

## Supporting Information and Impact Assessment

Service / Policy:	Town Councils
Executive Lead:	Councillor Mills
Director / Assistant Director:	Anne-Marie Bond

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<b>Section 1: Background Information</b>	
<b>1.</b>	<p><b>What is the proposal / issue?</b></p> <p>To consider if the Council should request/use its powers to establish Town Council's for Paignton and Torquay.</p>
<b>2.</b>	<p><b>What is the current situation?</b></p> <p>Torbay currently has one Town Council, Brixham Town Council, which was established in 2007 following a referendum. It currently has 12 Town Councillors (five Councillors that represent the St Mary's with Summercombe Ward and seven Councillors that represent Berry Head with Furzesham Ward).</p> <p><b>What is a Town Council:</b></p> <p>Parish and town councils are the most local tier of government in England. There are currently about 10,000 parishes in England with around 8,900 having parish or town councils served by approximately 70,000 councillors. A Council may pass a resolution to rename a parish council to 'town council'.</p> <p>Torbay Council chose to call its parish council a 'town council' so this report will refer to it as a town council.</p> <p>All Town councils are constituted in the same way; councillors are elected by the local government electorate and each council has a Chair, who must be one of the elected councillors. Councils vary in size and capacity; many are small, representing a few hundred people, others represent communities of over 30,000 people with budgets of over £1m and expenditure and staffing levels per head of population similar to a small district council.</p> <p>Town councils act as sounding boards for local opinion, though the range of services and amenities provided varies. They often work with local voluntary organisations and other tiers of local government. Town councils are represented nationally by the National Association of Local Councils (NALC), which works with independent county associations to provide routine support for town councils and their clerks.</p> <p>There are certain obligations which by law a town council must fulfil. For example:</p> <ul style="list-style-type: none"> <li>• It must hold an annual meeting;</li> <li>• It must hold at least three other meetings a year;</li> <li>• It must appoint such officers as it believes necessary for the proper discharge</li> </ul>

of its functions. This must include an officer responsible for the proper administration of financial affairs; and

- It must make Standing Orders for the supply of goods and services to the council.

### **How do you create a Town Council:**

The Local Government and Public Involvement in Health Act 2007 (Chapter 3 of Part 4) devolved power from the Secretary of State to principal councils (such as Torbay Council) to carry out community governance reviews and put in place or make changes to local community governance arrangements, for example the creation of parish/town councils. Torbay Council can therefore choose to undertake a community governance review which would consider whether or not to form town councils for Paignton and Torquay.

The terms of reference for a review can include the whole or part of the area of the Council. Reviews must be concluded within 12 months. The Council must consult the electors of the review area and have regard to the responses received. The Council must have regard to the need to secure that community governance within the area under review (a) reflects the identities and interests of the community in that area, and (b) is effective and convenient. The recommendations of the review must be published.

The Council must then decide what to do in response to a community governance review and give reasons for its decision. Where a governance review makes recommendations for the formation of a town council, the review must also make recommendations as to what electoral arrangements should apply to that council, including whether it is to be divided into wards and the number of Councillors on the town council.

If the Council decides to set up a new town council this will result in the making of orders by the Council, which must be published. Orders may make arrangements for the transfer, management or custody of property, transfer of staff and other staffing matters, and transfer of rights and liabilities.

### **What are the benefits of a Town Council:**

There is likely to be a higher number of town councillors per ward than there are currently Torbay Councillors within the ward. Most members of town councils live in the communities they serve and many town councils also engage with local residents through surveys, newsletters and public meetings. Members will need to consider whether additional 'town council' councillor capacity would be welcomed by their communities.

Town councils have the flexibility in respect of any precept to enhance service provision in the community or to provide additional services and facilities that cannot be accommodated through Torbay Council resources.

Town councils can contribute to the creation of successful communities by influencing the quality of planning and design of public spaces and the built environment, as well as improving the management and maintenance of such amenities.

