

Community Governance and Electoral Issues Committee



Report of head of legal and democratic services

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To: Community Governance and Electoral Issues Committee

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Community Governance Review

Recommendations

1. To decide whether to undertake community governance reviews for those matters referred to this committee from Council for consideration.
2. To agree the timing of the Harwell East review agreed by Council at its meeting in July 2014.
3. To undertake a review of the warding arrangements in the parish of Longworth.
4. To decide whether to invite parish councils to submit further proposals for changes to community governance arrangements.
5. To authorise the head of legal and democratic services to draft and publish the terms of reference for any reviews the committee agrees to undertake at this meeting.

Purpose of report

1. To invite the committee to consider matters referred to it by Council at its meeting in July 2015, a request from Longworth Parish Council to undertake a review of its warding arrangements and whether to invite parish councils to put forward any changes to community governance arrangements.

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. The Act created the title of community governance reviews (CGR) to cover such activity.

3. 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.
4. 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.
5. 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 are applying 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.
6. 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.

Matters referred by Council at its meeting in July 2014

7. 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.
8. I have attached the relevant schedules and maps as submitted to Council last year. The committee is invited to consider whether it supports reviews for these outstanding issues at this time and the timing of the Harwell East review.

Longworth Parish Council request

9. Longworth Parish Council has requested, by letter dated 29 May 2015 attached at appendix 1, that the Council undertake a review of the parish council's warding arrangements. The parish currently comprises east and west wards. This arrangement came into effect with the making of The Vale of White Horse District Council (Reorganisation of Community Governance) Order 2010 which transferred land between the parishes of Longworth and Kingston Bagpuize with Southmoor. Previously the parish was divided into north and south parish wards with the making of The District of Vale of White Horse (Electoral Changes) Order 2001 which implemented the outcome of the review of district ward boundaries in the Vale of White Horse. This review divided the parish between the district wards of Longworth and Kingston Bagpuize with Southmoor.
10. Following the LGBCE review of electoral arrangements of the Vale of White Horse completed in 2013 and implemented for the May 2015 elections Longworth parish is no longer divided between district wards now lying wholly within the Thames ward. Officers recommend that in light of the revised district ward boundary a review of the parish warding arrangements is undertaken.

Further parish council requests

11. As referred to in paragraph 5 of this report the district wide community governance review undertaken in 2013/14 included proposals put forward by parish councils. Since that review the council has received a request from Longworth Parish Council as set out above. The committee is requested to consider whether officers should invite parish councils to request any further community governance reviews. These need not necessarily relate to boundaries they could, for example, be to review a parish council name or the number of councillors serving on it.

Terms of reference

12. 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.

The committee is invited to authorise the head of legal and democratic services to draft and publish the terms of reference for any reviews agreed at this meeting.

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. Any community governance review 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 and Options

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. In addition the committee is invited to consider a request from Longworth Parish Council and whether to invite parish councils to submit changes to community governance arrangements for review. The committee is invited to authorise the head of legal and democratic services to agree and publish the terms of reference for any reviews agreed at this meeting.

Background papers

Report to Council on 17 July 2014