

The World Will Be Your Oyster?

Reflections on The Localism Act 2011

Chapter Three

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The Changing Role of Parish and Town Councils
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As the debate about the potential impact of the Localism Bill developed throughout 2011 it became clear that the role and function of parish and town councils is likely to become more prominent. Taking a broad view this is to be welcomed as it could be possibly seen as problematic to approach a reform of the governance structure of England without any attention being paid to the lowest level of democratic representation.

Two broad issues are emerging now the bill is enshrined in law. The first is one of detail around processes and procedures. A great deal remains to be made specific about the role that Parish and Town councils will play in the major changes contained in the legislation; replacement of the section 106 arrangements for planning gain are being replaced by the Community Infrastructure Levy (CIL) and changes to the planning system. The second issue is whether many parish and town Councils have the capacity to respond to the overall spirit of what is being attempted in this reform. This chapter will concentrate on this second issue.

With approximately 8500 parish and town councils in England it is hardly surprising that there will be extremes in the variety of councils. Some will represent strong and active communities others will not. It would not be safe to assume that all parish and town councils will have the capacity to respond in the same manner to the legislation. The last few months has seen certain interesting developments on the national scale with NAC (the National Association of Local Councils – the non universal membership body for parish and town councils) offering an extended suite of short courses and seminars as well as advice notes to parish councils. Here we explore some of the practical issues faced by all of local government to change and adapt to the spirit of localism and move away from the top down approach characterised by decision making in the past.

Key issues.

1. **How will boundaries be managed?** This is emerging as an issue for certain parish councils where local planning issues are impacting upon areas where rural meets urban. Although much is dependent upon the National Planning Policy Framework potential tensions are developing in certain localities where the desired criteria for a locality are exposed to the close physical relationship

to another locality where the intentions differ. This is a significant issue for a number of small and medium sized towns where broader infrastructure plans have mitigated against disputes between planning authorities. Here there is potential for confusion and challenge.

2. **The issue of 'Fiscal Dumping'.** Already there is anecdotal evidence is emerging of where higher tier councils are making assumptions about the capacity of parish and town councils to absorb responsibilities for functions and assets that have hitherto being the responsibility of district and county councils. The capacity of many town and parish councils to expand their roles is open to question. However, there is perhaps a lack of understanding in some higher tier councils around this lack of capacity. Examples of this can be found in where district councils are passing down responsibility for the inspection of public play areas to town and parish councils. In one case reported to us, quite incorrectly a district council is insisting that parish councillors are CRB checked to undertake this responsibility. The fact remains however that the 2012/13 budget setting for many parish and town councils has been highly challenging as an assumption has been made by some higher tier councils that parishes can do the work that they are keen to divest themselves of.
3. **The requirement for town and parish councils to work in a coordinated way.** Hitherto it has been unusual for parish councils to work together in wider localities, indeed competition between parishes and isolation have often characterised the way that they have worked in the past. Some district and county councils have invested resource into working with parishes through area committees and local structures but this is by no means universal. Some councils have a long track record of working in close harmony with parish and town councils but this is not always the case. In some cases district councils have enjoyed good working relationships with parishes but have done little to encourage joint working between parishes. In other cases parishes themselves have strongly resisted cooperative working, citing the connectivity with local communities as being an argument against joint local working. Indeed in many parts of the rural hinterland around urban areas relationship between parishes is sometimes poor, openly competitive and dismissive of any attempts to share resources and information. Again, anecdotal evidence suggests some parishes are taking decisions that are to the disadvantage of other neighbouring parishes. This is an issue that is recognised by NALC and a number of regional associations in England are now offering short courses and workshops on developing joint working between parish and town councils.
4. **How can local councillors develop their skills and knowledge?** There may be as many 70.000 individual parish councillors in England – many of

them are highly experienced local politicians, being 'multi-hatted' because they are also members of higher tier councils but this is not true for the majority. If the top down decision making processes typified by traditional local authority decision making are to be changed to a 'ground up' approach which engages with the citizen the developmental deficit for many local councillors will need to be reduced. Many parish councillors are immersed in their communities in the way that even district councillors are not. They can be closely involved in local issues in communities that are often detailed and highly localised and as parish councillors are therefore disengaged from more strategic and area based issues. Whilst parish councillors can have a detailed knowledge of localities that is far more extensive than many councillors at district and county level, their interest in local issues may be offset by a lack of interest in issues that are driven from outside their local communities.

5. **How do local residents need to be involved in the changing role of parish and town councils?** Most parish and town councils engage with their communities through mechanisms that are not employed at higher tier council levels. However, it would be incorrect to assume that all parish councils are well engaged with their communities. The requirement to have an Annual Parish Meeting' is central to the approach that many parish and town councils take to engagement with citizens. They are not always well attended or even published widely. This is a once a year commitment by parishes, certainly some parishes do this very well and have well attended meetings for others the experience is less well managed. But the fact remains that if higher tier councils can find it a struggle to have public meetings well attended so do many parishes. When the public is present the issue of how well individual citizens understand the complexities of local democracy and local decision making is exposed. Annual parish meetings can be difficult when local residents see them as an opportunity to challenge local decisions that either have already been made or that are far removed from the remit of the parish council. Recent examples reported of parish councils being inundated with citizens challenging the local parish around major, national issues such as HS2 are now on record. The issue here is that we are potentially placing parish and town councils unfairly in the firing line for decisions that are made elsewhere and this could seriously undermine the government's intention to change the top down, rational choice decision making processes of the past. Unless parish and town councils can be effectively supported in the transition period there is the strong possibility of localism being discredited in the eyes of the public.
6. **Changing the upward perception from parish and town councils.** If higher tier councils have not always engaged parish and town councils effectively the same can be said of the often poor perception that parishes have of upper tier councils. Again there are anecdotal examples of parish and

town councils who see their role as one of resistance to domination from above. This often masks the ignorance and lack of appreciation of the difficulties that are often faced by districts and counties on local issues that extend well beyond the parish boundary. Where district and county councils have been selective in their engagement with parishes many parishes themselves have been selective and perhaps indeed manipulative in their relations upwards. This flies in the face of the overall spirit of localism and many councils will need to address the issue of the quality of relationships between parishes and higher tier councils before many of the positive changes around the localism act can be brought to fruition.

7. Is it realistic for parish and town councils to change rapidly? Much depends upon the support that parish and town clerks can offer. It is to be welcomed that NALC has expanded its offering of technical support to clerks and local councillors but even a cursory investigation of the recent agendas of many parish and town councils demonstrates a continued focus on the immediate and the relatively mundane. Localism does mean that parish and town councils have to operate on a variety of levels which many of them do but not all. The reason that many parishes are active is their ability to focus upon the immediate and local. It may be that higher tier councils and indeed local communities will have to be patient and not be too demanding on local councils to adapt to the new demands.

8. Changing the language. For many in local government the language that is used to describe and conduct business is different to that used in parish councils. Higher tier councils freely use language that is technical and complex and not shared by parish councils. Does a new language that is non technical need to be applied so localism can be enacted at a local level?

The Localism Act could be a significant opportunity to change the relationship between the citizen and the state in non urban areas. The task for parish and town councils is however complex and long term. Government clearly wishes to bring forward mechanisms that enable a better relationship between the individual citizen and the state at a local level and it wishes to see citizens better connected and more self-sufficient in dealing with local matters with an associated decrease in dependence on the state. To achieve this change in non urban and parished localities cannot be brought about with parish councils operating in the way that they have in the past. Many town and parish councils have begun the process of transition but not all and those on the path to change require support. The question remains as to the strength of the appetite of higher tier councils to support this change.

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