

Ministry of Housing, Communities & Local Government: English Devolution White Paper – December 2024

1. Proposals:

The White Paper provides some welcomed proposals for the local government sector:

- Provision for remote meetings access;
- Civility and Respect proposals e.g. introduction of sanctions (separate consultation paper);
- Enhancement to Community Right to Bid / Assets of Community Value;
- Recommendations for improved working relationships with town and parish councils.

2. The Case for Strengthening Parish and Town Councils in Response to the Government's Devolution White Paper

The recent publication of the Government's English Devolution White Paper marks a pivotal moment in reshaping the balance of power across England's communities. Angela Rayner, Minister for Homes and Communities, articulated this ambition clearly when she stated: "Our English Devolution White Paper will be a turning point when we finally see communities, people and places across England begin to take back control over the things that matter to them."¹

While the focus on devolving powers is to be welcomed, this process mustn't overlook the fundamental role parish and town councils already play, will continue to play, and could play in representing the needs of local people. These councils are uniquely placed to provide communities with a direct, democratic voice and ensure that decision-making is genuinely 'local,' delivering control over the issues that matter most to residents.

3. The Value of Parish and Town Councils

Parish and town councils are the closest tier of government to the people. They are agile, responsive, and deeply embedded in their communities. Unlike district, unitary, and county authorities, which can be remote and unfamiliar with the nuances of smaller localities, parish councils operate at a scale that allows them to deliver services and advocate for their areas with unmatched local knowledge.

Parish and town councils are the only tier of authority where residents contribute funding directly to services within their own communities and can see for themselves how that funding is being spent. By contrast, principal authorities pool resources across much larger areas. While this can provide scale for strategic services, it often results in decisions that fail to reflect the priorities of smaller, distinct communities. On the other hand, parish councils operate with precision and value for money, targeting resources exactly where they are needed and avoiding inefficiencies inherent in larger governance structures.

At the same time, it is important to acknowledge that parish and town councils vary widely in size, capacity, and budget. Some excel in their responsibilities, while others face challenges related to performance and perceptions of lack of capacity to deliver more. These disparities must be addressed for devolution to the lowest tier to be successful. The National Association of Local Councils' (NALC) Local Council Award Scheme provides a useful benchmark, recognising high-performing councils and instilling confidence in their ability to

¹ <https://www.gov.uk/government/news/devolution-by-default-to-create-new-era-of-local-power>

take on devolved powers. Legislation could grant additional powers to councils that demonstrate efficacy under such frameworks, encouraging others to improve and creating a more level playing field across the sector.

Additionally, the use of national buying frameworks could facilitate opportunities for parish and town councils to deliver more effectively by improving access to competitive procurement options for services and assets.

4. Local Issues and the Struggle for Representation

There are countless examples across the country where local communities have struggled to have their voices heard by higher tiers of government. All too often, local issues are escalated to districts or counties where decision-makers lack the local knowledge required to act effectively. Whether it's a dispute over a planning matter, a boundary change, or infrastructure investment, distant authorities often struggle to grasp the specifics of place-based needs.

For instance, communities have faced frustration with the process of forming new parish and town councils, where decisions on the creation of new councils are made at district level, sometimes without regard for local wishes. Examples have seen campaigns covering many months undertaken to acquire the support of local people for a truly representative tier, only for this community right to be dismissed with often trivial justification. Similarly, the right to bid under the Localism Act, designed to enable communities to save assets of community value, such as public houses, has often proven toothless in practice, with freeholders stonewalling or simply riding out moratorium periods. The Government's move to make this a right to buy instead of a right to bid is therefore most welcome, as it would provide communities with greater power and certainty in securing valued local assets. Without stronger community representation, local councils risk remaining powerless in the face of decisions at unitary level that impact residents directly.

5. Reframing the issue of Double Taxation

The issue of service overlap and accountability is often vocalised as "double taxation.", particularly noticeable between large parishes and small districts. In reality, the challenge lies in clarifying roles and responsibilities between parish and principal councils to avoid duplication and ensure fair contributions at the most appropriate level. Parish services have invariably grown out of local demand or articulation of the needs of that distinct community. This is a compelling example of true devolution at work and enables each parish to decide at a local level what support they require to help their community thrive. However, 'special expenses' for initiatives could ensure that key resources are distributed equitably and transparently. Moving to a fully parished model in areas without parish councils would ensure consistent representation and accountability at the most local level.

