

## **A guide to creating a parish or town council**

A guide to creating a parish council or town council could be just what you need to start the ball rolling toward the creation of a local council in your area.

Parish and town councils are at the grass roots of local community democracy and are the first tier of local government. Through increased government commitment and recognition by other organisations and key stakeholders, parish and town councils are now at the forefront of renewed community democracy.

Through partnership working with principal authorities and the opportunity to achieve Quality Status, parish and town councils can continue to develop their role, not just as the voice of local communities, but as a facilitator and provider of better services.

Over 150 new parish and town councils have been created since 1997 as communities all over the country take greater control over their local affairs and decisions that affect their lives.

The issues covered in the toolkit include:

- what is a parish council & why should you have one
- choosing an area
- model petition
- intermediate arrangements
- case studies (separate document)
- assistance and support

The toolkit is designed to be of benefit to individuals and community groups who are seeking the creation of a parish council in their local area. It has been developed by the National Association of Local Councils (NALC) with kind co-operation from county associations of local councils, Participation Matters as well as a number of parish and town councils.

The toolkit will be updated frequently to include new case studies and other helpful tips and advice.

## Introduction

Section 11 of the Local Government and Rating Act 1997 allows a community at the village, neighbourhood, town or similar level beneath a district or borough council to demand its own elected parish or town council. This right only applies to communities within England and outside of Greater London. Different systems exist for [Scotland](#) and [Wales](#), both called "community councils", whilst in Greater London there is no legal provision for any sort of statutory elected body below the level of the London Borough.

Section 11 of the above Act allows any such community within England and outside of Greater London to collect a petition for a new parish or town council and also to define the area that it shall cover. Once the petition meets a certain threshold of registered electors' signatures, the local district council or unitary authority cannot stop it. The final decision as to whether any community can have its own parish council is down to the Office of the Deputy Prime Minister (DCLG).

### **A background to parish and town councils**

Parish councils are the most local elected body within the English system of local government. Unlike district or borough, county and unitary authorities, a parish council represents the concerns and aspirations of a genuine community or geography. Other tiers of local government, by contrast, have become largely a mosaic of different communities, sometimes with little environmental, social or economic ties, since the re-organisation of 1974.

"Parish" is an old English word that means a local territory or catchment area, and in ancient times played a very important role in the lives of people, from providing them with a sense of communal identity through to how they were governed. A parish had two principal functions: firstly to act as a civil unit which was responsible for the collection of taxes and tithes, the dispensing of justice and the raising of armies; secondly it was an ecclesiastical institution served by a local church or chapel, with a priest or similar clergyman tending to the spiritual needs of local people.

By the late 19th Century, the two functions of civil and ecclesiastical parish were formally split in law. The civil parish went on to develop into what we call the parish or town council today, which is the principal subject of this document. The ecclesiastical parish is now an entirely separate body, usually with entirely different borders to their civil counterparts, and with the proliferation of different churches most people today will live in several different such religious parishes. Many civil parishes have since faded into history and are no longer recorded on Ordnance Survey maps, largely superseded by the new local government system that was created in 1974. This is especially true for urban and metropolitan areas. New housing and industrial developments have meant that the old parish boundaries may well have become irrelevant.

You can enjoy the benefits of being an elected parish council whether or not your neighbourhood ever was a civil parish. Furthermore, the borders and name of the parish are entirely down to local campaigners who seek to establish such grass roots democracy.

### **The statutory powers of parish and town councils**

From 1889 and onwards, when civil parishes were officially created, a patchwork of legislation has developed the parish council and the powers it enjoys. Consequently, there are many anomalies concerning the powers of parish councils, such as they have a right to appoint representation to the governing body of any primary school they are served by, but not any secondary school.

