



## **Options for the creation of a South Bank & Waterloo Neighbourhood Council**

### **Executive summary**

South Bank and Waterloo Neighbours, the designated neighbourhood forum for the area is considering whether a legacy organisation should be created to carry out a range of functions once the neighbourhood plan is adopted. Such functions could include monitoring the use of the neighbourhood plan in determining applications, lobbying to ensure developer funding contributes to the aims of the plan, or overseeing the delivery of some of these aims.

Consideration of the form a legacy organisation might take can include the additional question of local governance in the form of a Neighbourhood Council. Parish or Neighbourhood Councils are local government bodies with local tax, or 'precept' raising powers. Councils are associated with rural areas but more are being introduced in cities, including London's first and only Council, in Queen's Park, Westminster.

Councils are made up of a number of unpaid elected councillors, supported by delivery staff and a clerk. Council activity is broad but might include the local delivery of services, scrutiny of planning applications, fundraising, physical improvements and developing neighbourhood plans. In an area with both an adopted neighbourhood plan and a neighbourhood council, 25% of the Community Infrastructure Levy generated in the area is handed to the Neighbourhood Council, which, when taken with the precept, could generate an estimated annual budget of almost £1m.

With the precept and CIL funding as a core budget, the South Bank & Waterloo Neighbourhood Council would control significant funding to deliver programmes, invest in capital schemes and run services. The need for a sustainable income is increasing in a landscape of diminishing public resources for investment into South Bank and Waterloo. Equally, the unique and unprecedented local governance role, enabling local people to help shape the development of the area is a fundamental driver for considering the creation of a Neighbourhood Council.

Although the Neighbourhood Council model continues to find its feet in an urban context, other examples demonstrate ways in which it can be turned to the kinds of difficulties the area faces – rising housing costs, lack of investment and fragmented oversight. The model goes some way towards providing a means to delivering the objectives set out in the neighbourhood plan and represents continuity for the people who helped develop it.

However, the powers of local governance and ability to raise revenue are accompanied by the requirement to ensure a democratic, representative and transparent structure. The framework which surrounds the creation of the Neighbourhood Council by no means guarantees that the Neighbourhood Council is representative of the many interests at play in such a complex urban community and this presents a risk to the delivery of the vision set out in the neighbourhood plan.

### **1. Introduction**

South Bank & Waterloo is an area of central London with a long history of neighbourhood activism. The Coin Street Community Builders story best illustrates not only locally but on a national scale what can be achieved if local people work together with a common purpose of creating a community. Its housing co-ops, neighbourhood centre, public spaces and services represent the

legacy of a campaign starting in 1977 to acquire a valuable riverside landholding for development for the benefit of people that lived in the area.

At the same time the fact that Coin Street remains the textbook example for this type of action reflects how difficult such campaigns are to mount successfully, particularly in an urban setting where land values are so high.

Today, many of the same people who campaigned in the 1970's and many others in the community are involved in developing a neighbourhood plan for the area. The objectives are similar to Coin Street's, though the demographic has changed: local people are concerned about declining public investment; about property values passing the reach of those that make the area so mixed; the homogenisation of retail, which seems to cater only for commuters and tourists; the perceived deterioration of social infrastructure.

The formation of SoWN, the neighbourhood forum overseeing the production of this plan has been an effective first step in bringing people together to think about the future of the neighbourhood. Although the plan itself will help to steer how development comes forward over the next fifteen years and set out how the community would see funding spent, once the plan is agreed there will be no statutory function for the forum.

For this reason, the SoWN steering group is aiming to capitalise on the progress of SoWN by considering the options for a future in which its work is continued, the community is strengthened and local people have the opportunity to participate.

There are many such options, consisting of legal structures and combinations of structures that correspond to the roles the group wishes to carry out. Among these is the relatively recent opportunity for self-governance at a neighbourhood level via the creation of a Parish (or Neighbourhood) Council<sup>1</sup>. Only one London neighbourhood to date has exercised this option. There are several reasons for considering this option for South Bank & Waterloo, but equally there are a number of complications.

Other local bodies, all of which are linked together through SoWN, also have aspirations to maximise local autonomy. The South Bank Partnership, chaired by local MPs and attended by key landowners, businesses, boroughs and the Mayor's agencies periodically produces a South Bank Partnership Manifesto, which sets out a vision for the neighbourhood. One of the important objectives of this document is the localisation of service delivery.

South Bank Employers' Group, a membership organisation representing seventeen large employers and landowners for the purposes of promoting and improving the area, is investigating ways to take over and run council services such as street cleaning along the lines of the Community Right to Challenge concept enshrined in the Localism Act (2012)

Lambeth's 'cooperative council' agenda is leading to discussions on how library and parks' services might be operated by the community. The asset transfer of the Waterloo Action Centre into the hands of the community is also now underway.

---

<sup>1</sup> Note the preminent descriptive style for this local government body, used in all legislation quoted in this document is 'Parish Council'. In agreement with local authorities (described as 'Principal Authorities' in legislation), the community may adopt an alternative style, such as 'Neighbourhood Council', 'Village Council' or 'Town Council'. In this document, the 'Neighbourhood Council' style has been used since this style most closely relates to the urban context. For the avoidance of doubt, there are no legal differences between 'Parish Council' and 'Neighbourhood Council'

Such activity reflects both the legislative framework and a new appetite for community-led operations. Where both the conditions and the capacity exist for the community to take on a local governance and delivery role, it is necessary to consider how this might be achieved.

### 1.1. Purpose and structure of the report

This paper examines whether it is feasible for South Bank & Waterloo Neighbours to seek to form a Neighbourhood Council after the South Bank & Waterloo Neighbourhood Plan is 'made', or adopted, by Lambeth and Southwark Councils.

A number of options for the future of SoWN are currently being examined and this paper will inform a broader appraisal of their various advantages and disadvantages. SoWN's steering group will evaluate these options and recommend a course of action to the Forum later in 2015.

It should be noted that the steps set out in this report detailing how to establish a Neighbourhood Council are not exhaustive. They reflect the processes which would be needed to establish a Neighbourhood Council in the South Bank & Waterloo context, relevant in particular for community representatives who would decide whether or not to proceed with a petition to create a Neighbourhood Council.

This section of the paper will examine the main concepts and structures, including the neighbourhood forum and Neighbourhood Council.

