



City of Westminster

Cabinet Report

Decision Maker:	Cabinet
Date:	11th June 2012
Classification:	For General Release
Title:	Westminster Community Governance Review
Wards Affected:	All Wards
Policy Context:	Civic Contract, Core Strategy, Unitary Development Plan.
Financial Summary:	The cost of implementing the recommendations in this report to be borne from existing budgets
Report of:	Strategic Director Built Environment

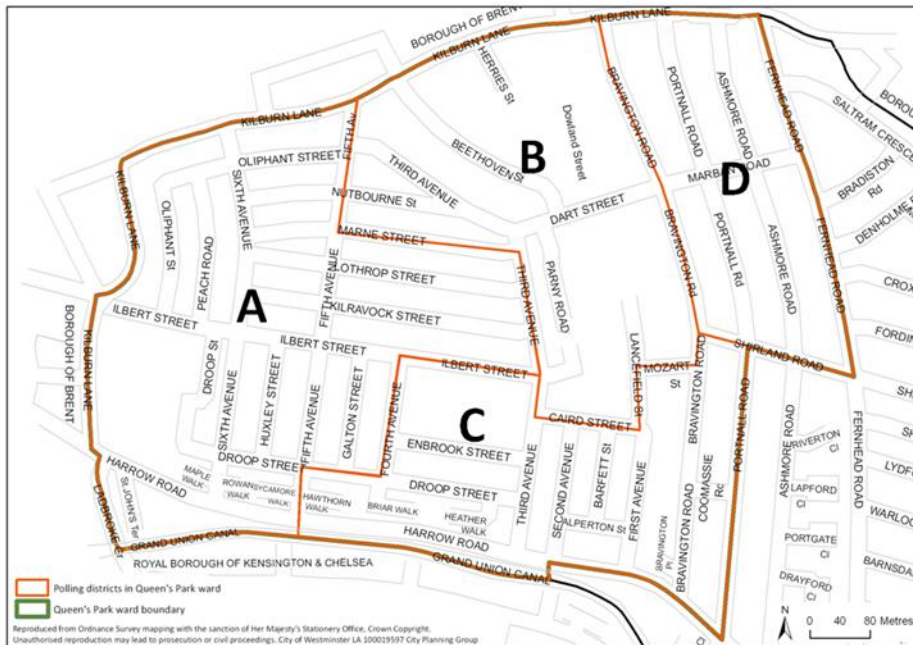
1. Executive Summary

- 1.1 At Full Council on 25th April 2012 it was agreed that further consultation in the form of a targeted referendum of local government electors in Queen's Park Ward should take place to ensure that the application for parish council status is taken in the interest of, and supported by, the wider community in that area.
- 1.2 The referendum was undertaken independently by Electoral Reform Services between the 9th and 25th of May 2012. Ballot papers were sent to 8,058 voters on the electoral register in Queen's Park ward. A total of 1,608 valid votes were received (20% of the electorate) with 1,100 votes (68.4%) in support of the formation of the Queen's Park Community Council. 508 votes (31.6%) were cast against the formation of the Queen's Park Community Council.
- 1.3 The formal decision in relation to the creation of the Queen's Park Community Council will be made by Full Council at their special meeting on Monday 25th June 2012.

2. Recommendations

- i) That Cabinet considers the result of the referendum in Queen's Park and whether to recommend to City Council that the Queen's Park Community Council is established.
- ii) Subject to agreement to recommendation i), Cabinet recommends that the City Council supports the following proposed electoral arrangements for the Queen's Park Community Council:
 - a. That the parished area of Queens Park Ward is divided into four voting wards coterminous with the existing polling districts (see Figure 1 below);
 - b. That there are a total of twelve parish councillors; and
 - c. That parish elections take place in 2014 and every four years thereafter;
- iii) That Cabinet recommends that City Council authorise the Strategic Director for the Built Environment and the Head of Legal Services to take the necessary steps to implement the decision.
- iv) That Cabinet note all valid applications received to date in relation to Neighbourhood Areas.

Figure 1: Proposed warding of the Queen's Park Community Council



3. Reasons for Decision

Recommendation i)

3.1 In carrying out the Community Governance Review, the Local Government and Public Involvement in Health Act 2007 requires the City Council to have regard to the identities and interests of the community. This means that community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it.