Town council elections should normally take place every four years at the same time as the elections for Torbay Councillors. This reduces the cost of holding stand alone elections for town councils. (However, where a new town council is

	<p>created Torbay Council can make provision for the first election to be held at any time with either a longer or shorter period for the first term.)</p> <p><b>What are the disadvantages of a Town Council:</b></p> <p>There may be difficulties attracting sufficient candidates to stand as Town Councillors. For the first election in 2007, only the Berry Head with Furzhem ward was contested as there were insufficient candidates for the St Marys with Summercombe ward, which resulted in several councillors being co-opted onto Brixham Town Council. The second election in 2011 was uncontested as there were only 12 candidates which meant that all 12 of them became town councillors.</p> <p>Two out of the current twelve Brixham Town Councillors are also Torbay Councillors meaning that they already have a busy workload and need to balance the needs of the residents and the two councils.</p> <p>Residents who live in the area of the town council are required to pay an additional precept on their Council Tax. For 2016/2017 this was an extra £40.24 for a person living in a Band D property in Brixham.</p>
<p><b>3.</b></p>	<p><b>What options have been considered?</b></p> <p>The Department for Communities and Local Government/the Local Government Boundary Commission for England's 'Guidance on community governance reviews' states 'Principal councils should use their knowledge and awareness of local issues when deciding whether to undertake a review. However, principal councils should avoid starting a community governance review if a review of a district, London borough or county council electoral arrangements is being, or is about to be, undertaken. Ideally, community governance reviews should be undertaken well in advance of such electoral reviews, so that the LG BCE in its review of local authority electoral arrangements can take into account any parish boundary changes that are made.' The Council agreed at its meeting held on 21 July 2016 to request the Local Government Boundary Commission for England to commence a boundary review of Torbay from 1 April 2017 and therefore it is not recommended at this stage to carry out a governance review.</p> <p>The Council also needs to consider the impact any community governance review would have on established community forums. The Council already has the following community partnerships which are already undertaking effective community engagement across the whole of Torbay:</p> <ul style="list-style-type: none"> <li>• Barton and Watcombe</li> <li>• Blatchcombe</li> <li>• Brixham</li> <li>• Churston, Galmpton and Broadsands</li> <li>• Clifton and Maidenway</li> <li>• Cockington, Chelston and Livermead</li> <li>• Ellacombe</li> <li>• Goodrington, Roselands and Hookhills</li> <li>• Hele, Watcombe and Lower Barton</li> <li>• Paignton Town Centre</li> <li>• Preston</li> <li>• Shiphay and the Willows</li> </ul>

	<ul style="list-style-type: none"> <li>• St Marychurch and District</li> <li>• Torquay Town Centre</li> <li>• Torre and Upton</li> <li>• Wellswood and Torwood</li> </ul>
4.	<p><b>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</b></p> <p>Not applicable</p>

5.	<p><b>Who will be affected by this proposal and who do you need to consult with?</b></p> <p>Residents, ward councillors and community partnerships would be affected if Torbay decides to conduct a community governance review.</p>
6.	<p><b>How will you propose to consult?</b></p> <p>If the Council decides to conduct a community governance review a consultation and communication plan would be developed.</p>

## Section 2: Implications and Impact Assessment

7.	<p><b>What are the financial and legal implications?</b></p> <p>A town council has the unfettered right to raise money by precept (a mandatory demand) on the Council. The precept required by a town council is then collected by the principal council as part of the council tax levied on tax payers in that area.</p>
8.	<p><b>What are the risks?</b></p> <p>There is a risk if the Council does not decide to conduct a community governance review that a % of the electorate could submit a petition requiring a community governance review with a view to establishing town councils in Paignton and Torquay. The three thresholds for requesting a community governance review t council are:</p> <ol style="list-style-type: none"> <li>for an area with less than 500 local electors, the petition must be signed by at least 50% of them;</li> <li>for an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them; and</li> <li>for an area with more than 2,500 local electors, the petition must be signed by at least 10% of them.</li> </ol> <p>Petitions were submitted to the Council in 2005 requesting town councils be established in Brixham, Paignton and Torquay, however, only the petition for a town council for Brixham had the number of signatures required to request a referendum on the establishment of a town council. The Council therefore only chose to hold a referendum for the establishment of a town council for Brixham.</p>

