

Rother District Council

Report to	-	Community Governance Review Steering Group
Date	-	30 October 2019
Report of the	-	Executive Director
Subject	-	Consultation

Introduction

1. As Members are aware the Council is conducting a Community Governance Review (CGR) into whether or not a Town Council for Bexhill-on-Sea should be created. The Steering Group will need to provide a steer to officers in terms of the scale of the consultation exercise, the methods to be used and what information should be included within the consultation.
2. The consultation will be based on two options, the creation of a Town Council for Bexhill-on-Sea or the status quo.

Option one – the creation of one Parish Council for the whole of Bexhill-on-Sea (to be styled a Town Council)

3. The following paragraphs sets out the considerations that need to be given to the establishment of a Town Council for Bexhill-on-Sea.

Size

4. The Statutory Guidance states that in order to be “effective” and “convenient” the size of a Parish Council (PC) is relevant. To be effective, a PC needs to have a large enough electorate to make the possibility of providing at least a “minimum” of services viable (bearing in mind that the costs of such delivery would be divided amongst the PC’s “tax base”). In order to be convenient, electors need to be able to access the “assets” of the PC (e.g. the PC offices, allotments, etc).
5. The Statutory Guidance also notes that there are no ideal sizes for a PC. The Local Government Boundary Commission for England (LGBCE) prefers PCs to be based upon “natural communities” and to reflect people’s expressed choices. In practice, Parish and Town councils vary enormously in size, activities and circumstances, representing populations ranging from less than 100 (small rural hamlets) to up to 70,000 (Weston-Super-Mare Town Council). Most of them are small: around 80% represent populations of less than 2,500. Where a CGR recommends the creation of a parish, it is a legal requirement that it must also recommend that a PC is created if it contains an electorate of 1,000 or more, which would clearly apply in this case.
6. The Statutory Guidance concludes that the general rule should be that a parish is based upon “an area which reflects community identity and interest” rather than any rigid “rule” as to the population or electorate. It goes on to say:

“There may be cases where larger parishes would best suit the needs of the area. These might include places where the division of a cohesive area,

such as a Charter Trustee town... would not reflect the sense of community that needs to lie behind all parishes; or places where there are no recognisable smaller communities”.

7. The Statutory Guidance goes on to say:

“Proposals to create a parish or parish council covering all or part of a charter trustee area need to be judged in particular against the following considerations:

- The effect on the historic cohesiveness of the area; and
- What are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the charter trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?

8. The following table shows the 2019 *electorate* for the nine Bexhill-on-Sea District Wards, which demonstrates that there are potentially a number of communities, based on current wards (which is acknowledged are not necessarily distinct communities), which could be viable as administrative units:

Existing Bexhill District Wards	2019 Electorate
Central	4,175
Collington	3,977
Kewhurst	4,052
Old Town Bexhill & Worsham	3,177
Sackville	4,147
Sidley	4,129
St Marks	3,671
Pebsham & St Michaels	3,939
St Stephens	4,048
TOTAL	35,315

9. However, from the consultation undertaken in 2017, save for a very few comments in relation to smaller discrete communities within Bexhill-on-Sea, for example Little Common and Sidley, there was not a great call to see PCs established within smaller communities, most of which in theory, could be viable administrative units.

Number of Councillors

10. If the Steering Group is minded to recommend the creation of a single PC for the whole of Bexhill-on-Sea, it will also need to make a recommendation as to the number of parish Councillors to serve on it. There are no specific rules as to the number of Councillors that should serve on a parish council, except for the statutory requirement that there be a minimum of five.

11. There is no provision in legislation that each parish councillor should represent the same number of electors. However, the LGBCE believes it is in the interests of effective and convenient local government, for voters and

Councillors, to have equal levels of representation between parish wards as far as practicable.

12. Equality of representation allows for Councillors to adequately and fairly represent the interests of residents. Therefore, using the district level warding arrangements that came into force in May 2019, having recently been put to the test by the LGBCE's Boundary Review in terms of equality of representation at district level, seems the logical size and distribution to adopt at this stage, should a PC be created.
13. For administrative and financial purposes should a new PC be created, it could take effect from 1 April 2021 with the first elections taking place in May 2021 for a two year term. The next elections would then take place in May 2023 falling into line with the ordinary year of election of councillors for all local elections within Rother District (District, Parish and Town Council elections), and be held every four years thereafter.
14. In comparison to other similar sized PCs, if a PC was created for Bexhill-on-Sea, given the size of the population, it is recommended that the number of parish Councillors should reflect the current number of district Councillors, i.e. 18; 9 two Member Wards.
15. As a comparison, examples of town councils of similar size to Bexhill-on-Sea are provided at Appendix A.

