

Council Report



Listening Learning Leading

Report of Chief Executive

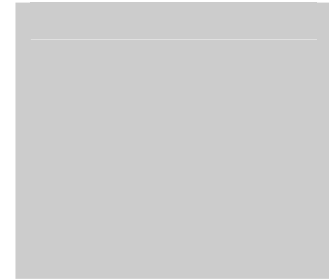
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To: Council

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Community Governance Review – Draft Terms of Reference

Recommendations

1. to approve the draft terms of reference set out in Appendix A for a community governance review of South Oxfordshire
2. to establish a working group to oversee the review and determine its make-up

Purpose of report

1. To set out terms of reference for a community governance review – a review of parish arrangements within the district.

Background

2. 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 (although see paragraph 14 below). The Act created the title of community governance reviews (CGR) to cover such activity.
3. In 2010, the government published guidance on CGRs and I have used this guidance to shape the proposals to council. The guidance is available as a background paper if required and is easily accessible on the internet.
4. There is no duty on the council to carry out a CGR unless it is petitioned to do so, which is not the case here. Rather, it is a permissive power. The guidance offers the following pieces of advice on what might trigger a CGR:

it can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues

over time communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review

councils should exercise their discretion, but it would be good practice to consider conducting a review every 10-15 years

5. I am unclear when, if ever, the council last undertook a comprehensive CGR of the district. There has certainly not been one for at least 15 years, in which time there have been many population changes and new housing developments. I am also aware of the proposals in the Local Plan Part One that allocate land for the expansion of Didcot and Wallingford beyond their current parish boundaries.
6. Councillors will also be aware that the Local Government Boundary Commission for England (LGBCE) has just completed a review of our own electoral arrangements, resulting in a very different warding pattern for the district than previously. In some cases, its proposals create wards that straddle parish boundaries.
7. Finally, we have received a few ad hoc requests from parish councils for reviews over the last couple of years, which we have not yet progressed.
8. For all the reasons above, I consider that it is timely to undertake a district wide CGR.

Terms of reference

9. The 2007 Act requires the council to publish terms of reference for the review, which must specify the area under review. I propose that this is the whole of South Oxfordshire district.
10. I have looked at different models for terms of reference and prefer those that are specific about what the review will cover. For that reason, I wrote to all parish and town councils in April inviting them to advise us of any proposals that they would like to see included. The draft terms of reference that I am now inviting council to agree, set out in appendix A, include all the requests that we received. Inclusion in the draft terms of reference does not necessarily imply support; it simply indicates that we will consider the requested change. Council will note that some of the proposals are mutually incompatible.
11. The Oxfordshire Association of Local Councils has written asking that the council includes consideration of amalgamating very small parish councils and parish meetings with an appropriate neighbouring council within the terms of reference. This is likely to be contentious and I propose that we do not do so at this stage. Rather, I suggest that we seek views specifically on this issue when we consult on the draft terms of reference, so that council can decide whether it wishes to include such a clause when it finalises the terms of reference in October.

12. If council agrees the draft terms of reference we will then commence a formal consultation that will provide the opportunity for organisations/individuals to, amongst other things:
- offer support for including a particular proposal in the terms of reference
 - set out reasons why they consider we should not consider a particular proposal
 - add further proposals to the list
13. Council will receive a report in October setting out the response to the consultation and inviting it to finalise the terms of reference. By that stage it may also wish to add additional items for review that have not come forward directly from parish councils.

Relationship with the electoral review of the district council

14. In most respects, the council has free hand to make amendments to parish arrangements. However, where the LGBCE established such arrangements as part of periodic electoral reviews within the previous five years, we must get its approval first. In South Oxfordshire this not only includes the recent review of district electoral arrangements but also that of the county council completed in 2012. At this stage I cannot predict whether we will need LGBCE prior approval for any changes, but council should be aware of the possibility.
15. The 2007 Act allows the council to request the LGBCE to make consequential amendments to district ward boundaries to ensure co-terminosity with any new parish boundaries. The LGBCE is under no obligation to agree such requests and will consider each on its merits. It is, however, helpful to bear this opportunity in mind when determining any changes to parish boundaries. The nature and extent of any requests will be a matter for council to determine at the end of the CGR.

Timetable and process for the review

16. The terms of reference include a timetable for the review. The 2007 Act requires that the council completes the review within 12 months of commencement (which will be when it agrees the final terms of reference in October). The timetable easily meets this requirement.
17. All decisions fall to full council. To assist with management of the process, I recommend that council establishes a working group that can consider detailed issues prior to them coming back for decision. If council wanted to achieve political balance then the group could comprise six, made up of four Conservatives and two drawn from the minority groups. As there is no requirement for political balance on a working group, however, council has a free hand to determine a different make-up if it wishes.
18. When considering nominations to a working group, group leaders will need to bear in mind potential conflicts of interest. Councillors who are also members of town or parish councils that are proposing changes will almost certainly have a declarable interest in that particular proposal. If these become key areas for debate, they may find that this constrains their contribution to the overall work of the group.

Risks and options

19. The council has the option not to proceed with the review. For the reasons set out in paragraph four, however, I consider that there are sound reasons for carrying out a CGR at this time. The main risk is that we do not complete the CGR within the prescribed 12 month period. The timetable shows the work taking six months from formal commencement, so there is ample provision for slippage should issues take longer than expected to resolve.

Legal Implications

20. These are covered in the main body of the report

Financial Implications

21. There are no direct financial implications arising from the decision to undertake a CGR. If the council decides to make changes in due course this will involve making legal orders, producing high quality maps to show new boundaries and adjusting council tax records. We may externalise some or all of this work but will meet these costs from within existing budgets.

Conclusion

22. There is a window of opportunity to carry out a CGR prior to the next parish council elections in 2015. It has been many years since the council undertook a comprehensive review of parish arrangements and the guidance published last year suggests that one now is timely. We have sought requests from parish and town councils for changes that they would like and have reflected these in the draft terms of reference.

Background Papers

Guidance on community governance reviews – joint publication of CLG and LGBCE
Letter from chief executive to town and parish councils – April 2013
Responses from individual parish and town councils to April 2013 letter