

Community Governance and Electoral Issues Committee



Report of head of legal and democratic services

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Community Governance Reviews – suggested timetable and process

Recommendations

1. To agree that the council undertakes a community governance review every four years with changes agreed for implementation at the next scheduled parish elections;
2. Recommends that Council rescinds its previous decision 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.

Purpose of report

1. To invite the committee to consider a process for future community governance reviews and to recommend Council to rescind its resolution agreed at its meeting on 17 July 2014.

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. There is no duty on the council to carry out a CGR unless it is petitioned to do so. 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

4. South Oxfordshire District Council undertook a comprehensive review of the whole district in 2013/14 with final decisions agreed at the Council meeting in July 2014. This committee is currently undertaking and considering undertaking further reviews at this meeting.
5. At its meeting in July 2014 Council agreed the following resolution:
 - 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

Current reviews/potential workload

6. The committee is currently undertaking a review of Kidmore End Parish Council and will consider requests for two further reviews at this meeting.
7. The motion agreed by Council in July 2014 provides that the council must undertake a review in certain circumstances. With the number of neighbourhood plans going forward for referendum and increased development there is currently insufficient resource to comply with this piecemeal and unplanned approach to reviews. Officers propose that the committee recommends that Council rescinds this resolution to provide for a more structured approach as set out in paragraph nine of this report.
8. In addition, there is now an expectation from parish councils that a request for a review of governance arrangements will be taken forward although there is no requirement for the council to do so. A schedule for a review would address this.

Proposal for the arrangement of future reviews

9. As set out in paragraph three there is no duty to undertake a community governance review unless the council is petitioned to do so. Guidance suggests councils should exercise their discretion but good practice is to consider conducting a review every 10-15 years. This council undertook a comprehensive review in 2013/14 but is still engaged in a number of reviews and receives enquires for further reviews.

10. Officers propose that the council undertakes a district wide review every four years commencing after the scheduled parish council elections with any agreed changes implemented for the next scheduled elections. This would ensure the reviews are sufficiently resourced, avoid the inefficiencies of carrying out small scale reviews in a piecemeal fashion of two or three areas, allow the council to address circumstances such as where there have been changes in population or in response to specific or local issues at regular intervals (well within the LGBCE guidance of every 10-15 years), offer parish councils the opportunity to proactively consider areas for review, ensure parish councils are aware of proposals from neighbouring parishes at an early stage in the process and allow this council to look at the whole district as part of the review.
11. This approach would not preclude the council from undertaking a review if circumstances required – for example in response to a unitary council proposal, to ensure the provision of effective and convenient local government in circumstances where the current parish council arrangements have failed or to address a minor parish boundary anomaly.

Financial Implications

12. There are no financial implications directly arising from this report.

Legal Implications

13. The legal implications are set out in the body of this report.

Risks and Options

14. None associated with this report.

Conclusion

15. The council is currently undertaking a number of community governance reviews, has a policy which triggers automatic reviews and encourages applications for small piecemeal reviews. Officers propose that the council agrees to undertake a district wide review every four years as a more structured and efficient approach which is well within the good practice guidance and will ensure community governance arrangements are kept under regular review. To facilitate this approach the committee is invited to recommend Council to rescind the resolution agreed in July 2014.

Background papers

Report to Council on 17 July 2014

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