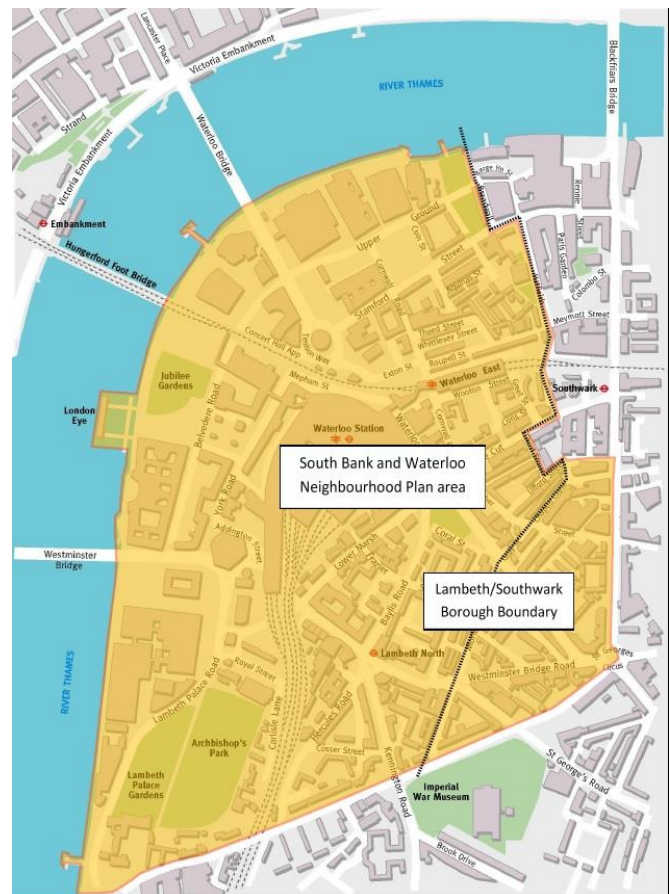
Section Two will describe the process of establishing a Neighbourhood Council, covering legal powers and duties, activity and electoral arrangements.

Section Three considers the local context, the potential programme a Neighbourhood Council might carry out in the South Bank and Waterloo and the potential advantages and disadvantages to both the process and the operation of a Neighbourhood Council.

## 2. South Bank & Waterloo Neighbours (SoWN)

SoWN is a neighbourhood forum, designated by Lambeth and Southwark Councils under the provisions of the Localism Act (2011) to write a Neighbourhood Development Plan for the area.

SoWN was designated in February 2013 by Lambeth and Southwark Councils as a neighbourhood forum with business as well as resident membership. The involvement of businesses is a fundamental requirement of neighbourhood planning in the South Bank and Waterloo, where such a significant area is owned and managed by businesses. The partnership between residents,



businesses and the third sector is accepted as representative of the South Bank and Waterloo community.

The plan will contain:

- a) **Policies**, which will be material consideration in any planning application submitted in the neighbourhood area over the life of the plan.
- b) **Guidance**, setting out the community's more general aspirations and the rationale for the policies
- c) **Projects**, which will show how the community would wish to see the neighbourhood element of Community Infrastructure Levy spent.

The second two of these are not statutory and do not bind the local authority in deliberating on planning applications.

### 2.1. *Plan stages*

The plan must pass through a number of tests before the Lambeth and Southwark adopt it. Once the plan is written, the councils will arrange a consultation into its provisions. Then an independent examination will take place to confirm that it meets the basic conditions, which include that the Neighbourhood Plan must be in general conformity with the Boroughs' Local Plans, the London Plan, the National Planning Policy Framework and relevant European legislation. The inspector then recommends either that the plan does not meet the basic conditions and should not proceed to referendum, or that it should proceed to referendum, with or without modifications.

Subject to this recommendation, the plan will then be put to a local vote. In the case of the South Bank & Waterloo Neighbourhood Development Plan, this will involve two separate votes, for both the business and resident communities.

Should the referendum return a positive result, the boroughs will then 'make' the Neighbourhood Plan, and it will then form part of both councils' statutory Local Development Plans.

### 2.2. *After the plan is made*

Once the plan is made, the local community must determine what role, if any, it will continue to have. In options increasing in scale and degree of responsibility, this could involve:

- a) A **monitoring** role, e.g. ensuring that the Plan's policies are applied correctly by planning officers
- b) A **representations** role, e.g. pressing for the neighbourhood element of CIL to be spent on the projects the local community have set out as their priority
- c) An **enabling** role, supporting existing community structures through grant making, fundraising and administration support. Also commissioning third party contractors.
- d) A **delivery** role, taking on some of the tasks set out in the projects sections of the plan, such as building new community facilities, acquiring property or implementing green infrastructure
- e) A **governance** role, raising a precept from local households, undertaking statutory and democratic functions and delivering programmes and services

The legal form the successor to SoWN takes will depend on the functions it intends to carry out. Should the community assume a local governance role, a Neighbourhood Council would be the appropriate form to consider. Roles are not mutually exclusive however: other structures may need to be established alongside to carry out other functions. The other options and their relevant legal structures will be set out in a paper for the SoWN steering group to consider.

### **3. Neighbourhood Councils**

The establishment of Parish or Neighbourhood Councils is largely regulated by the Local Government Act (1972). Neighbourhood Councils are local governance bodies which, being closest to the electorate, are referred to as the 'first tier' of government. There are approximately 9,500 in England, represented by County Associations and nationally by the National Association of Local Councils (NALC).

Neighbourhood or Parish Councils cover around 30% of the population of, England, often in rural areas. Many cities have never had such councils due to the abolition of ecclesiastical parishes – out of which secular Parish Councils were born - in urban areas. With the creation of Greater London there was a legal preclusion to the establishment of Parish Councils or any other tier of government below Borough level between 1965 and 2007, but in practice there had been no councils at a neighbourhood level in London for thirty years prior. However, the number of urban parishes is now rising and NALC estimate there to be approximately five hundred.

Neighbourhood Councils are made up of a number of councillors, elected by registered government electors within a defined boundary across a four-year term. As representatives of local people, Neighbourhood Councillors' day-to-day work includes attending meetings, holding surgeries, monitoring services and taking up issues on behalf of local people. Neighbourhood Councillors are not paid.

In order to be elected to serve on the Neighbourhood Council, the individual must, for the twelve months prior to the nomination, have been registered on the electoral roll and have lived in or within three miles of the neighbourhood boundary, or had their main place of business in the neighbourhood. This means that any qualifying person who lives or works in the neighbourhood can stand as a neighbourhood councillor.

