

Community Governance and Electoral Issues Committee



Report of head of legal and democratic services

Author: Steven Corrigan

Telephone: 01235 422526

E-mail: steven.corrigan@southandvale.gov.uk

To: Community Governance and Electoral Issues Committee

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Community Governance Review – Harwell East and Great Faringdon and Great Coxwell

Recommendations

1. To undertake a review to create a new parish of Harwell East and to agree its electoral arrangements.
2. To undertake a review of the Great Faringdon and Great Coxwell parish boundary.
3. 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 2014.

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 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.
 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
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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 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. These have been made and were implemented for the county council election earlier this year and will be implemented for the district council elections in May 2019.

Matters referred by Council at its meeting in July 2014

6. 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
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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.

7. This committee agreed, at its meeting in October 2016, to undertake reviews in respect of a to c above and will consider final proposals on these at a meeting in November 2017. In respect of d the committee agreed to undertake a community governance review of CGR14 (a new parish East of Harwell East) at a time to be agreed. Officers invite the committee to agree that this review of electoral arrangements (the ordinary year of election, council size and parish warding), is undertaken for implementation from the 2019 elections.

Great Faringdon and Great Coxwell

8. At its meeting in July 2014 Council also resolved to “reject CGR11 (Great Faringdon and Great Coxwell) because Council agrees with the views expressed by Great Coxwell Parish Council and considers the proposed changes to be premature and could be the subject of a future review”. I have attached the relevant schedule and maps as submitted to Council in 2014.
9. At its meeting in July 2014 Council agreed the following resolution:
 - 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.
10. Planning permission has been granted for the site and development started on site. Therefore, in accordance with the resolution of Council, a review must be undertaken. Officers invite the committee to agree that this review is undertaken with any changes implemented in 2019 for the May elections.

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 12 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

12. 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.
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Legal Implications

13. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.
14. 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.
15. 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 and request related alteration orders are made to county division and district ward boundaries to ensure these are coterminous with any change to the parish boundary.

Risks and Options

16. 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

17. 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 agreed a resolution to undertake a review where development sits adjacent to or straddles a parish boundary. Further to the referral from Council this committee previously agreed to undertake a review to create a new parish East of Harwell with the timing to be agreed. Council also deferred a decision on a review of the parish boundary between Great Coxwell and Great Faringdon due to the uncertainty of planning permission. The committee is invited to agree that reviews are now undertaken of both issues to allow for any changes to be implemented for the May 2019 elections and authorise the head of legal and democratic services to draft and publish the terms of reference for this review.

Background papers

Report to Council on 17 July 2014

Report to this committee on 13 October 2015 and minutes of that meeting
