

# Community Governance Review

**Cabinet**

**Date 19<sup>th</sup> October 2016**

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Author:	Leader of the Council, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, Cabinet Member for Streetsmart. Cabinet Member for Communities, Chief Executive, Corporate Director Resources, and Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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## **1. Purpose and Reasons**

- 1.1 To note the outcomes of Stage 3 of the Community Governance Review (CGR) and recommend a final proposal to Council.

## **2. Recommendations**

### Cabinet is recommended to:

- 2.1 Note the summarised feedback received from Stage 3 of the Community Governance Review;
- 2.2 Note the proposed arrangements to agree the transfer of property assets from the Borough Council to parish councils if new parishes are established as set out in the body of the report;
- 2.3 Approve that £3m of one-off resources be set aside to fund parish reserves and transitional funding on the basis set out in the body of the report and to authorise the Corporate Director Resources, in consultation with the Cabinet Member for Communities, to agree the exact payment to be made to each parish council within these terms;
- 2.4 Authorise the Corporate Director Resources to respond to the Government's consultation on 'Council Tax precept referendum criteria for parish councils' to the effect that the Council supports the Government's proposal that should the 'Council Tax increase referendum criteria' be extended to parishes in future, it should not apply where there is a transfer in responsibility for services from a principal authority to a local council;
- 2.5 Recommend that Council;
- 2.5.1 Agrees to the recommendations set out in **Appendix 5** in relation to the parished and currently unparished areas of the Borough in order to ensure that community governance within the Borough is effective and convenient, and reflective of the identities and interests of communities within the Borough,

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- 2.5.2 Notes that parishing the entire Borough would enable community empowerment at local level consistently throughout the Borough and extend localism to those parts of the Borough that do not currently have a local council and so do not have the full range of options for local service provision;
- 2.5.3 Agrees that the final proposal map at **Appendix Six** is approved as the new boundaries of existing and new parishes with effect from the dates to be set out in the Order;
- 2.5.4 Adopt and give effect to the recommendations of the Cabinet.
- 2.6 Subject to Council approving the recommendation set out in paragraph 2.5 above, Cabinet further recommends that Council authorises
  - 2.6.1 the Director of Law and Democratic Services, in consultation with the Cabinet Member for Communities, to;
    - (i) Establish Shadow Councils for each of the proposed new parishes with a membership of at least 5 in number made up from the ward members in each area;
    - (ii) Determine, in consultation with the Shadow Parishes, the governance arrangements for each new parish;
    - (iii) In accordance with the requirements set out in Section 96 of the Local Government and Public Involvement in Health Act 2007, the Director of Law and Democratic Services be authorised to publish the Council's decision in relation to these recommendations together with the reasons for making this decision, and to take such steps as he considers sufficient to secure that persons who may be interested in the Community Governance Review are informed of that decision.
  - 2.6.2 The Head of StreetSmart to organise the borough council's workforce in such a way as to facilitate any service transfer that may be agreed between the borough council and any new or existing parish or town council.
  - 2.6.3 The Director of Law and Democratic Services to:
    - (i) prepare, in consultation with the Leader of the Council, a revised scheme and consequential Community Governance Reorganisation Order to include such provisions as he considers appropriate in relation to (inter alia) implementation dates, asset transfers, and warding arrangements;
    - (ii) seek the agreement of the Local Government Boundary Commission to any consequential changes to the protected electoral arrangements set out in the Swindon (Electoral Changes) Order 2012, and

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- (iii) Make and implement the Reorganisation Order.