9.	<p><b>Public Services Value (Social Value) Act 2012</b></p> <p>Not applicable as the proposal does not relate to the purchase of services.</p>																																																																	
10.	<p><b>What evidence / data / research have you gathered in relation to this proposal?</b></p> <p>Benchmarking of other similar size unitary authorities shows the following number of Parish/Town Councils:</p> <table border="1" data-bbox="304 577 1437 1211"> <thead> <tr> <th>Council</th> <th>Type of Authority</th> <th>Population</th> <th>Number of Town/Parish Councils</th> <th>Number of Wards in Unitary Council</th> </tr> </thead> <tbody> <tr> <td><b>Torbay</b></td> <td><b>Unitary Mayoral</b></td> <td><b>130,959</b></td> <td><b>1</b></td> <td><b>15</b></td> </tr> <tr> <td>Bath and NE Somerset</td> <td>Unitary</td> <td>176,016</td> <td>51</td> <td>37</td> </tr> <tr> <td>Bedford</td> <td>Unitary Mayoral</td> <td>157,479</td> <td>47</td> <td>27</td> </tr> <tr> <td>Bournemouth</td> <td>Unitary</td> <td>183,491</td> <td>0</td> <td>18</td> </tr> <tr> <td>Bristol</td> <td>Unitary Mayoral</td> <td>428,234</td> <td>0</td> <td>35</td> </tr> <tr> <td>Exeter</td> <td>Unitary</td> <td>117,773</td> <td>0</td> <td>18</td> </tr> <tr> <td>Hartlepool</td> <td>Unitary</td> <td>92,028</td> <td>5</td> <td>11</td> </tr> <tr> <td>Middlesbrough</td> <td>Unitary Mayoral</td> <td>138,412</td> <td>2</td> <td>20</td> </tr> <tr> <td>Plymouth</td> <td>Unitary</td> <td>256,384</td> <td>0</td> <td>20</td> </tr> <tr> <td>Poole</td> <td>Unitary</td> <td>147,645</td> <td>0</td> <td>16</td> </tr> <tr> <td>South Gloucestershire</td> <td>Unitary</td> <td>262,767</td> <td>47</td> <td>35</td> </tr> <tr> <td>Swindon</td> <td>Unitary</td> <td>209,156</td> <td>17</td> <td>20</td> </tr> </tbody> </table>	Council	Type of Authority	Population	Number of Town/Parish Councils	Number of Wards in Unitary Council	<b>Torbay</b>	<b>Unitary Mayoral</b>	<b>130,959</b>	<b>1</b>	<b>15</b>	Bath and NE Somerset	Unitary	176,016	51	37	Bedford	Unitary Mayoral	157,479	47	27	Bournemouth	Unitary	183,491	0	18	Bristol	Unitary Mayoral	428,234	0	35	Exeter	Unitary	117,773	0	18	Hartlepool	Unitary	92,028	5	11	Middlesbrough	Unitary Mayoral	138,412	2	20	Plymouth	Unitary	256,384	0	20	Poole	Unitary	147,645	0	16	South Gloucestershire	Unitary	262,767	47	35	Swindon	Unitary	209,156	17	20
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11.	<p><b>What are key findings from the consultation you have carried out?</b></p> <p>Not applicable.</p>																																																																	
12.	<p><b>Amendments to Proposal / Mitigating Actions</b></p> <p>Not applicable.</p>																																																																	

## Equality Impacts

13	Identify the potential positive and negative impacts on specific groups		
	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people			There is no differential impact.
People with caring Responsibilities			There is no differential impact.
People with a disability			There is no differential impact.
Women or men			There is no differential impact.
People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			There is no differential impact.
Religion or belief (including lack of belief)			There is no differential impact.
People who are lesbian, gay or bisexual			There is no differential impact.
People who are transgendered			There is no differential impact.
People who are in a marriage or civil partnership			There is no differential impact.

	Women who are pregnant / on maternity leave			There is no differential impact.
	Socio-economic impacts (Including impact on child poverty issues and deprivation)			There is no differential impact.
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			There is no differential impact.
<b>14</b>	<b>Cumulative Impacts – Council wide</b> (proposed changes elsewhere which might worsen the impacts identified above)	None		
<b>15</b>	<b>Cumulative Impacts – Other public services</b> (proposed changes elsewhere which might worsen the impacts identified above)	None		