

OXFORD CITY COUNCIL

COMMUNITY GOVERNANCE REVIEW PARISH OF BLACKBIRD LEYS

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

TERMS OF REFERENCE

**THESE TERMS OF REFERENCE HAVE BEEN PUBLISHED BY THE
COUNCIL ON:**

21st February 2012

**SUBMISSIONS AND COMMENTS ON THIS TERMS OF REFERENCE
DOCUMENT SHOULD BE MADE BY:**

4th April 2012

1. INTRODUCTION

The receipt of a letter requesting a Review

- 1.1 Oxford City Council has received a letter from Blackbird Leys Parish Council, requesting that the Council conduct a Community Governance Review of that Parish with a view to reducing the total number of councillors on the parish council from 16 to 14.
- 1.2 Full Council considered this request at its meeting on 20th February 2012, where the Council resolved that a review of the numbers of councillors on the Blackbird Leys Parish Council be commenced by the preparation for the Council's consideration of a Terms of Reference document in accordance with the Local Government and Public Involvement in Health Act 2007.
- 1.3 The Terms of Reference document must set out clearly the matters on which a Community Governance Review is to focus and this is the aim of the later chapters of this document.¹ The Terms of Reference document is a prompt to local consideration, initial discussions and the exchange of ideas in a review, which in turn will help the City Council to prepare Draft Proposals.

The legislative framework for a Review of this sort

- 1.4 In undertaking this Review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) and the relevant parts of the Local Government Act 1972.² The Council is also required to have regard to Guidance on Community Governance Reviews issued in accordance with section 100(4) of the 1972 Act by the Department for Communities and Local Government and the Electoral Commission. This Guidance was published in April 2008, and it has been considered carefully as these Terms of Reference have been drawn up.³
- 1.5 Section 81 of the 2007 Act requires the Council to publish this Terms of Reference document. In the section on Consultation, below, we provide details of how this document is being published and publicised.

How the City Council deals with making decisions in a Review

¹ Section 81(5); Guidance on community governance reviews, para.21

² The 2007 Act has transferred powers to the principal councils that previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England

³ This Guidance is available on the website of the Electoral Commission at www.electoralcommission.org.uk/boundary-reviews/parish-reviews

- 1.6 The Council will formally publish these Terms of Reference as soon as it approves the recommendation. In due course, the Council will publish Draft Proposals which will lay out the Council's initial views on how this Review should progress and the changes if any that should be made. Then Full Council makes its recommendations and, if appropriate, makes a Community Reorganisation Order.

The area under Review

- 1.7 The area that is the subject of this Review are both parish wards of Blackbird Leys Parish Council:⁴
- 1.8 The Parish is divided into two parish wards for the purposes of the election of a council for the parish: the Blackbird Leys Parish Ward, and the Northfield Brook Parish Ward. The parish wards are coterminus with the City Council wards of the same name. Each parish ward currently elects 8 parish councillors each.

What is a Community Governance Review?

- 1.9 A Community Governance Review can consider a range of topics concerning the community governance of the area under Review. These can include the creation, merging, altering or abolishing of parish areas, the naming of parishes, the electoral arrangements for parishes (creating a council; the number of councillors to be elected to the council; parish warding), and consequential matters such as the 'knock-on' effect on the City wards or the setting of the commencement dates for any new arrangements.
- 1.10 In this Review we are concerned only with the total number of councillors to be elected to the parish.

2. THE PRESENT STRUCTURE OF THE PARISH OF BLACKBIRD LEYS AND ITS ELECTORAL ARRANGEMENTS

Blackbird Leys parish electoral arrangements

- 2.1 The Parish of Blackbird Leys has a council of 16 members. The Local Government Act 1972 states that the number of parish councillors for each parish council shall not be less than five.⁵ However, there is little further guidance on appropriate numbers of parish councillors to be elected to a council. There is no maximum number, and there are no rules relating to the allocations of councillors. .
- 2.2 The parish is divided into wards for the purposes of the election of the parish council and the existing electoral arrangements are shown in the table below

⁴ Section 81(2) requires the area under Review to be specified in this Terms of Reference

⁵ Section 16 of the Local Government Act 1972

Electoral arrangements and levels of representation for the Parish

Parish Ward	Electors	Councillors	Ratio of Electors to Councillors
Blackbird Leys	4402	8	551
Northfield Brook	4179	8	522
TOTAL	8581	16	536

2.4 These electoral arrangements were laid down in The City of Oxford (Electoral Changes) Order 2002. As a period of five years has elapsed since this Order was laid, it will not be necessary to seek the consent of the Electoral Commission if it becomes the intention of the Council to alter the electoral arrangements for the parish.⁶

3. The legislative background to parish wards

3.1 Section 95(3) of 2007 Act gives consideration to warding arrangements for parish councils. In the legislation, the warding of parishes is considered appropriate where the number or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient. As the parish is split across two City Council wards warding is required.