Neighbourhood Councils are not intended to be party political and are often established to create a local governance structure that acts as an alternative to local party politics. However, candidates may choose to stand with a party political affiliation.

The Neighbourhood Council must employ a Proper Officer, usually known as the clerk. Often the only paid employee, the clerk manages the Neighbourhood Council. The clerk's role is to organise Neighbourhood Council meetings, oversee financial controls, set up projects and manage constitutional matters. The Council can legally delegate operational decisions to the clerk in order to maintain continuity of service.

The only other statutory appointment is the Responsible Finance Officer, but this role can be taken by the clerk.

As a corporate body, the Neighbourhood Council is a separate legal entity from its members, and its decisions are the responsibility of the whole body. The Neighbourhood Council can own land, employ staff, enter into contracts and be subject to court proceedings. Councillors have limited liability.

#### **3.1. Budget**

Neighbourhood Councils are able to raise a precept from the local resident population, which is collected through the council tax system. The average parish council precept per Band D household in the year 2013/14 was £50.19 per annum. Applied to the Waterloo area, this would equate to a global precept of approximately £230,000 per annum.

Community Infrastructure Levy (CIL) is an additional source of funding for the Neighbourhood Council, which receives 15% (the 'neighbourhood element') of all CIL generated in the neighbourhood. In neighbourhoods that also have an adopted neighbourhood plan the neighbourhood element of CIL is 25%.

Local lotteries, grant funding and voluntary contributions are among many other legitimate sources of funding for the Council. The Neighbourhood Council may borrow through the Public Works Loan Board, but this is the only source of finance and has restrictions.

Those Councils that do not qualify to use the General Power of Competence (see *Duties, Powers and Activity* below) are more restricted in how they spend their money.

#### **Legal Duties relating to Neighbourhood Councils**

Neighbourhood Councils have few statutory duties. The exceptions are that they must:

- comply with its obligations under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Equality Act 2010
- comply with employment law
- consider the impact of their decisions on reducing crime and disorder in its area
- have regard to the protection of biodiversity in carrying out its functions
- consider the provision of allotments if there is demand for them from local residents and it is reasonable to do so
- decide whether to adopt a churchyard when it is closed, if asked to do so by the Parochial Church Council.

The Neighbourhood Council also has a duty to ensure that all the rules for the administration of the council are followed. The council must:

- appoint a chairman of the council
- appoint officers as appropriate for carrying out its functions
- appoint a responsible financial officer (RFO) to manage the council's financial affairs; the RFO is often the clerk, especially in smaller councils
- appoint an independent and competent internal auditor
- adopt a Code of Conduct
- hold a minimum number of four meetings per year, one of which must be the Annual Meeting of the Council.

These rules are set out in law to guide the procedures of the council and the council can add its own regulations. Together these rules make up standing orders as formally agreed by the council.

Other standard legislation exists which places legal duties on the operation of Neighbourhood Council business, covering employment law, freedom of information, the spending of public money, financial controls and health and safety.

#### **3.2. Powers**

Whilst the duties incumbent upon a Neighbourhood Council are minimal, its powers are extensive, and often the activity a Council can engage in is limited more by its resource and capacity than its legal powers. A full list can be found in [Appendix 1](#). Among other powers, Neighbourhood Councils can set by-laws, deliver services and manage burial grounds.

The most important of these powers is the General Power of Competence set out in the Localism Act (2011). Provided the Neighbourhood Council can demonstrate that it is an eligible body, it may use the power, which allows a local authority in England to 'do anything that individuals may generally do unless specifically prohibited'. This might include acquiring property, making loans and trading. The power can also be used outside the neighbourhood area. It cannot be used to raise the precept. Eligibility criteria set out in *The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012* comprise:

- 1) The number of Councillors on the Neighbourhood Council who are elected (rather than co-opted) is equal to or greater than two thirds of the total number of members on the Council
- 2) The clerk must have attained one of a number of specified qualifications in public administration and training in the use of the General Power of Competence

The Neighbourhood Council also has a number of planning powers, including being one of two bodies able to prepare a neighbourhood plan, the other being neighbourhood forums such as SoWN. If it makes a request to the local authority to do so, the Neighbourhood Council must be sent details of all planning applications pertaining to the neighbourhood and any comments the Neighbourhood Council submits must be taken into account.

Other powers also introduced as part of the Localism Act (2011) allow Neighbourhood Councils to list Assets of Community Value under the 'Community Right to Bid', allowing the neighbourhood six months to raise the funds to purchase the listed asset if it is sold. The 'Community Right to Challenge' allows them to bid to run local services on behalf of the local authority.

### 3.3. Activity

The clerk, guided by the Council Chair, oversees day-to-day operations, arranges Council meetings, sub-committees, surgeries and visits. Meetings of the Council take place as often as standing orders dictate, but there is a duty to hold at least two meetings in public: the AGM and election of the Council's Chair. However, many Neighbourhood Councils invite the public to observe all meetings. Neighbourhood Councillors are responsible for attending meetings and representing the interests of their community externally – to the borough authority for instance. Councillors are bound by a Code of Conduct to ensure they deal with matters fairly and transparently, declaring conflicts of interest and gifts.

Councillors are elected by local residents. There is no vote for businesses, although people who either live or work in the area may stand.

The activity of the Neighbourhood Council is usually dictated by the needs of the community, which are gathered as part of consultation of electors during the campaign period. The Council will usually work to a manifesto such as a parish plan, or increasingly exercises its right to produce a neighbourhood plan using powers under the Localism Act.

## 4. Neighbourhood Councils in London and other urban areas

Differences in programmes between urban and rural Neighbourhood Councils are apparent. Councils in towns and cities are more likely to be focused on issues such as job creation, housing and planning issues. Rural parishes often focus on local service delivery, management of village greens, street furniture such as bus stops, management of burial grounds and allotments and seasonal interventions such as bonfire night or Christmas lights.

The extent of the opportunities of urban parishing are now being realised, reinforced by changes in the law that allow Councils in cities greater power to act as regenerating bodies in their

neighbourhoods. A University of York study<sup>2</sup> focused on Councils in Newcastle-upon-Tyne and highlighted some of the successes emerging Parish Councils were having in improving deprived inner city areas with resident-led programmes, community development workers, litter management and job creation.

