

## **POLICY COMMITTEE | AGENDA**

30 March 2021 -10:00-11:30

ZOOM teleconference

Any member wishing to submit an apology for this meeting please contact NALC at [NALCcommittees@nalc.gov.uk](mailto:NALCcommittees@nalc.gov.uk) or call on 020 7637 1865.

### **1. Welcome by the chairman [10:00]**

### **2. Apologies for absence [10:00]**

2.1. To receive any apologies from the session

### **3. 5G Connectivity - Update From Mobile UK [10:00-10:20]**

3.1. To receive a verbal update from Mobile UK regarding the recent launch of communications/community assets regarding the benefits versus health factors of 5G roll-out.

### **4. Minutes of previous meeting – 12 January 2021 [10:20-10:25]**

4.1. To approve the draft minutes of the meeting held on 12 January 2021.

see appendix 4.1

4.2. To note the action log and raise any other matters.

see appendix 4.2

### **5. Motions from county associations [10:25-10:55]**

5.1. To receive a motion from Wiltshire Association of Local Councils regarding the need for photo evidence for Tree Preservation Orders (item to be attended by Cllr Lance Allen c/o WALC to speak to the item).

see appendix 5.1

5.2. To receive a motion from Gloucestershire Association of Parish and Town Councils on the extension of remote meetings legislation beyond 6 May 2021 (item to be attended by Cllr Steve Ponting c/o GAPTC to speak to the item).

see appendix 5.2

5.3. To receive a motion from the Kent Association of Local Councils regarding litter enforcement (Terry Martin from KALC to attend to speak to the item).

see appendix 5.3

## **6. Consultation next steps [10:55-11:10]**

6.1. Committee engagement: To discuss informal and flexible engagement with the committee on consultations and other matters using Zoom and other media informally between meetings.

6.2. To receive a verbal update and short written report from the policy manager on the next steps after the recent response to the following consultations:

- MHCLG Right to Regenerate consultation
- MHCLG Office for Beauty consultation.
- Transforming Public Procurement – Cabinet Office Green Paper

see appendix 6.1

6.3. To confirm agreed principles for NALC to include in its short response to the MHCLG unitary consultations for Cumbria, North Yorkshire and Somerset.

see also appendix 6.1

## **7. Campaigns [11:10-11:25]**

7.1. Local council elections 2021 – to receive a written report in summary of the Make A Change campaign so far.

see appendix 7.1

7.2. Devolution and creation of new councils – to receive a report from the head of policy and communications on NALC's policies on creating new councils.

see appendix 7.2

## **8. Engaging with MPs [11:25-11:30]**

8.1. To receive a written report outlining Lobby Day on 2 February 2021.

see appendix 8.1

## **9. Date and time of next meeting [11:30]**

9.1. To note the next meeting of the Policy Committee will be held on 29 June 2021 via Zoom.

© NALC 2021

## Appendix 4.1

# POLICY COMMITTEE | DRAFT MINUTES

12 JANUARY 2021

This meeting took place over Zoom.

### **Present:**

Cllr David Francis (committee chairman and Northumberland), Cllr Lillian Burns (Cheshire), Cllr Sue Baxter (NALC chairman and Worcestershire), Cllr Peter Allison (Yorkshire), Cllr Colin Peacock (Lancashire), Cllr Malcolm Leeding, MBE (Oxfordshire), Cllr Rosie Weaver BEM (Warwickshire and West Midlands), Ms Carole Burslem (County Officer Forum representative and Buckinghamshire) and, Cllr Tony Hirons (Leicestershire and Rutland).

**Staff present:** Justin Griggs (head of policy and communications), Chris Borg (policy manager), and Claire Goldfinch (policy and communications project officer).

## **1. Welcome and apologies**

**Resolved:** No apologies were received for this meeting.

## **2. Minutes from the previous meeting**

**Resolved (1):** That the Chairman be authorised to sign the draft minutes of the previous committee meeting from 6 October 2020 as a true record of the proceedings.

**Resolved (2):** That the action log be noted.

## **3. Motions from county associations**

### 3.1 Kent county association - protections for the travelling community

The committee discussed the motion and supported the aim of retaining a balance between the needs of local communities and travellers, in the housing policies of local plans.