3.2 The referendum gave an additional opportunity for all residents on the electoral register within Queen's Park Ward to cast their vote. The referendum results highlighted clear support for the formation of the Community Council.

Recommendation ii) and iii)

3.3 The Local Government and Public Involvement in Health Act 2007 also require that the City Council ensure that arrangements are 'effective and convenient'. 'Effective and convenient' governance is closely linked to the proposed size, population, and boundaries of a parish council, and in a particular whether it is viable as an administrative unit of local government.

3.4 Division of the Queens Park ward into four 'sub-wards' based on the four polling districts represent a logical sub-division of the area. Based on Figure 1 above, there are 2,610 persons on the electoral register in QPA, 2106 in QPB, 1582 in QPC, and 1581 in QPD. Government guidance is clear that there is no

requirement for sub-wards to be of equal size. A total of twelve parish councillors would result in a representation of three parish councils per parish ward. However it is recognised that the eventual Queen's Park Community Council may choose to have additional councillor representation. Recommending parish councillor elections to start in 2014 would ensure that their elections coincide with Local Council elections to enable efficiencies to be achieved.

Recommendation iv)

- 3.5 To date the City Council have received three valid applications for the formation of neighbourhood areas in St John's Wood, Soho and Pimlico. A further application in Paddington and Maida Vale was deemed to be invalid. There has also been interest in the creation of neighbourhood areas in Maida Vale, Covent Garden, Marylebone, Westbourne, Bayswater, Chinatown, Mayfair, and Belgravia. The City Council is providing a neighbourhood planning workshop for any interested parties in June 2012.

4. Background

- 4.1 The aim of the Westminster Community Governance Review was to assess the potential for new forms of community governance, involvement and representation in Westminster. The Review was triggered by the receipt of a valid petition on 11th May 2011 seeking the creation of the Queen's Park Community Council (a form of parish council) coterminous with the boundaries of the Queen's Park ward. The Terms of Reference were agreed by Cabinet on 27th June 2011. The City Council had up to a year from this date to complete the Review.
- 4.2 The Westminster Community Governance Review Terms of Reference are as follows:
- i) whether or not to establish new parishes, the name of any new parish and the styling (i.e. parish, community, neighbourhood or village) of any new parish;
 - ii) the electoral arrangements of any new parish council – including the ordinary year of election, warding and number of councillors; and
 - iii) whether or not to introduce any new community governance arrangements other than those relating to parishes and parish councils (such as Neighbourhood Forums as set out in the Localism Act 2011).
- 4.3 The City Council undertook a fourteen week period of public consultation across Westminster from 14th November 2011 to 17th February 2012 and received over 400 responses. Whilst 87% of these responses directly supported the creation of the Queen's Park Community Council, there was also some tentative interest in the formation of parish councils in other parts of Westminster. Consultation responses also indicated that there was interest in the establishment of

Neighbourhood Forums to undertake neighbourhood planning (as defined by the Localism Act 2011) in other parts of Westminster.

- 4.4 On April 25th 2012 Full Council agreed (in relation to the third 'Term of Reference' above) to acknowledge the opportunity for Neighbourhood Forums in Westminster, and that applications for Neighbourhood Areas should reflect whole neighbourhood areas that are clearly identifiable, established and recognised areas of Westminster.

5. Financial Implications

City Council

- 5.1 The City Council will need to ensure that the on-going relationship with, and costs in dealing with, the Queen's Park Community Council is effectively resourced. It is likely that these resources will be borne from existing budgets.
- 5.2 There are likely to be some minor costs on the City Council to reconfigure Council Tax computer software to enable the effective administration and collection of the additional Council Tax precept.
- 5.3 Future parish council elections will need to be properly resourced. The rules and inherent processes for parish council elections mirror those for Ward elections, although there is no legal requirement to issue poll cards at a Parish Council election. The cost to the City Council to administer Parish Council elections for a single area, such as Queen's Park Ward, would be in the region of £13,000 for a 'stand alone' election and approximately £6,000 when combined with ward elections. This figure excludes any IT election management systems upgrades.