Such Councils were not permitted in London between 1935 and the *Local Government and Public Involvement in Health Act (2007)*, which lifted legal barriers to the creation of Neighbourhood Councils in London. The Act set out the process by which communities could trigger community governance reviews (see 'Establishing a Neighbourhood Council' below), and this led in 2014 to the creation of London's only Neighbourhood Council to date, in Queen's Park, Westminster. A number of other councils are now in development following the example of Queen's Park, including in Barking and London Fields.

Parallels exist between the circumstances in Queen's Park that led to the creation of the Council and South Bank & Waterloo. The idea to form the community council was devised by residents following a cut in funding for services and local projects that sustained the area's social infrastructure. Conservative-controlled Westminster Council was not supportive of the creation of the Neighbourhood Council in the borough's only Labour stronghold but significant numbers of residents agreed that the new laws presented an opportunity for greater autonomy.

A campaign group was mobilised by the Paddington Development Trust to petition the council to assess whether a Neighbourhood Council should be created. After a year a referendum was held for the residents of Queen's Park to decide if they would support the introduction of an additional precept and governance structure. Residents voted for the creation of the Neighbourhood Council in May 2012.

Westminster City Council then set in place the reorganisation order that allowed for the election of Councillors to the Council, first creating a shadow Council from the campaign group. The Shadow Council allows a nascent Council to agree the precept, develop a proposed programme of activity, and begin the process of finding a clerk, premises etc.

Westminster declared that the Council should have twelve seats, and the shadow Council was appointed with the same number of seats. However, nineteen individuals, some connected with the campaign and the shadow Council, others representing political parties, and still others independent of both ran for election. Not all of those connected with the original campaign and shadow Council were ultimately elected, so the pre-election manifesto setting out the proposed delivery programme was revised by the new Council, where some of those elected did not support the original proposals. Love Queen's Park is now successfully operating with an annual budget of £150,000 a programme of projects and investigating options for delivering services and raising further revenue.

The process took six years from inception to the formation of the council. In response to this protracted process, the DCLG published new guidance to make the creation of new Neighbourhood Councils simpler (See boxed text on p 33 for summary of the new rules).

## **SECTION II**

### **Establishing a Neighbourhood Council**

#### **5. Community governance review**

The community may ask the local authority to assess whether a Neighbourhood Council should be created in a 'community governance review'. Community governance reviews allow local authorities to assess how their community governance arrangements are operating and whether alternatives

---

<sup>2</sup> New Parish and Town Councils in Urban Areas, Joseph Rowntree Foundation (2003)



arrangement may be appropriate. They are triggered when a community governance petition is submitted to the authority.

Currently, the community governance petition requires the signatures of 10% of the electorate, assuming as in South Bank & Waterloo an electorate of over 2,500 local government electors. The petition also proposes an area to which the review is to relate and sets out at least one recommendation that the petitioners wish the local authority to consider making, such as creating a Neighbourhood Council.

If the local authority is not at that time already carrying out a community governance review covering the area in question, or has not done so in the preceding two years then it has a duty to carry out a review over a maximum period of twelve months.

#### **CHANGES IN THE LAW TO SIMPIFY CREATION OF COUNCILS**

Three new measures to streamline the process of setting up a Neighbourhood Council are being put in place via a legislative reform order submitted by the Department for Communities and Local Government in January 2015. These are:

- Lowering the threshold of signatures required to trigger a review of governance from 10% to 7.5% of residents, in areas with an electorate of over 2,500
- Speeding up the process and creating greater certainty for local campaigners by shortening the amount of time the local authority can take to complete a governance review to 12 months from receipt of a valid petition. Currently, although the review must take 12 months, there is no prescribed period within which the local authority must begin the review
- Allowing neighbourhood forums with a plan in place to trigger a community governance review for a new Neighbourhood Council without requiring them to submit a petition

These changes are expected to be in force early in 2016.

To do this, the authority should set out, in consultation with the petitioners, the terms of reference<sup>3</sup> for the community governance review and the area to be reviewed. It may be that the local authority decides to review the governance arrangements across the entire borough.

In undertaking a community governance review, the responsibilities of the local authority are that 'it must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review', and that the proposed governance arrangements would be 'effective and convenient'.

The authority must consider several factors in determining this, including, principally:

- the impact of community governance arrangements on community cohesion
- the size, population and boundaries of a parish
- any other arrangements (apart from those relating to parishes) that have already been made, or that could be made for the purposes of community representation or community engagement

In determining this, the authority must consult both the electors in the defined area and any others the authority considers would have an interest in the review, which could include local businesses,

---

<sup>3</sup> Sample terms of reference: <http://static.slough.gov.uk/downloads/community-governance-review-terms-of-reference.pdf>

voluntary associations, and the principal authority itself. Existing local bodies can be considered as building blocks for elected Neighbourhood Councils if they are representative.

According to the Local Government Boundary Commission, the recommendations made in a community governance review: *'ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services'*<sup>4</sup>

Where existing governance arrangements are in place they may be more appropriate, or they may provide a staging post towards the creation of a Neighbourhood Council. The local authority will need to consider the democratic accountability, transparency and powers of the Neighbourhood Council model set against other forms of local governance.

It remains a matter for the local authority to make the decision whether or not to recommend the creation of a Neighbourhood Council. The local authority can choose not to recommend the establishment of a Neighbourhood Council where they judge, in the light of representations, that doing so would not be in the best interests of the wider community – for instance if it were to damage community relations.

When the local authority has made a decision on the recommendations set out in the terms of reference, it must publish that decision and the reasons for making it. If that decision includes a recommendation to create a Neighbourhood Council, a reorganisation order must also be published as soon as possible, with a map illustrating the area to which the order applies.

There is no right of appeal should the decision of the local authority be contrary to the wishes of the petitioners. However, it is possible to seek a judicial review into the process the principle authority followed if the costs and the time limit can be met.

#### 5.1. *Electoral arrangements*

If the local authority decides to recommend the creation of a Neighbourhood Council, it will set out arrangements determining the date of the election, which can coincide either with the general election or, more likely, London borough ward elections. This may mean there is a significant period of time between the decision and the election.

The local authority also sets the number of councillors the neighbourhood will have and whether it will need to be subdivided into wards. In practice the local proposers often guide the local authority in making these decisions.