## **3. Detail**

- 3.1 As set out in the reports to Cabinet in July and August 2016, a significant amount of engagement has been undertaken during stages One and Two of the Community Governance Review. Since 23<sup>rd</sup> August 2016, the Council has been undertaking a formal consultation process on firm proposals to entirely parish the Borough through the creation of four new parish councils and an extension to Nythe Parish Council plus to amend the boundaries to some of the existing parish councils.
- 3.2 The consultation process has taken the following form:-
- 3.2.1 5 public meetings in the current non-parished areas were held and attended by a total of 172 residents. Members were asked to publicise Council-facilitated events in their wards and some ward members also held additional public meetings;
  - 3.2.2 1 joint meeting with Blunsdon parish council was held and attended by 12 consisting of Councillors, employees of the Parish Council and residents;
  - 3.2.3 Royal Mail was commissioned to deliver an 8 page leaflet to every household;
  - 3.2.4 3 meetings with businesses were held that led to decisions to hold further steering group sessions to help shape the relationship between businesses and parish councils in future;
  - 3.2.5 The existing and proposed maps and CGR information were published on the SBC website which attracted 8,342 page views from over 1,300 unique visitors during the CGR process;
  - 3.2.6 Social media activity to promote the public meetings and maps/information;
  - 3.2.7 Media relations activity, including press releases, generated media coverage on the engagement exercise across a number of outlets including Swindon Advertiser, Swindon Link, BBC Wiltshire and in some Parish/Community publications;
  - 3.2.8 Posters distributed to advertise the public meetings;
  - 3.2.9 Officer meetings with parish councils, community groups and Ward members; and
  - 3.2.10 420 submissions were recorded from both residents and interested groups/organisations. A copy of the submissions, with personal
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Further information on the subject of this report can be obtained from Stephen Taylor, Direct Dial Telephone Number (01793) 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

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information duly redacted is available on the Council's website and in the Council's Members Room. In addition, the Swindon Labour Group conducted a poll by secret ballot, with a total of 251 votes against creating parishes and 3 in favour. Full details of this and the additional votes on possible parish boundaries are included in **Appendix Four**

- 3.3 The feedback from stage three of the CGR has now been reviewed and analysed, and is summarised in **Appendix Three**. The final proposals to Council are set out in more detail in **Appendix Five**.
- 3.4 The key themes identified in the consultation, and the Council's response, are set out in Table 1 below.

**Table 1 Key Themes from the Consultation**

<b>Consultation Issue/comment</b>	<b>Response</b>
Opposition to the creation of parishes in the parts of the Borough that currently do not have them.	This opposition is noted and it is not uncommon for proposed change programmes to be received in such a way. Cabinet also notes the secret ballots undertaken at various public meetings that showed the same objection. The ballots are reported in more detail in Appendix Four.
Oppose because of the extra expense for residents/increased tax burden	The level of Council Tax precept will vary considerably depending on how each parish chooses to operate, the range of services provided, and whether they provide these in-house or through contractors. At the moment, Haydon Wick, one of the pilot parishes for devolved services has a Band D precept of £33.48; Highworth, which is also a pilot area has an equivalent precept of £119.27; for Nythe it is £41.86, and for Stratton St Margaret, which has not taken on devolved services at this time but does provide a leisure/community centre, has a precept of £132.37 (Council Minute 75, 2015/16 refers).
Oppose these boundaries	This opposition is noted and Cabinet is also asked to take into account the suggestions about alternatives mentioned below (create one council) or in Appendix Three.
Oppose because of the extra administration costs/extra layer of bureaucracy	The issue of extra costs is covered above in the response to fears about additional

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expense.

Parish/town/community councils are an additional part of a full democracy. It is only an accident of history and Nineteenth Century legislation that Swindon New Town and Old Town Urban District Councils did not have parishes, an anomaly that simply carried forward into Swindon Borough Councils, then the unparished parts of Thamesdown Borough Council.

Parish councils are an additional tool for residents as they can promote local areas and ensure that each is distinct. Above all, local money raised by the precept in ring-fenced for local spending; it will not be spent on adult social care or children's services.

Oppose the principle but would accept the creation of one large parish/town/community council

A large parish may meet the statutory criteria of being effective and convenient; however, Cabinet must also consider whether it meets the challenge of reflecting community identities and interests.

Submissions have been received with some respondents making the case for a West Swindon parish, others for Nythe to expand to cover Liden and Eldene along with other possible parish boundaries.

The Council should have increased the Council Tax or should increase it via a referendum

The Council faces increased demand pressures of about £9m each year. It would take a Council Tax increase of about 9% each year to bridge this gap alone. There has been a further £8-9m gap from reduced central government grant, which would have made the increase even higher.

