

## ANNUAL COUNCIL MEETING

---

**Date:** Wednesday, 8 May 2024

**Title:** Community Governance Review

**Contact Officer:** Deputy Town Clerk

---

### Background

At the meeting of the Council on 15 April, recommendation P191 from the earlier Climate, Biodiversity & Planning Committee, to explore options for a Community Governance review of Witney's parish/town boundary, was approved.

The purpose of this report is to provide Members with information on Community Governance Reviews so they may resolve whether Witney Town Council should engage with West Oxfordshire District Council and others to petition for one.

### Current Situation

West Oxfordshire District Council (as the Principal Authority) has the responsibility for undertaking such reviews under the Local Government and Public Involvement in Health Act 2007 and are able to decide whether to give effect to recommendations made in those reviews. In making that decision, they need to take account of the views of local people. In other areas, principal authorities have a designated policy for reviews such as this one at Vale of White Horse DC,

*'that the council undertakes a community governance review every four years with changes agreed for implementation at the next scheduled parish elections'*

*'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.'*

As the time of writing, a policy on Community Governance Reviews at WODC has not been provided, but the Authority would be bound to conduct this 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 April 2008 from where the majority of the remaining information in this report emanates from.

*'Criteria for undertaking a Community Governance:*

*Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:*

- *reflective of the identities and interests of the community in that area and*
- *effective and convenient.*

*When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:*

- *the impact of community governance arrangements on community cohesion and*
- *the size, population and boundaries of a local community or parish*

*In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.'*

### **Town/Parish Boundaries**

It is understood Witney's parish boundary has not been reviewed since before the introduction of the 2007 Act (although electoral boundaries have) and they are therefore based on historic identifiable landmarks. Since that time, several pieces of land have been allocated in the West Oxfordshire Strategic Housing and Economic Land Availability Assessment (SHEELA) and by designation in the West Oxfordshire District Council Plan 2031, such as the North Witney Strategic Development Area.

The Council discussed planning proposal 24/00482/OUT, described as the North Witney Strategic Development Area New Yatt Road Witney at a Special Climate, Biodiversity & Planning Committee meeting on 15 April and noted the development for outline permission residential-led mixed-use sites adjacent to residential areas at Woodstock Road (Madley Park), Early Road, Vanner Road, Eastfield Road, and Hailey Road all of which lie in Witney Parish. A map showing the North Witney development area in relation to the Witney boundary along with other peripheral sites is attached as **Appendix A**.

Members should determine whether it would be incongruous for people within these developments to look at different parishes across a road. It may be logical to assume that, for community cohesion, residents will identify themselves as witney residents and utilise the witney retail, health and leisure facilities.

Guidance issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England (LGBCE) states,

*'Community governance reviews provide the opportunity for principal councils to review and make changes to community governance within their areas. It can be helpful to undertake community governance reviews in circumstances such as where there have been changes in population, or in reaction to specific or local new issues. The Government has made clear in the 2006 white paper and in the 2007 Act its commitment to parish councils. It recognises the role such councils can play in terms of community empowerment at the local level. The 2007 Act provisions are intended to improve the development and coordination of support for citizens and community groups so that they can make the best use of empowerment opportunities'*

*'In many cases making changes to the boundaries of existing parishes, rather than creating an entirely new parish, will be sufficient to ensure that community governance arrangements to continue to reflect local identities and facilitate effective and convenient local government. For example, over time communities may expand with new housing developments. This can often lead to existing parish*

*boundaries becoming anomalous as new houses are built across the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes.'*

In its official response to the above planning application, the town council stated, "With the creation of approximately 1,250 dwellings, generating an estimated population of 3,000, Witney Town Council expects a significant impact from the residents of this development who will look towards Witney for the vast majority of its services and infrastructure, given the proximity to the town and the natural buffer to the Hailey village envelope." But Members should note this land is in Hailey Parish and as such, is in the Hailey Parish Neighbourhood Plan.

The Council should consider whether similar arguments could be made for other peripheral sites at the edges of the parish boundary.

### **Warding arrangements**

Parish warding should be considered as part of a community governance review. Parish warding is the division of a parish into wards for the purpose of electing councillors. This includes the number and boundaries of any wards and the names of such wards.

If the town council believes consideration should be given towards amending the parish boundaries, further consideration should be given to revised warding arrangements for the town.

### **Number of parish/Town Councillors**

Consideration should also be given to the levels of representation between each ward. That is to say, the number of councillors to be elected from each ward and the number of electors they represent.

