

<b>SUBJECT:</b>	<b>LOCAL DECISION MAKING</b>
<b>DIRECTORATE:</b>	<b>DIRECTOR OF RESOURCES</b>
<b>LEAD OFFICER:</b>	<b>CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)</b>

## **1. Purpose of Report**

- 1.1 To set out the options regarding the opportunities for local authorities to vary the level at which decisions are taken within local communities.

## **2. City Decision-Making Background**

- 2.1 Unlike its neighbouring districts, the City of Lincoln Council does not have any parish councils. All decisions taken by the Council, its committees, or through delegations to councillors and officers are taken on a city-wide basis without special arrangements for individual areas of the city.
- 2.2 Lincoln is an urban council with a strong identity extending beyond its administrative boundaries. While a number of areas of the city are home to communities with an individual voice and community spirit it is difficult to conclude that these communities are geographically distinct in the same way as villages and small towns can be. As such, these communities have been historically limited to representation through informal groups which can seek to interact with officers and councillors or, if presenting a petition, to the Council as a whole.
- 2.3 The Council does not have area committees or forums, but does have a number of advisory groups dedicated to topics which are particularly relevant to specific areas of the city, including park advisory groups and the Commons Advisory Panel. These groups comprise both elected and unelected representatives and provide an opportunity for the Council to engage with a wider range of views that might otherwise be available.
- 2.4 Under the provisions of the Localism Act 2011 it is also possible for 'neighbourhood forums' to produce neighbourhood development plans. Once a suitable plan has been produced these can be voted on by the residents of a neighbourhood. If approved, the plan can then contribute towards the planning process for the relevant area. No such plans have been approved or submitted in Lincoln.
- 2.5 The Council also has a neighbourhood management programme, with individual teams spread across the north, south, and centre of the city. Furthermore, in its role as a landlord, the Council facilitates the Lincoln Tenants Panel which represents the views of Council housing tenants from across the city.

### **3. Options for Local Decision Making: Parish Councils**

3.1 The City of Lincoln Council is a district 'lower-tier' council. The Lincolnshire County Council is the 'upper-tier' council within Lincoln's administrative area. Without any parish or town councils, local government powers in Lincoln are split exclusively between the city and county councils.

3.2 In other areas of the county parish or town councils have been established, often covering the boundaries of individual villages smaller than Lincoln's individual wards. These third-tier councils can take responsibility for a wide variety of functions otherwise carried out by lower or upper-tier councils. These can include powers relating to:

- Allotments
- Burial grounds, cemeteries, churchyards and crematoria
- Bus shelters
- Bye-law creation
- Community centres, conference centres, halls, public buildings
- Drainage of ditches and ponds
- Footpaths
- General spending – parish councils can spend a limited amount of money on anything they deem of benefit to the community.
- Highways – lighting, parking places, right to enter into discussions about new roads and road widening, consent of parish council required for diversion or discontinuation of highway, traffic signs and other notices, tree planting and verge maintenance
- Planning – parish councils must be notified of, and display for residents, any planning applications for the area. Any comments submitted to the planning authority by the parish council must be taken into account
- Public conveniences
- Public seating
- Recreation
- Rights of way – footpath and bridleway maintenance
- Traffic calming

Third-tier councils are also able to make use of the general power of competence, subject to the completion of a number of procedural hurdles including passing a relevant resolution, having a properly trained clerk and meeting a minimum proportion of elected representatives (rather than co-opted members).

3.3 Communities are able to nominate their area to be represented by a parish council by gathering at least 10% of that area's electors as signatories to a petition; the proportion required to sign the petition increases if a petition area contains fewer than 2,500 local government electors. A final decision regarding the establishment of any parish or town councils is at the discretion of the relevant lower-tier or unitary authority for the area following a community governance review.

