

Community Governance and Electoral Issues Committee



Report of Head of Legal and Democratic Services

Author: Margaret Reed

Telephone: 01235 422550

Textphone: 18001 01235 422550

E-mail: margaret.reed@southandvale.gov.uk

To: COMMUNITY GOVERNANCE AND ELECTORAL ISSUES COMMITTEE

DATE: 17 October 2016

Community Governance Reviews

Recommendations:

1. To decide whether to undertake community governance reviews of East Hanney Parish Council and South Hinksey Parish Council as requested in appendix one and appendix two of this report;
2. To consider the draft terms of reference attached as appendix three to this report;
3. To authorise the head of legal and democratic services to finalise and publish the terms of reference for any reviews the committee agrees to undertake at this meeting and incorporating the comments of the committee;
4. To note that the committee will receive a further report in 2017 on a review of the electoral arrangements for Harwell East Parish Council.

Purpose of Report

1. To invite the committee to consider draft terms of reference for community governance reviews which the committee decided to undertake at its meeting on 13 October 2015 and for reviews which have been requested by parish councils since that date.

Strategic Objectives

2. Community governance reviews contribute to the council's strategic objective of sustainable communities and wellbeing.

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 2007Act) 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. 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.
5. 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.
6. At its meeting on 17 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 Vale. 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 have applied 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.
7. 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.
8. At its meeting in July 2014 Council agreed to defer a number of reviews for further consideration by this committee following the May 2015 elections. Council resolved to:
 - (a) reject CGR13 (Grove and East Challow) because Council agrees with the views of East Challow Parish Council but requests the Community Governance and Electoral Issues Committee to consider undertaking a further review of this area after May 2015;
 - (b) request the Community Governance and Electoral Issues Committee to consider undertaking a wider review of the boundary between Sunningwell, Kennington and Radley parishes than that proposed by option two in CGR21

(Radley and Kennington) after May 2015, in accordance with option one proposed by the Community Governance Review Working Group;
(c) request the Community Governance and Electoral Issues Committee to consider undertaking a wider review than that proposed by CGR24 (Wantage, Grove and Lockinge) after May 2015, to take account of future development;
(d) create a new parish of Harwell East (CGR14) comprising that part of Harwell parish that lies to the east of the A34, with the exception of land lying to the north of the London-Bristol railway line, the timing of the creation of the new parish to be a matter for the Community Governance and Electoral Issues Committee to determine.

9. At its meeting on 13 October 2015, this committee decided to proceed with the reviews deferred by Council in July 2014. These include reviews of Grove and East Challow, Radley and Kennington and Wantage, Grove and Lockinge. It also decided that it should implement the new Harwell East Parish Council in May 2019, with a review of electoral arrangements prior to that. The committee also agreed to carry out a review of the warding arrangements of Longworth Parish Council.

Further parish council requests

10. Since the last meeting of the committee, East Hanney Parish Council has requested a review of parish councillor numbers (attached as appendix one) and South Hinksey Parish Council has requested a review of possible warding arrangements (attached as appendix two). The committee is asked to decide whether to proceed with these reviews.

Terms of reference

11. 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.
12. The committee is invited to consider the draft terms of reference attached as appendix three and to authorise the head of legal and democratic services to finalise and publish the terms of reference for any reviews agreed at this meeting and incorporating the comments of the committee.

Financial Implications

13. 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

14. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.

15. All community governance reviews 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.
16. 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 Vale of White Horse District Council, the council will need the LGBCE's consent before making an order.

Risks

17. 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

18. The council undertook a comprehensive review of parish arrangements in 2013/14 and agreed changes for implementation in 2015. Council referred a number of reviews to this committee for consideration and the committee has also decided to conduct a review of Longworth Parish Council. In addition the committee is invited to consider requests from East Hanney and South Hinksey Parish Councils.
19. The committee is invited to authorise the head of legal and democratic services to finalise and publish the terms of reference for any reviews agreed at this meeting and incorporating the committee's comments.

Background Papers

- **Report to Council on 17 July 2014**