

Council Report



Listening Learning Leading

Report of Chief Executive

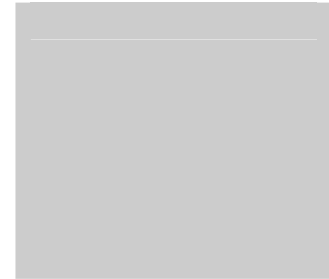
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To: Council

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Community Governance Review – Final Terms of Reference

Recommendations

1. to approve the terms of reference set out in Appendix A for a community governance review of South Oxfordshire
2. to give delegated authority to the chief executive, in consultation with the members of the Community Governance Review Working Group, to add additional items to the terms of reference where appropriate up to the end of November 2013

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 July, council agreed draft terms of reference upon which we then consulted. Council also agreed to form a CGR Working Group to develop proposals. This working group comprises Councillors Bloomfield, Bretherton, Brown, Davies, Lloyd and Welply.

4. This report invites council to agree the final terms of reference. It does not repeat the background to the review, which councillors will find in the earlier report to July council.

Draft terms of reference

5. The draft terms of reference contained two distinct elements. First, a set of general criteria that the council would use to assess any proposals for change. These were drawn largely from the Government guidance on CGRs. Second, a list of specific issues that parish councils had asked us to consider.
6. At its first meeting, the CGR Working Group decided to propose some additions to the specific list. These were two-fold. First, changes where there appeared to be a case for considering an alteration to a parish boundary in light of the general criteria. Second, a review of the governance arrangements in small parishes (electorate under 200) that have a parish council rather than a parish meeting. We consulted affected parish councils on these.

Consultation responses

7. We received no comments suggesting changes to the general criteria. Rather, the responses concentrated on specific proposals. These largely focused on the merits of these proposals, rather than putting forward reasons why the council should not consider them. For example, East Hagbourne Parish Council sent us findings from a survey of residents of that part of Millbrook estate that is currently in East Hagbourne parish, but the terms of reference say might move into Didcot parish. The market research is interesting and will be an important consideration when council comes to take decisions, but it has no real relevance to whether or not to include the issue in the review.
8. Harpsden Parish Council proposed that any parish where a neighbourhood plan is in production should be exempt from boundary changes until the plan has been passed at the referendum stage. This is an interesting point. The 2007 Act and associated guidance does not address issues around neighbourhood plans for the simple reason that they did not exist at the time the legislation came into being.
9. We have received some informal guidance from the Department for Communities and Local Government (DCLG) regarding parish boundary changes and their impact on the neighbourhood planning process. However, this covers matters of detail, not the principle of whether the two can take place in parallel. Indeed, one could argue that by providing guidance on the detail, DCLG accepts the principle that they can happen at the same time.
10. On balance, my view is that the proposal to look at the boundary between Harpsden and Henley parishes should remain part of the terms of reference. If the council decided to exclude areas where there is an emerging neighbourhood plan, it would open the door to requests to exclude other areas affected by emerging development plan proposals. Inclusion in the terms of reference does not necessarily mean that any change will occur and I am sure that the emerging neighbourhood plan proposals will have an important influence on this decision next year.
11. We received correspondence from North Moreton, Pyrton and Swyncombe parish councils (all of which have electorates under 200) saying that they were content with their current governance arrangements. Given the request (covered in the

report to council in July) from the Oxfordshire Association of Local Councils to consider governance arrangements of small councils, however, I consider that we should include a review of all small parishes in the terms of reference. As with boundary changes, inclusion in the review does not infer that changes will necessarily occur.

Final terms of reference

12. The final terms of reference, therefore, comprise the same general criteria that council approved in July plus a wider list of specific proposals for review. The wider list incorporates additions from parish councils (we received one new request from Woodcote Parish Council and a letter for Brightwell-cum-Sotwell Parish Council pointing out that we had omitted two of its earlier proposals), plus those put forward by the CGR working group. Appendix A contains the final terms of reference. The additions to the draft terms of reference are in italics, with those proposed by the CGR Working Group indicated.
13. I am aware that some parish councils are only belatedly becoming aware that the CGR is underway and of the full range of changes that the council can make. I have therefore included a recommendation that allows me, in consultation with members of the working group, to add further specific proposals to the terms of reference up to the 30 November. As the council is very unlikely to carry out a comprehensive review like this again for many years, this seems like a prudent step to capture any late proposals that come forward.

Next Steps

14. At its February meeting I will ask Council to agree its draft proposals. By then the CGR working group will have drawn up recommendations, taking account of any relevant submissions from interested parties. Formal consultation will only take place after the February meeting.
15. The next four months, therefore, is largely about carrying out the detailed assessment of proposals against the terms of reference. However, as one of the terms of reference is, "views expressed in relation to any changes, particularly from those people directly affected", we will undertake some soft consultation during this period. I will ensure that we inform ward councillors in advance when consultation is about to take place on any specific proposals.

Risks and options

16. Council still has the option not to proceed with the review in entirety, but I see no grounds for deciding this. There are a number of issues around local governance that have remained unresolved for many years and the council should make a firm formal decision one way or the other to provide certainty to local communities for the foreseeable future. Council can choose, of course, to add or remove individual items from the terms of reference.
17. The main risk is that we do not complete the CGR within the prescribed 12 month period, which starts as soon as we formally publish the terms of reference – probably within the next couple of weeks. Presently, the timetable shows council agreeing final proposals in April next year, so there is ample time built in for slippage should unforeseen delays occur.

Legal Implications

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

Financial Implications

19. 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 and producing high quality maps to show new boundaries. We may externalise some or all of this work but will meet these costs from within existing budgets.

Conclusion

20. 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 consulted parish and town councils on draft terms of reference, set up a councillor working group to oversee the review and now bring final terms of reference to council for approval.

Background Papers

Local Government and Public Involvement in Health Act 2007

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 the above letter