Wards and Names

16. A further consideration is the warding of any proposed PC. The legal requirement in considering whether or not a PC should be warded is whether:
 - The number or distribution of the local government electors for the parish would make a single election of Councillors impracticable or inconvenient, or,
 - It is desirable that any area or areas of the parish should be separately represented.
17. These requirements would be satisfied by a recommendation that a Bexhill-on-Sea PC retains the current nine district ward boundaries, otherwise there would be a single election of 18 Councillors (as in the case at Rye Town Council which elects 16 Councillors with no wards). This would almost certainly be impractical and inconvenient to manage in terms of elections and the discrete communities within Bexhill-on-Sea would no doubt wish to have separate representation due to differing needs and aspirations.
18. With regard to the ward names, in order to avoid confusion for the public and for ease of administration for electoral staff with the existing District Ward names, it is recommended that the Bexhill Town Council wards are simply called Collington, St Marks, Kewhurst etc., as opposed to "Bexhill Collington, Bexhill St. Marks, Bexhill Kewhurst etc. which are the names of the District Council wards. Ballot papers will clearly be marked "Bexhill Town Council" as the header and will be a different colour to District Council ballot papers when the elections are held on the same day.

19. Unless there are compelling reasons for doing so (in terms of community identities and interests), it is suggested that the Steering Group wish to retain the current district-level ward boundaries and name the wards as detailed in paragraph 18 above.

Name / Style of Parish Council

20. The name of a PC refers to the geographical name or location – e.g. Bexhill-on-Sea. The “style” relates to the descriptions town council, parish council, community council, neighbourhood council and village council. Under the 2007 Act, if the principal council recommends the creation of a PC, it must recommend both the name and style to be used.
21. There are few rules governing the style to be adopted, and the Government recognises that the preferred style is likely to flow from the character and tradition of the area under review. It is recommended therefore that the name and style be “Bexhill Town Council” as has been called for in many representations.

Financial viability

22. It has been stated above that one important consideration is the viability of any new PC, and that such considerations include financial viability in terms of possible service delivery. It is therefore suggested that the Council’s Financial Services department is tasked to support the development of the initial precept likely to be levied in 2021/22 by the new Bexhill Town Council (BTC), as detailed below. This information would need to feature in the consultation documents.
23. Although some indicative work on costings has been undertaken in the past, it is impossible to assess the exact financial implications for the residents of Bexhill-on-Sea, as it would depend upon the nature and extent of functions transferred to the new BTC from RDC. Finance would however certainly be required for:
- The cost of elections as Town Councillors would need to be elected. (The Charter Trustees would not automatically be the Town Councillors). A person could stand for the BTC and not Rother District Council and vice versa.
 - The cost of purchasing or renting office accommodation.
 - The cost of staff salaries – a full time Clerk and one or more administrative staff would need to be employed for a Town Council to be effective in an area as large as Bexhill; other members of staff might be needed depending on the range of activities the new Council would undertake. In general large Town Councils have a significant staffing establishment (see Appendix A).
 - The cost of administering such services as may be purchased or transferred to the new BTC by agreement with RDC.
 - In respect of the above point, it needs to be remembered that the “type” of services which could be administered by BTC are generally those already paid for by Bexhill residents through Special Expenses, although it is not limited to these.
24. In order to undertake more detailed costings it will be necessary to make some assumptions and, given the last bullet point above, it is suggested that

a situation where all the functions carried out under Special Expenses are transferred to any new BTC (thereby removing the Bexhill Special Expenses and replacing it with a BTC Precept) is used as a working model.

Option two – no change and retain the status quo

25. In the interests of good consultation practice, the option to maintain the status quo and have no change has to be an option. The following paragraphs provide information on some of the issues that were discussed by respondents as reasons for change in 2017 and will form part of the information provided within consultation documents.