3.4 A council can also determine to hold a community governance review on its own initiative to determine whether it should implement any changes to its governance structure with regard to parish councils. If carrying out such a review, the council needs to establish a terms of reference including the geographical areas under

consideration. The council then has a duty to consult with local government electors in the relevant area as well as any other person or body who would have an interest in the review, including any upper-tier councils. The review must be concluded within 12 months of its start and have regard to the need to ensure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

- 3.5 The current structure of Lincoln's wards ensures that residents have three city councillors to approach regarding resolutions to their problems. These councillors are supplemented by one county councillor per division of the city, although it should be noted that the county's divisions do not normally align with the city's wards.
- 3.6 The number of councillors representing a parish or town council is set by either the relevant district or unitary authority but must comprise at least five councillors. Parish councillors can also be co-opted to the council rather than holding an election in some circumstances. Given the relatively high proportion of parish councillors per local government elector some parish councils find it a challenge to attract sufficient councillors to fill any vacant seats. However, even if incumbent city or county councillors were to fill the majority of these seats there would still be likely to be a net increase in the number of elected representatives for an individual area.
- 3.7 Other advantages typically ascribed to parish councils are principally based around the delegation of decision-making powers to a level as close to a service's users as possible. By devolving powers as locally as possible, members of a community are given access to increased autonomy, particularly in those areas outlined in paragraph 3.2. There is also scope for increased community investment through the use of a parish council's precept, which is not capped in the same manner as that of a principal council.
- 3.8 However, there are a number of potential disadvantages to parish councils operating within an urban authority. First, the manner in which parish councils are created could lead to fragmentation within the city, with confusion for residents and staff as to the arrangements in different areas of Lincoln. Second, implementing an additional layer of democracy and bureaucracy would certainly lead to additional costs both for the Council in administration and for residents in terms of a parish precept added to existing council tax charges. Indeed, removing responsibilities from existing services in order to duplicate them within parish councils is unlikely to improve either service provision or cost.

#### **4. Options for Local Decision Making: Local Area Committees/Forums**

- 4.1 A further or alternative option for the delegation of decision-making powers to a more local structure would be the implementation of local area committees. Unlike parish/town councils, these exist within a council's committee structure, exercising powers already held by the council.
- 4.2 The delegation of any powers to local area committees is a matter for Council or the holder of the relevant power to consider. As these powers are delegated on a discretionary basis it is necessary for any council establishing a local area committee to compile a schedule of powers and terms of reference covering the exact nature of the local area committee's functions.

- 4.3 Local area committees usually cover approximately three-to-four adjacent wards and should comprise councillors from the relevant wards. However, one committee cannot be responsible for more than two-fifths of the area or electorate for a district as a whole. The committees can also co-opt non-elected representatives as members if minded to incorporate a broader selection of views.
- 4.4 The establishment of any local area committees would inevitably entail additional costs and a requirement for additional officer input to support and report to the committees. These costs would potentially include the hiring of venues and any allowances payable to committee chairs. If area committees were also used as a consultative forum for matters such as planning applications this would also potentially delay the decision-making process.
- 4.5 These disadvantages are tempered by the increased opportunity for councillors to take part in decisions affecting their ward, greater local accountability, and the increased scope for detailed local knowledge to guide council policy and operations.
- 4.6 It is also possible to create local area forums, which sit outside the committee structure of the council but provide a controlled opportunity for members of a local community to discuss matters of relevance to them. These forums can include ward councillors and are often used for consultative purposes. The Council already operates a number of neighbourhood boards across the city which fulfil a similar purpose.

## **5. Organisational Impacts**

### **5.1 Finance**

There are no direct financial implications arising from this report. However, it should be noted that any change to existing decision-making arrangements would be likely to increase administrative costs.

### **5.2 Legal Implications**

There are no direct legal implications arising from this report.

## **6. Recommendation**

- 6.1 That members consider the opportunities for local decision making and determine whether the Council's current arrangements best serve the interests of the residents and businesses of Lincoln.