In the interim period between the decision to grant a Neighbourhood Council and the election, the local authority may decide to appoint a 'temporary Neighbourhood Council', which has statutory powers. Alternatively the community may wish to establish an elected 'shadow council' which has no statutory powers, but can fundraise to begin to deliver programmes. In the latter case, the local authority would need to agree this approach and would likely seek to appoint at least one position, such as a local ward councillor.

Candidates, whether independent or affiliated to a political party, must submit nomination forms, signed by two electors in the neighbourhood, (or the relevant ward if the neighbourhood is subdivided). There are a number of qualification criteria for candidates, including rules covering citizenship and criminal conviction.

---

<sup>4</sup> P12 Guidance on Community Governance Reviews, Local Government Boundary Commission for England, 2010

The campaign spending limit for each candidate is £740 plus 6p for every person on the electoral roll. This is in effect from the date the individual officially becomes a candidate.

If the election is contested, i.e., where there are more prospective candidates standing than seats on the Neighbourhood Council, an election is called. Voting takes place via postal vote or at a polling station, often coinciding with another election if the timing is appropriate. If uncontested, candidates are considered elected.

Candidates are considered elected on the fourth day after the declaration of the result by the local authority and must sign a form to accept the position.

If insufficient candidates stand, or if casual vacancies are created for instance through the death of a Councillor, the Council may co-opt new Councillors at a later date, should there be no public requests for a by-election. On no other occasion may the Neighbourhood Council co-opt members. Elections subsequently take place every four years, excepting by-elections.

### **SECTION III**

#### **Establishing a Neighbourhood Council in South Bank & Waterloo**

##### **6. Key issues to consider**

South Bank Employers' Group was asked by SoWN and funded by Department for Communities and Local Government through NALC to investigate the process and ramifications of establishing a Neighbourhood Council after the neighbourhood plan is made. This is part of a broader investigation into the sustainability of South Bank & Waterloo neighbours.

The process explained above demonstrates that the existing neighbourhood forum cannot transition simply into the Neighbourhood Council structure. SoWN may wish to advocate for the creation of a Neighbourhood Council but given the necessity for new elections and the fact that the number of council seats is determined by the local authority, it is very unlikely that the current representation structure will be replicated in its entirety.

It is important to understand the objectives in establishing a Neighbourhood Council and whether the legislative, political and local factors enable these objectives to be realised. Issues to consider are below.

No recommendation is made to the SoWN steering group on whether a Neighbourhood Council should be set up and the group is advised to consider this question in the light of the broader decisions which need to be made regarding the neighbourhood forum's function and legal structure after the plan is made.

##### **6.1. Boundaries**

Establishing the relevant boundary that the petitioners wish the local authority to consider for a Neighbourhood Council is a complex process but has been largely achieved through a public consultation in 2013 to determine the SoWN neighbourhood area. There are a few issues to consider which would necessitate the amendment of the proposed boundary however.

The 2012 consultation and subsequent vote set the boundary as Blackfriars Road, Lambeth Road and the river. However, the area designated by Southwark did not ultimately correspond to the area applied for, due to the existing designation of the northern part of Blackfriars Road as part of the Bankside Neighbourhood area.

In any case, no Neighbourhood Council area may span borough boundaries – an application would need to be made to the Boundaries Commission for England and Wales to revise borough boundaries to accommodate the Neighbourhood Council in a single borough – likely in this case to be Lambeth as the greater land area. However, this is a separate and lengthy procedure. Therefore for practical reasons, the Lambeth section of SoWN would be an appropriate area in which to carry out a community governance review, but potentially with one revision. The Lambeth section of the SoWN area currently reflects the Bishops Ward boundary excepting the New China Walk estate which lies to the south of Lambeth Road.

SoWN may wish need to take the opportunity to revise its area of interest (not the Neighbourhood Plan area) in instigating the petition for a community governance review in order to match the petition to the Bishop's Ward boundary.

#### *6.2. Neighbourhood Council structure*

Neighbourhood Councillors are not paid. Although reimbursement of expenses is permitted, in practice this is usually only taken up by the Chair, if at all. The time commitment for Councillors is an average of 3-4 hours per week, spent attending meetings, overseeing decisions and representing the council at events. This may be expected to be higher in the populous and complex South Bank and Waterloo area.

This restricts the likely pool of candidates that would be able to take up a position on the Neighbourhood Council and underscores the stereotypical picture of the rural parish council run exclusively by financially secure retirees. However, many Parish Councils across the UK struggle to fill the prescribed number of seats at election, and rely on later co-option or unfilled seats.

In structural terms, there are a number of key challenges to the establishment of a representative Neighbourhood Council in South Bank and Waterloo. Were a Neighbourhood Council set up, it would control significant financial resources and it should therefore reflect the objectives of the entire community, both business and residential, in the same way the neighbourhood forum does. The democratic process of Neighbourhood Council elections is important, but it does not guarantee a representative Neighbourhood Council. Negative outcomes might be:

##### *a) The potential for there to be a lack of candidates*

The job of a Neighbourhood Councillor in the South Bank & Waterloo would be particularly complex and on occasions controversial given the likely programme of activity delivering the objectives of the neighbourhood plan. As an unpaid position suitable only for those with at least three hours a week of spare capacity, there is a possibility that few may wish to run for election.

An under-represented Neighbourhood Council would not be an ideal platform from which to oversee a complex community improvement programme.

##### *b) The potential for there to be a lack of candidates of sufficient demographic, socio economic, ethnic and geographical diversity*

Should sufficient numbers run for election, there is a possibility that a barrier to diverse representation would be inadvertently designed in to the process.

This is by no means a given as the SoWN steering group illustrates. However, some effort to ensure diversity was expended in that case, including provisions in the constitution setting up voting categories and geographical spread.

Although candidates from a range of backgrounds and areas might be encouraged to stand, there is no way to ensure the election ensures a diverse council.

- c) *The potential for the Neighbourhood Council elections (and therefore the ongoing operation of the Council) to be appropriated by political interests, a single issue group or bloc of residents to the detriment and exclusion of other objectives*

This is similar to point b) above. Other than the campaign itself, for which spend is equally regulated for all candidates, there is no method by which wider interests can intervene to prevent single interest groups gaining a large number of votes and the control of the Council.

- d) *The potential for the business or third sector community to be excluded from the process*

It has been demonstrated in the operation of SoWN that the business and residential can and should work together to develop the aspiration for the area. Businesses own much of the publicly accessible space in the neighbourhood, there is a symbiotic relationship between retailers and residents, there is a shared desire for a locality that can cope socially, economically and environmentally with vast numbers of visitors and commuters.

