

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 - Harwell East

Recommendation:

1. To agree whether to create the new parish of Harwell East from May 2019.
2. Subject to the decision on 1 above, to agree the electoral arrangements for the parish for consultation.
3. To authorise the head of legal and democratic to draft and publish the terms of reference for the review based on the decisions of the committee on the proposed electoral arrangements.

Purpose of Report

1. To invite the committee to agree the timing of the creation of the Harwell East parish and, if the committee agrees to a date of May 2019, to authorise the commencement of a community governance review of the electoral arrangements for the parish.

Strategic Objectives

2. Community governance reviews contribute to the council's strategic objective of building thriving communities.

Background

3. At its meeting in July 2014 Council resolved:

To create a new parish of Harwell East 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 to 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.

4. At its meeting on 17 October 2016 the committee noted that it would receive a further report on this review. The area of the new parish is set out on the map attached to this report.

Timing of the creation of the new parish

5. The committee must decide when to create the new parish. The electorate for this area is currently 700 which is sufficient to support a parish from May 2019. However, the committee should also consider whether the continued uncertainty regarding unitary proposals for Oxfordshire is a reason to postpone a decision. The majority of the development forms the western extension of Didcot and logically these properties would be considered as part of the parish of Didcot if there was no district boundary dividing properties in Great Western Park Didcot and Valley Park Harwell. The creation of a new parish at this time, followed by a possible review in the near future, could be seen as confusing for the electorate. If the committee decides not to establish the parish at this time, the residents in the area will remain part of Harwell parish. If the committee decides to proceed with the creation of the parish a community governance review will be required to agree the issues set out below.

Parish council or parish meeting

6. The committee needs to agree whether it is appropriate to create a parish council. In considering whether to create, or not, a parish council the committee must follow the guidance laid down in legislation which states that;
 - Where the number of electors is 1,000 or more a parish council must be created;
 - Where the number of electors is 151 to 999 a parish council may be created, with a parish meeting being the alternative form of governance; and
 - Where the number of electors is 150 or fewer a parish council is not created.
7. With a current electorate of 700, which is set to increase, officers recommend that this committee consults on the establishment of a parish council for the parish of Harwell East.

Electoral arrangements

8. If the committee supports the creation of a parish council from May 2019, the committee must consult on, and put in place, the electoral arrangements. These include:
 - the ordinary year in which elections are to be held;
 - the number of councillors to be elected to the council;
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- parish warding - the division (or not) of the parish into wards for the purpose of electing councillors including consideration of the number and boundaries of any such wards and the number of councillors to be elected for any such ward.
9. The ordinary year of election is every four years as provided for in the Local Government Act 1972. The election of councillors for the parish would come into effect at the next ordinary elections in May 2019.
 10. By law, each parish council must have at least five councillors and there is no specific maximum. As this would be a new parish council officers propose that it should be represented by five councillors. This is slightly below the minimum figure of seven recommended by the National Association of Local Councils but recognises the fact that this would be a new parish council representing a predominantly new community. The committee is invited to decide whether to consult on five or seven councillors.
 11. The Local Government and Public Involvement and Health Act 2007 requires that in relation to warding a parish the council considers whether:
 - a) the number, or distribution of local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - b) it is desirable that any of the areas of the parish should be separately represented
 12. Officers do not consider that there is any rationale to support a warding arrangement. It is practicable to hold an election for the whole parish. There also appears no justification to create separate wards based on community identity grounds.

Consultation

13. If the committee agrees to create the parish from May 2019 and authorises the commencement of a community governance review, households within the new parish will be consulted on the proposed electoral arrangements.

Financial Implications

14. 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 have been met from within existing budgets as will the cost of making the legal order.

Legal Implications

15. The Community Governance and Electoral Issues Committee has delegated authority to deal with all matters relating to parish community governance reviews.
 16. The review would be undertaken in accordance with the requirements laid down in the Local Government and Public Involvement in Health Act 2007 and the joint
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guidance on community governance reviews published by the Communities and Local Government Department and LGBCE in 2010.

17. The council will implement any changes by making a reorganisation of community governance order.

Risks

18. There is a risk that someone could challenge the outcome of the review through judicial review. Council officers mitigate against this by ensuring that the council follows the requirements laid down in the 2007 Act and guidance.

Conclusion

19. At its meeting in July 2014 Council resolved to create a new parish of Harwell East and authorised this committee to agree the timing of the creation. The committee is invited to consider when to create the parish and, if it agrees to a date of May 2019, to authorise the head of legal and democratic to consult on the electoral arrangements agreed at this meeting and to finalise and publish terms of reference for the review.

Background Papers

Report schedule 14 to the Council meeting of July 2014