The process is that the Council must agree an increase and then hold a referendum. If the vote is lost, the Council must repay the extra amount in the following year, which might require even more difficult budget decisions. There has been no successful

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referendum to increase Council Tax so far.

It is worth noting that the vote to freeze Council Tax received cross-party support

Even if the Council had increased Council Tax, the demand to provide statutory personalised care services for the vulnerable elderly, safeguarding children, and those with learning difficulties would still have had first call on that additional money. It could not be ring-fenced.

There is no local demand for parishes

A petition has been received for a significant change to create one new parish. The comments suggesting different boundaries e.g. retaining certain areas together, or suggesting one parish for the town indicate that there is an option that is acceptable. Council has to make a decision about what will benefit the overwhelming majority of residents who would be affected who have made no response to any part of the consultation process.

Parishes should only be introduced after a referendum

The Council has followed the process set down in the 2007 Act, legislation that has been accepted by all the main political parties. This law does not require the Council to hold a referendum, It is the duty of elected councillors to make these kinds of decisions, even those that have long-term effects.

Concerns about the quality/content of the consultation

The consultation has followed the pattern set down in law and statutory guidance. The Council has gone beyond this in providing additional stakeholder meetings. Ward councillors have also made residents aware of the consultation through literature, election campaign material, and public meetings. All responses have been considered in accordance with both case law and the Council's own consultation policy. Please see Appendix Three for further detail on the consultation to Stage 3

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Concern that parishes would be too small to benefit from economies of scale

There is no clear answer about the optimum size for a council. The larger the Council, the larger the firm has to be to cope with any contract, which reduces the competition and raises prices. Larger contracts require more back office support by both parties to manage them, which is why economists also refer to diseconomies of scale.

Parishes may be able to take advantage of a wider range of suppliers, many of whom are local whereas large unitary authorities such as Swindon may be dependent on national or international firms, which may be less responsive to local needs.

## Recommendations to Council

- 3.5 The detailed proposals for each parished and currently unparished area of the Borough are set out in **Appendix Five** together with the rationale for those proposals.

## Shadow Parishes

- 3.6 In order to coincide with the commencement of the new financial year for both the Borough Council and Parish Councils, it is proposed at this stage that the new arrangements come into effect on 1<sup>st</sup> April 2017, so far as practicable. Recognising the normal timescales for elections, it is proposed that the elections for any new parish councils, together with any consequential elections for existing parish councils, take place on Thursday, 4<sup>th</sup> May 2017.
- 3.7 Since Nythe parish is expanding into an area without a parish, there will be no shadow council as the existing Council will have the authority to act for the whole area once the Order comes into effect.
- 3.8 In order to allow consultation on the details of the community governance order to allow the creation of the new parishes and to oversee work required between 10<sup>th</sup> November 2016 and 1<sup>st</sup> April 2017 it is proposed that shadow parish councils are established. In order to ensure that any new parish councils take up their duties with adequate funding, the role of these shadow parishes would be to set the Budget and precept of any new parishes for the 2017-18 Financial Year and to agree and oversee operational arrangements to ensure the safe provision of services from 1<sup>st</sup> April 2017.
- 3.9 The Borough Council has put in place a transitional team to support the parish councils over service delivery and clerking issues and it may well be that in some
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areas, the Borough Council remains the service delivery provider for a transitional period until the parish is established and feels able to manage the services either directly or through a third party.

- 3.10 The transitional team will be available to provide operational, financial and clerking support to minimise duplication within the proposed new parishes in terms of the establishment of policies and procedures, to enable economies of scale in terms of joint contracting for services and to generally provide support and advice to ensure sustainable service delivery models can be established.
- 3.11 Due to their knowledge of local areas and their democratic mandate as elected representatives of those areas, it is proposed that the local Borough Council ward members for each area be invited to form the shadow parish councils, where they are willing to do so.

