

Community Governance and Electoral Issues Committee



Report of head of legal and democratic service

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To: Community Governance and Electoral Issues Committee

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Community Governance Reviews – draft recommendations

Recommendation(s)

To:

1. agree the revised timetable set out in paragraph 8 of this report;
2. consider the schedules attached at appendix C and agree draft recommendations in relation to each item under review for consultation.

Purpose of report

1. To invite the committee to agree a revised timetable for the reviews and agree draft recommendations in respect of a number of community governance reviews.

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 12 below). The Act created the title of community governance reviews (CGR) to cover such activity.
3. At its meeting on 7 March 2022, this committee agreed the terms of reference for a community governance review (CGR) in response to matters submitted by parish councils. The terms of reference are attached.

The draft proposals

4. An initial engagement period ran from 31 March until 29 April 2022 on the proposed changes. The engagement was published via the media and council's website. All parish councils directly impacted by a proposal were contacted directly. Notification of the engagement exercise with a link to the consultation was included in InFocus for district councillors and the Vale News for parish councils with a link to the consultation. A report summary of the engagement responses is attached for each review.
5. Recommendations in relation to each parish matter in the terms of reference are attached. There is a schedule covering each proposed change with a justification for each recommendation.
6. The justification for each recommendation is based on the assessment criteria contained in the terms of reference and informed by the consultation responses. One of those criteria, however, "views expressed in relation to any changes, particularly from those people directly affected", can only be evaluated once council has consulted on its draft proposals.

What happens next?

7. The committee is now invited to agree formal draft proposals for consultation.
8. The terms of reference for the review that were agreed by this committee, at its meeting on 7 March, state that consultation on the draft proposals will close on 8 July. However, to ensure officers have sufficient time to prepare the consultation documents and to allow for an extended period of consultation, officers propose that consultation on the draft proposals will run until 29 July with the committee agreeing final proposals at a meeting to be arranged in early September 2022.
9. This revised timetable will provide for a full consultation period including writing to all of those residents directly affected by a proposed boundary change i.e. their property will move from one parish to another and sufficient time to analyse the responses and make final recommendations. This revised timetable will still allow the council to complete the review within 12 months of the publication of the terms of reference and allow officers to submit requests for any changes to ward boundaries to the Local Government and Boundary Commission for England (LGBCE) by 1 October 2022 which is the deadline for the consideration of changes to be implemented at the 2023 elections.
10. Committee is invited to agree this revised timetable.

Role of the Local Government Boundary Commission for England(LGBCE)

11. Any proposed changes may result in parish boundaries no longer being aligned with district ward boundaries. We will seek what are known as consequential amendments once the committee has taken its final decisions to align with new parish boundaries in time for the 2023 elections (see paragraph 9 regarding the Local Government and Boundary Commission for England deadline).

Financial implications

12. There are some modest financial implications arising from the decision to undertake a CGR. Assuming the council decides to confirm some changes in due course this will involve making legal orders, producing high quality maps to show any new boundaries and adjusting council tax records, specifically to cover the costs of transferring the council tax records of properties that move parish.

Legal Implications

13. 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 LGBCE.
14. The council will implement any changes by making a reorganisation of community governance order.

Climate and Ecological Emergencies Implications

15. There are no implications arising from this report.

Risks and Options

16. There is no statutory requirement to undertake a CGR so the committee has the option at any time to cease the reviews. However, given the stage now reached and the expectations raised in certain quarters, there is no obvious reason why it would want to do this.
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.
18. 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 even allowing for the recommended extended timetable.

Conclusion

19. The committee is invited to agree a revised timetable for the matters under review and draft proposals having regard to the consultation responses set out in the consultation summary and the report schedules attached to this report.

Background Papers

None

Vale of White Horse District Council

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

Introduction

The council's Community Governance and Electoral Issues Committee ("the committee") has agreed to undertake a community governance review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 of part of the district of Vale of White Horse. The 2007 Act vested powers in the council to undertake such a review and the council has delegated those powers to the committee.

The committee will undertake the review in accordance with the guidance on community governance reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England (LGBCE) in March 2010 ("the guidance").

Proposal for consideration

The committee proposes to consider the following parish matters:

CGR reference	Parish/Area	Matters to be considered
CGR_A	Grove	Removal of current warding arrangements
CGR_B	Grove (East Challow)	Amending the boundary of the parish to include Grove Technology Park, currently in East Challow parish
CGR_C	Kingston Bagpuize with Southmoor (Fyfield & Tubney)	Amending the parish boundary east of Kingston Bagpuize with Southmoor to include land currently in Fyfield & Tubney parish
CGR_D	North Hinksey	A review of the parish name to include Botley and alter the status of the parish – change to community council
CGR_E	South Hinksey (Kennington)	Amending the parish boundary south of South Hinksey to include the former Westwood Hotel site, currently in Kennington parish
CGR_F	Sunningwell (Wootton and Cumnor)	Amending the parish boundary to include the area of Boars Hill currently in Wootton and Cumnor parishes and amending the parish name to reflect the change
CGR_G	Uffington	Increasing the number of parish councillors from six to seven
CGR_H	Wootton	A review of the parish name to reflect the settlement of Boars Hill

Assessment criteria

The factors that the council will take into account in making decisions are as follows:

- natural or man-made boundaries that help to define clearly one community from another
- effective and convenient representation of local residents at parish level
- views expressed in relation to any changes, particularly from those people directly affected
- the extent to which proposals reflect the identities and interests of the affected community
- the size and population of the local community

Why is the Council undertaking the review?

The guidance states that it is good practice for principal councils (in this context that means this council) to undertake CGRs every 10-15 years. The council completed a review of the whole district in 2014 and agreed to undertake a further review every four years with any changes to be implemented for the next scheduled elections. Changes were implemented at the scheduled elections in May 2015 and May 2019. Any changes agreed as part of this review will be implemented for the elections in May 2023. The council invited parish councils to submit matters for review and these issues are set out under proposals for consideration. The committee has agreed to carry out this review.

Consultation

The committee will consult formally on the review.

Timetable

The 2007 Act requires the council to complete a CGR within 12 months of the date of publication of terms of reference. The proposed timetable complies with the legal requirement.

Action	Completion Date
Publication of terms of reference	March 2022
Consultation commences	March 2022
Consultation closes	29 April 2022
Committee agrees draft proposals for consultation	May 2022
Further consultation commences	May 2022
Further consultation closes	8 July 2022

Committee agrees whether to make changes	July 2022
Community Governance Order completed and consequential matters in place for implementation at the district and parish council elections in May 2023	Autumn 2022

How to make comments

Please submit any comments via email to cgr@southandvale.gov.uk
The council does not require a hard copy of any submission. For those without access to email please send any submission to:

CGR
Vale of White Horse District Council
Legal and Democratic
135 Eastern Avenue
Milton Park
Milton
OX14 4SB

Should you require any further information or need clarification on the review process, please contact:

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