6. The Importance of the Community Infrastructure Levy to support local infrastructure

The provision of 15% of the Community Infrastructure Levy (CIL) to parish and town councils, enhanced to 25% on the completion of a Neighbourhood Plan, has been instrumental in delivering vital infrastructure investments related to local developments. This mechanism ensures that resources generated by development activity are reinvested in the communities most affected, enabling the creation or improvement of community facilities, parks, and other essential services. As the Government considers the introduction of a Mayoral Levy, it is crucial that town and parish councils retain their local proportion of CIL to continue addressing the specific needs of their communities. Furthermore, this mechanism should be uniformly extended to all parishes across the country to ensure equitable access to funds for local infrastructure development.

7. A Solution to Housing Development Management Companies

The reliance on private management companies for new housing developments presents a growing concern. These companies frequently levy service charges that exceed council tax while failing to deliver both accountability and value for money. Parish and town councils offer a viable, democratically accountable alternative for maintaining public spaces and amenities in such developments. By transferring responsibility to parish councils, potentially supported by unitary councils in urban areas, residents would benefit from improved service delivery and greater financial transparency.

Additionally, enabling parish and town councils to manage affordable housing within these developments could prioritise local needs and help retain younger generations within their communities. Establishing a legal framework that gives parish councils first refusal on public amenities and green spaces in new developments would also ensure these resources remain accessible and well-maintained.

8. Looking Back but Moving Forward: A Fully Parished England

Historically, parishes have played an essential role in local governance. While there may have been a decline in parish coverage in some areas, such as London, the number of parishes and the proportion of the population they serve have increased in many areas since the 1972 Local Government Act. This growth demonstrates the enduring relevance and adaptability of parish councils in meeting community needs. Indeed, in some areas, the emergence of large town councils has filled the void left by the abolition of Urban Borough and Rural District Councils in 1974, where towns, places, and communities lost their local representation. If the Government is serious about continuing the trend toward larger unitary authorities, the solution to ensuring effective representation for local people and places must rest in creating a two-tier system of local government. This would involve second-tier unitary councils representing large populations, based on the ideologically preferred model of around 500,000 residents, with parish and town councils as the first tier, representing distinct towns, places, and communities at a hyper-local level.

As a properly acknowledged first tier of local government, a fully-parished country would ensure that every community has access to representation, accountability, and local focus. It would empower local people to influence decisions that affect them most and ensure that no community is left behind. This approach could also reinvigorate local governance, helping to reverse increasing frustration and apathy toward politics by reconnecting people with decisions that directly impact their lives.

9. A Turning Point for Local Democracy

The Government's devolution agenda represents a real opportunity to redefine local governance in England. However, this opportunity will only be fully realised if parish and town councils are recognised as integral to the solution. Strengthening and expanding parish councils would enable communities to make decisions locally, delivering on the promise of subsidiarity and empowering residents to shape the places where they live.

If the Government is serious about creating a turning point for local democracy, parish and town councils must be at the heart of its vision. Communities know best what their priorities are and empowering them through their parish councils will ensure that England's devolution journey truly delivers for people, places, and communities.

10. Recommendations

Upon consideration of the summary of the Devolution White Paper and this document, the Council is recommended to:

- (a) that the Council notes the Govt's Devolution White Paper;

- (b) that the Council endorses the view to oppose a single unitary authority for Devon as the only solution;
- (c) that the Council writes to the Govt supporting the following elements of the White Paper:-
 - a. The introduction of genuine devolution to local areas;
 - b. The provision of remote access to formal council meetings;
 - c. Reform of the standards system, including sanctions;
 - d. Enhancement of the Right to Bid legislation becoming the Right to Buy;
 - e. The overhaul of the local audit system;
 - f. The imperative that town and parish councils retain their local proportion of CIL to continue addressing the specific needs of their communities;
 - g. Encourages the Government to establish a legal framework that gives parish councils first refusal on public amenities and green spaces in new developments which would ensure these resources remain accessible and well-maintained; and
 - h. Improved working relationships with parish and town councils.

P A Rowe
Town Clerk
14th January 2025