

# Community Governance and Electoral Issues Committee



Report of head of legal and democratic

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To: Community Governance and Electoral Issues Committee

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## Community Governance Review – terms of reference

### Recommendation

1. To agree the terms of reference for the review set out in Appendix 5 to this report
2. To authorise the Democratic Services Manager, in consultation with the Chair, to amend the terms of reference to include issues submitted for review by Didcot Town Council.

### Purpose of report

1. To invite the committee to agree terms of reference for a community governance review of South Oxfordshire.

### Corporate Objectives

2. Community governance reviews contribute to the council's corporate objective of openness and accountability.

### Background

3. 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.
4. 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*

5. A community governance review is a legal process whereby the council will consider and undertake consultation on matters identified for review and agree any changes. A review can consider:
  - Altering the existing boundary of a parish.
  - Creating, merging or abolishing parishes.
  - Changing the name of existing parishes.
  - The electoral arrangements for parishes (e.g. how many parish councillors are required and parish warding).
  - Grouping parishes under a common parish council, or de-grouping parishes.
  - The “style” of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish).
6. 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.
7. 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.
8. At its meeting on 30 October 2017, this committee agreed to undertake a community governance review every 4 years, after the scheduled parish council elections, with any agreed changes implemented for the next scheduled elections, for this review May 2023, to ensure community governance arrangements within the district are reflective of the identities and interests of the community in that area. Changes agreed as part of the previous review were implemented at the 2019 elections together with consequential changes agreed by the Local Government Boundary Commission for England to district ward boundaries with consequential changes to County Division boundaries implemented for the county council elections in May 2021.
9. Following the elections in May 2019 this committee agreed to defer the commencement of any further review whilst awaiting clarity on any local

government reforms including the possibility of unitary authority proposals. The Covid pandemic also impacted progress.

10. Officers wrote to all parish/town councils and parish meetings in November 2021 inviting them to submit any requests for matters to be considered for review. Details of the requests received are set out in the attached appendices.

### **Issues for review**

11. Four parish councils submitted issues for review. In addition, officers propose one item for review in respect of the parish boundary dividing residents at Swiss Farm Park Homes brought to their attention at a previous election. Details of the proposed items for review are set out below and in the appendices as indicated.

- Cuddesdon & Denton Parish Council – request to deward the parish council see appendix 1
- Henley-on-Thames/Bix – proposal to review the parish boundary at Swiss Farm Park Homes currently located in both parishes
- Sonning Common Parish Council – request to increase the size of the parish council from 12 to 15 councillors – see appendix 2.
- Thame – request to review the town council ward boundaries and the parish boundary - see appendix 3
- Wallingford – request to review the parish boundary see appendix 4

12. Didcot Town Council are due to meet on 7 March 2022 to agree its submission of any issues for review. The committee is requested to authorise the democratic services manager, in consultation with the Chair, to amend the terms of reference to include matters submitted for review by the town council. The committee will be informed of any submission via a virtual meeting.

### **Terms of reference**

13. The 2007 Act requires the council to publish terms of reference for the review, which must specify the issues under review. The committee is invited to agree the scope of the review and also a timetable for carrying out the review including dates for consultation. The review must be completed within 12 months of the publication of the terms of reference.

### **Financial Implications**

14. 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**

15. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.
16. 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.
17. The council will implement any changes by making a reorganisation of community governance order.

## **Climate and Ecological Emergencies Implications**

18. There are no implications arising from this report.

## **Risks and Options**

19. There is no statutory requirement to undertake a CGR so council has the option at any time to cease the review.
20. 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.
21. The main risk is that the council fails to meet the statutory requirement to complete the review within 12 months. The terms of reference for the review set out the timetable for the review – well within 12 months.

## **Conclusion**

22. The committee has previously agreed to undertake a community governance review every four years. Officers have invited parish/town councils and parish meetings to submit items for review. The committee is invited to agree the terms of reference which will formally commence the review.

## **Background papers**

**None**