Council Size

26. During 2015/16, RDC was subject to a Boundary Review, undertaken by the Local Government Boundary Commission for England (LGBCE). The first part of the review concerned itself with Council size – i.e the number of Councillors; following consultation, both RDC and the LGBCE were satisfied that the number of Councillors required to fulfil the functions and responsibilities of RDC was 38, with 20 Members representing the rural wards and 18 Members representing Bexhill-on-Sea wards.
27. The second part of the review concerned itself with the warding pattern to ensure electoral equality for the projected electorate – so that each councillor across RDC represented roughly the same number of voters; for RDC this meant 2,027 electors per councillor, with a tolerance of +/- 10%. Within the nine Bexhill wards, the variance ranged from -5% in Bexhill Central to +10% in Sidley at that time.
28. The projections calculated at that time have not come to fruition, particularly in relation to Old Town and Worsham Ward whose electorate has not increased as forecast due to the delay in progressing the North East Bexhill development.
29. As explained above, the current allocation of Members between the rural areas and Bexhill-on-Sea has recently been put to the test by the LGBCE, was subject to public consultation, and provides equality of representation across RDC; the suggestion that the balance of rural / Bexhill-on-Sea Members is unjust and skewed in favour of the rural community, is not correct when looking at the District, as a whole.
30. The 18 Bexhill-on-Sea Members are democratically elected and accountable to the residents of their ward to represent the views and interests of residents to RDC. The overriding duty of *all* 38 Councillors is to the whole community of Rother, but they have a special duty to their constituents, including those who did not vote for them. All formal decision-making Council meetings are open to the public (unless confidential information is to be considered) and the public can attend and see how their local ward Members participate in meetings and represent their views.

Council Tax

31. No change would see the continuation with the current governance arrangements for Bexhill-on-Sea with RDC delivering services directly to the residents of Bexhill-on-Sea. Bexhill residents would continue to pay Council Tax direct to RDC for all their district provided services. For 2019/20 this was

set at £217.21 per annum for a Band D property, which includes Bexhill Special Expenses of £612,730 to fund the following services specific to Bexhill: Bexhill Parks, Bexhill Allotments; Christmas Lighting; Bexhill Museum; Bus Shelters and the Bexhill Town Forum.

32. At present, should RDC wish to set a Council Tax over 2% or £5 whichever is the greatest, RDC would have to hold a referendum at considerable expense. This Government “cap” provides some guarantee for Bexhill residents and maintains increases to an acceptable level.
33. Currently, Parish and Town Councils (P&TCs) are not bound by the same legislation and are able to put their own local pre-cept up by any percentage / amount without the need for a local referendum. As an example, in 2017/18 Northiam Parish Council increased its pre-cept by over 200% in order to purchase a piece of land and RDC was lobbied by disgruntled residents to do something. However, RDC has no powers to question excessive increases and has no jurisdiction over P&TCs. RDC is only permitted to collect and pass on what it is requested to do so, by the P&TCs.
34. This option would also see the retention of the existing Bexhill-on-Sea Charter Trustees who were established following the local government re-organisation in 1974 to preserve the historic identity of the town by carrying out ceremonial functions only, usually by the Mayor. The Charter Trustees precept for 2017/18 was £12,830 and costs for a Band D property 79p per household, per year.
35. The Charter Trustees comprise all 18 Bexhill-on-Sea ward Members; their role cannot be expanded and therefore are unable to take on services / responsibilities from RDC.

Neighbourhood Planning

36. The absence of a Bexhill Town Council does not preclude Bexhill-on-Sea developing and producing a Neighbourhood Plan (NP) and benefitting from the advantages that go with a NP, once in place. The District Council may determine that any strategic development (i.e. those serving a wider area) would be dealt with outside of the scope of a NP.
37. In non-parished areas, a NP may be prepared by a duly constituted 'neighbourhood forum'. Any such forum must have at least 21 members and be open to new members; the community group would have to apply to RDC who would have to agree whether it met the right standards. If RDC decided that the community group did meet the right standards, the group could call itself a 'neighbourhood forum'; this is simply the technical term for groups which have been granted the legal power to do neighbourhood planning in a particular area. A 'neighbourhood forum' may be established to prepare a plan for a particular part of the town, such as Sidley or Little Common, for example. As for the parish councils preparing NPs, CIL receipts should be used to support development in the area.

Other Matters

38. In carrying out the review, the Council must also consider the wider picture of community governance and give consideration to other established forms of community governance such as local residents' associations, or community forums which local people have set up and which help make a distinct

contribution to the community. Potentially, as representatives of their community, these bodies may be considered as foundations for or stages towards the creation of democratically elected parishes.

