

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	FINANCE AND DEMOCRACY COMMITTEE	23 JUNE 2022	6
<b>COMMUNITY GOVERNANCE REVIEW</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

Legislation allows the council to review the pattern of community governance in its area. A review can recommend the establishment or abolition of parish councils, re-align boundaries between them and change the number of parish councillors.

A community governance review was recently undertaken, with terms of reference comprising the whole of the council's district with a focus on the unparished areas of Lytham and Ansdell. The review recommends establishing parish councils for each of the unparished areas of Ansdell and Lytham and making four minor boundary adjustments affecting existing parishes.

Finance and Democracy Committee is asked to endorse the recommendations of the community governance review for adoption by full Council.

### RECOMMENDATIONS

1. Endorse the recommendations of the community governance review as set out in pages 33-36 of the review report for adoption and implementation by full council.
2. Recommend to council that the order establishing the new parishes of Ansdell and Lytham includes the provisions for interim councillors and anticipated precepts set out in this report.

### SUMMARY OF PREVIOUS DECISIONS

Community Outlook Overview and Scrutiny Committee, 14 May 2009: received a report recommending a community governance review of the whole of the council's district. Recommended that a review be not carried out.

Council, 27 July 2009: Commissioned a review of the whole of the council's district.

Council, 26 July 2010: Received the review; deferred consideration until further consultation had taken place.

Council, 27 September 2010: Accepted the recommendation of the review to increase the council size of St Annes on the Sea Town Council; declined to go ahead with the remaining recommendations.

Finance & Democracy Committee, 28 September 2020: Recommended a community governance review be undertaken of the whole district with a focus on the unparished areas of Lytham and Ansdell and areas of high development.

Council, 19 October 2020: Commissioned the review with an amended indicative timetable to take into account the Local Government Boundary Commission for England's electoral review of the council.

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

## REPORT

### BACKGROUND

1. On 28 September 2020 the Finance and Democracy Committee recommended that a review be undertaken of the pattern of community governance across the borough, and in doing so asked that initial attention be given to the unparished areas and areas undergoing significant growth.
2. As Fylde was then undergoing a Local Government Boundary Commission review of borough electoral arrangements, Council agreed on 19 October 2020 that the timetable for the community governance review would be moved back, so that the review started on completion of the Boundary Commission review. Because of this change in timetabling, the community governance review considered the whole of the borough in tandem, rather than reporting in tranches.
3. A community governance review is a review of the pattern of parishes and parish councils in the whole or part of a district. The legal framework for reviews is set out in part 4 of the Local Government and Public Involvement in Health Act 2007. The terms of reference for the review in Fylde were to consider whether to create a parish council or councils to cover the unparished area of the district, and to recommend changes to boundaries of existing parishes having regard to the government guidance that reviews should *“put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries”*.

### THE REVIEW PROCESS

4. The review has so far consisted of four stages: initiation, stakeholder consultation, community consultation, and writing the report and recommendations. The final stage, if any or all the recommendations are accepted, would be implementation.
5. Initiation was the process of considering what proposed changes should be taken forward for consultation. This drew on the unimplemented recommendations of an earlier community governance review which reported in 2010.
6. Stakeholder consultation was by direct engagement with parish councils and borough councillors whose wards would be affected by proposed changes. Community consultation was by an online questionnaire<sup>1</sup> which was publicised through social media and other council communications channels.
7. The report sets out the proposals details the consultation responses and makes recommendations. It is appended to this report. The recommendations are the establishment of new parish councils for Lytham and Ansdell and four other minor boundary changes. None of the other changes affects more than one household. In summary, the recommendations made by the review the review are:
  - [Proposal A1](#): A new parish council for Ansdell.
  - [Proposal BW3](#): A boundary change between Bryning with Warton and Westby with Plumpton.
  - [Proposal E1](#): A boundary change between Elswick and Little Eccleston with Larbreck.
  - [Proposal L1](#): A new parish council for Lytham.
  - [Proposal RW1](#): A boundary change between Ribby with Wrea and Westby with Plumpton.
  - [Proposal WP4](#): A boundary change between Westby with Plumpton and the presently unparished area.
8. The Finance and Democracy Committee is now asked to accept the formal recommendations made in pages 33 to 36 of the review report and to recommend them to the council.

