

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 – Abingdon-on-Thames, Radley, St Helen Without and Sunningwell

Recommendations

- 1.To consider the consultation responses set out in this report.
- 2.To agree draft proposals for consultation.

Purpose of report

1. To invite the committee to consider whether to proceed with the community governance review in light of the initial consultation and subject to a decision to proceed to agree draft proposals for consultation in respect of the review of the boundaries between Abingdon-on-Thames, Radley, St Helen Without and Sunningwell parishes.

Background

2. At its meeting on 27 November 2017 this committee agreed to undertake a review of the boundaries between Abingdon-on-Thames, Radley, St Helen Without and Sunningwell.
3. In agreeing to undertake the review the committee had regard to the following resolution agreed by Council at its meeting in July 2014
 - 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.

4. The terms of reference for the review were published in June.
5. This committee received a verbal update on the review at its meeting on 21 June 2018 and noted the terms of reference for the review and a map of the area under review. At that meeting the committee was advised of representations from three district councillors which are included in this report.

Consultation responses

6. Officers wrote to Abingdon-on-Thames Town Council, Radley, St Helen Without and Sunningwell parish councils and all properties within the affected area.
7. At its meeting on 21 June 2018 the committee received written representations from Councillors Debby Hallett, Sandy Lovatt and Emily Smith. Councillor Lovatt suggested a revision to the plan to include land bordered to the north by the A34 and to the east by the Oxford Road. Councillors Hallett and Smith urged the committee not to proceed with the review until the scheduled district wide review of governance arrangements following the elections in May 2019. Copies of their statements are included at appendix one of this report.
8. Abingdon-on-Thames Town Council supports the transfer of the land and made a suggestion regarding the proposed area of the land to be transferred – see appendix four.
9. St Helen Without Parish Council supports both the review and its completion prior to the 2019 elections – see appendix two.
10. Sunningwell Parish Council, whilst supporting the principle for the review, has expressed the view that the review should be deferred until after the 2019 elections when a wider review of boundary issues in the area can be undertaken alongside this review.
11. Radley Parish Council has not responded to the consultation.
12. No comments have been received from members of the public.

Consideration of proposal

13. The first issue the committee needs to consider is, having undertaken an initial consultation on the review, whether to proceed with any changes at this time. Two local ward councillors and Sunningwell Parish Council have proposed that the review is deferred until after the elections in May 2019. The reasons given include:
 - To reflect the Council decision taken at the meeting in December 2017 to rescind the motion set out in paragraph three of this report and only undertake community governance reviews every four years following the elections
 - To await the outcome of the anticipated Local Government Boundary Commission for England (LGBCE) review of Oxfordshire county divisions

- To allow for a wider review of the area to reflect the outcome of the Local Plan Part 2 (Dalton Barracks)
 - To allow new residents who will reside in the new developments to take part in any consultation
 - To allow for the consideration of a number of related boundary issues
 - Financial concerns raised by Sunningwell Parish Council
14. If the committee decides to progress with draft proposals it will need to agree the area for the review in light of representations received from Abingdon-on-Thames Town Council and Councillor Sandy Lovatt. Their proposed boundary offers a well-defined boundary with the A34 to the north and the Oxford Road to the east.
15. The committee also needs to agree whether to include that part of Radley parish shown on the **attached** map in the proposal. This area lies to the north of Dunmore Road. Whilst Dunmore Road provides a well-defined boundary between the parishes of Abingdon-on-Thames and Radley there are valid reasons to include this area in any draft proposal to transfer land. The area is not included in the Radley Neighbourhood Plan Area but is designated as the North Abingdon Strategic Site in the Local Plan. Officers consider that the identities and interests of the residents are more likely to be aligned with the town of Abingdon than the rural parish of Radley.
16. Alternatively, the committee could issue a draft proposal to make no changes at this time. The suggested changes and any other issues could be reconsidered as part of a district wide review after the May 2019 elections.

Electoral arrangements

17. In undertaking a community governance review the council must have regard to electoral arrangements (parish councillor numbers/warding arrangements). Officers suggest that any draft proposal should show that the area up to Oxford Road would be included in the Abingdon Dunmore ward of Abingdon-on-Thames Town Council and the area to the east of Oxford Road would be included in the Abingdon Peachcroft ward. Officers do not propose a change in the number of parish councillors at this time. The forthcoming review of county divisions is likely to impact on the parish wards and councillor numbers, as evidenced by the previous review.

Impact on district and county council boundaries

18. A change to the parish boundaries in this area would affect the Botley & Sunningwell, Kennington & Radley and Abingdon Dunmore district wards and the Abingdon and Kennington county divisions. If the committee agrees to alter the boundary of the parishes the council could request a related alteration order is made by LGBCE to district ward boundaries and county division boundaries to ensure these are coterminous with any change to the parish boundaries.

Financial Implications

19. 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

20. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.
21. All community governance reviews are 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 Local Government Boundary Commission for England's (LGBCE) in 2010.
22. The council will implement any changes by making a reorganisation of community governance order.

Risks

23. 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

24. At its meeting on 27 November 2017 this committee agreed to undertake a review of the parish boundaries between Abingdon-on-Thames, Radley, St Helen Without and Sunningwell parishes. The council has completed the initial consultation on the review and is invited to consider the responses and agree draft proposals.

