



**Governance and Audit  
Committee**

**Tuesday, 21<sup>st</sup> July 2020**

**Subject: Fourth Tier Governance Review**

Report by:	Corporate Governance & Policy Manager/ Deputy Monitoring Officer
Contact Officer:	Corporate Governance & Policy Manager/ Deputy Monitoring Officer
Purpose / Summary:	To provide background, local context and set out options for the undertaking of a review of the 4 <sup>th</sup> tier of local government across West Lindsey

**RECOMMENDATION(S):**

- 1. For the Governance & Audit Committee to undertake to follow the guidance provided by (the then) Department for Communities and Local Government (DCLG) and the Local Government Boundary Commission (LGBC) for England and conduct a governance review every ten to fifteen years.**
- 2. Approve the proposal to undertake a survey of Parish/Town Councils and District Council Members to gauge the level of necessity for change and for Committee Members to receive a draft of the survey at a subsequent meeting of the Committee within this civic year.**
- 3. Delegate authority to the Monitoring Officer in consultation with the Chairman of the Governance and Audit Committee to engage with the Boundary Commission should the need arise.**

## IMPLICATIONS

**Legal:**

None.

**Financial:**

(N.B.) All committee reports MUST have a Fin Ref

**Staffing:** Staffing resources required has yet to be determined and would be dependent on the scale of intervention required

**Equality and Diversity including Human Rights: None**

**Data Protection Implications: None**

**Climate Related Risks and Opportunities: None**

**Section 17 Crime and Disorder Considerations: None**

**Health Implications: None**

**Title and Location of any Background Papers used in the preparation of this report :**

None.

**Risk Assessment: N/A**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

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**No**

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**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

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**No**

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## **1 Introduction**

- 1.1 In forming the work plan for the Governance & Audit Committee, consideration was paid to the undertaking of a review of the fourth tier of local government operating across the District.
- 1.2 Local Government in the UK is divided into four tiers as follows:
  - 1) Unitary Authorities
  - 2) Upper Tier (Counties)
  - 3) Lower Tier (District/Boroughs)
  - 4) Fourth Tier (Parish/Town Councils)
- 1.3 Parishes are the smallest areas of civil administration in England. Parish and town councils are the closest level of government to the community they represent. The powers of parishes vary depending on how large and how active they are. Some meet infrequently and are responsible for very few matters. Other, larger, parishes undertake many duties such as street lighting, managing cemeteries, allotments, commons, village halls, war memorials and markets, etc.
- 1.4 Across West Lindsey there are 128 Parishes, of which 78 are served by parish or town councils who can be contacted through a parish or town clerk. Some of the remaining parishes have formed parish meetings.

## **2. Governance Reviews**

- 2.1 Governance Reviews vary considerably, depending on the nature of the changes being considered and on local circumstances.
- 2.2 Guidance on Community Governance Reviews was published by the Department for Communities & Local Government and the Local Government Boundary Commission for England in 2010. Aimed largely at principal authorities, it offers advice about undertaking a review and implementing its recommendations. The advice includes that it would be good practice for a principal council to consider conducting a review every 10-15 years.  
<http://www.communities.gov.uk/publications/localgovernment/guidancecommunitygovernance2010>
- 2.3 The Act requires principal authorities to take account of certain criteria when conducting a review, namely:
  - The identities and interests of the community in an area; and
  - The effective and convenient governance of the area.
- 2.4 They are also advised to consider factors such as:
  - What impact proposed community governance arrangements might have on community cohesion; and
  - Whether the size (area), population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.

2.5 Overall, local council arrangements should lead to improved local democracy; greater community engagement and better local service delivery.

