

# 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

DATE: 20 October 2015

## Community Governance Review-Great Western Park

### Recommendations

1. To consider whether to undertake a parish community governance review in response to a petition from the Great Western Park Residents Association.
2. If the committee decides to undertake a review to authorise the head of legal and democratic services to draft and publish the terms of reference for the review.

### Purpose of report

1. To note the receipt of a community governance petition and consider whether to undertake a review in response and, if the committee agrees to undertake a review, to invite the committee to authorise the head of legal and democratic services to draft and publish the terms of reference for the review.

### 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. The Act created the title of community governance reviews (CGR) to cover such activity.

3. 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.
4. 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.
5. 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 are applying 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.
6. 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.

### **Great Western Park petition**

7. South Oxfordshire District Council has received a Community Governance Petition signed by 360 local government electors of the Great Western Park Residents Association calling for a separate parish to be formed for the Great Western Park development area. The petition was submitted in May 2014 and brought to the attention of the working group undertaking the 2013/14 district wide review. A copy of the letter is **attached** at appendix 1.
8. The council is under a duty to undertake a review in response to a valid petition subject to provisions (see paragraph 9 of this report). For a petition to be valid it must meet certain conditions. The petition must be signed by the requisite number of local government electors, should include a map and define the area to be reviewed with identifiable fixed boundaries and specify one or more proposed recommendations for the review. The map submitted with the petition also includes the area of Great Western Park lying within the Vale of White Horse district. A map showing the extent of the area lying with South

Oxfordshire is **attached**. The petition has the requisite number of signatures. Together with the information in the attached letter this is a valid petition in accordance with Section 80 of the Local Government and Public Involvement in Health Act 2007.

9. On receipt of this petition the council was undertaking a district wide governance review which included a number of issues relevant to the Didcot area which covers the petition area of Great Western Park. In light of the timescale for the completion of the 2013/14 review the working group agreed that it was not feasible to amend the terms of reference to include this petition request. The duty to undertake a review does not apply if the council is in the course of undertaking a community governance review of the whole of the council's area and receives a petition which relates to the whole or part of the council's area.

### **Terms of reference**

10. 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. The committee is invited to authorise the head of legal and democratic services to draft and publish the terms of reference for the Great Western Park review.

### **Financial Implications**

11. 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**

12. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.
13. Any community governance review 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.
14. 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 and Options**

15. 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**

16. The council undertook a comprehensive review of parish arrangements in 2013/14 and agreed changes for implementation in 2015. The committee is asked to note the Community Governance Petition request, consider whether to undertake a review in response to the petition and, if it decides to undertake a review, to authorise the head of legal and democratic services to draft and publish the terms of reference for this review.

## **Background papers**

**Report to Council on 18 July 2014**

From: John Boden, Chairman, Great Western Park Residents Association [GWPRA].  
To: David Buckle, Chief Executive, South Oxfordshire District Council [SODC].  
Date: 29th May 2014.

Community Governance Petition Presented by the Great Western Park Residents Association  
Requesting the Constitution of a New Parish for the Area Known as Great Western Park Situated on the Western Outer Edge of Didcot and falling within the Area Covered by South Oxfordshire District Council

Dear Mr Buckle (copy to Steven Corrigan)

This community governance petition is to request the creation of a new Parish for the area known as Great Western Park (GWP) situated on the Western outer edge of Didcot and falling within the area covered by South Oxfordshire District Council.

Please forgive any incorrect references or clumsiness of form that may be contained in the wording of this petition.

We are aware that a community governance review is currently taking place and we wish this petition to be considered before its conclusion. This petition is submitted under Part 4, Parishes, Chapters 1 - 3, of the Local Government and Involvement in Health Act 2007 and any other kindred part of the Act's clauses or sections, or any other legislation which may apply.

One of the principal tenets contained in the Objectives and Aims of our GWP Residents Association Constitution, which was adopted in October 2012, is set out in clause 2 b) ii) as follows: "*To become a Parish Council and to have elected Parish Officers in order to enhance and further develop the "Objectives" as stated in Clause 2a*".

We regret that as a representative body for our community we did not receive any information concerning the current SODC community governance review. We would certainly have pursued our aim to obtain Parish status had we known the opportunity to do so existed, nor was the opportunity to contribute in Didcot Town Council's survey, which ended on June 7th 2013, made available to the Residents Association or any its officers as residents. We have ascertained that the leaflet inviting comment was delivered on a postcode basis and not personally addressed. We have contacted a large number of people who were in residence at GWP at the time of the survey and found no one who remembered receiving any consultation material.

We trust you will find the foregoing paragraph helpful by way of background and as an insight into why we chose a community governance petition as a way forward in achieving our goal.

**Area Concerned and its Boundaries.**

In addition to the definition of the area concerned in the heading above, a description of the boundaries will also help in this regard which are:

- to the North is the A4130 (Northern Perimeter Road) which runs parallel to the Didcot to Swindon Railway Line that together they form a double man made boundary.

- to the South the boundary is the Didcot - Wantage Road, the B4988, a man made boundary.
- to the West we have the Vale of White Horse District Council [VWHDC] boundary and green fields which form a natural rural look boundary. These run up to the A34.
- to the East there are green spaces having a six foot purpose built separating fence on the other side of this fence are hedges and fences of the houses on the West side of the roads on the Western outskirts of Didcot. These roads run parallel to the proposed new Parish boundary, which are (North to South), Mendips Heights, Freeman Road and Slade Road. These form a remarkably straight line from which protrudes the distinctive shaped and well secured Stephen Freeman School. All these facets make an unmistakable natural\ man made boundary.

