



SECTION 2

HOW TO CREATE YOUR OWN LOCAL
COUNCIL - Guidance and Advice

CONTENTS

Introduction to Section 2	3
How to form a local council (a parish, town, community, neighbourhood or village council)	5
The community governance review	12
What happens next	14
General principles of campaigning	15

INTRODUCTION - to Section 2

Now that you understand what a local council can do for a community (see Section 1), Section 2 explains how you can go about creating one for your local area. This section includes updated advice to guide you through the process of triggering a community governance review, a review that can create local councils.

It also explains what a community governance review is and provides general principles to keep up your campaign's momentum.

Relevant information is also included in separate documents which support this section. They are:

- Petition templates
- Queen's Park case study
- Media and public relations guide.

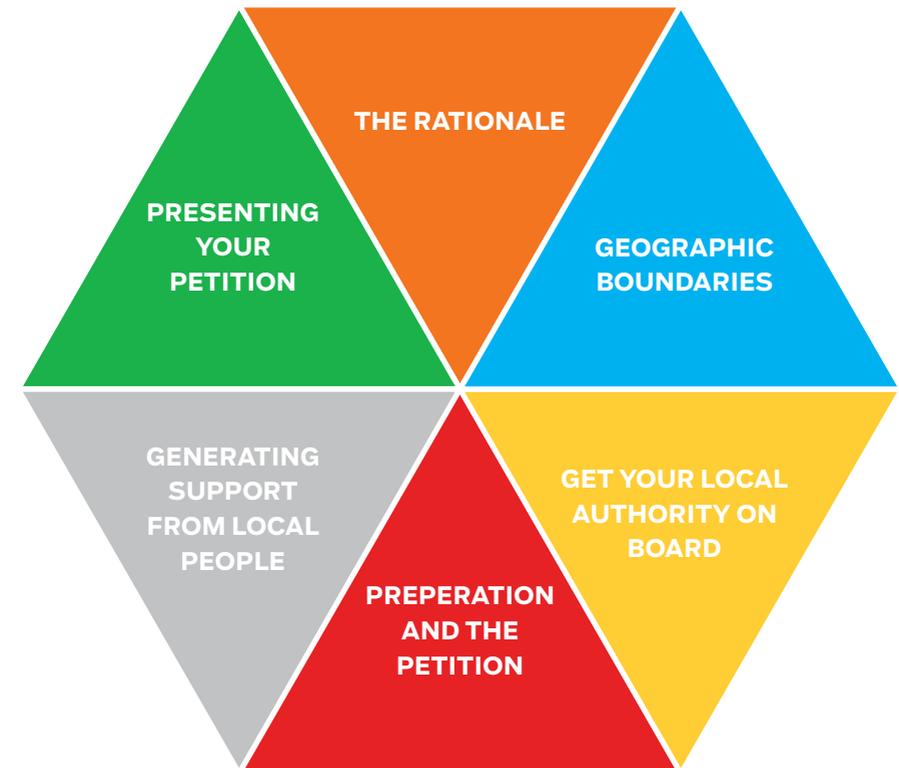
INTRODUCTION

There are around 9,000 local councils representing around 16 million people across England. They form the most local level of government and cover many rural and urban areas. Since 1997, over 200 new local councils have been created, including councils in some of our larger cities such as Birmingham, Leeds and Newcastle. Changes to the law meant that the people of Queen's Park in London were able to campaign for, and win the right to have, a local council – London's first. It was formally established in 2014.

The Local Government and Public Involvement in Health Act, 2007 (Part 4, Sections 79–102) changed the law so that the decision to set up a new local council no longer lay with the Secretary of State, but instead with district, borough or unitary councils (local authorities). The intention of the new legislation was to simplify the process and to make it more local. At the end of March, 2015, the outgoing Coalition Government approved the Legislative Reform (Community Governance Reviews) Order 2015 which made it easier to campaign for and establish new local councils in London and across England. The guidance below takes you through the steps you will need to take to create a new local council in your area, and reflects the new ways in which it is now easier to set up a local council.

HOW TO CREATE A LOCAL COUNCIL FOR YOUR AREA

There are some specific actions you should consider before you are ready to petition your local authority for a local council in your area. Although no two campaigns will be the same, this broad schedule of actions should give you an idea of the kinds of things you will need to consider and broadly when you will need to consider them.



The result of these actions is a community governance review (CGR), conducted by your local authority, the result of which will determine if you have been successful in your campaign to create a local council.