Because businesses are a key part in developing this vision, and can in addition help provide the means to deliver it, their involvement in a Neighbourhood Council would be vital.

Since only residents may vote in the election, there is a built-in disadvantage to non-residents running for election that may result in the exclusion or under-representation of businesses, voluntary and public sector from the Council. This is irreversible during the term notwithstanding a casual vacancy arising for which the Council chooses to co-opt a representative from one of these groups.

- e) *The potential for ward councillors to be excluded from the process*

Ward Councillors are an important part of the democratic process in South Bank and Waterloo and a Neighbourhood Council which excluded them would risk both alienation from the local authority and a bilateral structure of governance likely to confuse the intended beneficiaries.

Although it is likely that the campaigning skills of existing ward councillors would present an advantage in any campaign for Neighbourhood Council, there are limited opportunities to co-opt a ward councillor should they not be elected. However the Neighbourhood Council constitution could prescribe that ward councillors would be entitled to attend, speak and receive all papers. This is the normal practice in Parish Councils.

Equally, if former ward councillors from an opposition party were to be elected, there may be a local division along party lines in the operation of the Neighbourhood Council that may not be desirable.

It is worth restating the example of Queen's Park, in which the twelve-person campaign group and later shadow council - which may be compared in its structure and objectives to the existing SoWN steering group - assumed the majority of the twelve seats from a pool of nineteen candidates, seven of whom were not connected with the original campaign.

Should the same pattern be repeated in South Bank and Waterloo, the range of diversity and interests would likely still be reflected in the parish council, though it would not be possible to predict the individual candidates that would be successful.

### 6.3. *Potential programme*

If a Neighbourhood Council were to operate in South Bank and Waterloo in continuation of the objectives set out in the neighbourhood plan, the activity it carried out could include the following, which are in theory compatible with a well resourced Neighbourhood Council, its subcontractors or, in some cases parallel legal structures.

a) *Project management*

Oversight of the capital projects set out in the projects sections of the plan, such as implementing green infrastructure or public realm schemes, or elements of them, such as managing local consultation.

b) *Oversight of public services*

Litter management, parking and illegal trading enforcement, security and the inspection of utilities and highways works may all be considered as services ordinarily carried out by the local authority, but for which a local delivery mechanism may be appropriate, including a SoWN oversight role.

c) *Management and maintenance of public spaces and buildings*

The Neighbourhood Forum has considered the need to improve management and maintenance of public spaces and buildings through the transferral of local authority owned assets such as parks or libraries into local ownership.

d) *Development and management of housing*

In the process of gathering evidence for the neighbourhood plan, SoWN's housing sub-group now has information about local housing need and demand, the sites that may become available and developers who may wish to consider working in partnership.

The neighbourhood forum seeks to ensure that affordable housing for low-to-middle income earners is provided in the area. However, the cost and scarcity of suitable sites makes it necessary to consider innovative approaches to delivery and management that ensures the cost to the end user is genuinely affordable.

e) *Management of retail*

The neighbourhood plan has identified the loss of key retail in the area as a concern and aspires to provide services such as a launderette for the community.

Various options exist for the management of retail on the part of a successor body to SoWN. Groups across the country are exercising the Community Right to Bid to be in the running to take over village shops, post offices and pubs, and the asset in question need not be in public ownership for the community to buy it.

An alternative to the operation of a single asset would be the management of the lettings policy across an entire retail area as part of a trust. This model would see retail owners selling their properties into a trust that would centralise lettings, management and potentially profit for the benefit of all. Central management of retail in the area would enable the trust to curate the offer, ensuring a diverse range of shops and services and higher returns overall, returned to the landowners in the form of dividends. This emulates the single landowner model of (for instance) De Walden Estate's Marylebone High Street.

f) *Grant making*

The defrayal of developer contributions, grant funding and legacies in the form of local 'community chest' grants is a common activity and a single body to manage this in South Bank and Waterloo would be beneficial to ensure grants are delivered strategically and according to the vision set out in the neighbourhood plan.

We have seen how the Neighbourhood Council model allows for the collection of CIL and the precept to enable a range of activities to take place. However, in some cases, the Neighbourhood Council may need to establish parallel legal entities, sub contract or devolve activity to others, particularly where a degree of complexity exists. While there is nothing to prevent the Neighbourhood Council from employing delivery staff, outsourcing this work could well be the preferred option in which case the quality of contract management is the crucial factor.

Using the information in preceding sections, the final section of this report will set out the potential benefits and disadvantages to the establishment of the Neighbourhood Council, to help inform the SoWN steering group's thoughts.

## **7. Potential benefits of a Neighbourhood Council in South Bank & Waterloo**

### **7.1. Retention of Community Infrastructure Levy (CIL)**

The neighbourhood plan sets out a number of projects that are likely to rely on the defrayal of CIL for their realisation. As part of the preparation of the neighbourhood plan, SoWN will also produce what Lambeth has termed a Cooperative Local Investment Plan (CLIP) which will set out the targets for CIL investment. However, there will be no statutory obligation for the Local Authority to defray the neighbourhood element of CIL on the targets as set out in the CLIP.

Of all the options for a sustainable local governance structure, the Neighbourhood Council is the only option which allows the community full control of the neighbourhood element of CIL. This is estimated by London Borough of Lambeth to be in the region of £650,000 a year of unrestricted funding per year in Waterloo.

### **7.2. Precept-raising powers**

An estimated maximum sum of £229,368 per year could be raised should the average levy of £50.19 be applied to the 4,570 households in Bishop's Ward<sup>5</sup>. Households that do not pay council tax, including full-time students and those who qualify for council tax support would be subtracted from this total. This revenue would significantly boost funding to deliver the projects set out in the neighbourhood plan and elsewhere or used to secure services as borough investment declines.

Another approach would be to 'zero-rate' the precept relying only on the neighbourhood element of CIL to fund programmes. This would generate no additional tax obligation for residents and because the Neighbourhood Council would improve local control and governance mechanisms, this could increase the likelihood of broad local support for the creation of a Neighbourhood Council. It would be possible to organise the Neighbourhood Council in this way for the first term, to demonstrate without cost to local residents the value of the Neighbourhood Council's programmes, introducing a precept in a later term.