39. In Bexhill-on-Sea, the most prominent body in this category is the Bexhill Town Forum, whilst acknowledging that there are many other smaller residents' associations / community forums in existence across Bexhill-on-Sea.
40. In the absence of a P&TC within Bexhill-on-Sea, RDC established the Bexhill Town Forum in 1996 to provide views on local needs and priorities, to monitor service performance at a local level, to act as a focal point to express views and act as a public forum for consultation on appropriate issues, and to act as the voice of the community of Bexhill in relation to services.
41. In July 2013, following on from the work of the Devolution Working Group, the Council agreed to continue to support the Bexhill Town Forum to the maximum sum of £4,000 per annum, collected through Bexhill special expenses but to no longer provide the secretariat support. The Bexhill Town Forum is now a separate entity, responsible for all secretarial and administrative functions.
42. It is considered that none of the existing bodies within Bexhill-on-Sea have a proven track record of making a distinct contribution to the community, nor have any approached the Council setting out any aspirations to be considered as a foundation for the creation of a democratically elected Town Council.

Proposed Recommendations

43. That the consultation be based on the following options and officers present draft consultation documents at the next meeting:

Option one – the creation of one Parish Council for the whole of Bexhill (to be styled a Town Council)

A Parish Council be created for the whole of Bexhill-on-Sea, to be styled as Bexhill Town Council based on the existing Bexhill Ward External Boundary. The Town Council to contain nine Wards, based on the 2019 District Wards and that two Town Councillors be elected to each Ward, making a total of 18 Bexhill Town Councillors with the first elections to be in May 2021.

Option two – no change and retain the status quo

This would see the continuation of the current governance arrangements for Bexhill-on-Sea.

Malcolm Johnston
Executive Director

Town Councils for similar Populations to Bexhill

For comparison purposes, here is a small selection of town councils serving a population similar in size to Bexhill's population.

Bexhill's population is 45,074 based on the ONS mid-year estimates for 2017 (2018 update will be available soon). (Bexhill's population is 47% of Rother's population.)

Council	Population Served & Tax base	Elected Members	Staff	Committees (in addition to Full Council meetings)	Functions & services provided (all have mayoralty & civic)	Political Groups	Council Tax precept total £	Average £ Band D property, approx. £ per month	Website URL
Royal Leamington Spa Est. 2002/03	49,500	16 in 8 wards	Yes, no number given but 150.5k budget, Town Clerk	6: Policy & Resources, Cultural & Community, Planning (advisory), Staffing, Neighbourhood Plan Steering Group, Urgent Matters plus allotments sub	Community and activity/event grants and support, Christmas lights, blue plaque scheme, allotments (owned not managed), gardens & park, tree planting, public seating, neighbourhood plan, crime prevention initiatives, In Bloom, town twinning (4), visitor promotion, funding support to extend library opening hours and run CAB, war memorial/annual remembrance service, town hall	No majority Liberal Democrat (6) Green (5) Labour (4) 1 vacancy	£377,876	£22.04, £2.20 for 10 months	leamingtonspatowncouncil.gov.uk
Christchurch, Est. May 2019	48,000 residents CT base is only 12,500	19 in 5 wards	2 – 1 Town Clerk & Responsible Financial Officer & 1 Mayor's secretary TUPEd 0.5 FTE and 0.5 FTE admin officer (same person), £75,000 staff budget	4 Full council Planning & regulatory (for comments on Licensing) Community Resources	Dorset Rural Council and Bournemouth, Christchurch & Poole Council, two new unitary authorities for Dorset, removed 9 district councils including Christchurch Borough Council. The main drivers for a town council creation were to preserve the mayoralty and keep day to day management of green spaces. Took on 200 civic possessions from paintings to land. 3 allotments sites, litter/dog bins, play areas and equipment, skate ramps, etc. in 9 open spaces including Green Flag parks and Quayside with listed bandstand. Maintained by principal authority with town council paying BCP Council in a service level agreement (no staff transferred under TUPE). Big annual food festival and other major events & licensing for events are assisted by principal authority in SLA because no events staff transferred. War memorials, old town hall (their offices, Grade 2 listed), community grants were devolved but current staff don't have time to operate and may devolve further into a charity or similar, town centre management as member of a BID partnership. Moving away from reliance on principal authority, given low precept, will take a 5 year plan. Started neighbourhood planning process. Started re-engaging Britain in Bloom. Started consultation on	Independent (no political groups)	£343,000	£27.59, £2.76 for 10 months	No website set up yet but hoping to set up before end of year.