## *Property Assets*

- 3.12 Part of the role of any shadow parish(es) would be to provide input over the assets that should transfer from the Borough Council to the Parish Council(s) to be included in the Community Governance Review order.
- 3.13 It is not proposed to transfer strategic assets such as Lydiard Park, Coate Water and its surrounding lakes, Barbury Castle or Stanton Manor and Country Park to parishes due to the strategic nature of these assets and resulting maintenance responsibilities. In respect of other community-type assets such as local parks, community buildings, allotments, play areas and small depots, it is proposed that they should be transferred to any new parish councils unless they form part of a future development site as part of the Borough Council's strategic property responsibilities. On this basis, the property could be leased or maintained under a maintenance agreement but the freehold should be retained by the Borough Council.
- 3.14 Within these parameters it proposed that the Director of Law and Democratic Services, in consultation with the Leader of the Council, agree any property transfers to be contained within the CGR order with the Shadow parish(es).

## *Borough Council Savings and New Income*

- 3.15 One of the drivers for reviewing unparished areas of the Borough was to enable community empowerment and allow the Borough Council to devolve powers to neighbourhood level and extend localism. Any new parishes would, therefore, be able to provide services being deprioritised by the Borough Council that existing parish councils are providing in other areas of the Borough.
- 3.16 Since 2014, some parish councils have been steadily increasing the range and depth of service provision provided in their areas which has been well received in those areas.



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3.17 In 2014, it was considered that services costing the Borough Council around £5m per annum could potentially be provided by parish councils in future as there were examples of parishes providing those services across the country. As a result of the CGR engagement process and via consultation on specific service changes, it is no longer proposed that the cost of street lighting energy is passed to parish councils and the Borough Council is reshaping bus services without seeking a contribution from parish councils. Further, Cabinet has confirmed its intention to withdraw funding from some local services where possible. As a result, it is now expected that the Borough Council will work with parish councils to take on these services where there is a desire for them to do so.

3.18 In overall terms, it is therefore expected that parish councils could generate new income to invest in services across the Borough. In the parished areas of the Borough, service levels have been increased above those affordable by the Borough Council in most areas, with local communities having more influence over local services and priorities.

## *Transitional Funding and Reserves*

3.19 The greater the scale and complexity of the services that are provided by parish councils in future increases the financial risks the organisations will be exposed to. In order to support the success of any newly created parish councils it is recommended that the Borough Council takes steps to increase their financial resilience from the first day of operation rather than waiting for reserves to be established over time.

3.20 In addition, Members have been clear throughout the CGR process that they do not wish to create hardship for Council Tax payers through unnecessarily high increases from one year to the next.

3.21 Within this context, Cabinet is asked to agree the following financial arrangements to support both the establishment of any new parish councils and in support of parish councils taking over services from the Borough Council. The exact payment to be made to each parish council should be agreed between the Corporate Director Resources on behalf of the Borough Council and Parish / Shadow Parish Council before the start of the new financial year.

3.21.1 New Parish Council Reserves – Subject to agreement by Council, all new or significantly expanded parish councils be paid 10% of the cost of services currently being provided by Swindon Borough Council that will be discontinued with effect from 1<sup>st</sup> April 2017 and instead provided by parish councils. This will be held as a start-up reserve by the parish councils to cover unforeseen costs and should not be spent on planned expenditure during the first three years.

