

Council Report



Report of Chief Executive

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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 the Vale of White Horse
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 2007 Act) 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 Cllrs DeVere, Lovatt, Thomson, Turner and Webber.
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 few responses we did receive 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.
8. The proposal to look at using the London-Bristol railway in certain locations to define parish boundaries drew some public comment, mostly from residents of Baulking parish who did not support reviewing the boundary of that parish. Grove and Ardington & Lockinge parish councils wrote supporting the principle of the proposal.
9. For clarification, the working group did not envisage recommending change where a community clearly straddles the railway line – as in the case of Baulking. Rather, it envisaged that where small parcels of land lie north or south of the railway line, separated from the rest of a parish with no direct means of access, it might recommend moving these into another parish with better links. This proposal remains in the terms of reference.
10. Abingdon-on-Thames Town Council wrote requesting that the terms of reference include the following, “revising the boundaries of parish wards so that they better reflect the natural boundaries of the town.” It also requested a review of ward names. Both of these requests present practical difficulties. The district wards and ward names are now fixed (as a result of the electoral review of the Vale carried out by the Boundary Commission). Introducing different wards and ward names for town council elections would create significant confusion. Rather than reject the request, I propose that we add the following to the terms of reference for Abingdon-on-Thames – “reviewing the boundaries and names of parish wards”. This general reference will allow us over the coming months to explore with the town council the extent to which we can accommodate its requests.
11. Faringdon Town Council wrote clarifying its request to extend the town boundary to include potential areas for development to the west of the town. It also asked us to consider potential warding arrangements.
12. Grove Parish Council requested that we consider including the whole of Grove Technology Park in the parish. Most of it currently sits in East Challow parish.

Final terms of reference

13. 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 the additions from Abingdon-on-Thames and Faringdon town councils and Grove Parish Council mentioned above, plus those put forward by the 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.
14. 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 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

15. 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.
16. 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

17. 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.
18. 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 May next year, so there is ample time built in for slippage should unforeseen delays occur.

Legal Implications

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

Financial Implications

20. 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

21. There is a window of opportunity to carry out a CGR prior to the next parish council elections in 2015. This will allow us to address various issues, particularly around parish boundaries, that would benefit from review. 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
Correspondence from the chief executive to town and parish councils regarding the CGR
Responses from individual parish and town councils to such correspondence