**Resolved:** The committee notes the issue and will consider it if planning regulations change. The committee will look to carry on the sentiment of this motion in enabling the protection of travelling communities in planning legislation.

#### **4. Planning White Paper - Follow-up Engagement**

##### 4.1 Engagement

The committee received a short written report from the policy manager outlining NALC follow-up engagement after submission of NALC's three responses to the Planning White Paper consultations in October 2020. A report comprising summaries of other stakeholder views on the Planning White Paper was also considered.

**Resolved:** The committee notes the report.

##### 4.2 HCLG Inquiry Into Planning Reform

The committee received a verbal update on the advocacy of the policy manager on the written submission to the HCLG inquiry in planning.

**Resolved:** The committee thanked Cllr Burns for her work with the inquiry and noted the update provided on NALC's response to the inquiry.

##### 4.3 The Parker Report on Neighbourhood Planning.

The policy manager agreed to circulate the analysis of the Parker Report and implications for local (parish and town) councils. The committee will circulate their views on the report via email (they had already been sent it in early December 2020).

**Resolved:** The committee noted the report and wished to consider it at a further date

##### 4.4 MHCLG consultation on supporting housing delivery

The committee agreed the final response to the MHCLG consultation on supporting housing delivery and public services infrastructure.

**Resolved:** The committee endorsed the consultation response which would be duly submitted to MHCLG by officers.

#### 4.5 Discussion – housing needs

Cllr Allison highlighted that though MHCLG were dropping their affordable housing algorithm there would be an increase to the top 20 English urban centre housing needs figure by 20%. The Committee doubted the practicability of the new solution, which might require further revisions in due course. The Committee agreed to monitor the situation.

**Resolved:** The committee notes Councillor Allison’s response to the changes of the planning algorithm and the effect that this will have on local areas.

### 5. Campaigns

#### 5.1 Young people

The committee received a short written update from the head of policy and communications and agreed the programme of work on the theme of young people for 2021.

**Resolved:** The committee endorsed the report.

#### 5.2 Climate change

The committee received a written report from the projects officer with an update on the latest work of the NALC Climate Change Task and Finish Group, including early findings from the group’s survey which launched in October 2020.

**Resolved:** The committee noted the update and endorsed the policy position statement on behalf of the Climate Change Task and Finish Group.

#### 5.3 Health and wellbeing

The committee received a summary of work on the theme of health and wellbeing completed in 2020 from the project officer.

**Resolved:** The committee noted the report and welcomed the honour of being the secretariat of the Prime Minister’s Champion Group on Dementia.

#### 5.4 Local council elections 2021

The committee received a verbal update from the projects officer on the launch of NALC’s suite of materials for the local election campaign 2021 which went live in November 2020. Cllr Leeding stated that he had sent some material for the attention of the Smaller Councils’ Committee some while ago and was happy for this to be circulated as needed.

**Resolved:** The committee received the update.

#### 5.5 Devolution White Paper and Comprehensive Spending Review

The committee received a verbal update on engagement with government on devolution and local government finance since the previous committee meeting from the head of policy and communications.

**Resolved:** The committee welcomed the update.

#### 5.6 LGA Model Code of Conduct Update

The committee received a short written report from the policy manager on NALC's final response to the LGA on its further updated model code of conduct 2020 which has since been published by the LGA.

**Resolved:** The committee noted the update and welcomed the LGA code of conduct 2020.

### 6. Lobby Day

6.1 The committee received a short verbal update from the policy manager on progress with Lobby Day on 2 February 2021.

**Resolved:** The committee received the update and noted the date and importance of Lobby Day.

### 7. Rural Services Network AGM & Rural Assembly

7.1 The committee noted a report from Cllr Lilian Burns who attended the Rural Services Network (RSN) AGM and Rural Assembly on 16 November 2020.

**Resolved:** The council thanked Cllr Burns and noted her report. The committee chairman recommended that the report should be circulated to the Smaller Councils Committee for information.

### 8. Date and time of next meeting

8.1 To note the next meeting of the Policy Committee will be held on 30 March 2021 by Zoom (to be confirmed by NALC officers).