<sup>1</sup> It was also possible to reply to the consultation by post or email, but no responses were received through those channels.

## IMPLEMENTATION

9. If the council accepts the recommendations in the review report, they would be implemented by an order made by the council. The order would be based on the relevant parts of the [model community governance reorganisation order](#) published by the Government.
10. The order would provide for the two new parishes to come into existence on 1 April 2023, and for elections to be held on 4 May 2023 and then every fourth year. This is the same pattern of elections as for other parish councils in the borough. In the short period between the councils coming into existence and the newly elected councillors coming into office, the order would provide for the borough councillors for the area covered by each new parish to be interim councillors<sup>2</sup>.
11. The order would not automatically transfer any property or assets to the new parish councils, except for allotments. Any property or asset transfer would need to be negotiated and agreed between the borough council and the parish council concerned, after parish councillors have been elected.
12. District councils and parish councils are both allotment authorities. But a district council cannot exercise its powers as an allotment authority in an area that has a parish council<sup>3</sup>. Consequently, responsibility for the allotments at Mythop Road and Moss Hall Lane would transfer<sup>4</sup> to the new Lytham and Ansdell parish councils when the new councils are established.

## FINANCIAL PROVISION

13. Parish councils are financed by a parish precept, which is collected by the borough council as part of the council tax in the relevant parish area. The parish council decides on the amount of the precept. Because any new parish councils would not be in existence in time to decide on their precepts for 2023-24, legislation<sup>5</sup> provides for the borough council to anticipate a precept.
14. The amount of the anticipated precept would be set out in the order establishing the new parish councils. The council tax calculation for each newly-parished area would treat the anticipated precept as if it were a precept issued by the new parish council. Detailed regulations provide for the transfer of the “precepted” funds to the new parish council, for the parish council to issue a precept by October of an amount not more than the anticipated precept, and for consequential adjustments.
15. It is suggested that the anticipated precepts for the new parish councils recommended by the review be as follows:
  - Ansdell: £95,936.42
  - Lytham: £111,868.098

The figures above are based on the parish precept set by St Annes on the Sea Town Council for 2022-23, adjusted by 15% to allow for inflation and the costs of setting up a new structure and further adjusted to be pro-rata to the respective populations of Lytham and Ansdell.

## CONCLUSION

16. The community governance review recommends the establishment of new parish councils in Lytham and Ansdell, along with four minor adjustments in the boundaries of existing parishes. The committee is asked to endorse those recommendations and the consequential matters set out under “implementation” and “finance” above for actioning by the council.

## IMPLICATIONS

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<sup>2</sup> The borough councillors for the wards of Clifton and St Johns would be the interim councillors for Lytham Parish Council and the borough councillors for the wards of Park, Fairhaven and Ansdell would be the interim councillors for Ansdell Parish Council.

<sup>3</sup> See paragraph 9 of schedule 29 to the Local Government Act 1972

<sup>4</sup> In practice, the borough council would continue to manage the allotments on behalf of the parish councils until the parish councils put in place their own arrangements.

<sup>5</sup> See the Local Government Finance (New Parishes) (England) Regulations 2008

Finance	The financial provisions including the mechanism for anticipating and charging precepts for the newly established parish councils are set out in the body of the report. There may be some software costs associated with setting up the new parishes in the council tax system and allocating the relevant properties to their respective new parishes. It is anticipated that these costs can be met from existing budget provision.
Legal	The legal provisions governing community governance reviews are contained in the Local Government and Public Involvement in Health Act 2007.
Community Safety	None arising directly from this report.
Human Rights and Equalities	There are no direct human rights or equalities implications.
Sustainability and Environmental Impact	New parish councils will be able to contribute to achieving environmental sustainability at a local and community level.
Health & Safety and Risk Management	No implications.

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Community governance review report	May 2022	Appended
Community questionnaire responses	Open March – April 2022	Town Hall, Lytham St Annes
Community governance reviews: Guidance and model reorganisation order	Updated 2010	<a href="http://www.gov.uk/government/publications/community-governance-reviews-guidance">www.gov.uk/government/publications/community-governance-reviews-guidance</a>

Attached documents  
Community Governance Review