

# Community Governance and Electoral Issues Committee



Report of Head of Legal and Democratic Services

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To: COMMUNITY GOVERNANCE AND ELECTORAL ISSUES COMMITTEE

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## Community Governance Reviews

### Recommendations:

1. To decide whether to undertake a community governance review of Cholsey Parish Council as requested in appendix one to this report;
2. If the committee agrees to undertake a review, to consider the draft terms of reference attached as appendix two to this report;
3. To authorise the head of legal and democratic services to finalise and publish the terms of reference for the review incorporating the comments of the committee;
4. To note that the committee will receive a further report in due course on the request to undertake a community governance review of Great Western Park.

### Purpose of Report

1. To invite the committee to consider whether to conduct a community governance review of Cholsey Parish Council and, if so, to consider draft terms of reference for the review.

### Strategic Objectives

2. Community governance reviews contribute to the council's strategic objective of building thriving communities.

### Background

3. Local authorities (in the case of two-tier areas, district councils) have had powers to review parish arrangements for many years. Until 2007, any proposals for

change resulting from such reviews had to go to the relevant secretary of state for approval. The Local Government and Public Involvement in Health Act 2007 (the 2007Act) changed that and gave full powers to local authorities to implement proposals without reference to central government. The Act created the title of community governance reviews (CGR) to cover such activity.

4. In the conduct of a review, the council has to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007 and Guidance on Community Governance Reviews that has been issued by the Department for Communities and Local Government and The Local Government Boundary Commission for England (LGBCE). The council has a duty to ensure that community governance within the area under review meets the 'Community of Identity' test. Community governance should:
  - reflect the identities and interests of the community in that area;
  - be effective and convenient, and
  - take into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.
5. At its meeting in July 2013 Council agreed to undertake a district wide CGR. This review included proposals submitted by parish councils following an invitation from the chief executive to put forward any changes to community governance arrangements.
6. At its meeting on 18 July 2014 Council considered the final recommendations of the community governance working group, established to consider the issues in detail and submit proposals to Council, and agreed a number of changes to the governance arrangements of parishes within South Oxfordshire. Council authorised the head of legal and democratic services to make a reorganisation of community governance order to implement the changes, subject to receiving the necessary consents from the LGBCE. The relevant order was made and brought the changes into effect in time for the 2015 parish council elections. As authorised by Council, officers have applied to the LGBCE for related alteration orders, to make district wards and county divisions coterminous with parish boundaries where these have become out of sync.
7. At that meeting Council also agreed to establish a community governance and electoral issues committee with terms of reference which include the responsibility to undertake community governance reviews.
8. At its meeting on 20 October 2015, this committee considered whether to invite parish councils to submit further proposals for changes to community governance arrangements. The committee considered that as a major review had just been undertaken it would deal with issues on an ad hoc basis in response to requests rather than inviting another full review.

## **Great Western Park**

9. At its meeting on 20 October 2015, this committee decided not to undertake a community governance review of Great Western Park (the establishment of a parish council for the area) at this time but to review the situation when 75% of the development is complete and occupied.

10. Following that meeting, the Great Western Park Residents Association (GWPR) expressed concern that members of Didcot Town Council had taken part in that decision. Officers agreed to ask the committee to reconsider its decision at its next meeting but since that time officers have met with the chairman of GWPR to discuss a range of issues arising from a potential review, including the impact of the district council boundary. GWPR are considering these options and a report will be brought to a future meeting of the committee.

### **Request from Cholsey Parish Council**

11. Cholsey Parish Council has submitted a request to reduce its number of parish councillors from 13 to 12. The request is attached at appendix one to this report. The parish council bases its request on the reduction in population as a result of Winterbrook transferring from Cholsey into Wallingford. However, since the last review, the Fairmile Hospital development has taken place to compensate in part for this. The committee is asked to decide whether to conduct a community governance review in response to the request.

### **Terms of reference**

12. The first stage of a review is the drawing up of terms of reference. In effect, this document becomes the council's policies for the conduct of the review. It should provide background information to help electors and other interested organisations to make informed submissions and should also refer to the legislative framework against which the review must operate. Publication of the terms of reference commences the review, which the council then has twelve months to complete.
13. The committee is invited to consider the draft terms of reference attached as appendix two and to authorise the head of legal and democratic services to finalise and publish the terms of reference incorporating the comments of the committee.

### **Financial Implications**

14. Under the Local Government and Public Involvement in Health Act 2007, local authorities have responsibility for undertaking community governance reviews. The process is prescribed and involves officer time and other associated costs, such as postage and printing. These costs will be met from within existing budgets.

### **Legal Implications**

15. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.
16. All community governance reviews will be undertaken in accordance with the requirements laid down in the Local Government and Public Involvement in Health Act 2007 and the joint guidance on community governance reviews published by the Communities and Local Government Department and LGBCE in 2010.
17. The council will implement any changes by making a reorganisation of community governance order. Where the changes impact on arrangements put in place by the LGBCE's reviews of the electoral arrangements for Oxfordshire County Council

and South Oxfordshire District Council, the council will need the LGBCE's consent before making an order.

## **Risks**

18. There is a risk that someone could challenge the outcome of a particular review item through judicial review. Council officers will mitigate against this by ensuring that at all times the council follows the requirements laid down in the 2007 Act and guidance.

## **Conclusion**

19. The council undertook a comprehensive review of parish arrangements in 2013/14 and agreed changes for implementation in 2015. The committee is invited to consider the further requests from Cholsey Parish Council.

20. If agreed, the committee is invited to authorise the head of legal and democratic services to finalise and publish the terms of reference for the review incorporating the committee's comments.

## **Background Papers**

- None