



Hampshire ALC Key Topic Note – Creation of Parish Councils

Under the [Local Government and Public Involvement in Health Act 2007 S.82](#), the constitutional overseeing of local councils in England is generally exercised by the unitary, district or borough council. Parishes are created, dissolved or altered (i.e. change number of Councillors, or area) by the initiation of a process called a community governance review (CGR) and subsequent adoption (with or without amendment) of the recommendation made by the CGR.

The CGR is the process discovering all the facts and opinions required to draw up a recommendation on which changes can be implemented by way of a reorganisation order.

To create a parish council, structured steps need to be followed to ensure community support and proper governance.

Getting Started

- Research the process and look at the relevant legislation.
- Draw up the boundary to identify the proposed area of the parish. For guidance look at the electoral boundaries.
- Define the role of the parish council and prepare the rationale as to why this would be right for the proposed area.
- Prepare a business plan, and asset management strategy, ensuring all assets within the area are identified.
- Prepare a sustainable and realistic budget.
- Seek support from your local authority and guidance from sector bodies.

The next step

- Gather support from the community.
- Publicise as much information as possible on the benefits of becoming a council.
- Hold consultations and events, engage with the community, use surveys, websites and social media to gain awareness for the proposed new parish.
- Invite speakers from sector bodies to public meetings.
- Find out what your community values and needs, be open to amending any plans accordingly
- Prepare the petition, you will need evidence and arguments for supporting the establishment of a parish council

The Petition

The size of the area and electorate will determine how many signatures you need for the petition. Speak to your local authority to confirm what form they would like the petition to take, e.g. e-petition, or paper version with a list of signatures. The petition needs to clearly define the area under review and specify at least one of the recommendations that the petitioners want the local authority to consider making.

The petition should state the proposed name of the Council and how it is to be defined. Legislation now allows for different styles, e.g. parish council, community council, village council.

Once you have the required number of signatures, submit your petition to the local authority, who will validate the petition and signatures. The local authority will then undertake a CGR in accordance with legislation.

See Hampshire ALC's Key Topic Note on Community Governance Reviews.

What happens next?

As soon as the local authority has made its decision, it must publish the decision and the reasons for that decision.

If you are successful, and the result is that a new local council is to be created, then the local authority is required to make a reorganisation order. This is the formal process that allows the creation of a new local council.

Once you have the decision you then need to promote the election of councillors for the new council. Elections will usually take place at the same time as other elections so consider the timing of submitting the petition, so that the support is maintained and doesn't lose momentum due to a big gap between the decision and the elections. You may even consider forming a temporary or shadow council.

A shadow council is a non-statutory council that may be created prior to the reorganisation order being made. A shadow council has no statutory powers but can be a good way of laying the foundations for a new local council, by looking for premises to meet, consult residents on their mandate and even undertake activities for the community.

The Reorganisation Order

The reorganisation order gives effect to the decisions made as part of the CGR and creates a new local council in the eyes of the law. The order creates the local council with all the legal powers of an elected council before elections are held.

The local authority may appoint temporary councillors for the pre-election period until the elected councillors take over, it can also make provision for the transfer or management of things such as property or staff.

Consider employing a clerk prior to the elections. An experienced clerk can help establish some of the basic protocols, providing both advice and administrative support during this period. A clerk also has several statutory responsibilities. Councils can delegate decisions to clerks as the Proper Officer.

The Election

Once the election has taken place, the elected Council can then undertake its statutory duties and have its first meeting.

Essential Resources

[Local Government and Public Involvement in Health Act 2007](#)

[The Local Government Boundary Commission for England – Guidance on community governance reviews](#)

Other useful information relating to this subject can be found in the Hampshire ALC Member Area:

Hampshire ALC Key Topic: Community Governance Review

Hampshire ALC Key Topic: Annual Meeting of the Council

Hampshire ALC Key Topic: Council Meetings

Hampshire ALC Key Topic: Local Council Duties

Hampshire ALC Key Topic: Local Council Powers

Hampshire ALC Key Topic: Role of a Parish or Town Councillor

Hampshire ALC Key Topic: Role of the Clerk/Responsible Financial Officer

Hampshire ALC Key Topic: Role of the Chairman

This document reflects our advice based on our understanding of the current legislation and guidance and our knowledge of the sector. It is not however intended to be formal legal advice.

For more complex issues we are able to obtain initial specialist advice on legal, employment, financial and planning matters as part of your membership fee. Please contact us to access this service.