1- THE RATIONALE - WHY HAVE A LOCAL COUNCIL?

The first thing you need to do is gauge whether there is support for a local council in your community. It may be useful to speak to friends and neighbours or existing community groups to see whether there is an appetite for a local council in your area. Your contacts may prove to be a good barometer of the local community and a campaign group is most likely to grow from these initial discussions.

At this point you will need to think about why you believe a local council is right for your area. Are there services you believe could be provided more efficiently at the local level? Does your community want some financial independence from the local authority? What is your long term vision for the area? Why should residents support your initiative? It may also be a good idea to hold a public meeting at this early stage to gauge support for a local council. Public consultation is a critical part of the campaign and, indeed, of any local council. You will need to listen to your community or your campaign will not be successful.

You could invite local supporters, speakers from a sector body like the National Association of Local Councils or your **County Association of Local Councils (CALC)**.



2- CONSIDER THE GEOGRAPHIC AREA

If you now have a group of like-minded people you can start thinking more seriously about where the boundary of your local council should lie. Get hold of a map of the local area and draw up a provisional boundary. See what people think of your proposed boundary and be prepared to amend it to take into account the thoughts of others. Local people usually have a good idea of where their community starts and ends. Most local councils have a single identifiable community, perhaps with a village centre or parade. It is normally easier for small rural communities to identify their community area as there is usually a largely uninhabited area between their local area and neighbouring communities. In urban areas it can often be more difficult to identify where a community specifically starts and where it specifically ends; nonetheless this is a critical step in defining your local council. Now that Neighbourhood Forums can directly apply to their principal local authority to create a parish council for their area (post referendum approval stage) – they should also consider whether they want the boundary for their new local council to be coterminous - the same as the Neighbourhood Plan boundary.

It is best to start by drawing up a provisional border. Get a copy of a map from your local library or a book shop and try to decide which parts of the area are your neighbourhood and which parts are not. In big towns and cities, large roads such as dual carriageways, playing fields, railway lines (including disused ones), industrial zones and the odd river or stream may be good reference points for drawing a border.

At this point you may wish to consider electing someone as chairperson of your campaign group (this post has become more widely known as the Campaign Champion). Their leadership can be vital, not only within the campaign group itself, but also in the running of public meetings and other promotional activities.

It is also a good idea at this point to speak to your local authority and your local authority councillor. They may be happy to help you and it is important that you keep them informed. In the first instance, you should contact the Electoral Services department of your local authority for advice on your proposed area. They can help you identify any existing administrative zones, such as polling districts or electoral wards. You should consider whether any of these, either singularly or in clusters, represent accurately the area your neighbourhood covers?

Whichever boundaries you decide upon, they must be easily fixed and identifiable. The area you choose for your local council must fall wholly within a single local authority area. It cannot cross local authority boundaries. Once this is done, it is best to let as many people as possible that will live in the new local council area look at your border and say whether they agree. Again, consultation is very important to ensure that you have support for your proposal.

Arranging a public meeting to discuss your proposals is one good way of proceeding. If you find that most people react negatively, listen to their views and try to amend the border to accommodate them. Information on the conduct of a public meeting, including public speaking and frequently asked questions can be found under the heading Section 2 Public Meetings.

3- GET YOUR LOCAL AUTHORITY ON BOARD

It is important that you try to get support from your local authority for what you are doing. Developing good relations early on might help the process. In the first instance, you could do this through your local authority councillor.

You may find that your local authority is supportive and will be willing to help you through the process. They may even be willing to instigate a review themselves without the need for you to submit a petition. Once you have support for your proposed area, it is time to start preparing your petition.

4- PREPARATION AND THE PETITION

Now you should consider your petition. It is important that you are happy with the boundary of your proposed new local council. If you start petitioning and then change the proposed boundary, it will invalidate the petition and you will have to start again.

At this point you should work out exactly how many signatures you will need for a petition to trigger a community governance review. Using the electoral register you will need to work out which local government electors reside within the proposed boundary you have chosen. At this point you can prepare your petition.

A petition may be in a variety of forms, from a traditional paper version to an online petition. You should ensure you check with your local authority what style

is acceptable as some principal local authority Electoral Service Departments accept e-petitions and some do not (DCLG state that the final decision rests with the principal local authority at present on the acceptability or otherwise of an e-petition).