Council	Population Served & Tax base	Elected Members	Staff	Committees (in addition to Full Council meetings)	Functions & services provided (all have mayoralty & civic)	Political Groups	Council Tax precept total £	Average £ Band D property, approx. £ per month	Website URL
					Corporate Plan including residents' survey. Started community payback scheme/project. Also Purple Flag award for night time economy project.				
Banbury, Oxfordshire Est. 2000	46,900	22 in 12 wards	20 Some part time Plus 3 sessional only (civic) = 23	4: Planning, general services, resources, traffic advisory	Allotments, bus shelters, by-laws, cemeteries, dog & litter bins and litter picking (pay for provision under contract with Cherwell district council), grit bins, 3 events: show, canal day, Christmas. Grants to voluntary orgs. 2 cemeteries, 1 churchyard, 12 parks, 90 open spaces, 50 play areas, recreation & facilities including pitches, courts & pavilions, skate ramps, park rangers, tree planting. Grounds maintenance contract for open spaces & cemeteries. Town hall including as venue for hire for functions and events, town publicity & tourism (official town guide), public clocks, Banbury Cross & Fine Lady statue. 61 bus shelters.	Conservative (majority) Labour	£1,846,320	£122.12 £12.22 over 10 months, £10.18 over 12 months	www.banbury.gov.uk
Bury St Edmunds, Suffolk Est. 2003	40,700	17 in 9 wards	3 Town Clerk, Asst TC & RFO, Allots & Admin Asst.	2: Planning, Licensing & Finance, Staffing & employment plus 1 ad-hoc Civic Duties Advisory	Allotments (5 sites), nativity scene put up at Christmas, 2 war memorials & 1 memorial service, salt/grit bins, dog & litter bins, repairs to pavements considered low priority by County Council, grants and awards, tourist/visitor information point at town council offices, dog friendly Bury St Edmunds project.	None	£452,571 operating fund with £434,015 from precept	£33.30?	burystedmunds-tc.gov.uk
Folkestone Town Established 2004	43,000	18 in 7 wards	10	4: Finance & general purposes, planning, community services, grants and 4 working groups	Museum & heritage, allotments (2 sites), ward and town grants, tree management, magazine, events & campaigns, Christmas lights & events, youth facilities, tourist information, CCTV, war memorial, statue, salt bins, The Old Town Hall, Fairtrade town campaign,	Labour 10 (majority) Conservative 6 Lib Dem 1 'Foundation' 1	£786,950 precept (2018/19)	£55.57 £5.56 10 months £4.63 12 months (2018/19)	http://www.folkestonekentparishes.gov.uk/
Salisbury City, Wiltshire Est. 2009	40,300	23 in 8 wards	60, some part time	3: Finance & governance, services, planning plus ad hoc personnel committee	Allotments (12 sites), all city grounds maintenance, play areas, Shopmobility, a square, a marketplace, markets: charter, artisan, vintage, French, street food, teenage, Christmas Sunday, multiple monuments, health centre, camping & caravan site (owned not managed), 2 car parks, 3 cemeteries, crematorium, fair, community development, Guildhall, memorial trees & benches, parks & open spaces, play areas, sports walls, skate parks, nature reserves & wildflower areas, community orchards, litter/dog bins, fly tipping, 8 public conveniences,	Conservative 15 (majority) Labour 6 Liberal Democrat 1 Independent 1	£3,016,222	£208 £20.80 10 months £17.33 12 months (2019/20)	salisburycitycouncil.gov.uk

Council	Population Served & Tax base	Elected Members	Staff	Committees (in addition to Full Council meetings)	Functions & services provided (all have mayoralty & civic)	Political Groups	Council Tax precept total £	Average £ Band D property, approx. £ per month	Website URL
					information centre, gift shop, sports pitches & pavilions, town twinning, Also own & lease shops & offices, gym, farm, bunker, various sports clubs grounds, etc. garages for rent, In Bloom, community grants, events & festivals. Neighbourhood plan. Purple Flag. Town Crier. Stoma friendly city project. Teenage market for entrepreneurial young people 13-21/25.				
Andover, Hampshire Est. 2010	42,000	19 in 5 wards	7 - 3 full time, 4 part time	5: Policy & resources, assets & amenities, community engagement, allotments, planning. Plus staffing sub and time limited working groups	Grants, events & festivals, Christmas lights, youth council, allotments, bus shelters.	Andover Alliance 12 (majority) Andover Independents Party 3 Independent 1	£261,652	£20.03	andover-tc.gov.uk