The powers of parish councils continue to change, and the 1997 Act, which provided the right of communities to demand a parish council, also gave them new powers concerning transport and crime prevention. In the Rural White Paper of 2001, the Government also proposed to give parishes a more general power to serve the interests of their communities, similar to the new power of environmental, social and economic well being that local authorities now have. NALC's web site has a [full list of powers](#) download. It should be noted that this list is not exhaustive and may well not include new legislation affecting parishes.

Download the [official guidance on creating new councils](#) issued in 1997.

## Choosing an area for a new parish or town council

The Department of Communities and Local Government (DCLG) prefers new parishes to reflect the identity of a community at the village or neighbourhood level, rather than on a larger scale such as a small town. This does not mean that small towns cannot have their own parish councils (or "town councils" as they are usually declared) but this should only happen when loyalty is stronger to the town collectively than its component neighbourhoods.

A parish may also serve an area where two or more neighbourhoods have become so integrated through building and their interaction that they are now more like one larger community. Thus, sometimes there are parish councils which are typically called "Anyville and Anyplace Parish Council", or even "Anyville, Anyplace and Anywhere Parish Council". It is also best to remember that at least 200 electors are needed to live in a community before it can have its own elected parish council, so if your neighbourhood's population is beneath this or not much more, you would be better looking at establishing a parish with a neighbouring community.

However, most parishes are a single identifiable community, perhaps with a village centre or parade, and there is usually a long established name for the district of that community. It is much easier for a rural hamlet or village to identify its borders as they will on the whole be "natural" ones of green open spaces or woods, where there is an uninhabited "no man's land" ringing the community. For urban neighbourhoods, this process is much less straightforward.

It is best to start by drawing up a provisional border. Get a copy of an Ordnance Survey map from your local book shop and try to decide which bits are your neighbourhood and which bits are not. In big towns and cities, large roads like dual carriageways, playing fields, railway lines (including disused ones), industrial zones and the odd river or stream may be good reference points for drawing a border.

Also try to identify any existing administrative zones, such as polling box districts or electoral wards. Do any of these, either singularly or in clusters, represent accurately the area your neighbourhood covers? If so, you can simply refer to these administrative zones at the top of your petition and it will be much easier for the local authority and the DCLG to identify the land that is to be parished.

The DCLG also prefers new parishes and towns to be contained in one electoral ward, although if your neighbourhood is so large that it overlaps into two or more it is still okay. If a parish crosses a ward boundary it will need to be internally warded along the same lines, which means you will get parish councillors representing different parts of the neighbourhood rather than everybody representing the community as a whole.

Once this is done, it is best to let as many people as possible that will live in the new parish look at your border and say whether they agree. Arranging a public meeting to discuss your proposals and advertising it using a leaflet or poster is one good way of proceeding. If you find that most people react negatively, listen to their views and try to amend the border to accommodate them. If most people seem okay about it, you've got your new parish!

## Collecting a petition for a new parish or town council

Okay, so you have got your parish in waiting, but you need to change this into a parish for real.

The next step is to collect a petition of at least 10% of local electors that would come under the new parish, and this number must not be less than 250 electors. In order to carry this out you will need to obtain a copy of the electoral register for the polling box/ballot or polling boxes/ballots that cover your neighbourhood, village or town. It is best to tick off each person from the appropriate register as you get him or her to sign the petition.

You may wish to adapt the [template petition](#) available as part of this toolkit. One of the extra features of this petition is that a column for the person's electoral number is included, which will reduce the chance of a dispute between yourself and your local authority about whether each person is in fact a registered elector.

You should aim to collect many more than the 10% or 250 that you are required to. People can now re-register immediately on the electoral roll after they have moved home, rather than wait for the annual form that is posted out in October every year. There is a good chance that at least a few people who sign your petition will cease to be electors for your neighbourhood during your campaign and therefore cannot be counted towards your total number of signatures.

### Submitting a Petition for a New Parish Council

Once you've got your 10% or 250, your local authority cannot stop your petition. If it is less than this amount, they have the right to veto your petition. If you think that the principal authority is likely to oppose the petition then you may want to minimise the likely opposition that you are going to receive by discussing the possible benefits of parish and town councils with the principal authority. After all, we all realise that the principal authorities do benefit from good parishes. There are few examples of a parish council causing a principal authority problems.