## Appendix 4.2

### Action log

Date	Activity	Item number	Action Complete (Y / N)
12 January 2021	Motions from county associations.  <b>ACTION: The committee notes the issue and will consider it if planning regulations change.</b>	3.1	Y
12 January 2021	MHCLG consultation on housing delivery.  <b>ACTION: The committee endorsed the consultation response which would be duly submitted to MHCLG by officers.</b>	4.4	Y
12 January 2021	Climate change.  <b>ACTION: The committee noted the update and endorsed the policy position statement on behalf of the Climate Change Task and Finish Group.</b>	5.2	Y
12 January 2021	Lobby Day  <b>ACTION: The committee received the update and noted the date and importance of Lobby Day.</b>	6.1	Y
12 January 2021	Rural Services Network AGM & Rural Assembly  <b>ACTION: The committee chairman recommended that the report should be circulated to the Smaller Councils Committee for information.</b>	7.1	Y

Contact officer: Chris Borg, policy manager, t: 020 7290 0741 | e: [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk)

© NALC 2021

## **Appendix 5.1**

### **Motion from Wiltshire Association of Local Councils**

#### **Subject: Tree Preservation Orders and Photographic Evidence**

##### **1. Text**

“That the National Association of Local Councils supports a change to the “form and manner in which an application [for consent under a tree preservation order or works to trees in a conservation area]” as cited in the Town and Country Planning Act 1990. The change will be such as to require photographic evidence to be provided with all applications for works to trees covered by a Tree Preservation Order [TPO] and/or notices to works for trees in a Conservation area.”

##### **2. Reasoning for the motion**

A requirement to provide photographs of each tree with a tree application would significantly assist local councils, councillors and planning authority officers in dealing with such applications and WALC therefore seeks the support of NALC to request a change in the guidance.

##### **3. Prospectus theme**

Build capacity and support councillors

##### **4. How affecting local councils**

Local councils deal with many tree applications each year including those in conservation areas and those covered by Tree Preservation Orders. Typically applications are covered by no additional information and the form itself includes a very simplistic sketch of a location. This means that the council / committee / councils find it difficult to reach a conclusion and provide appropriate comments to planning authorities on such applications.

##### **5. Recommendation**

That Policy Committee reach a decision after consideration of this motion at its session on 30 March 2021.

Contact officer: Chris Borg, policy manager, t: 020 7290 0741 | e: [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk)

© NALC 2021

## **Appendix 5.2**

### **Motion from Gloucestershire Association of Parish and Town Councils**

#### **Subject: Remote meetings**

##### **1. Text**

“To lobby the government to extend indefinitely the power to hold virtual meetings after the expiration of the current regulations in May 2021.”

##### **2. Reasoning for the motion**

The GAPTC AGM in December approved the motion as the meeting considered there were real benefits of more engagement with the community coming from holding virtual meetings – more residents and younger ones as well as older people who had found going out to evening meetings challenging. The downsides were poor internet access, certain councillors being unwilling to learn new ways of working and the provision of equipment in some cases.

##### **3. Prospectus theme**

Building Capacity and Support Councillors

##### **4. How affecting local councils**

Now that local councils have established the new, virtual way of holding meetings (or a hybrid way), our councils want to have a choice after May 2021 of how they hold their meetings.

##### **5. Recommendation**

That Policy Committee reach a decision after consideration of this motion at its session on 30 March 2021.

Contact officer: Chris Borg, policy manager, t: 020 7290 0741 | e: [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk)

© NALC 2021

## **Appendix 5.3**

### **Motion from Kent Association of Local Councils**

#### **Subject: Litter enforcement**

##### **1. Text**

“To request that KALC and NALC should lobby Government to introduce legislation that: all drive through food outlets print on all packaging of sold items the vehicle registration number from which occupants made the purchase and such printing include the time, date and venue of that purchase. Packaging is defined as materials used to wrap or pack food or drink.”

##### **2. Reasoning for the motion**

The problem of litter within our society that blights our towns, village and countryside is a growing plight for Britain. It is almost impossible to travel a road or lane within this country and not now see discarded takeaway cartons, bags and other associated rubbish that has been jettisoned to the verge predominantly from passing vehicles.

##### **3. Prospectus theme**

Empower Communities

##### **4. How affecting local councils**

By providing the LA with the power to deal with this offence by way of a penalty notice this becomes a win-win for local councils who would be able to deal with this issue through minimal personnel time and cost. Where the revenue from these fines are afforded to the prosecuting LA then these remedial measures become even more attractive.

