

Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridle-ways. Power to light roads and public places Provision of litter bins Power to provide parking places for vehicles, bicycles and motorcycles. Power to enter into agreement as to dedication and widening. Power to provide roadside seats and shelters, and omnibus shelters. Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway. Power to complain to district council as to protection of rights of way and roadside wastes Power to provide traffic signs and other notices Power to plant trees etc. and to maintain roadside verges	Highways Act 1980, ss.43,50 Parish Councils Act 1957, s.3; Highways Act 1980, s.301 Litter Act 1983, ss.5,6 Road Traffic Regulation Act 1984, ss.57,63 Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47,116 Highways Act 1980, s.130 Road Traffic Regulation Act 1984, s.72 Highways Act 1980, s.96
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss.124, 126, 127 Local government Act 1972, s.139
Litter	Provision of receptacles	Litter Act 1983, ss.5,6
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire land and maintain	Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Postal and telecommunications facilities	Power to pay the Post Office, British Telecommunications or any other public telecommunications	Post Office Act 1953, s.51; Telecommunications Act 1984, s.97

	operator any loss sustained providing post or telegraph office or telecommunication facilities	
Public buildings and village hall	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools	Public Health Act 1875, s.164 Local Government Act 1972, Sched.14 para.27 Public Health Acts Amendment Act 1890 s.44 Open Spaces Act 1906, ss.9 and 10 Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Town and Country Planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to contribute to organisations encouraging	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water there from	Public Health Act 1936, s.125