

To: Council

Date: 30 March 2020

Report of: Electoral Registration Officer

Title of Report: Community Governance Review – Headington area

Summary and recommendations	
Purpose of report:	To brief Council on the results of the consultation process on the proposal to create a community council in the area covered by the 2017 Headington neighbourhood plan referendum.
Key decision:	N/A
Executive Board Member:	Councillor Susan Brown, Leader of the Council
Corporate Priority:	N/A
Policy Framework:	N/A
Recommendations: That Council:	
Decides , following the results of the consultation undertaken and taking into consideration the Local Government and Public Involvement in Health Act 2007, the Guidance and the recommendations from the Community Governance Review Working Group, whether or not to create a community council for the Headington area.	

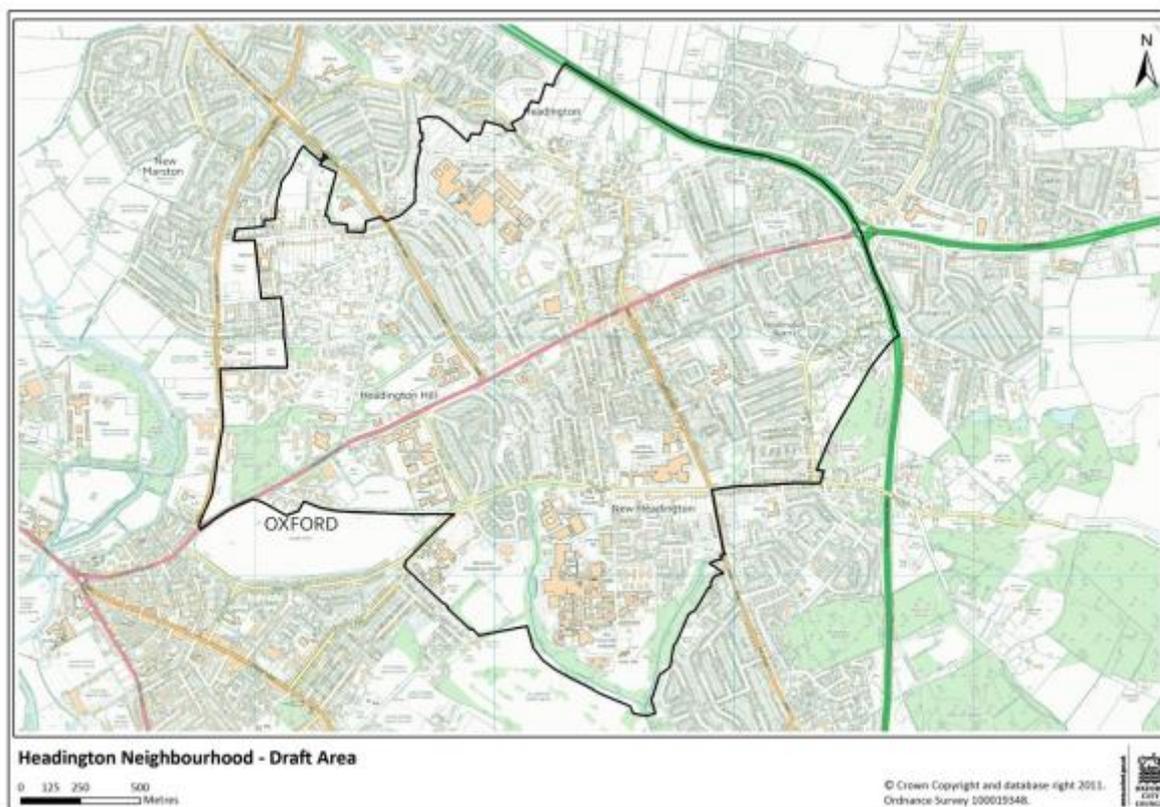
Appendices
Appendix 1 – The response to the consultations by Headington Neighbourhood Forum
Appendix 2 – The response to the consultation by Headington Action.
Appendix 3 – the pamphlet circulated in the area

Introduction

1. In February 2019 (minute 93) Council approved the terms of reference for a community governance review in the Headington area.
2. The review had been triggered by a request from the Headington Neighbourhood Forum (“The Forum”), following a successful neighbourhood planning referendum in 2017.