**Effective and Convenient Representation of Local Residents at Parish Level.**

The granting of the request contained in this petition will give a unique opportunity to the residents of GWP and could prove to be a valuable experiment in combining the need to build new homes where they are needed with the continuing need to do all that can be done to build cohesive communities. The relatively compact nature of the growing GWP development can only aid the process of building civic pride and community spirit. Residents will not have the option of blaming some seemingly remote council for their perceived lack of understanding of their needs. We feel that the opportunity this change would give could represent a significant step in the process of seeking to ensure effective and convenient representation of local residents at Parish level and a valuable aid to inclusiveness.

**South Oxfordshire Wards for the purposes of District Council Elections and County Council Electoral Divisions.**

The District Ward that includes GWP is a multi councillor (2) ward. It is a system that is understandable to most of the residents and this will not change with the advent of a new Parish. We note there are 23 SODC wards where councillors serve more than one Parish. The amount of Parishes served by councillors in this way range in number from 2 to 10, there are six wards where the councillors serve 6 Parishes.

The advent of a new Parish at GWP would mean the County Councillor concerned would serve 2 Parishes.

At present some 50 County Councillors serve more than one Parish some serve well in excess of 12.

We are confident that the level of service provided by district or county councillors to residents in a newly created GWP Parish would not suffer. There would be no actual change from present arrangements.

Further we feel that in the event that future administrative changes were being considered a new Parish at GWP would give greater flexibility with regard to available options.

**Views Expressed in Relation to any Changes, Particularly from those People Directly Affected**

The community petition is in part an expression of the views of the people directly involved. However we are confident that further consultation, if undertaken, would confirm the sentiments expressed in the petition.

**The Extent to which this Proposal if agreed Would Reflect the Identities and Interests of the Affected Community.**

In the section above headed, "effective and convenient representation of local residents at parish level", we made a number of points in this regard. We live in a development of new homes, all occupied within a relatively short space of time. We are a new community with much in common and with a number of shared interests and aspirations. Our quality of life, the environment on which this relies and services on which we depend, all these can be better maintained and improved with the help of an inclusive and relevant Parish Council of the type we outline.

**Our Thoughts and Intentions Regarding the Proposed New Parish Council**

- The proposed new Parish Council will be just that, "new". It will seek to build a positive reputation at the same time as engendering civic pride and a sense of community in the range of activities that it is engaged in. Its decision making will be transparent and inclusive. Residents will be routinely consulted on major decisions. As GWP grows to its completion, the Council will be welcoming to new residents. No one who wishes to be involved with the council will be excluded from doing so. Its initial Constitution will be based on the, "The National Association of Local Councils ", model. It will give effect to the general desire for the Parish Council to be non party political. This non party political status will remain until the day when the necessary changes for it to be to the contrary are agreed by the Parish Council.

Further:

- efficiency, transparency, accountability and inclusiveness will be our watchwords.
- civic pride and community spirit and cohesiveness will be our guiding principles.
- we will form interest based focus groups to inform and advise the Parish Council as appropriate.
- we will form a Youth Advisory Council to inform and advise the Parish Council as appropriate
- we will work co-operatively in conjunction with SODC to ensure that our open spaces are maintained to the optimum possible standard and in all other matters of mutual interest.
- we will to work in liaison with neighbouring Parish Councils to ensure maximum benefit accrues by way of shared services and other matters of mutual interest.

**How Will We Achieve Our Objective if it is Agreed**

If a new Parish Council is created at GWP it will:

- appoint an experienced remunerated Parish Clerk to help us through the introductory period and thereafter.
- seek advice from and join “The National Association of Local Councils”.
- seek further advice, support and help from SODC. (Steven Corrigan has been very helpful in enabling us to get this far, for this we are grateful).

**Concluding Suggestions.**

We feel that the timing for the creation of a new Parish Council could hardly be better. If our proposals were to be agreed there would be a lead time of almost 12 months. This lead time would enable us (we would suggest that the committee of the Residents Association, supplemented if necessary, would form a caretaker council and that the first election proper would take place at the forthcoming 2015 Parish Elections).

Discuss with the neighbouring Parishes of: Didcot and West Hagbourne how an effective transition to such an arrangement as suggested may best be achieved. We would also envisage talking to our neighbouring Parishes, from the VWHDC, Harwell and Sutton Courtenay.

Please do contact me if any other further information or clarification is needed. I am anxious to all I can to discharge my part in achieving our aim in the correct manner.

Thank you in anticipation of the consideration of this petition.

Yours sincerely

**John Boden**

John Boden

Chairman; Great Western Park Residents Association

**Additional Notes.**

- 1). Map showing the area that will comprise the proposed new Parish is herewith.
- 2). As a result of our proposal, if agreed, Didcot will comprise of the area as it stands now (the date of this communication) minus the part removed to establish the new Parish Council at GWP.
- 3). As a result of our proposal, if agreed, West Hagbourne will comprise of the area as it stands now (the date of this communication) minus any part removed to establish the new Parish Council at GWP.
- 4). There are a small number of established households that fall within the new boundary for the proposed Parish (which are on the right hand side travelling from Didcot to Wantage on the B 4988). Should this be a cause of contention we would respect the status quo in this regard.
- 5). Petition Details.  
Please find herewith our Community Governance Petition which comprises of some 360 plus signatures.

We had intended collecting 250 plus signatures as at present there are more than 500 electors, but less than 2500 electors on GWP. In the event we stopped collecting at 360 signatures, which equates to 14.4% of 2500 electors.

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