3.2 In its letter the parish says that for many years it has not been possible to fill all the available seats on the Council. There have been no polls triggered for elections to the parish for many years. All the councillors have been elected unopposed as the number of candidates has always been less than the number of vacancies. The Parish would like to reach a position where there was competition for seats and elections to raise the awareness and interest amongst the parishioners and feel that a reduced number of councillors will help in this. The Parish is also concerned, in community governance terms, about the difficulty of reaching a meetings quorum at times of holiday, etc.

4. CONSEQUENTIAL MATTERS

Commencement dates for any new arrangements

4.1 The Council envisages that if an Order is made it will specify the following commencement dates -

⁶ A consideration in Section 86 (3 and 6) of the 2007 Act; Guidance, paras.170-174

- 1st December 2012 – Publication of the Revised Register of Electors – the new register gives effect to any boundary and electoral arrangement changes;
- 1st May 2014 – the next ordinary elections of parish councillors for Blackbird Leys parish, using any new councillor numbers;
- 6th May 2014 – the existing parish councillors retire and any new parish councillors take up office.

5. HOW DOES THE REVIEW PROCEED FROM HERE

- 5.1 The Council intends that the outcome of this Review should reflect the broadly held views of the residents of the affected areas insofar as they are compatible with two central legal tests: that community governance in our area should reflect the identities and interests of our communities and that it should be effective and convenient. We now invite your initial submissions in response to the questions that we have posed, and these should be received by a closing date of 3rd April 2012.
- 5.2 The Council will then prepare its Draft Proposals in this Review. In its Draft Proposals, the Council will balance the submissions that it has received against the legal tests and policies that have been outlined in this Terms of Reference document. The Draft Proposals will give our initial proposals for the future of the parish councillor numbers for the two wards of Blackbird Leys Parish Council. We will then allow a period of two weeks, in accordance with our timetable, for consultations on our proposals.
- 5.3 Our Final Proposals will be made in response to the outcome of those consultations. They may wholly change our Draft Proposals, because we will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies.
- 5.4 If changes to the existing warding arrangements are being recommended, the Review will be completed when the Council adopts a Reorganisation of Community Governance Order. This Order will also cover any issues that are the consequences of any changes.

6. CONSULTATION

How the Council proposes to conduct consultations during the Review

- 6.1 The Council has now drawn up and now publishes this Terms of Reference document. This document lays out the aims of the Review, the legislation that guides it and some of the policies that the Council considers important in the Review.

- 6.2 In coming to its Recommendations in this Review, the Council will take account of the views of local people. The Act requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the Review and to take the representations that are received into account by judging them against the criteria in the Act.⁷ In our timetable for the Review we allow a number of periods for comments and submissions.
- 6.3 The Council intends to publish all correspondence received in the Review and all decisions that it takes in the Review, giving its reasons for taking these decisions. The Council is mindful of the government’s guidance that “community governance reviews should be conducted transparently so that local people and other local stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.”⁸ The Council will endeavour to ensure that local government electors and any other person or body that appears to have an interest in the Review have every opportunity to express their views. The Council recognises the importance of ensuring full consultation and that more effective proposals will be developed if all stakeholders have a full opportunity to contribute to the Review.
- 6.4 The Council proposes to use general press releases, its website, the placing of key documents on deposit at civic offices, libraries, relevant parish council offices and contact points, briefing meetings and direct personal communication to achieve these objectives. The Council has to be mindful of the costs of a Review, and it will endeavour to ensure that the consultation process is cost effective and that only reasonable costs are incurred. Any groups or individuals who are unable to respond in writing can contact us in order that their views may be recorded in some other way and therefore taken into account.

The question: the review is limited to the issue of councillor numbers and consultees are invited to respond to the following question:

Question

Should the numbers of parish councillors for Blackbird Leys Parish Council be reduced? If so, to what number?

How to submit your views

- 6.5 Comments should be submitted to Electoral Services at the postal or e-mail addresses below.

⁷ Section 93

⁸ Guidance, para.98

You can contact us at:

Electoral Services
Oxford City Council
Town Hall
St. Aldate's
Oxford
OX1 1BX

01865 252987

elections@oxford.gov.uk

Details of our officer contacts are as follows:

Jeremy Thomas Head of Law and Governance	Strategic management of the Review	
William Reed Democratic Services Manager	Project and resource management of the Review	
Martin John Principal Electoral Services Officer	Responding to consultation responses and preparing key consultation documents	mjohn@Oxford.gov.uk 01865 252518

A timetable for the Review

6.6 Publication of this Terms of Reference document formally begins the Review, and the Review must be completed within twelve months.⁹

Our timetable for this Review is as follows:

Stage	What happens	Timescales	Dates
Commencement	Term of Reference are published		20 th February (by Full Council)
Stage One	Initial submissions are invited	Six weeks	21 st February – 3 rd April
Stage Two	Consideration of submissions received, draft recommendations are prepared	Four weeks	4 th April – 1st May
Stage Three	Draft Recommendations are published – consultations on them	Two weeks	2nd May – 15th May

⁹ Section 93(8) of the 2007 Act

Stage Four	Consideration of submissions received – final recommendations are drawn up	Two weeks	16 th May – 30 th May
Stage Five	Consideration by Full Council		9 th July
	If recommendations agreed, Full Council makes the Reorganisation Order		Takes effect - 1 st August