

Council



Report of Chief Executive

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Working Group

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To: Council

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AGENDA ITEM

Community Governance Review – draft recommendations

Recommendations

The Community Governance Working Group recommends council to agree:

- (a) the revised terms of reference for the review set out in Appendix A to this report
- (a) the draft recommendation in relation to each item under review as set out in schedules CGR1 to CGR29, which form Appendix B to this report

Purpose of report

1. To invite council to agree revised terms of reference and draft recommendations in respect of its community governance review of South Oxfordshire.

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 2007 Act) changed that and gave full powers to local authorities to implement proposals without reference to central government (although see paragraph 11 below). The Act created the title of community governance reviews (CGR) to cover such activity.
3. Council agreed to undertake a CGR in July 2013. It noted that government guidance advises it is, “good practice to consider conducting” CGRs every 10-15

years. The last equivalent review in South Oxfordshire was in 2000. Council agreed draft terms of reference and also established a councillor working group to oversee review. This working group comprised councillors Bloomfield, Bretherton, Brown, Davies, Lloyd, Welply, although, due to ill-health, Mrs Margaret Turner has now replaced Mr Welply.

4. In October council agreed the terms of reference for the review, although it gave me delegated authority to add items until the end of November in consultation with the working group. This resulted in a small number of changes. I am now inviting council to agree the final terms of reference, which form Appendix A to this report. These take account of the proposal set out in paragraph 10 of this report.
5. Since the October meeting the working group has met twice to discuss what recommendations it wishes to make. At its first meeting, in December, it agreed a number of draft proposals on which it sought the views of the affected parish councils (and in some cases other organisations too). At its second meeting in late January it finalised most of its recommendations in light of responses received. In a few cases an ongoing e-dialogue took place to firm up recommendations.

The draft proposals

6. Appendix B sets out the working group's recommendation in relation to each parish matter in the terms of reference. There is a schedule covering each proposed change with an accompanying map where appropriate.
7. As the detailed justification for each recommendation is set out in the schedule I do not propose to repeat those here. It is worth making a few general points, however:
 - the working group has used the assessment criteria contained in the terms of reference to guide its recommendations. One of those criteria, however, "views expressed in relation to any changes, particularly from those people directly affected", it can only evaluate once council has consulted on its draft proposals. The obvious implication of this is that recommendations may well change between draft and final stage in the light of public comment
 - as it has considered each parish matter the working group has determined the relative weight it should give to each of the assessment criteria based on the evidence available to it. For example, the working group gave more weight to man-made or natural boundaries in considering some proposals over others
 - council should be aware that the 2007 Act mentions specifically two of the criteria, namely effective and convenient representation of local people at parish level and the extent to which proposals reflect the identities and interests of the affected community. Whilst the working group has not given these greater emphasis it has been particularly mindful of them in its deliberations
 - failure to meet one or more of the criteria did not disbar the working group from proposing a change. This was particularly the case where a proposed parish boundary change did not coincide with the newly created district ward boundary and/or county council division

What happens next?

8. Subject to any changes agreed by council at its meeting, the recommendations set out in schedules CGR1 to CGR29 will become the council's formal draft proposals for consultation.
9. The terms of reference for the review that council agreed last October state that consultation will run from this meeting until 4 April. Given the previously made commitment to write to all of those residents directly affected by a proposed boundary change i.e. their property will move from one parish to another, officers now think that this is an unrealistically short period. It was previously agreed so that council could make final decisions at its meeting on 24 April.
10. The working group now proposes extending the consultation period until the end of May, to allow more time for respondents and to give it more time to analyse the responses and make final recommendations, which will come to council at its meeting in July. The revised terms of reference reflect this proposal.

Role of the Local Government Boundary Commission (LGBC)

11. A small number of the proposed changes may require the approval of the Local Government Boundary Commission (LGBC) before we can implement them in the short term. Principally, these are where we propose to change parish warding arrangements that the LGBC put in place at the time of the county council or district electoral reviews. We would expect to have most if not all of these matters resolved before the 2015 elections
12. A larger number of changes may result in parish boundaries no longer being aligned with district ward boundaries. We will seek what are known as consequential amendments once council has taken its final decisions, although the LGBC has informed us previously that it will not address any of these anomalies prior to the 2015 elections. Instead, we expect to work through these with the LGBC post May 2015 and have district boundaries revised to align with new parish boundaries in time for the 2019 elections.
13. We have not entered into discussions with the LGBC yet; it was appropriate to wait until council made its formal proposals before doing so. We will now open a dialogue to determine which, if any, of our proposals cause the LGBC any concerns and will be in a position to advise council in July of its views.

Impact on Neighbourhood Plans

14. One issue that a number of parish councils and members of the public have raised is the impact of the CGR on neighbourhood plans and vice versa. There is a perception in certain quarters that parish boundary changes could pre-empt/prevent development taking place. Whilst a CGR should not have any impact on the location of development, the perception is understandable.
15. Internally, conversations are taking place between the officers responsible for neighbourhood planning and those leading on the CGR to ensure joined up working. As neighbourhood planning as a formal concept did not exist at the time of the 2007 Act it is, unsurprisingly, silent on the subject. The neighbourhood planning regulations, although not referring specifically to CGRs, do allow for

alterations to the boundaries of neighbourhood plan areas whilst plans are in production and in some cases this may be desirable.

Looking to the future

16. The length of time between this review and the last one has meant that it has become a fairly major undertaking. The working group considers that it is worth giving thought to how the council might undertake future reviews. Subject to any comments made by council now, it intends to work up proposals for the July council meeting that will establish a process for carrying out reviews on an ongoing basis. This will include the creation of a committee with delegated authority to take decisions rather than council needing to take decisions on what, in many cases, are rather trivial issues.
17. It will also, subject to any comments at this meeting, draw up proposals so that any major housing allocations/development directly adjacent to, or straddling, a parish boundary automatically triggers a CGR. The working group notes that many of the more contentious items in the current review are where housing developments have been built in such circumstances and considers that an early review before dwellings are constructed is a much better option.

Financial implications

18. There are some modest financial implications arising from the decision to undertake a CGR. Assuming the council decides to confirm some 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. The council's 2013/14 budget allows for the costs arising from this work and this sum will need to be carried forward into 2014/15.

Legal Implications

19. In carrying out a community governance review the council must follow the requirements laid down in the Local Government and Public Involvement in Health Act 2007. It must also pay heed to the joint guidance on community governance reviews published by the Communities and Local Government Department and LGBC.

Risks and Options

20. There is no statutory requirement to undertake a CGR so council has the option at any time to cease the review. However, given the stage now reached and the expectations raised in certain quarters, there is no obvious reason why it would want to do this.
21. The main risk remains that we fail to meet the statutory requirement to complete the review within 12 months. Pushing the final decisions back to July extends the timetable to nine months, so there is still plenty of leeway.

Conclusion

22. The CGR process is necessarily a long drawn out one and nearly a year after deciding to proceed council is finally in a position to publish its draft proposals.

The councillor working group has considered carefully each of the matters under review and made a recommendation, which in some cases is to leave things as they are. The working group asks council to support its proposals.

Background Papers

- All correspondence sent and received in relation to each matter for consideration

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