



Case study on the experience of newly established local (parish and town) councils

HEXTABLE PARISH COUNCIL (SEVENOAKS, KENT)

Background

Hextable Parish Council was created on 1st April 2008.

Hextable is a rural village with a population of 4,400 in north-west Kent, in the district of Sevenoaks. It was granted parish status after a public petition which led to a Governance Review, following a 3 year village campaign. Previously, Hextable formed a significant part of the larger Swanley Town Council.

The campaign for a local council for Hextable was co-ordinated by the village residents association. It wanted to establish a smaller parish council focussed just on the village. Hextable is geographically separated from Swanley by an area of Green belt land. The residents association felt that Swanley business dominated the deliberations of Swanley Town Council and that Hextable's issues and concerns were often not given sufficient priority.

The residents association lobbied Sevenoaks District Council. Councillors representing Hextable on Swanley Town Council were Independents, among a Labour majority, and this helped to create a feeling of separateness and to maintain the profile of the lobby. Eventually, a Governance Review was undertaken, which recommended splitting Hextable away from Swanley to establish a new local council.

The first elections took place at the start of May 2008 for the nine seats. All of the Hextable seats were taken by the Independent candidates from the residents association.

Key areas of learning

Role of the principal local authority

Sevenoaks District Council played a key role in the creation and early establishment of Hextable Parish Council. Following the Governance Review, the residents association became, in effect, the shadow body for the new local council. An officer from Sevenoaks was appointed the task of liaising between the principal local authority, Swanley Town Council and the residents association, to ensure the successful set up of the new council. This was a challenging role for two key reasons:

- First, Swanley Town Council had concerns about the creation of Hextable Parish Council, primarily because of the significant impact it would have on their tax base; and
- Second, there were a number of formal duties required of Sevenoaks because of the way that Hextable would be created from an existing parished, rather than unparished, area. In effect, it was a disaggregation of Swanley Town Council. Sevenoaks had not gone through such a process before and found itself on a steep learning curve.

After seeking legal advice from Counsel, Sevenoaks District Council became aware that its role was more significant than had initially been anticipated.

Its responsibilities included electoral arrangements, initial council meetings, premises identification, and asset and staff transfer. In addition, the decision to split the Town Council area was somewhat controversial. This meant an additional role for Sevenoaks was to arbitrate between the existing Town Council and the new local council over issues such as budget and precept setting, ensuring that tensions at a political level did not derail the process.

Specific duties undertaken by Sevenoaks during the set up phase included:

- Organising and overseeing the first contested election in May 2008, after the council was established in April that year;
- Managing the council's business, after its creation, through the first elections and until a Clerk was appointed. This meant running the first three Parish Council meetings and it involved a legal arrangement whereby the Hextable ward members from Swanley Town Council acted as consultees for the new Hextable Parish Council, though they had no decision making authority.

There was sometimes confusion and lack of clarity around division of responsibility and control between the three concerned parties. Sevenoaks have commented that being able to look at previous cases where parish council areas had been split, rather than being created in unparished areas, would have helped considerably. Knowing where to go for good practice, support and ideas might have eased the transition process and helped Sevenoaks prepare for their role.

The principal local authority was able to step back very quickly once the new Parish Council had recruited a clerk. This was a situation which suited both parties. One legacy of the vesting process is that there is still a good relationship between Sevenoaks and Hextable councils. Indeed, Sevenoaks can claim effective and professional working relationships with all the parishes in the district.

Transferring staff and assets

The separation of Hextable from Swanley involved the transfer of three staff, two groundsmen and one part-time administrative officer, to Hextable Parish Council, together with playing fields, some buildings and a heritage centre.

Transferring the assets that were within the Hextable area was relatively straightforward. More contentious were proceeds from a hotel and land sale outside Hextable by Swanley Town Council. Hextable Parish Council was disappointed with a ruling that it would not gain a portion of the proceeds, as it was technically still part of Swanley when they were realised. The allocation of any proceeds from asset sales is something for new local councils to consider where they are being created out of existing councils.