To trigger a community governance review to consider your proposals for a local council, the petition needs to meet the criteria set out in the Local Government and Public Involvement in Health Act 2007 as amended by the Legislative Reform (Community Governance Reviews) Order 2015, as follows:

- if the petition area has fewer than 500 local government electors, the petition must be signed by at least 37.5% of the electors
- if the petition area has between 500 and 2,500 local government electors, the petition must be signed by at least 187 of the electors
- if the petition area has more than 2,500 local government electors, the petition must be signed by at least 7.5% of the electors.

The above amended provisions came into effect at the end of March 2015.

The petition needs to contain the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition threshold will be assessed. You will need to speak to your local authority for help in accessing the electoral register in your area and ensure that you are aware of the minimum percentage of elector signatures you must collect.

In addition to the requisite number of signatures the petition must also:

- specifically define the area to which the review is to relate (whether on a map or otherwise)
- specify one or more recommendations that the petitioners wish a community governance review to consider making.

This means that any petition must clearly define the area to be covered by the proposed local council and make clear what recommendations are being made (for example the creation of X parish council to cover X area). It is worth also stating at this point that the second major change introduced by the Legislative Reform (Community Governance Reviews) Order 2015 was to allow Neighbourhood Forums (which have already had a Neighbourhood

Plan approved past referendum stage) to trigger a Community Governance Review for a new parish council without requiring them to submit a petition. Such Forums will need to consider if they want the boundary for their new local council to be the same as for the Neighbourhood Plan area, and be able to define the intended new local council area in text and on a map in the submission made to their principal local authority.

You should state what the name of the new council should be and how you wish it to be defined. Previously it was only possible to name a new council either a parish or town council. Legislation change now means that you can adopt a different style for your new council. Your new council can now be called:

- Parish Council
- Town Council
- Community Council
- Neighbourhood Council
- Village Council

The powers and duties are exactly the same whichever name you decide. The only difference is that a town council can have a mayor. An example of a petition used by the campaign for a community council in Queen's Park is available under the heading Section 2 Template Petition.

5- GENERATING SUPPORT FROM LOCAL PEOPLE

Your petition is prepared. Now efforts to gain support (and signatures) can begin in earnest. You will need to convince people that a local council is right for your local area to secure enough signatures. It is at this stage you should consider how you wish to get the message out, and may want to develop a campaign action plan, including a variety of events and materials to convince people to support your cause. You may wish to consider:

- getting out and talking to people. Explain what a local council could do for the area
- holding a public meeting to create discussion and provide information (for example you might like to hold a campaign launch)
- making information available in libraries, local shops, community centres etc
- getting involved in local activities. For example, your campaign group

- might hold a volunteering day to clean up a local amenity block,
- speaking to the local press, perhaps issue a media release
- thinking about your online presence, including a website, and consider whether you can provide information this way.

Further information on these methods is available under the heading Section 2 Media Relations. To keep the momentum of your campaign going, keep talking to people, let them know how many signatures you have and how many you still require.

You should also keep an eye on what is being said locally. You may need to take action to correct information being presented to the community. If the proposal for a new local council becomes a local 'hot issue' you may wish at this stage to hold a further public meeting. This will give you an opportunity to underline the benefits of a local council and correct any misapprehensions.

6 - PRESENTING YOUR PETITION

When you have secured the requisite number of signatures for your petition you are ready to present it to your local authority. As long as you meet the criteria the local authority is under a duty to carry out a community governance review, which will consider your proposals. It is better in practice to obtain slightly more signatures than the legislation states you need, as inevitably there is usually a 5-10% margin of error if signatories have newly moved into an area but are not yet on the local government electoral register for instance.

A local authority is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the authority's area. However, the duty to conduct a review does not apply if:

- a-** the local authority has concluded a community governance review within the last two years, which, in its opinion, covered the whole or a significant part of the area of the petition or
- b-** the local authority is currently conducting a review of the whole, or a significant part, of the area to which the petition relates.

As part of a community governance review your local authority will consult local people about the creation of a new local council. It is important that you continue to campaign to ensure that local residents are reminded of the benefits of a local

council. It is during the review itself that opposition is most likely to materialise. Opposition may come from some in the community or from local councillors. You should take care to ensure that the local community are getting accurate messages.