##### **5. Recommendation**

That Policy Committee reach a decision after consideration of this motion at its session on 30 March 2021.

Contact officer: Chris Borg, policy manager, t: 020 7290 0741 | e: [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk)

© NALC 2021

## **Appendix 6.1**

### **Consultations update – next steps**

#### **1. Summary**

NALC has recently responded to three consultations as below:

- Right to Regenerate (MHCLG);
- Model Design Code (MHCLG);
- Transforming Public Procurement.

#### **2. Context**

Some brief context for each of the three consultations is shown below with suggested next steps on lobbying:

(a) Right to Regenerate, MHCLG

- Purpose – sought to consult on extending Right To Contest regulations (strand 2, under MHCLG) to make local (parish and town) councils challengeable under the regulations for underuse of land they own.
- NALC argued that local councils should not be added to the list of public bodies challengeable under the regulations for the land they own and that doing so may create an inappropriate back door for developers to develop such land after sponsoring individuals to make challenges to local councils.
- Suggested next steps: possible online event, roundtable or meeting with LGA.

(b) Model Design Code, MHCLG

- Purpose – MHCLG follow through on Planning White Paper proposals to introduce a Model Design Code requiring local design codes to be put in place by every planning authority and for baseline beauty standards.
- NALC argued in favour of the Building Better, Building Beautiful report proposals – saying that Village Design Statements could be used as part of local design codes and that Neighbourhood Plans should also be used.
- Suggested next steps – possible online event, roundtable and further meetings with RTPi and TCPA.

(c) Transforming Public Procurement, Cabinet Office

- Purpose - the Cabinet Office has drafted a Green Paper consulting on proposals to streamline all public procurement regulations and to simplify the way all public bodies buy procured services from suppliers.
- NALC argued in support of a streamlined set of regulations in favour of a new platform for public bodies to procure their public services and for bodies to be listed on a database who have not delivered previous projects to budget or deadline unable to bid for future such services in some cases.
- Suggested next steps - possible online event, roundtable or meeting with Cabinet Office.

### **3. New local consultation for response**

- At the end of February 2021 NALC was contacted by MHCLG to highlighted three local consultations in North Yorkshire, Somerset and Cumbria following submission of a total of 8 unitary bids in these counties. The committee will remember detail of these consultations from its recent Zoom call on the matter.
- NALC has discussed this matter at a recent CVC call, held recent telephone calls with the three affected county associations and held a call with the committee chairman to discuss handling. All three county associations to our knowledge will be responding to the local consultations by the 19 April 2021 submission deadline.
- NALC will be framing a short note based on previous principles agreed some years ago by National Assembly, to frame a short national principles based response to be submitted to each (as identical) of the three local consultations. The committee will either have the chance to comment on the draft response at this committee session or electronically. National Assembly will also have the chance to discuss the matter at a short Zoom session after Easter, ahead of submission of the final response.

### **4. Recommendation**

That the written report be noted.

Contact officer: Chris Borg, policy manager, t: 020 7290 0741 | e: [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk) © NALC 2021

## Appendix 7.1

### Make A Change campaign elections campaign

#### 1. Summary

The Make A Change campaign 2021 was launched in November 2020. It has been a multi-faceted campaign that has looked to encourage people from all backgrounds to stand for election in May 2021.

#### 2. Context

- 78,769 hits on the NALC webpage since page was created 3 October 2014

#### Number of downloads of resources:

- Frequently asked questions about elections – 180
- Elections time table – 860
- Editable elections flyer – 1,154
- Editable elections press release – 639
- Social media assets – 781
- Editable elections poster A4 – 935
- Editable elections poster A3 – 447
- Information sheet for prospective candidates – 1,005
- Local councils elections report 2019 – 3,776

#### Events:

##### NALC events:

- Why representation in local councils matters – an event about representation and diversity. Chaired by Cllr Peter Fleming OBE. 100+ attendees.
- Make A Change, Become A Councillor – a free public event that saw councillors talk about their experiences. Chaired by Matt Chorley from Times Radio. 200+ attendees
- CALC events

##### External events:

- Woodland Trust Tree Charter event – November 2020
- SLCC Practitioners' Conference – February 2021
- 'Our Bright Future' event – March 2021