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- 3.21.2 It is expected that this will cost the Borough Council around £300k, but the actual cost will be impacted by the scale of services that the new parish councils decide to provide.
- 3.21.3 Section 106 / Community Infrastructure Levy (CIL) Funding – Where the Borough Council is holding Section 106 or CIL funding that has been earmarked to be spent in a specific area on services that will typically be managed by parish councils in future, that funding will be passed to the parish council. The parish council will be required to demonstrate it has spent any funding in accordance with the conditions attached to each deposit.
- 3.21.4 Existing Parish Reserves – If any existing parishes are split into more than one parish it is proposed that any reserves held by the parish council are shared in a fair and pragmatic way. The Borough Council would expect that any funding earmarked to be spent in a specific area should be given to the new parish whose boundary that area falls within. Where reserves are not earmarked, it is recommended that they are split based on the estimated proportion of the existing Council's budget spent in each new area with overheads being apportioned in line with direct costs.
- 3.21.5 Earmarked Borough Council Reserves - Where the Borough Council is holding a specific reserve that has been earmarked to be spent on assets that will be managed by parish councils in future, that funding will be passed to the parish council. The parish council will be required to demonstrate it has spent any funding in accordance with the purpose of the reserve.
- 3.21.6 Future Capital Bids and Loans – For the vast majority of assets and services managed by parish councils in future, with good financial management the annual precept value and any transferring reserves plus appropriate insurance arrangements will be sufficient to cover their running costs and future liabilities. However, for a very small number of more significant assets, there may periodically be a requirement to incur more significant one-off capital investment to undertake major maintenance work or improvements. An example may be major improvement work to a park or remedial works to a damaged asset.
- 3.21.7 In this circumstance, through close partnership arrangements between the ward members and parish councillors, it may be appropriate to propose that a capital bid be submitted to the Borough Council for either a loan, or potential joint funding of the works. It is also normal practice for parish councils to borrow from the Public Works Loans Board (PWLb).
- 3.21.8 Transitional Funding – For all parish councils (existing and new) that agree to provide services currently provided by the Borough Council, transitional funding will be provided for two financial years. In 2017-18, 50% of the
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marginal cost savings in that year freed up by Swindon Borough Council from no longer providing these services in each area will be paid to the parish councils. In 2018-19, this will reduce to 25%. The intention of this transitional funding is to allow parishes to phase the cost of services into their annual precept over a 3 year period rather than burdening tax payers with the full increase in one year and is separate to the funding already agreed with existing parish councils that have already taken over services.

3.21.9 It is expected that this will cost around £2.5m but the actual cost will again be influenced by the range and scale of services the councils choose to provide.

3.21.10 Linked to previous-year service transfers to parish councils, the Borough Council already has transitional funding commitments for the next two financial years amounting to around £0.3m.

3.21.11 In order to fund the establishment of parish reserves and the total transitional funding likely to be agreed, it is proposed that a specific reserve is set aside of £3m with any surplus or deficit being managed as part of the Council's overall in-year Budgets.

## *Local Government Pension Costs*

3.22 Around 50% of the £3.5m of parish-type services currently provided by the Borough Council relates to staffing costs. All Council staff are automatically entitled to be part of the Local Government Pension Scheme if they work for the Council and this national pension scheme is more expensive than many other pension schemes due to its more favourable benefits.

3.23 A significant proportion of the grounds and street cleaning team employed by the Borough Council has a large amount of experience gained through a long and loyal service history supported by regular training. It is therefore not surprising that there is an appetite for most staff to be supported to continue providing these types of services across the Borough, albeit through a different employer.

3.24 Recognising this, through the engagement process, a number of residents and organisations have raised questions around the future liabilities facing parish councils if they take over the Borough Council workforce, especially when members have significant local government service which could attract expensive severance packages should the workforce need to be reshaped in future.

3.25 In order to support both the workforce to be welcomed by parish councils or other future employers and to balance the financial risks facing smaller organisations in future, it is proposed that the Borough Council under-writes a proportion of the liabilities for any staff transferring to a parish council or sub-contractor of a parish council.

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- 3.26 If no further service transfers to existing parish councils took place and no new parish councils were established, the status quo position means that the Borough Council is responsible for meeting all pension liabilities due to be paid by the employer for its workforce. This includes future service costs, past service liabilities plus one-off severance costs should staff retire early or be made redundant. Therefore, any transfer of pension costs to a new employer will reduce the Borough Council's current financial exposure. The same applies for redundancy payments.
- 3.27 Recognising this, it is proposed that Cabinet agrees that a cost-sharing arrangement is put in place with organisations employing staff currently providing services that the Borough Council will be pulling back from in future on the following basis.

## Pension Transfer Costs

- 3.27.1 Parish Councils will have an automatic entitlement to be part of the Local Government Pension Fund. Any sub-contractors can apply for admitted body status so that they can employ staff and allow them to remain in the Fund.
- 3.27.2 For all transferring pension liabilities, the Borough Council will pay upfront any deficit value within the existing pension fund as at the transfer date so that any transferring staff are fully funded on their first day of employment with their new employer
- 3.27.3 The parish council, or new employer, will meet the cost of its future employers pension on-costs recommended by the Local Government Pension Fund actuary. By doing this, the fund should remain fully funded and there should be no deficit liabilities for the parish in future.