Financial impact on residents

- 5.4 Once granted parish council status, a parish council will have the right to decide their level of precept in perpetuity. The Queen's Park Campaign Group has confirmed their intention not to seek an increase in the proposed precept of between £3.30 and £3.70 per month (per Band D property). The Queen's Park Campaign Group have also indicated that they are looking to raise an additional £40,000 per annum through fundraising and social enterprise income, as well as a grant from the Government's Neighbourhood Level Community Budget.
- 5.5 The recently enacted Localism Act (and supporting regulations) may provide an upper limit for yearly parish council precept increases. There is currently a requirement for a referendum to be held if overarching Council Tax levels increase above a percentage threshold (set at increase of 3.5% for 2012-13), although this currently only applies to 'major precepting authorities' (i.e. not a parish council). The Government have indicated that local precepting authorities (such as parish councils) may be included within the requirement from 2013/14,

although it is unclear whether this would apply in the first year of a parish council precept.

- 5.6 The Queen's Park Campaign Group has indicated that the precept will fund a neighbourhood hub - an open-access resource centre - and a Community Council Clerk and Community Organiser. The precept will also allow for regular community events, a community newsletter and website to keep residents informed.

6. Legal Implications

- 6.1 Subject to formal agreement at Full Council on 25th June 2012, the City Council will be required to formally adopt a reorganisation of community governance order – see Implementation section 7 below.
- 6.2 Section 97 of the 2007 Act provides for regulations to make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, reorganisation orders. Two sets of regulations have been made under the 2007 Act, which apply to reorganisation orders – both of which came into force on 8th April 2008. The first of these, the Local Government (parishes and Parish Councils) (England) Regulations 2008 No.625 make provisions in relation to matters such as the distribution of property and the rights and liabilities of parish councils affected by a reorganisation order. The second set, the Local Government Finance (New Parishes) Regulations 2008 No.626 deal with the setting of precepts for new parishes.
- 6.3 The Local Government Act 1972 and a series of subsequent Acts have established a wide range of duties and powers for Parish Councils. These are set out in Appendix 1 of the Full Council Report of 25th April 2012.
- 6.4 The Localism Act brings neighbourhood development orders and neighbourhood development plans into effect, whilst supporting Schedules set out provisions for the formation of Neighbourhood Forums (or parish councils) to undertake neighbourhood planning. Neighbourhood Planning (General) Regulations came into effect on the 6th April 2012. They set out the application process for the designation of a neighbourhood area, and for the designation of a neighbourhood forum.

7. Implementation

- 7.1 Copies of the reorganisation of community governance order, a map showing the affected area and the final recommendations which set out the council's reason for the decision would have to be deposited at council offices, on the website and

at local contact points. Communities and Local Government have produced a model reorganisation order.

- 7.2 The City Council must also inform the following organisations:
- a) the Secretary of State for Communities and Local Government;
 - b) the Local Government Boundary Commission for England;
 - c) the Office of National Statistics;
 - d) the Director General of the Ordnance Survey;
 - e) any other principal council (e.g. Mayor of London) whose area the order relates to; and
 - f) the Audit Commission.
- 7.3 If agreed, electoral arrangements for the new Queen's Park Community Council would come into force at the first elections to the parish council following the reorganisation order. Parish council elections in 2014 would ensure that they coincide with Local Council elections and enable efficiencies to be achieved. Parish council elections normally take place every four years at the same time as Council Ward elections.
- 7.4 The Local Government Finance (New Parishes) Regulations 2008 allow a newly formed parish/community council to issue its precept before 1st October of the relevant financial year, with the principal authority making an estimate of what the precept will be when making its Council Tax calculations. Parish council elections in 2014 would mean that the first parish precept charge will be payable in 2014/15.
- 7.5 It is likely that the Queen's Park Campaign Group will form a 'shadow Community Council' prior to the formal establishment of the full elected Community Council. This would ensure that a local mechanism is in place prior to 2014 which would be able to raise funds and begin to establish the foundations for the full parish council. Any shadow council would be non-statutory and would not have the full legal powers of an elected parish council.