### **7.3. Rationalised and democratic structure**

Current delivery and governance arrangements are complex and local people often report that they feel disconnected from the levers of change. This could be addressed with the

---

<sup>5</sup> 2011 Census data, ONS.

introduction of single structure through which funding and delivery flows and which is directly accountable to the local electorate.

**7.4. *Local delivery of services and programmes***

In a climate of declining public investment in services a local approach to service delivery is desirable. Neighbourhood Councils can leverage private investment and other sources of income not available to local authorities. Furthermore unique local landownership patterns reinforce the need for a joined up neighbourhood-based approach to services such as street cleansing, illegal trading, coach management and programmes such as travel planning, streetscapes design and green infrastructure implementation.

**7.5. *Local support***

Support has been voiced at a local level for the idea of creating a Neighbourhood Council. Though the level of support cannot be said at this stage to be significant and would need to be followed up with a broader consultation, the reasons cited for supporting a campaign were a desire for greater local autonomy and the ability to mitigate quickly any negative impacts felt in the community from development, withdrawal of services or rapid growth.

**8. *Potential disadvantages of establishing a neighbourhood council in South Bank & Waterloo***

**8.1. *Inability to retain existing neighbourhood boundary***

Extensive consultation on the part of SoWN demonstrated a clear view of the boundaries of the neighbourhood as being between Blackfriars Road, Lambeth Road and the river. Although this was not the area ultimately designated, the principle of the cross-border neighbourhood was seen as important to consultation respondents.

Neighbourhood Council areas must however fall within the boundaries of a single Borough Council's area. An attempt might be made to create two geographically parallel Neighbourhood Councils, one in Southwark and one in Lambeth to correspond to the boundaries agreed by the community, but this application would be unlikely to be successful on the Southwark side due to the small size of the Southwark section of the neighbourhood. Were the petitioners to apply to Lambeth as the single local authority, it is likely that Lambeth section of the neighbourhood would also diverge from the neighbourhood boundary agreed by SoWN (and designated by Lambeth). Instead a community governance review of the whole of Bishop's Ward (a slightly enlarged neighbourhood area to that which is currently designated, including the China Walk Estate) would be more likely to meet a successful outcome, given the complexities inherent in amending ward boundaries.

**8.2. *Possible Borough opposition***

In 2012, in response to the amalgamation of three local 'community councils', Southwark Liberal Democrats proposed the creation of parish councils in Cathedral's and Chaucer Wards, to enable local decision making. Southwark Labour campaigned against the proposal and the requisite number of signatures on the petition was not achieved.

Conservative-led Westminster Council were similarly opposed to the creation of the Queen's Park Neighbourhood Council in a Labour Ward. The outcome in this instance was different however. Political opposition was overcome through proper process and the proposal was ultimately accepted following a referendum of local residents to seek their views on whether a Neighbourhood Council should be created. Nevertheless, the local authority holds the final decision and launching a campaign in the face of an opposing council would carry considerable risk.



**8.3. *Loss of SoWN structure / business vote***

The current SoWN structure was agreed following extensive consultation that led to the establishment of membership categories (including businesses, the voluntary and community sector, tenants associations etc) and a spread of representatives across the whole area. No such constitutional structure can be enforced as part of the process of electing a Neighbourhood Council.

Although people who work in the area may put themselves forward as candidates to sit on a Neighbourhood Council, only residents may vote in Neighbourhood Council elections. Unless the election is uncontested (i.e. the number of nominated candidates is equal to the number of seats on the Neighbourhood Council), this could result in an outcome which under-represents the business community, public and voluntary sectors.

**8.4. *Potential for disjointed approach to services and investment***

The Neighbourhood and Borough councils should collectively determine how to deliver improvements in the area. Given the importance of the area, many improvements are categorised strategic and are therefore funded through the strategic element of CIL, rather than the neighbourhood element. Therefore the distinction in funding terms and delivery arrangements will have to be carefully negotiated. Relative responsibility for the delivery of services such as street cleaning or parking management would also need to be negotiated between the two bodies.

**8.5. *Compounded reduction in investment from Borough***

Local authorities are currently reducing service levels and capital investment in response to a declining budget allocation from central Government. Should a Neighbourhood Council be created in Bishop's ward, this could lead to the perception on the part of Lambeth that the neighbourhood was well served through the local structure and allocate funding disproportionately negatively for services etc in the ward, rather than services provided by the parish council being considered additional to core services provided by the council.

**8.6. *Cost of campaigning***

Representatives from the Queen's Park group that established a Neighbourhood Council in 2014 report that the time commitment and costs of running the campaign were considerable (though not quantified due to the predominant use of volunteer residents). Although a campaign in South Bank & Waterloo would probably not take the three years of the Queen's Park campaign, it is unclear how such a campaign in South Bank & Waterloo would be funded or the capacity to run it would be arranged.

**9. Conclusion**

Given the substantial risks embedded in both the implementation process and the operation of a neighbourhood council in an urban context, two alternative approaches to pursuit of the neighbourhood council model may be considered, which provide the benefits but minimise the risks:

- a) Negotiation is entered into with Lambeth Council with the aim that the neighbourhood element of CIL generated in the South Bank and Waterloo neighbourhood area is defrayed via a mechanism similar to that used for the London Eye Section 106 and the Visitor Management Group, with a successor body to SoWN fulfilling the function of the VMG.
- b) Representation made to the Department for Communities and Local Government that South Bank and Waterloo form a pilot to create a neighbourhood council with the participation and vote of businesses in addition to residents.