2.6 The process required to adhere to is set out as follows. Typically this can take up to 12 months to complete.

Trigger for a review	<ul style="list-style-type: none"> <li>• A valid community petition; or</li> <li>• A principal authority's decision</li> </ul>
Decision to hold a review	<ul style="list-style-type: none"> <li>• A principal authority takes a formal decision;</li> <li>• Which can be to review all or a part of its area;</li> <li>• Though it must have valid grounds for refusal if there has been a petition.</li> </ul>
Terms of reference	<ul style="list-style-type: none"> <li>• A principal authority must draw up and publish terms;</li> <li>• Stating the matters and the geographic area to be covered;</li> <li>• Notifying other local authorities which have an interest.</li> </ul>
Undertaking a review	<ul style="list-style-type: none"> <li>• A principal authority must consult electors in affected area(s);</li> <li>• It should consult other bodies with an interest, including any affected local councils;</li> <li>• It must then consider any representations received.</li> </ul>
Making recommendations	<ul style="list-style-type: none"> <li>• Bearing in mind representations, the criteria and other factors;</li> <li>• Including alternative forms of governance in the area e.g. residents associations, neighbourhood forums; The principal authority formally recommends an outcome from the review;</li> <li>• It must publish its recommendations and the reasons for them, informing those with an interest.</li> </ul>
Implementing a review	<ul style="list-style-type: none"> <li>• A principal authority makes a Reorganisation Order to put into effect any changes;</li> <li>• Which must include a detailed map of the boundaries;</li> <li>• It publishes the Order and map for public inspection; It must inform specified bodies e.g. Ordnance Survey;</li> <li>• It should include in the Order any agreed incidental issues e.g. the transfer of assets.</li> </ul>
Next steps	<ul style="list-style-type: none"> <li>• An Order is often written to come into force the following April;</li> <li>• Typically a new local council is then elected in May.</li> </ul>

- 2.7 In the absence of the receipt of a formal petition from any particular Parish/Town Council the proposed review is at the behest of the Council.

### **3. West Lindsey Context**

- 3.1 Over recent years it has become apparent that a number of common issues have begun to impact on Town and Parish Councils across the District. These issues include:

- Struggle to attract and retain new Councillors
- Lack of appropriate skill sets among Councillors
- Virtual de-lineation of traditional boundaries due to growth of development\*
- Loss of local identity
- Feeling of loss of democracy and effective local representation
- Financial sustainability
- Lack of medium to long-term planning
- Parish Meetings suffering from a lack of transparency

\* An over-riding matter potentially contributing further to this matter is the review of the Central Lincolnshire Local Plan. Potential development land is not based on traditional parish boundaries but rather on the existing continuous built-up area. This may result in adjoining Parishes, where the built environment between both is bordering, regarded as collective rather than individual entities.

- 3.2 These concerns have been expressed and have resulted in the:

- Co-option of Ward Members and Officers onto Parish Councils to achieve quorate position
- Mutings of merging/demerging current Parish arrangements
- Suggestions to change boundaries
- Training provided on Standards and financial matters
- Where requested, financial reviews undertaken

### **4. Potential Actions to Review Effectiveness of 4<sup>th</sup> Tier of Local Government**

- 4.1 While the Council is aware of issues currently, or previously affecting a number of Parish/Town Councils across the District, we do not have a total overview of the current situation. We hear only from those Parish/Town Councils that raise the issues they face. However, we should not necessarily conclude that the remaining Parish/Town Councils are operating in a fully effective manner.
- 4.2 It is suggested that a survey be produced for issue to all Parish/Town Councils and Parish Meetings (where contact details can be established) to gauge their current levels of effectiveness. This could be established via questioning relating to:

- On-going viability
  - Recruitment of new/replacement Councillors
  - Financial sustainability
  - Considerations re merging/demerging
  - Considerations re boundary changes
  - The fulfilment of democratic ideals
- 4.3 On a more macro scale, The Boundary Commission are the body charged with undertaking boundary reviews. They review the boundaries of Parliamentary constituencies in England; while the Local Government Boundary Commission for England is responsible for conducting reviews of local authority electoral arrangements and the external boundaries of local authorities.
- 4.4 Each year the Boundary Commission contacts each local authority to see if there are any issues requiring their assistance. It is a number of years since West Lindsey made a submission to them. Based on responses received to the survey and the indication of a requirement to explore boundary changes, an approach could be made to the Commission to instigate such work.

## **5. Timescales & Resources**

- 5.1 It is apparent that an approach to the Boundary Commission and the undertaking of the survey and analysis of responses would, in themselves, be significant programmes of work. Factoring in remedial actions required to work through particular arising issues and changes proposed by the Boundary Commission would also require further dedicated time and resource.
- 5.2 A priority weighting could be applied to address the most pressing collective matters, with subsequent attention focused on more nuanced aspects.
- 5.3 It is suggested that a survey be drafted for consideration by the Committee and it be presented before the end of this civic year. Once approved, the survey could take place during the 2021/22 civic year. Adequate time would be required to dedicate to analysis and the production of an outline action plan. Hence, it is likely that the presentation of a draft action plan for consideration by Committee would take place towards the end of the 2021/22 civic year. If responses to the survey suggest the need for a submission to the Boundary Commission they could be contacted either pro-actively, or in response to their annual approach.
- 5.4 Further timescales are difficult to fully detail beyond this point, until the scale and level of required intervention is established. However, it is estimated that work would progress over at least two civic years; 2021/22 and 2022/23. Similarly an estimate of any financial resources required to support the work cannot be given at this stage.