## Future Redundancy Costs

- 3.27.4 The Borough Council will under-write any severance costs (including pension and redundancy payments) up to the value as at the service commencement date by the parish council. In effect, this would mean that if liabilities arose for an employee with 20 years' service, two years after the parish service commencement date, the Borough Council would meet 18/20ths of the pension and redundancy costs.
- 3.27.5 The programme is being managed to try to prevent compulsory redundancies but, should any staff take voluntary or compulsory redundancy prior or on the service commencement date, the severance costs would be met by the Borough Council in full prior to the transfer.

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## *Council Tax Support*

- 3.28 As part of the engagement and consultation processes, a number of questions have arisen over the cost of Council Tax Support and the impact of this on other residents in parished areas with higher numbers of households in receipt of this reduction.
- 3.29 In overall terms, around 10% of the cost of Council Tax is met from Council Tax Support and this has been factored into the financial modelling around likely future income levels and savings for Swindon Borough Council. Financial modelling has also been undertaken to show the potential impact on Council Tax bills of new parishes that could be established within the proposed boundaries. This modelling takes into account the potential expenditure levels of the proposed new parishes, the household numbers and bandings and the levels of Council Tax Support and other discounts and exemptions in place. The modelling does not show any material differences between the likely increases in Council Tax bills for those parishes containing higher level of households in receipt of Council Tax Support and those with lower levels. This tends to be because they are often more heavily populated areas so the cost of services is spread across a larger number of households.
- 3.30 Parish Council receive a grant from the Borough Council towards the cost of Council Tax Support and this grant is proportionate to the amount paid out in each area. Therefore, those parishes with higher levels of deprivation will receive a larger grant than other areas. In addition, the Council Tax calculations take into account this grant and ensure that sufficient Council Tax is raised to cover the cost of services within an area after taking into account any discounts and exemptions in place for some households.

## *Council Tax Capping / Referendum Criteria*

- 3.31 At the present time, parish councils are not restricted over the levels of annual council tax increases. However, during the last few years, articles have been published that suggest that capping could be considered in future for the largest parish councils in the Country.
- 3.32 In response to this, the Government has included as part of its consultation on the 2017-18 Local Government Settlement some proposals to restrict large increases in parish council precepts. As extract from the consultation is set out below.

*“We propose that referendum principles are introduced for local precepting authorities (town and parish councils) whose Band D precept is higher than that of the lowest charging district council for 2016/17 (£75.46), and which have a total precept for 2016/17 of at least £500,000 (subject to the next paragraph). These parishes would face the same referendum principles as shire districts: increases of less than 2% or up to and including £5 (whichever is higher) can be*



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*set without triggering a referendum. Based on these thresholds, the Government expects this new principle will affect around 120 of England's 8,800 local precepting parishes.*

*In doing this, the Government wishes to ensure that parishes continue to have the flexibility to take on responsibilities from other tiers of local government without being unduly constrained by council tax referendum principles. It is therefore proposed that parishes will not be in the category to which the referendum principle applies where there has been a transfer of responsibilities, and where three conditions are satisfied:*

- i. the parish council and a principal council covering the area of the parish council have each resolved that a particular function carried out by the principal council in relation to the parish council's area in the financial year 2016-17 is to be carried out instead by the parish council in the financial year 2017-18*
- ii. the parish council and the principal council have agreed the reasonable cost of the exercise of that particular function in the parish council's area by the parish council in the financial year 2017-18*
- iii. that the agreed cost, if collected by way of the parish council precept, would take the parish council over the threshold of a 2% or £5 increase on the previous year.*

*A large proportion of parishes are modest in size – for example, around 4,000 parishes have precepts of £25 or less. However, the Government is aware that increases in these precepts continue to concern local tax payers and is therefore prepared to consider extending referendums to all parishes. We recognise that issues of proportionality, practicality and cost could be raised by such a step, and would welcome views on this.*