The consultation process

3. Under the Local Government and Public Involvement in Health Act 2007 (“the Act”) and subsequent guidance, principal councils are given a wide discretion on how to carry out reviews and ultimately it is the Council’s decision whether a parish or community council is created or not. The Council must consult widely and consider any responses in making its decision.
4. In accordance with S79 (3) of the Act the Council notified Oxfordshire County Council that it was conducting a Community Governance Review and set out the terms of that review.
5. A pamphlet was sent to every household in the affected area, explaining the proposals and what setting up a community council might mean, using the existing parish councils in Oxford as examples. Businesses, other groups and organisations in the area were also consulted. 6800 pamphlets were distributed. The consultation process ran through July and August 2019.
6. Officers set up a stall and engaged with the public handing out copies of the pamphlet and signposting members of the public on the methods in which they could respond to the consultation at both the Bury Knowle Fun Day on 13 July 2019 and at the Headington Farmers’ Market on 27 July 2019. An officer also attended a public meeting on the issue organised by the Forum to answer any questions and explain the consultation process.
7. The Neighbourhood Forum also distributed its own leaflet in the area.
8. The extent of the area under review is shown by the black outline on the map below:



What Council should consider

9. The government's guidance ("Guidance on Community Governance Reviews" - Department of Housing, Communities and Local Government) ("the Guidance") says that in deciding on a community governance review a council should consider the following:
- Local leadership - the role community councils could have in the development of their communities;
 - Place shaping – "place" matters in considering a review and the Council should consider whether creating a new community council would improve that;
 - Existing arrangements – whether the existing arrangements of local government and service provision (including residents' and tenants' associations and other community groups) are sufficient;
 - Efficient and convenient delivery of local services – whether a new community council would improve the provision of services in the proposed area;
 - Community cohesion – whether the proposal would improve community cohesion. If the Council feels it would damage that it should not proceed;
 - Consultation results – the results will give an indication of the feelings of the community.

The consultation results

10. The following question was asked in the consultation:

"To what extent do you agree or disagree that a Community (Parish) Council should be created for the area shown on the map"

418 replies were received, either via the Council's consultation portal or via e-mail or post.

11. The Council's Consultation Officer has said: *"that the response rate of 404 residents is a good sample size and provides us with a robust snapshot of the views of residents in Headington. The consultation was conducted via a postal letter drop with the option of completing the survey online, there were 182 responses completed in paper format and 217 responses completed online. With a huge shift towards most city council consultations being completed online, to achieve a return rate of 187 paper responses is a sound achievement and indicates the strength of feeling of Headington resident towards this project."*

12. More than 300 respondents made additional comments. These are included in the background papers. The results of the consultation are shown below.

Who responded:

Do you...	Number	Percentage
Live in Headington	357	85.4%
Work in Headington	3	0.7%
Live and work in Headington	48	11.5%

Represent an organisation that has an interest in the Headington area	10	2.4%
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Of those who registered 399 voted, as follows:

Answer	Number	Percentages
Strongly agree	111	27.8%
Agree	68	17%
Neither agree nor disagree	28	7%
Disagree	34	8.6%
Strongly Disagree	158	39.6%

13. The results show that 48.1% disagree or strongly disagree that a Community (Parish) Council should be created for the area shown on the map and 44.8% agree or strongly agree and 7.1% neither agreed nor disagreed.

14. The main themes to arise from the comments given were as follows:

For the creation of a community council

- Headington has a sense of community and a community council would help that
- A community council would help give residents' views more weight, against those of the big institutions in the area (Oxford Brookes, the hospitals and Oxford University)
- A statutory participant in the planning process
- Would act as a single voice for Headington and have democratic legitimacy
- Have influence with other councils
- Be able to raise money to spend directly in the area under local priorities
- The community council would be able to spend any income derived from the Community Infrastructure Levy that arose from developments in Headington, to local priorities
- Better to have decisions made as local as possible;

Against the creation of a community council

- Against paying more council tax, it's high enough already without adding to it
- Already enough/too many layers of local government
- Happy with the local councils/councillors, no need for more
- Proposed area too big or not inclusive enough (e.g. should have included Wood Farm)
- Too many different communities across the proposed area, it is not a "distinctive and recognisable community"

- The same people would be on the new council as run local groups, how would the new council ensure a diversity of councillors?

General points

- People who voted for and against creating a new council expressed concern about the make-up of any new councillors questioning whether they would be representative of the area. Some also said it was difficult to make a choice as there wasn't enough information or certainty of any community council's future plans.

City Councillors' Headington Community Governance Review Working Group

15. The Working Group was made up of Councillors Brown, Munkonge (both Labour), Garden (Liberal Democrat) and Simmons (Green).
16. The Working Group considered the consultation, its results and the written responses.
17. It expressed its disappointment that the Forum's hard work did not result in a more positive outcome. However supportive the Working Group was to the Forum's intention to form a community council it felt that it could not go against the narrow but clear majority against the proposal as shown in the consultation.
18. The Working Group felt there were lessons to learn for the Council in the organisation of future community governance reviews (this being the first in the city) and work for both the Council and the Forum in analysing the written responses.
19. It commended the dedication and hard work of the Forum and hoped the Council would be able to offer support to the Forum to further its activities where possible. It noted that the Forum could ask for a further community governance review in two years' time and asked the Head of Law and Governance to investigate if the Forum could simply re-submit its request or whether it had to raise a petition to trigger a second review.
20. The Working Group agreed to recommend to Council:
 - not to approve the creation of a community council in Headington at this time;
 - to ask officers and councillors to investigate how they might assist the Headington Forum wherever they could to further its community work;
 - that it asks officers to analyse, and where possible action, some of the specific comments returned during the consultation;
 - to request the Head of Law and Governance to investigate the procedure should the Forum request a second community governance review in two years' time.
21. If the Council agrees to create the new community council then the Working Group will meet again to agree a warding scheme, the total number of councillors and the allocation of those councillors across the new parish wards. The Headington Forum would be consulted during this process.