## Media coverage

### Local:

- <https://www.newtonnews.co.uk/are-you-passionate-about-your-community/>
- <http://www.whitehorsenews.co.uk/blog/2021/02/16/could-you-be-a-local-councillor/>
- <https://www.inyourarea.co.uk/news/hunt-for-next-jackie-weaver-with-over-2-000-council-elections-this-year/>
- <https://edition.pagesuite-professional.co.uk/html5/reader/production/default.aspx?pubname=&pubid=f26b63a2-9c30-414d-8e91-6673076c9765>
- <https://www.inyourarea.co.uk/news/hunt-for-next-jackie-weaver-with-over-2-000-council-elections-this-year/>

### National:

- <https://www.theguardian.com/commentisfree/2021/feb/08/the-guardian-view-on-parish-councils-no-joke>
- <https://www.lgcplus.com/politics/lgc-briefing/in-praise-of-parish-councils-05-02-2021/>
- <https://inews.co.uk/news/politics/jackie-weaver-local-government-young-women-councils-899738>

### **3. Recommendation**

(1) That the Policy Committee recommend to undertake more surveys on elections after the May 2021 local elections.

(20) That the Policy Committee recommend to produce guidance and advice for local (parish and town) councils on co-option.

Contact officer: Claire Goldfinch, project officer, t: 020 7290 0314  
| e: [claire.goldfinch@nalc.gov.uk](mailto:claire.goldfinch@nalc.gov.uk)

© NALC 2021

## **Appendix 7.2**

### **Creation of new local councils**

#### **1. Purpose of report**

This paper provides a background on the process and experience of creating new local (parish and town) councils and invites the Policy Committee to review current policy measures aimed at creating more local councils.

#### **2. Summary**

The process to create a new council is contained in the [Local Government and Public Involvement in Health Act 2007](#) where a principal council in England (a district or unitary council) may undertake a governance review, either on its initiative or in response to a petition from local electors.

NALC lobbied successfully for a series of measures to make it easier to set up new local councils which were introduced in 2015.

Local government reorganisation has also led to new councils created being created in unparished areas.

Since 1997 more than 300 new local councils have been established, 4 local councils have been abolished and 6 petitions to create new local councils were not supported by the relevant principal council following a community governance review, despite public support in the majority of cases.

NALC delivered a £500,000 government-funded support programme from 2013 to 2016 comprising the provision of advice and information, telephone hotline, direct support and technical help, grant funding, online hub, production of case studies and events. To date, 85 new councils have been created, including 14 within the duration of the programme.

Successive governments have supported the creation of new local councils. In 2019 the Conservative government published the communities framework [By deeds and their results: strengthening our communities and nation](#) which included a commitment to update and strengthen Community Governance Review guidance to support the creation of new local councils where communities wish to establish them.

Several think tanks and reports have called for the creation of more local councils.

NALC has developed and promoted many policy measures aimed at creating more local councils including through local government reorganisation and further devolution deals, reform to the community governance review process, abolishing

Charter Trustees and parish meetings, piloting Community Improvement Districts or 'pop-up parishes' and investing in a new national support programme.

### **3. Recommendation**

The Policy Committee is invited to review NALC's current policy measures and agree on a series of policy measures to promote to the government and others.

#### **Community governance reviews**

##### **1. Summary**

The procedure to create a new council can be found in the [Local Government and Public Involvement in Health Act 2007](#). Under the 2007 Act, a principal council in England (a district or unitary council) may undertake a governance review, either on its own initiative or in response to a petition from local electors.

The governance review must examine whether one or more parish councils should be created, divided or merged to ensure that local government arrangements are 'effective and convenient and 'reflect the identities and interests of the community in that area'. Guidance was published by the government in 2010. The guidance recommends that a community governance review should take place every 10 to 15 years.

In conducting the review, the council must consult local electors and any other persons or bodies which are considered by the council to have an interest in the review. The guidance emphasises that councils should take various factors into account, including the impact of community governance arrangements on community cohesion, and the size, population and boundaries of a local community or parish.

The review may recommend that the parish remains as it is; that the area of the parish is altered or merged with another parish; or that the parish council should be abolished. There is no guarantee that the submission of a valid petition will result in a new parish. The guidance states that 'clear and sustained' support for any abolition (i.e. over two terms of elected office) would need to be demonstrated.