Agreeing the appropriate staffing numbers that should transfer was initially a delicate issue. It relied heavily on time-consuming and complex TUPE arrangements, under which the transferring body (Swanley Town Council) had to identify and justify the staff who were to transfer.

One piece of good practice emerged from this stage of the process. Sevenoaks was able to recruit a local field manager, who had excellent local knowledge and had undertaken some parish and town clerk management courses. This post was crucial in establishing the effective governance and operation of the council right from the start. The manager was employed initially by Sevenoaks District Council, though they transferred to Hextable Parish Council upon its vesting. He was able to sort out many of the practical arrangements, such as insurance, health and safety, and helping to set up the new council office (e.g. installing telephones, IT and a payroll system).

This manager eventually became the first parish clerk. Kent Association of Local Councils (KALC) were involved closely in the recruitment of the clerk and provided timely advice to both Sevenoaks and the newly vested Hextable Parish Council. KALC also sat alongside the new Hextable Councillors to help them with the selection process. Sevenoaks set up that recruitment process, but they stepped back when it came to interviews and confirmation of appointment. This was rightly seen as the sole responsibility of the Parish Council.

Setting a budget

One other key area in which Sevenoaks District Council played a role was in the negotiations about the first budget and precept for Hextable. Both Swanley Town Council and the residents association (representing the shadow Hextable Parish Council) developed draft budgets and associated precept levels for the first full financial year. Their initial positions were a long way apart. Each had practical and financial reasons which underpinned their budget calculations, based on local circumstances. But it was clear that the positions were not going to meet and Sevenoaks was required to arbitrate between them. Sevenoaks, instituted a compromise precept of about £120,000 which was, in effect, roughly the halfway point between the two positions.

One useful fallback which Sevenoaks introduced was a £25,000 contingency loan fund. In setting the first annual precept, Sevenoaks decided to make available this fund in case either of the new local councils was unable to balance its budget at the end of the year. Both councils greatly appreciated having this insurance, though neither of them ultimately needed to draw upon that fund. Hextable Parish Council was even able to put an amount through to establish parish council reserves at the end of the first year.

Next steps

The Parish Council is now emerging from its set up phase. The last few months have been a period of consolidation, with the development and implementation of various necessary policies and procedures, including health and safety, staff welfare and staff appraisal.

There is a new parish clerk in post and there are plans to increase the local impact of the Council's services. Hextable is a small, tightly knit community and the move to create the council is seen locally as a success. Because the pressure for a new parish council came from residents, there has always been good local engagement. This is something the clerk is keen to build upon. A new website has recently been launched, which provides better information about Council meetings and local decisions, and the regular Parish newsletters have always been well received.

The Council is keen to make best use of the assets which were transferred from Swanley, including the Heritage Centre where the Council has its office. This includes promoting the Heritage Society based in the Centre and marketing some of the rooms as venues for birthday parties, meetings and training sessions.

Web address for Hextable Parish Council: <http://hextableparishcouncil.com>

This document was written for the National Association of Local Councils (NALC) and the Commission for Rural Communities (CRC) by Brian Wilson Associates, with David Atkinson Consulting and Ellie Stoneley.

The authors would like to thank Chris Borg, the project manager at NALC, and Adam Lavis, Senior Policy Adviser at the CRC, for their helpful steers and advice. Sincere thanks also go to project steering group, who were: Louise Ashmore, Bedfordshire Association of Parish and Town Councils, Helen Ball, Town Clerk at Shrewsbury Town Council, Sue Lake, Norfolk Association of Parish and Town Councils, Russell Morgan, Town Clerk at Stanley Town Council, Sam Shippen, Town Clerk at Seaford Town Council, and Reg Williams, City Clerk at Salisbury City Council. Many other people contributed knowledge, examples and views during the course of the research. This document does not necessarily represent their views and any errors are the author's.

January 2011