Next Steps

22. It had initially been hoped that any new council could be created in April 2020. Due to work needed to be undertaken by the City Council in analysing the consultation responses it was not possible to report to the October 2019 Council meeting as originally anticipated. Unfortunately this meant that the Council's Finance Service would not be able to go through the procedures it would need to in order to set a council tax level in time for implementation on 1 April 2020. With the agreement of the Headington Forum, it was decided that, should the Council resolve to create the community council, it would come into being on 1 April 2021 and hold its first elections on 6 May 2021.

Financial implications

23. If the decision is made to create the new "Headington Community Council", that body will be treated as a parish council for council tax purposes, in the same way as the parishes of Blackbird Leys, Littlemore, Old Marston, and Risinghurst & Sandhills.

24. The first stage in the annual council tax setting process is that Finance staff must calculate tax bases, both for the whole of the administrative area of Oxford City Council, and also for the individual parishes, and the unparished area of the city. A tax base is defined as "the taxable capacity of the area", i.e. the number of dwellings in the relevant area taking into account exemptions and discounts, and then converted to "Band D equivalent dwellings". For the 2021/22 financial year, this work will need to be completed by the end of November 2020. A report on these matters would go to the Audit & Governance Committee early in January 2021.

25. To establish the tax base for the Headington Community Council it will be necessary to amend the existing property reference numbers of the dwellings involved to reflect their new parish status.

26. As there will likely be some 6,500 dwellings involved, there will be a large amount of data input to be effected in a relatively short time span (see above). Capita Software Services have quoted a figure in the region of £12,500 to do this as the Council does not have the resources in-house to undertake this work.

27. In early February 2021 the City Council will set its level of Council Tax for the 2021/22 financial year. The parish council taxes are calculated by dividing their precepts (the amounts calculated by the parishes that are needed to carry out their statutory functions) by their tax base. Those amounts are then collected by the City Council along with the other elements of the Council Tax. The precept for the Headington Community Council in 2021/22 will likely be low to provide only for basics such as employing a clerk and a small budget. The new community council will then decide its priorities and set an appropriate precept for 2022/23. Careful thought will thus be needed to determine an equitable Headington Community Council Tax for the initial year.

28. The City Council would provide clerking services for the first few months of the new council's existence, until the newly-elected council could go through a recruitment process. The community council would be recharged for those costs.

Legal issues

29. There are legal implications insofar as the Council must ensure that it makes its decision, whatever that might be, in accordance with the Local Government and Public Involvement in Health Act 2007 (sections 79-100) and associated regulations

and Guidance. The Council “must have regard” to the Guidance and should interpret the Guidance in the context of its duty under the Act which is to have regard to the need to ensure that community governance within the area reflects the needs and interests of the community in that area and is effective and convenient. In doing so the Council should also consider the impact of community governance arrangements on community cohesion.

30. Besides the legislation and Guidance referred to above there is little case law in relation to this type of community governance review. . However in the case *R (on the application of Britwell Parish) v Slough Borough Council* decided in the High Court in April 2019 the Court considered the Borough Council’s resolution to abolish (rather than create) two parish councils. While the Council in that case had erred in its interpretation of the Guidance in relation to abolishing a parish council which is not relevant to the decision before this Council, the Judge highlighted the importance of considering accurately the outcome of consultation and the case referred to paragraph 50 of the Guidance which identifies that when considering and defining a parish council “the views of local communities and inhabitants are of central importance”
31. Should Council agree to create the new community council then an Order would be drawn up, under s86 of the Act, and put to a future meeting of Council to approve. This would confirm the name of the new council, total number of councillors, the ward structure and various other matters. The ward structure would be dictated by the City Council wards and the number of councillors would be decided on and allocated to each parish ward after consultation with the councillors’ Community Governance Review Working Group and the Headington Forum.

Equalities Impact Assessment

32. The Council is obliged to assess the likely impact of any policy decision on particular groups (now classed as groups with protected characteristics under the Equality Act 2010). The Public sector equality duty (s.149 of the Equality Act 2010) requires that the Council is required, in carrying out their functions, to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
33. The Council has had due regard to equality considerations and considered whether there would be an impact, either negative or positive, as a result of the governance review. The Council has concluded that there would be no differential impact on any group as a result of its decision about whether or not to create a community council for the Headington area.

Recommendation

34. Council is requested to decide, following the results of the consultation undertaken, statutory guidance and the Working Group recommendations, whether or not to create a community council for the Headington area.

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Background Papers: The table of the textual responses to the consultation