A council that receives a valid petition is under a duty to carry out a community governance review as requested by the petitioners unless it has already conducted a review of the same area, or of substantially the same area, during the previous two years. Once the review has started (that is, the terms of reference have been published), it must be concluded (i.e. the recommendations must be published) within 12 months. Minimum levels of support for petitions are set out in section 80 of the Act which was amended in 2015.

## Changes to system for establishing local councils

Previously, the system of parish reviews was governed by the Local Government and Rating Act 1997. Under this Act, a principal council (a district or unitary council) could carry out a review and recommend the creation of a new parish or the alteration or abolition of an existing parish. Any recommendations arising from a review were made to the Secretary of State, who then decided whether to accept them, with or without modification.

The 1997 Act also permitted local electors to petition for the establishment of a parish, but this could only be done in respect of an unparished area. The principal council was required to forward a valid petition to the Secretary of State along with its views on the matter and a summary of local opinion. Again, it was for the Secretary of State to decide whether or not to implement the recommendation(s), with or without modification.

The Local Government and Public Involvement in Health Act 2007 introduced significant changes to the process, including delegating the decision to principal councils. NALC had argued for the changes to also include a right of appeal to the Secretary of State, however, this measure was not supported by the Government. The 2007 Act also took forward the Labour Party manifesto pledge to allow the creation of new parish councils in London, following successful campaigning by NALC.

The then government's community empowerment white paper [Communities in control: real people, real power](#) in July 2008 set out ambitions to encourage more neighbourhood councils, stating "we will build on the existing 8,900 parish and town councils by encouraging new village, neighbourhood and community councils, particularly in urban areas. We will introduce a right of appeal where a community's proposal for a local council is denied by the local authority." This commitment was a direct result of advocacy by NALC to the Secretary of State, including on the need for a right of appeal. This commitment was not progressed, with the Labour government then losing power at the 2010 general election.

[The Coalition: our programme for government](#) in May 2010 contained a commitment to "make it easier for people to come together to improve their communities and help one another", drawing upon the Liberal Democrat manifesto commitment to set up more local councils.

In September 2010 NALC published the [Communities in control](#) manifesto, which among the 'stronger local democracy' measures included calling a right of appeal.

In October 2012 the government published the discussion paper [Making it easier to set up new town and parish councils](#), presenting a range of proposals that would help achieve this. The discussion paper set out the problems with the current process for setting up a new local council including the lack of a right of

appeal. The 2007 legislation removed the requirement for the consent of the Secretary of State for the creation of the new local councils, the government view was that these should remain local decisions. The paper also explained that some campaigners have argued that a right of appeal would allow a community redress if they felt that a principal council had been unfair in a decision not to create a new local council.

It went on to say the starting point is that the decision to create a new local council should remain with the principal council as the existing legislation requires, with the government clear that where local people express popular support for the creation of a local council, the principal council should work with the community to achieve that.

The NALC response to the consultation also highlighted the need for a right of appeal, stating: "The lack of an appeal mechanism, apart from triggering a Judicial Review, is the most critical issue requiring reform. We believe that without an appeal process the creation of a parish or town council can be completely determined by the Principal Authority's attitude, rather than that of the community. We would like to see an independent authority, such as the Local Government Ombudsman, or the Local Government Boundary Commission charged with the role of conducting an investigation where an appeal against the decision not to create a parish or town council is raised. We believe this reform should be set out in legislation to ensure that Principal Authorities must adhere to the new process. This will give campaigners confidence that, from the very start of the Community Governance Review (CGR), if the Principal Authority has not followed due process, they have a mechanism by which to address the problem. We believe that this will help ensure that Principal Authorities do not ignore the results of the CGR process, where they disagree with the outcome.

The government published its response to the consultation in September 2013. The majority of respondents (58), 76% did not express a particular view about the provision of a right of appeal. Only 16% of respondents (12) submitted any comment that favoured the introduction of some mechanism that allowed a right of appeal. The remaining 8% (6) gave specific comments that opposed the introduction of a right of appeal. Some principal councils were critical of this particular proposal. Key comments from principal councils included the suggestion that the Secretary of State should consider all appeals to avoid the vexatious submissions. One respondent did suggest that an independent body should be set up to consider the submitted right of appeals. Some principal councils stated they were concerned about potential financial burdens that could be placed upon them by a right of appeal.