It is also worth stating here that the third major change made by the Legislative Reform (Community Governance Reviews) Order 2015 is to speed up the process and create greater certainty for local campaigners by shortening the amount of time the local authority can take to complete a governance review to 12-months from receipt of a valid petition. In the past on occasion if principal local authorities decided that they were politically opposed to the creation of a new local council in their area they have been known to extend the Review period to up to 18 months from the receipt of a valid petition. This would now be unlawful according to the above mentioned statutory instrument.

WHAT IS A COMMUNITY GOVERNANCE REVIEW?

A new local council can be created through a community governance review. A local authority can choose to undertake a community governance review or a community can prompt a review by securing enough signatures and making proposals to the local authority. The relevant legislation that relates to setting up a new local council is the Local Government & Public Involvement in Health Act 2007. This act changed the law, leaving the decision to create a new local council with principal authorities rather than the Secretary of State.

[View the Local Government and Public Involvement in Health Act 2007](#)

The Local Government and Public Involvement in Health Act 2007 was amended by the Legislative Reform (Community Governance Reviews) Order 2015.

[View amendments](#)

The terms of the community governance review will be set out by the local authority in terms of reference. The local authority must take the views of local people in the area under review into account. It must consult residents in the area under review and take those representations into account. Normally, a local authority will publish, along with its terms of reference a timetable for the review.



All groups campaigning to create a new local council are strongly advised to obtain this schedule from their principal local authority as soon as it becomes available.

DUTIES OF A LOCAL AUTHORITY UNDERTAKING A COMMUNITY GOVERNANCE REVIEW

The local authority must conclude a community governance review within the period of 12-months from the date the review begins (this is now defined in law as the time from when a group submit a valid petition to the

principal local authority concerned) and must consult the local government electors for the area under review and any other person or body likely to have an interest. It must then take into account any representations received. The local authority is also required to consider issues such as the identities and interests of local communities, effective and convenient local government, the impact of community governance agreements on community cohesion and the size, population and boundaries of the potential local council. For further

details of the roles and responsibilities of local authorities in relation to community governance reviews please refer to the official guidance on community governance reviews, available from the Department for Communities and Local Government.

View Community Governance Reviews Guidance

While the review is going on, you will need to keep up the momentum of the campaign. This is the time to ensure residents are aware that the review is taking place and, if a consultation is undertaken, that they will need to respond to show their support. A template letter for electors to sign to vote yes is an easy way for people to have input.

It is also important to ensure that residents are aware this review is not necessarily the end of the process – a referendum may follow the CGR and residents will need to vote to show support. If this is the case, you will need to consider additional promotional work in your area to make sure residents know when and how to vote.

WHAT HAPPENS NEXT?

As soon as possible after it has made its decision the local authority must publish its decision and the reasons for that decision. If you are successful, and the result of the community governance review is that a new local council should be created for your area, your local authority is required to make a reorganisation order. The reorganisation order gives effect to the decisions made as part of the community governance review.

This is the formal process that allows the creation of a local council. However, in terms of your campaign, your journey does not end here. You will need to promote the election of councillors for your new council. If those elections

are some time off (they are normally held at the same time as the next local authority elections) you may also wish to be involved in a temporary council. This option is discussed in more detail in Section 3.

In this context, you may also wish to consider the timing of the presentation of your petition to the local authority. A big gap between the reorganisation order for the creation of a new local council and the elections to it can diminish support and enthusiasm in your local area.

GENERAL PRINCIPLES OF CAMPAIGNING

Below are a few general ideas that you should bear in mind that will apply to all of the engagement you will have with local people over the course of your campaign:

- Keep your messages simple. ‘Soundbite’ has almost become a dirty word but the fact is that people respond best to simple messages. Too much information may result in you losing your audience. People will respond well to examples of the work that local councils already undertake elsewhere and how this could be applied locally.
- Not everyone will be supportive. You may need to persuade some people more than others. It is important that you engage with your local authority and your local authority councillors, emphasising the positives a new local council could bring to your area.
- Don’t promise anything that a local council cannot deliver. Be honest about what a local council can and cannot do. Making your own exaggerations may come back to bite you.
- Communication is key – do what you can to ensure that local people have the information with which to make an informed opinion, whether through media channels or through perhaps the most effective form of communication – talking to people.
- Listen to your community. Acknowledge what they want and be open to ideas. Your original idea may not turn out to be the best option.
- Keep the momentum going. Keep the community informed.
- A new local council won’t be created overnight. You will need to be patient. However, the end result is worth waiting for and will be around for many years to come.