If the town council agrees to both of the above, consideration should also be given to the number of or parish/town councillors to serve Witney.

*'Ultimately, the recommendations made in a community governance review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.'*

### How a Community Governance Review can be triggered

Under the 2007 Act, Community governance reviews may be triggered by local electors presenting public petitions to the principal council.

The petition must set out at least one recommendation that the petitioners want the review to consider making. These recommendations can be about a variety of matters, but it is suggested that if the Council is favourable to a review it would do so under the following:

- 1) The boundaries of Witney
- 2) The warding arrangements
- 3) The number of parish/town councillors

For a petition to be valid it must meet certain conditions. The first of these conditions is that a petition must be signed by the requisite number of local electors. For Witney, as an area with more than 2,500

local electors, the petition would need to be signed by approximately 3,000 electors (10% of the population).

The petition should define the area to which the review relates, whether on a map or otherwise, and refer to identifiable fixed boundaries. Where a proposed boundary is near an individual property, the petition must make clear on which side of the boundary the property lies. The petition must specify one or more proposed recommendations for review

The 2007 Act allows principal councils to determine the terms of reference under which a community governance review is to be undertaken before consulting with the public.

#### Timing of community governance reviews

The 2007 Act provides for a principal council to conduct a community governance review at any time.

*'A principal council is under a duty to carry out a community governance review if it receives a valid community governance petition for the whole or part of the council's area. However, the duty to conduct a review does not apply if:*

*a) the principal council has concluded a community governance review within the last two years which in its opinion covered the whole or a significant part of the area of the petition or*

*b) the council is currently conducting a review of the whole, or a significant part of the area to which the petition relates.*

*Under the 2007 Act principal councils are required to consult both Section 2 Undertaking community governance reviews 15 those local government electors in the area under review, and others (including a local authority such as a county council) which appears to the principal council to have an interest in the review. In the case of a community governance review where a parish council already exists, as a local authority, it too should be consulted. Other bodies might include local businesses, local public and voluntary organisations - such as schools or health bodies. The principal council must take into account any representations it receives as part of a community governance review.*

*Principal councils are required to complete the review, including consequential recommendations to the LGBC for related alterations to the boundaries of principal area wards and/or divisions, within 12 months of the start of the community governance review. The review begins when the council publishes terms of reference of the review and concludes when the council publishes the recommendations made in the review.'*

The above timescale may be impacted by any ordinary elections and reviews of district ward boundaries being undertaken by WODC.

## **Environmental impact**

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 Councillors should have due regard to the environmental impact of any decisions they make with regard to its facilities and services it operates.

## **Risk**

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

- A successful review would result in land from neighbouring parishes being incorporated into Witney, potentially to their detriment in respect of income, land size and electoral arrangements.
- the focus of people's day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town, but the local community of interest and social focus may lie within a village/different area.
- A review may be refused if there is insufficient evidence of 'strong, clearly defined boundaries, tied to firm ground features;' current boundaries are based on the identifiable town features of the A40 and Downs Road. Note: Although the Town Council owns and maintains the land at Witney Lake and Lakeside allotments, this sits within Ducklington parish.

## **Social Value**

Social value is the positive change the Council creates in the local community within which it operates.

- Parish/Town Councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance in this process.

The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and childcare, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence.

## **Financial implications**

- An increase in dwellings in the Witney Parish would increase its Council Tax Base and subsequent Council Tax Precept receipts.
- Ongoing costs for any community facilities, including grounds maintenance would likely be the responsibility of the town council. This cost is currently unquantifiable.

## **Recommendations**

Members are invited to note the report and consider the following:

- Whether Witney Town Council should resolve to request a Community Governance Review of the Witney Parish boundary, warding arrangements, and number of Ward Councillors from West Oxfordshire District Council and, if it is in favour in principle;
  - That, a Working Party/task and finish group is established to progress this issue on behalf of the Council.
  - That, communications are entered into with Witney's neighbouring parish(es) at the earliest opportunity.

## Appendices

**Appendix A** – Map of Witney Parish Boundary, North Witney, and peripheral sites.

### Footnotes:

- Community governance reviews issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England (LGBCE)

The full document can be found by clicking this link

<https://assets.publishing.service.gov.uk/media/5a78e983ed915d0422066530/1527635.pdf>

- West Oxfordshire Strategic Housing and Economic Land Availability Assessment (SHEELA)

<https://www.westoxon.gov.uk/media/y0qkusrf/strategic-housing-and-economic-land-assessment-report-2016.pdf>