The changes the Government did agree to take forward were introduced in 2015:

- lowering the petition threshold of signatures required to trigger a governance review from 10% to 7.5% of residents

- allowing neighbourhood forums to trigger a governance review without submitting a petition
- governance reviews must take a maximum of one year from the receipt of a valid petition (previously the limit of one year ran from the start of the review itself).

While the changes did not include introducing a right of appeal, the government did propose amending guidance to recommend that principal councils have an appropriate internal review process on request, but not seek to establish a right of appeal for campaigners. This approach was in line with the Government's previously expressed position they did not propose to introduce a right of appeal, also reflecting the lack of strong support for a right of appeal expressed in the consultation responses.

A light touch consultation on updating the guidance on community governance reviews took place in May 2018, but this is still yet to be published and we have regularly raised this with the government.

NALC's [\*Devo Local: A white paper for empowering and strengthening local democracy\*](#) was published in October 2015 and includes a range of proposals to promote and support the creation of new local councils including a 'community right of appeal'.

In October 2017 NALC published [A prospectus for ultralocalism](#), which among the 'empower communities' pillar includes measures to support the creation of local councils by reforming the community governance review process with a community right of appeal and use of referendums, investment in a national support programme and introduce mandatory governance reviews as part of devolution deals.

In July 2019 the Conservative government published the communities framework [By deeds and their results: strengthening our communities and nation](#). This set out that the government "will also champion the important work of parish and town councils and explore opportunities to strengthen their purpose and role across the country. This will include updating and strengthening Community Governance Review guidance to support the creation of new parish, town or community councils where local communities wish to establish them".

### **Outcome of community governance reviews**

The overall experience and outcomes from community governance reviews triggered by petition since 1997 are generally positive:

- more than 300 new local councils have been established, including London's first in Queen's Park and previously England's largest in Sutton Coldfield
- 4 local councils have been abolished, in Brierley in Yorkshire, Letchworth in Hertfordshire, Offerton in Stockport and Southsea in Hampshire
- 6 petitions to create new local councils in Bexhill in East Sussex, Corringham in Essex, Fenton in Stoke-on-Trent, Funtley in Hampshire, Rochester in Kent and Spitalfields in London, were not supported by the relevant principal council following a community governance review, despite public support in the majority of cases

Below are examples of timescales encountered by some communities NALC and county associations have supported in creating a new local council:

- Triggered by petition
  - Sutton Coldfield (5 years) – campaign started May 2012, petition to Birmingham City Council October 2013, first elections May 2016
  - Queen's Park (4.5 years) – campaign started late 2010, petition to Westminster City Council April 2011, first elections May 2014
  - Bingley (3.5 years) – campaign started 2013, petition to Bradford Council January 2015, first elections May 2016
  - Shipley (2 years) – campaign launched May 2018, petition to Bradford Council May 2019, first elections May 2019
- Triggered by principal council
  - Kidderminster (1.5 years) – CGR terms of reference February 2015 by Wyre Forest District Council, advisory poll May 2015, council decision July 2015, town council formed 1 December 2015, first elections May 2016.

Local government reorganisation has also been a significant driver to the establishment of new local councils in unparished areas. NALC has a [dedicated local government reorganisation webpage](#) that covers the background, types of reorganization, support, current status and useful web links. Phases of reorganization have taken place in 1995, 1996, 1997, 1998, 2009, 2018, 2019 and 2020. In some cases, this led to full parishing such as Cornwall, Herefordshire and Wiltshire, in other areas this did not such as High Wycombe and Poole.

### **NALC support to the creation of new local councils**

Parishing the whole of England remains one of NALC's constitutional objectives and creating more local councils in England is a strategic aim in the strategic plan.

NALC and county associations have been pivotal to extending local democracy to unparished areas through the creation of new local councils and have become the country's leading experts and repository of knowledge and experience on both the creation of new local councils and in providing support after this to ensure they are effective and well run.

Our Create a Council [webpage](#) includes a range of resources we have developed including a series of case studies that include some of the areas mentioned above.

Feedback and evidence from communities we have worked with over many years has identified two key barriers to the creation of new local councils: the attitude of principal councils; access to support and funding.