Background papers

Report to this committee on 27 November 2017 and minutes of that meeting

Appendix one

Statement to Community Governance and Electoral Issues Committee from Councillor Emily Smith, member for Botley and Sunningwell Ward

While I note the decision to initiate boundary reviews was made last year, In December 2017 full Council agreed the following recommendations from the Community Governance and Electoral Issues Committee:

- 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.*

I advocated for this change to only considering boundary reviews at the beginning of an election year for several reasons, including:

- Cost to the council and efficient use of officer time
- Transparency – parishes all being aware of review processes happening at the same time and increasing the number of people getting involved in the consultations
- Ensuring parish, ward and county boundaries are considered together to ensure parishes do not straddle two wards

I was pleased you committee supported these changes, and that council approved these. So, I was surprised to learn that the boundary consultations on your agenda tonight are still going to be initiated, causing confusion for Parish Councils, more work for our officers and cost to the council.

Since your committee last met Vale and SODC leaders have written to the MHCLG asking for a decision on Unitary authorities or a confirmation that an Oxfordshire Unitary is at least 3 years away. Whatever the response from MHCLG it will impact on these boundaries.

Through my other role as a County Councillor, I am aware that the Local Government Boundary Commission have written the County's Chief Executive suggesting that a review of County Divisions takes place in 2019/20. Again, if this happens we could find ourselves having to undo a lot of work

We are also about to start the LPP2 hearing which will explore Dalton Barracks and other sites that could be part of the boundary review of Abingdon and St Helens Without, wouldn't it better to look at the Abingdon Boundary as a whole when we know whether the Dalton Barracks site will be going ahead?

Aside from all these practical considerations of timing and cost, we must also ensure that the residents effected have their views heard. By conducting a consultation before any homes are built you will be unable to include the views of residents, and they will be the people paying the precept and being represented by long in to the future.

If we are going to conduct a consultation it should be done in an efficient, transparent manner and in line with Vale policy. I therefore request that you pause these consultations until after May 2019.

Representation from Councillor Debby Hallett, member for Botley and Sunningwell Ward

I object to this being considered at the current time, and for these reasons:

1. Council recently decided that boundary reviews should happen only after elections (officers can supply the date of that decision). For all the reasons listed at that time, which came from the Committee itself, I agree with that decision. Council no longer considers ad hoc requests for boundary changes.
2. The homes in this particular development are not yet occupied (or indeed, even built). That means the residents themselves are not being consulted on a change which would affect them in significant ways. Ordinarily a boundary change requires consultation with affected residents. By moving this review to a time prior to occupation, residents are being deprived of the opportunity to have their say. It certainly could be perceived to be unfair. At the last committee meeting, Councillor Lovatt (a member of Abingdon Town Council, I believe) said (as minuted), 'If the town council's proposed boundary changes were delayed until this stage [after the 2019 elections], the sudden changes in parish council tax rates could cause confusion and discontent.' That very sentiment from the councillor indicates that residents *must* have their informed say.
3. Abingdon Town Council stands to benefit financially from this boundary change, and it is they who have requested this review. Any committee members who are members of Abingdon Town council should have (and should have had) no role in influencing the decision to do a review prior to occupation (when residents can have their say).
4. Officers have recommended in previous meetings that this sort of review should be carried out after the 2019 elections. Members should have *strong* reasons to act against officer recommendations.

I urge the Chairman and members to postpone this review until after the 2019 elections, and after houses are occupied.

Appendix two

Representation from St Helen Without Parish Council

‘St Helen Without Parish Council has no objections to the proposed Community Governance Review in relation to the land on Dunmore Road. The Parish Council understands that, in this instance, deferring a boundary review until after May 2019 means that any changes that arise from this will not come into effect electorally until May 2023. By this time, nearly all new houses scheduled to be built across the areas in question will have been built. If the town council’s proposed boundary changes were delayed until this stage, the sudden changes in parish council tax rates could cause confusion and discontent amongst residents.

St Helen Without Parish Council therefore agrees that, given the financial and community implications of the proposed changes, a review should be undertaken now rather than beyond 2019, to allow residents time to adapt.

We understand that further consultation will follow.

Our response, relates only to the land on Dunmore Road and not Dalton Barracks, which St Helen Without Parish Council understands will not be reviewed until after May 2019.’

Representation from Sunningwell Parish Council

Sunningwell Parish Councils view is that the correct long term decision is for the A34 to become the South / East boundary of Sunningwell Parish. The A34 is very much a natural boundary and the residents of the North Abingdon Development will undoubtedly have a greater identity correlation with Abingdon Town than with the village Parish of Sunningwell, but for the reasons outline below we would like the boundary change to be implemented after May 2019.

1. The considerable development in North Abingdon and the development of the Lodge Hill junction will have a significant impact on the services and infrastructure within the Parish. We do not prevent residents for neighbouring communities from using our facilities; school, pub, village green, pond, two halls, Church, playground, cricket club, etc and for some residents of the North Abingdon Development, our resources will be their closest. The termination of our bus services has increased pedestrian traffic on our rural roads and the reduction in verge maintenance has increased the risk of walking on our roads. All this extra use will place additional pressure on budgets across the 3 tiers of local governance, and an increasing amount of responsibility is being placed upon the Parish council to undertake the duties historically delivered by either OCC or the VoWH. Our fund raising powers are much more limited, but we are able to make sure that communities interests are our priority. An early implementation of the boundary change will eliminate the opportunity for any contribution form this community to the upkeep of these facilities and we would therefore like the change to be delayed.
2. The absence of any CIL charge for the North Abingdon development led to Sunningwell Parish receiving an allocation within the s106 agreement, and whilst we have been assured that any change in the boundary will not reduce or eliminate this contribution we remain concerned that under future administrations it could. We would therefore prefer the boundary change to be completed after the S106 payments have been made.
3. There are various other boundary/community anomalies which we feel should equally well also be rationalised, and the impact of the ongoing parliamentary boundary review is not yet understood. This when combined with the possible changes at county and district level mean that there are many outer factors to be considered and we support the recently agreed position of the VoWH to delay and further changes until certain events have been concluded.