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
<b>Agency Arrangements</b>	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
<b>Allotments</b>	Powers to provide allotments Duty to provide allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
<b>Archives</b>	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
<b>Baths and Washhouses</b>	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222, 223 and 227
<b>Borrowing</b>	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13
<b>Burial Grounds, Cemeteries and crematoria*</b>	Power to acquire and maintain	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214
	Power to provide	Local Government Act 1972, s.214
	Power to agree to maintain monuments and memorials	Parish Council and Burial Authorities (Miscellaneous Provisions) Act 19970, s. 1
	Power to contribute towards expenses of cemeteries	Local Government Act 1972
<b>Bus Shelters</b>	Power to provide and maintain	Local Government (Miscellaneous) Act 1953 s.4
<b>Bye Laws</b>	Power to make bye laws for public walks and pleasure ground	Public Health Act 1875, s 164
<b>Cycle Parks</b>		Road Traffic Regulation Act 1984 s.57 (7)
<b>Swimming pools,</b>		Public Health Act 1936,

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
<b>bathing places, baths and washhouses</b>		s 223
<b>Open Spaces and Burial Grounds</b>		Open Spaces Act 1906 ss 12 and 15
<b>Mortuaries and post-mortem rooms</b>		Public Health Act 1936 s. 198
<b>Public Bathing</b>		Public Health Act 1936 s. 231
<b>Hiring of pleasure boats in parks and pleasure grounds</b>		Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54
<b>Charities</b>	Duty to receive accounts of parochial charities	Charities Act 1960, s 32
<b>Charities</b>	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
<b>Clocks*</b>	Power to provide public clocks	Parish Councils Act 1957,s 2
<b>Closed Churchyards</b>	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
<b>Commons Land and Common Pastures</b>	Powers in relation to inclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s 8(4); Smallholding and Allotments Act 1908, s.34
<b>Commons Land and Common Pastures</b>	Power to protect unclaimed common land from unlawful interference	Commons Registration Act1965,s.9
<b>Commons Land and Common Pastures</b>	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5
<b>Conference facilities*</b>	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
<b>Consultation</b>	Right to be consulted by principal councils if directed by Secretary of State (England) or by Welsh Assembly (Wales)	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
<b>Community Centres and Village Halls</b>	Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19
<b>Crime Prevention*</b>	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31
	Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31
<b>Delegated Functions</b>	Power to assume a function delegated by another authority Power to ensure effective discharge of Council functions Power to employ someone to carry out Council functions	Local Government Act 1972ss. 101, 111 and 112
<b>Drainage</b>	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
<b>Education</b>	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
<b>Entertainment and the Arts*</b>	Provision of entertainment and support of the arts	Local Government Act 1972,s145
<b>Environment</b>	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972,ss 111 and 137

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
<b>Flagpoles</b>	Power to erect flagpoles in highways	Highways Act 1980, s 144
<b>" Free Resource"</b>	Power to incur expenditure not otherwise authorised on anything which in the council's opinion is in the interests of the area or part of it or all or some of the inhabitants	Local Government Act 1972,s139
<b>Gifts</b>	Power to accept	Local Government Act 1972 s139
<b>Highways</b>	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss 43 and 50
	Power to light roads and public places	Parish Councils Act 1957 s 3:Highways Act 1980, s 301: Local Government Act 1972,Sched. 14 para 27
	Provision of litter bins	Litter Act 1983, 5 and 6
	Power to provide parking places for vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984, ss 57 and 63
<b>Highways</b>	Power to enter into an agreement as to dedication and widening	Highways Act 1980. ss 30 and 72
	Power to provide roadside shelters, and omnibus shelters	Parish Councils Act 1957, s 1
	Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act, 1980 ss 47 and 116
	Power to complain to District Council as to	

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
	protection of rights of way and roadside waste	
	Power to provide traffic signs and other notices	Highways Act 1980, s 130
	Power to plant trees, etc., and to maintain roadside verges	Road Traffic Regulation Act 1984, s 72; Countryside Act 1968
	Power to complain to local highway authority that a highway is unlawfully stopped up or obstructed	Highways Act 1980, s 96
	Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s 130 Highways Act 1980, s 134
<b>Investments</b>	Power to participate in schemes of collective investment	Trustee Investments Act 1962,s11
	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
	Power to accept gifts of land	Local Government Act 1972s139
	Power to acquire land by compulsory purchase	Local Government Act 1972, s 125
	Power to obtain particulars of persons interested in land	Local Government (Miscellaneous Provisions) Act 1976,s 16
	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16;: Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
		19
<b>Lighting</b>	Power to light roads and public places	Parish Councils Act 1957, s Highways Act 1980, s 301
<b>Litter* and dog fouling</b>	Provision of receptacles Obligated to keep own land free of litter and dog faces	Litter Act 1983, ss 5 an Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991
<b>Lotteries</b>	Power to promote	Lotteries and Amusements Act 1976, s 7
<b>Mortuaries and post-mortem rooms</b>	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
<b>Nature Reserves</b>	Power to designate statutory to the nature reserves and marine nature reserves - English Nature can designate sites of specific scientific interest	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
	Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	
<b>Nuisances</b>	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260
<b>Open Spaces</b>	Power to acquire land and maintain	Public Health Act 1875, s 164; Open Spaces Act 1906, ss 9 and 10; Commons Act 1899
	Power to acquire land for or to provide recreation	Public Health Act 1875, s 164; Local

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
	grounds, public walks, pleasure grounds and open spaces, and to manage and control them.	Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.
<b>Parish Property and Records</b>	Powers to direct as to their custody	Local Government Act 1972, s226
<b>Parking Facilities</b>	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
<b>Planning</b>	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
<b>Postal and telecommunications facilities</b>	Power to pay the Post Office, British Telecommunications or any other public telecommunications operator any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1954, s 51; Telecommunications Act 1984,s97
<b>Public Buildings and Village Halls</b>	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
<b>Public Conveniences</b>	Power to provide	Public Health Act 19336, s 87
<b>Public Enquiries</b>	Power to make representations at public enquiries	Local Government Act 1982, s222
<b>Publicise functions</b>	Power to publicise council	Local Government Act



## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
	and local authority functions	1982, s. 142
<b>Raising of Finances</b>	Power to raise money through them precept	Local Government Act 1982, s150
<b>Records</b>	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
<b>Recreation*</b>	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them. Power to provide gymnasiums, playing fields, holiday camps	Public Health Act 1875, s 164; Local Government Act 1972, Sched 14 para 27; Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899
<b>Provision of boating pools</b>	Public Health Act 1962, s 54	
<b>Seats and Shelters*</b>	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
<b>Tourism*</b>	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
<b>Town and Country Planning</b>	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
<b>Town Status</b>	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
<b>Traffic Calming</b>	Power to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s 26
<b>Training</b>	Power to train Councillors	Local Government Act 1972. s175.

## Powers of neighbourhood councils

Functions	Powers And Duties	Statutory Powers
<b>Transport*</b>	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
<b>Village greens</b>	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15 Inclosure Act 1857, s 12, Commons Act 1876, s 29
<b>War Memorials</b>	Power to maintain,, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133
<b>Water Supply</b>	Power to utilise well, spring or stream and to provide facilities for obtaining water therefrom.	Public Health Act 1936, s 125