High-level summary of NALC's previous New Councils Programme:

- From 2013 to 2016, the Ministry of Housing, Communities and Local Government (MHCLG) provided £500,000 of funding to NALC to manage and deliver a programme of support to create new local (parish and town) councils
- NALC provided programme management and other staffing support, county associations provided local support
- The programme comprised the provision of advice and information, telephone hotline, direct support and technical help, grant funding, online hub, production of case studies and events
- Additional support and information was also provided as required on community rights and neighbourhood planning, not part of the funded work
- 200 strong pipeline built up of communities exploring the creation of a new local council
- 14 councils created during the life of the programme
- 48 communities received grants of up to £10,000 for promotion, publicity, communications and events
- 10 case studies telling the story of different campaigns at varying stages of their journeys
- 3 briefing and networking events

- Online hub hosting template materials such as posters, press releases and leaflets for campaigns to use
- MHCLG decided not to extend the programme and turned the tap off support, disappointingly right at the point where a pipeline had been built up
- This was despite our warning that it took time to build up community interest and capacity, and given the lengthy timescale involved from start to finish which often exceeded the 3 years of the programme
- Nevertheless, to date 85 new councils have been created, including 14 within the duration of the programme
- A crude calculation based on the input of total funding from the programme divided by the output of total number of the new councils created would give £5,800 each. This compares quite favourably with costs associated for example in developing a neighbourhood plan.

Several think tanks and reports have also called for the creation of more local councils including [The Policies of Belonging](#) by Onward, Newham Council's [Democracy and Civic Participation Commission](#) and the report of the Kruger review [Levelling up our communities](#).

### **Current policy measures**

To help more areas benefit from local councils NALC has developed and promoted many policy measures:

- Require proposals for local government reorganisation and further devolution deals to include the creation of local councils in all unparished areas, and ensure effective engagement with county associations including the provision of funding
- Reform the community governance review process to include mandatory use of referendums and a community right of appeal
- Consider removing the power of principal councils to create/merge/abolish local councils and for this to be carried out by another body such as the Boundary Commission
- Abolishing unelected and unaccountable Charter Trustees, who can raise a precept without any election or vote, in the remaining 17 towns where they exist and replacing them with a town council

- Rationalising parish meetings in rural areas through the creation of parish councils covering one or more parish meeting areas
- Piloting Community Improvement Districts or ‘pop-up parishes’ with time-limited freedoms and flexibilities to deliver community-led change
- Investing in a new national support programme bringing together NALC, government and other relevant organisations to help communities and principal councils access information, resources, learning, good practice and direct advice and support. We would contend that NALC is best placed to manage and deliver such a programme working with our network of county associations. We would envisage establishing a nationally co-ordinated centre of expertise to provide support to communities and principal councils.

## **2. Recommendation**

The Policy Committee is invited to review NALC’s current policy measures and agree on a series of policy measures to promote to the government and others.

Contact officer: Justin Griggs, head of policy and communications, t: 020 7290 0317 | e: [justin.griggs@nalc.gov.uk](mailto:justin.griggs@nalc.gov.uk)

© NALC 2021

## Appendix 8.1

### Engaging with MPs

#### 1. Summary

NALC held its seventh successive annual Lobby Day on 2 February 2021. Due to coronavirus restrictions all activity took place online.

#### 2. Headlines

The key headlines from Lobby Day were:

- County associations and NALC engaged through online meetings and letters with over 130 Parliamentarians, including ministers, shadow ministers and spokespeople.
- Topics covered included local council funding, remote meetings and the 2021 local council elections.
- NALC hosted a meeting of the All Party Parliamentary Group (APPG) on local democracy, which discussed and debated the recent [Policies of Belonging Report](#) by the think tank Onward.
- A briefing was provided for members of the House of Lords, covering remote meetings, creating new councils, civility in local government and local council elections 2021.

#### 3. Future Lobby Days

Most county associations were happy to take part in this year's Lobby Day. However some reported that they had been expecting Lobby Day to take place in March and had made other commitments in February. Setting a March date for future Lobby Days would give county associations the certainty they need to plan ahead for the year.

#### 4. Recommendation

That the report be noted and that future Lobby Days take place in March.

Contact officer: Jessica Lancod-Frost, policy officer t: 020 7290 0319 |

e: [jessica-lancod-frost@nalc.gov.uk](mailto:jessica-lancod-frost@nalc.gov.uk)

© NALC 2021