You need to hand in your petition as quickly as possible to the appropriate local authority, which if you live in a two-tier area is your district or borough council, rather than your county council. In metropolitan areas - and some rural areas now - the unitary authority or city council is the authority you need to approach.

The petition should have a map attached outlining the area of the proposed new parish and a covering letter to summarise your proposals and a few comments as to why a parish council will benefit your neighbourhood. Never write anything that is detrimental to the work of your local authority or any other public agencies as it is unlikely the Secretary of State will approve a petition if he thinks the parish council is going to be used simply as a platform to attack the powers that be.

Your letter needs to be addressed to the Department of Communities and Local Government, c/o the chief executive of the local authority. He or she will receive the petition, circulate copies to members of the council and they will have up to three months to consider it, consult with interested parties and finally attach comments to it before forwarding it to the Secretary of State. Many local authorities use this time to write to all households that will be affected, inviting them to submit comments about the proposals. A few will also hold a referendum of all electors that would be under the new parish and use the outcome of this poll to say whether or not the neighbourhood, village or town should have a parish council.

If something like a referendum is announced it is best to get your skates on and rally up local support for your proposals. Get another leaflet through letter boxes quickly. Make sure your main local supporters will vote in the poll.

Finally, the Secretary of State receives your petition. There is no time limit on how long it will take before he makes a decision, and if there is a back log of petitions you may be waiting for several months. He can approve the petition outright, amend your proposals (such as the border for the parish) or reject them. He may also refer the matter to the Local Government Commission to investigate and make recommendations on before finally deciding what to do.

## **Intermediate arrangements – shadow and temporary parish and town councils**

So your neighbourhood, village or town is getting a parish or town council. Well done!

But wait, it may be at least one year and perhaps even longer before the parish is constituted, which means nothing will change until then. This could mean that local enthusiasm for the new parish will dwindle and it may be difficult getting people to stand as candidates in the first parish or town council election.

It is becoming increasingly common for neighbourhoods to establish a "shadow parish or town council" to bridge the time gap. These are sometimes called "community councils" or "neighbourhood councils" and are a non-statutory alternative to parishes. The main feature about them that is different from residents associations or village societies is that they are directly elected by all voters in the area concerned using a secret ballot.

A shadow parish or town council is a good means of laying the ground for your eventual parish. It can begin looking at establishing a long-term vision for your neighbourhood and strategies and plans for achieving this vision. It can prepare a home for the parish or town council, such as an office in the village parade or the community centre. It can even raise funds and purchase assets, eventually dissolving and transferring these to the statutory parish council.

Your local authority may also decide to appoint a "temporary parish or town council" in the last few months leading up to the election. The authority can choose anybody it wants to sit on this body and usually it will appoint at least one ward councillor. The main difference between this and the "shadow" approach is that temporary parishes and towns have all the legal powers of an elected parish council, so they can appoint a parish or town clerk, enact bye laws, take on running public services in the neighbourhood and so on.

If your shadow parish or town council is well established and lobbies the local town or city hall, it may be recognised as the temporary parish or town. Realistically, the local authority may decide to appoint at least a few members of the shadow council onto the temporary parish or town council.



## Contacts

Your first contact should be with your [local county association](#). County associations can offer their experienced assistance, put you in touch with other successful groups and will have contacts with local principal authorities. They are also affiliated to the National Association of Local Councils, who has specialist legal and development teams.

If you have case studies or points of observation to add to this site, please e-mail Dave Mahon, the NALC Development Officer at [dave.mahon@nalc.gov.uk](mailto:dave.mahon@nalc.gov.uk)

If you are a member of the press, please contact the NALC communications team at [lcr@nalc.gov.uk](mailto:lcr@nalc.gov.uk) or call 020 7637 1865.