- 3.33 Swindon currently has one parish with an annual precept over £500k and it is likely that the larger proposed new parishes could also raise a precept in excess of £0.5m. However, the Government is very supportive of the creation of new parishes which is demonstrated by it recently passing legislation making it easier for them to be created and therefore it is not expected that above inflation increases in precepts during the early years of new parishes being established would be challenged. The consultation detailed above also recognises that the referendum principles should not apply where there is a transfer of responsibilities down to parish councils as is the case in Swindon.
- 3.34 Should new legislation be introduced in future that does impact on the proposed strategy to support parishes to take on a greater range and depth of service provision, it is proposed that the Borough Council liaises with Central Government over potential future increases and, if necessary, reviews its transitional funding arrangements to ensure the strategy can be implemented

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successfully. However, that is not proposed at present and it is proposed that the Council responds to the consultation on this to confirm that it supports the Government's proposal that should referendum criteria be introduced for parishes in future, it should not apply where there is a transfer in responsibility for services.

## *Business Community*

- 3.35 As well as engaging with residents, the Council is also committed to engage with business representatives to ensure key businesses in the town understand the context the Borough Council is operating within and the CGR process that is being undertaken.
- 3.36 A number of engagement events and meetings have been held to explore how businesses could influence and contribute towards the cost of services provided in commercial shopping areas. Officers will continue to work with InSwindon and the local business community about ways they can augment or replace the Council's budget contribution.
- 3.37 In order to ensure convenient and effective local governance, and recognising that the Town Centre is an asset for the whole borough it proposed at this time that the Borough Council should pay the cleaning and maintenance costs.

## **4. Alternative Options**

- 4.1 Alternative views have been submitted as part of the consultation process and Cabinet could decide not to make the recommended changes to the existing parish boundaries or create any new parishes.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 The cost of the Community Governance Review has to date been met using existing resources and budgets with the exception of £15k spent from the Transition Grant to fund a leaflet drop to all households as part of stage 3 of the consultation. There are no other financial implications at this stage of the process.
- 5.2 Should the Community Governance Review result in the whole Borough being parished, it is estimated that at least £3m of new income could be generated from council tax payers to fund important local services should the parishes so decide.
- 5.3 If agreed, around £3m of one-off funding would be required to establish parish reserves and to fund transitional funding to ease the impact of the proposals on council tax payers.



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- 5.4 Further proposed detailed financial arrangements are set out in the main body of the report.

## Legal and Human Rights Implications

- 5.5 Legal and Human Rights implications have been taken fully into account in the preparation of this report. It is considered that the recommendations of the report are compatible with Convention rights.

## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 There are no other direct implications associated with this report.

## Diversity Impact Assessment

- 5.7 A Diversity Impact Assessment (DIA) has been undertaken on the proposal for parishes to take a larger role in service provision and this is available for inspection.

- 5.8 A DIA for the CGR itself has not been undertaken. It should be noted that parish councils are Public Authorities and so subject to the Public Sector Equality Duty.

## Risk Management

- 5.9 There are none linked to this report although failure to comply with the statutory procedures would be a legal and reputational risk to the Council.

## **6. Consultees**

- 6.1 The Corporate Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Borough Councillors, Parishes and parish councillors, stakeholders and members of the public have been consulted during Stages 1, 2 and 3 of the Review.

## **7. Background Papers**

- 7.1 Community Governance Review working papers and feedback.

## **8. Appendices**

- 8.1 Appendix One – Map of existing Parish and unparished areas of the Borough
- 8.2 Appendix Two - Consultation Map at Stage 3
- 8.3 Appendix Three - Feedback from Stage 3 of the CGR
- 8.4 Appendix Four – Formal Submission from the Swindon Council Labour Group

# **Community Governance Review**

**Cabinet**

**Date 19<sup>th</sup> October 2016**

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- 8.5 Appendix Five – Recommendation to Council in relation to existing and proposed new parished areas
- 8.6 Appendix Six – Map of final proposal recommended to Council