

Council report



Report of Chief Executive

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Working Group

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Community Governance Review – final recommendations of the working group

Recommendations

The Community Governance Review Working Group recommends Council:

- (a) to support its final recommendations in relation to each item subject to a community governance review, which are set out in appendices A and B of this report
- (b) to establish a Community Governance and Electoral Issues Committee comprising eight members made up five Conservative, one Independent, one Labour and one Liberal Democrat councillors
- (c) to agree the terms of reference of the Community Governance and Electoral Issues Committee as set out in paragraph 13 of this report
- (d) to agree that a significant development proposal that sits adjacent to or straddles a parish boundary should automatically trigger a community governance review, such a review to take place on the inclusion of a site in a document that forms part of the approved Local Plan or when planning permission has been granted for the development of the site
- (e) to authorise the Head of Legal and Democratic Services to make a reorganisation of community governance order to implement the changes agreed by Council, subject to receiving the necessary consents from the Local Government Boundary Commission for England
- (f) to authorise the Head of Legal and Democratic Services to request the Local Government Boundary Commission for England to make related alteration orders to change district wards and county divisions to reflect the changes made to parish boundaries

Purpose of report

1. To invite Council to make final decisions in respect of its community governance review of South Oxfordshire.

Background

2. This report represents the final element of the community governance review that the council commenced last year. It sets out the recommendations of the community governance review working group, comprising Councillors Bloomfield, Bretherton, Brown, Davies, Lloyd and Margaret Turner
3. Council agreed to undertake a community governance review at its meeting in July 2013. It set up a working group to formulate proposals and the working group now brings its final recommendations to Council for consideration. The process that the council has been through to arrive at this point was set out in previous reports, which are referenced as background papers, so the detail is not repeated here.
4. Council agreed draft proposals for consultation at its February meeting. The working group has considered the results of that consultation and formulated its final recommendations. Council must now decide whether it accepts those recommendations. It is worth reminding Council that it agreed terms of reference at the outset of the review and made its draft recommendations having considered all relevant factors bar, "views expressed in relation to any changes, particularly from those people directly affected." Logically, therefore, it should now only move away from its original proposals if the views expressed as part of the consultation give it reason to do so.

Final recommendations of the working group

5. The working group has carefully considered all of the responses and its final recommendation for each of the 29 items under review are set out in the schedule attached at appendix A – this also includes a map where relevant. In the majority of cases the working group proposes that Council confirms its draft recommendation. This reflects the fact that in relation to a lot of the proposals there was no response to the consultation or the only responses received were supportive. In a few cases, the working group proposes moving away from the draft recommendation in light of the consultation responses. In such cases it proposes either no change to the existing arrangements or an amendment that takes on board the views expressed.
6. The schedule in appendix A is supported by a more detailed statement where there was some form of opposition to the draft proposal. These form appendix B. If there is no statement then there was either no response or the only comments received were supportive. The schedules only include reference to responses made at an earlier stage where they were not repeated in response to the formal consultation.
7. Except as set out in Appendix A and Appendix B, the working group recommends that no new parishes or parish councils should be constituted, no existing parishes or parish councils should be abolished, no other areas of existing parishes should be altered, no parishes should be renamed and no other changes to existing parish electoral arrangements should be made.

8. Once the Council has taken final decisions, work will commence immediately to make the necessary order to bring the changes into effect in time for the 2015 parish council elections, save where there is an intention to delay implementation. The supporting statements make such intentions clear. This will include seeking the prior consent of the Local Government Boundary Commission for England (LGBCE) to make changes that impact on arrangements put in place by its review of the electoral arrangements for Oxfordshire County Council and South Oxfordshire District Council. On receipt of consent the council will make applications to the LGBCE to make related alteration orders to make district wards and county divisions coterminous with such changes. Council is invited to authorise the Head of Legal and Democratic Services to undertake this work.

Other matters for council to consider

9. There are two other matters for Council to consider, both of which were flagged up in the February report. The first is a trigger to prompt an automatic community governance review where a significant development proposal sits adjacent to or straddles a parish boundary. The second is the establishment of a standing committee with full delegated powers to finalise any outstanding matters on this review, undertake future community governance reviews and to make decisions on other electoral issues.
10. A number of the boundary issues that the council is currently addressing stem from developments that straddle or sit adjacent to parish boundaries. The proposed revisions around Didcot are a prime example of this – these developments are yet to take place.
11. The working group recommends that in future the council addresses potential boundary revisions arising from developments in a more proactive way than it has done historically. It considers that debates about the logical boundaries of parishes are much less emotive before development occurs rather than once new residents are in place. If Council also agrees to create a standing committee a regular flow of community governance reviews is a more practical proposition than currently when everything is routed through Council.
12. A key issue is the point at which a review should take place. The working group's recommendation is that the trigger is either the inclusion of a site in a document that forms part of the approved Local Plan (which would include a site allocated in an approved neighbourhood plan) or that planning permission has been granted for the development of the site. Normally developments that would trigger a review would be for housing but this definition does not preclude commercial or other developments. The judgement as to whether a development is significant will inevitably be a subjective one and will depend upon a number of factors, notably scale in relation to the adjoining settlement.
13. A Community Governance and Electoral Issues Committee needs to be politically balanced and officers have calculated that a membership of eight (five Conservative, one Independent, one Labour and one Liberal Democrat councillors) causes the least disruption to other committee arrangements. There will be an impact on the membership of the NNDR and Housing Appeals panels which is the subject of a further agenda item. Its terms of reference would be as follows:

1. To make recommendations to Council on reviews of electoral arrangements for the district undertaken by the Local Government Boundary Commission for England
2. To undertake parish community governance reviews
3. To respond to consultations from the Boundary Commission on reviews of parliamentary constituencies and county divisions within the district
4. To undertake reviews of polling districts and polling places
5. To consider reports from the Returning Officer on district and parish council elections.

Financial Implications

14. The 2014/15 budget includes provision for covering the costs of this review – making of legal orders, production of high quality maps and adjusting council tax records.

Legal Implications

15. The community governance review has been 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.
16. The agreed changes will be implemented by the council 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, LGBCE will need to grant consent before an order can be made. LGBCE is seeking legal advice to confirm that it can grant consent for the council to make changes to arrangements which were established as part of the district council review before the elections in 2015.
17. Once the order has been made, officers will request the LGBCE to make a related alterations order to make district wards and county divisions coterminous with the the revised parish boundaries. LGBCE is seeking legal advice on whether it can make such changes before the elections in 2015.

Risks and Options

18. There is no statutory duty placed on the council to undertake community governance reviews so it has the option at any time to cease work. 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.
19. There is a risk that someone could challenge the outcome of a particular review item through judicial review. Council officers have mitigated against this by ensuring that at all times the council has followed the requirements laid down in the 2007 Act and guidance.

Conclusion

20. This has proved to be a major exercise but a very worthwhile one addressing a number of parish matters that have been under discussion for many years. By formally considering the issues and reaching decisions the council has met the expectations of it laid down in the 2007 Act. Its decisions now stand for a minimum of five years and, in reality, probably for significantly longer.

21. Time does not stand still, however, and new issues will undoubtedly emerge. For that reason council is asked to agree a new process going forward that should allow reviews to take place more rapidly and with less bureaucracy.

Background papers

Reports to Council on 18 July 2013, 24 October 2013 and 20 February 2014

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