8. Consultation

- 8.1 The referendum was conducted to ensure that any decision in relation to the formation of the Queen's Park Community Council is taken in the interests of the local community.
- 8.2 The ballot paper and 'supporting information' leaflet were sent to all 8,058 persons on the electoral register in Queen's Park Ward. The Ballot paper contained a single question:

"Do you support a new parish (Community) council in Queen's Park Ward, Westminster?"

- 8.3 Voting was made possible via postal return, internet, telephone and SMS (text). The referendum was administered independently by Electoral Reform Services, and took place from 9th May until 5pm on Friday 25th May 2012.
- 8.4 A total of 1,615 of votes were received, representing 20% of the electorate within the Queen's Park Ward. 7 of these votes were invalid. 76% of the votes were cast by post; 12% online; 8.5% by telephone; and 3% via text messaging.
- 8.5 Of the valid votes received, a total of 1100 (68.4%) were in favour of the establishment of the Queen's Park Community Council. A total of 508 (31.6%) valid votes did not support the establishment of the Queen's Park Community Council.

9. Equality Implications

- 9.1 The new public sector Equality Duty (section 149 of the Equality Act 2010) came into force on 5th April 2011. This Duty has been taken into account in formulating the recommendations set out in this report.
- 9.2 The appended Equality Impact Assessment (Appendix 1) presents analysis of the impact of the proposed changes in relation to both the referendum process and the proposed formation of the Queen's Park Community Council. The Equality Impact Assessment identifies possible negative impacts of the proposals on particular groups and suggests actions that could be taken to remedy them to mitigate any disproportionate effects on any group. This will include having due regard to the Council's duties to individuals with protected characteristics under the Equality Act 2010.

10. Resource Implications

- 10.1 A positive decision in relation to the Queen's Park Community Council will have resource implications for the city council across a number of Cabinet Member and Strategic Director portfolios.

11. Business Plan Implications

- 11.1 The City Council's Business Plan 2011/12 (Built Environment) contains the priority for 'improved and responsive services'. Reference BE1 sets out the aim to 'ensure Westminster capitalises on the opportunities presented in the Localism Bill (and Act)'. Priority measure BEM2 is to 'undertake and conclude a Community Governance Review'.

12. Risk Management Implications

- 12.1 The recommendations in this report, if approved by Cabinet do not have any significant risk management implication.

13. Health and Well-being Impact Assessment including Health and Safety Implications

- 13.1 The recommendations in this report, if approved by Cabinet do not have any significant health and well-being implications.

14. Crime and Disorder Implications

- 14.1 The recommendations in this report, if approved by Cabinet do not have any significant crime and disorder implications.

15. Staffing Implications

- 15.1 The City Council will need to consider whether potential joint-working arrangements with a potential parish council needs to be additionally resourced or whether this can be borne out of existing budgets.
- 15.2 In terms of process, any potential parish council elections would need to be properly resourced. At a combined election (with City Council Ward elections) it is probable that the existing core electoral services team would need to be supplemented by at least one and possibly two additional staff.
- 15.3 The City Council has a statutory duty to support the neighbourhood planning process. The new neighbourhood planning arrangements will have staffing implications across a number of Strategic Director portfolios and it will be imperative that appropriate staffing resources are available for the City Council to fulfil its statutory duty.

16. Human Rights Implications

- 16.1 The recommendations in this report do not have any significant human rights implications.

17. Communications Implications

17.1 The City Council will need to ensure that the outcomes of the Westminster Community Review are effectively communicated:

- Westminster 'Reporter' publication - we will include a feature story on the outcome of the Community Governance Review.
- Westminster Website - we will fully update the Westminster website with details of the outcome of the Community Governance Review, and will also create a promotional link for the website homepage.
- Media - we will work with key media, including national, regional, local and trade press to ensure we are proactively communicating and explaining the outcome of the Community Governance Review and any new forms of governance to the widest audience possible. We will speedily rebut and clarify any inaccurate information to ensure public information is consistent.

Appendices

- Appendix 1: Equalities Impact Assessment

Background Papers

- Cabinet Report 16th April 2012
- Queen's Park Referendum Ballot Paper

**If you have any questions about this report or wish to inspect any of the Background Papers, please contact Tom Kimber,
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