

REPORT TITLE: DRAFT REORGANISATION ORDER – COMMUNITY GOVERNANCE REVIEW WEST OF WATERLOOVILLE MDA

14 JUNE 2018

REPORT OF PORTFOLIO HOLDER: Councillor Stephen Godfrey, Portfolio Holder for Professional Services

Contact Officer: Steve Lincoln, Community Planning Manager Tel No: 01962 848110 Email: [slincoln@winchester.gov.uk](mailto:slincoln@winchester.gov.uk)

WARD(S): DENMEAD AND SOUTHWICK & WICKHAM

PURPOSE

The purpose of this report is to update progress on the ongoing Community Governance Review (CGR) in respect of the West of Waterlooville Major Development Area (MDA) and seek approval to proceed with the necessary steps to establish a new parish.

RECOMMENDATIONS:

1. That the Committee agree to the establishment of a new parish council to cover the area of the West of Waterlooville Major Development Area (as defined by the map at appendix 2) and to the preparation of a draft Reorganisation Order;
2. That permission be sought from the Local Government Boundary Commission for England for the draft Reorganisation Order to be made;
3. That final details be agreed with the existing parish councils for Denmead and Southwick & Widley to enable the preparation of a Reorganisation Order for submission to the Full Council on 26 September 2018;
4. That local stakeholders and Hampshire County Council be informed of this decision; and
5. That preparations be made for the new Newlands Parish Council to be established from 1 April 2019.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

- 1.1 The establishment of a successful community at West of Waterlooville is a priority for both Winchester City Council and Havant Borough Council.

### 2 FINANCIAL IMPLICATIONS

- 2.1 None – other than the cost of employee resource – see below.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 This process is being progressed in accordance with the statutory requirements as contained within the Local Government Public Involvement In Health Act 2007 (LGPIH Act) and the terms of reference agreed by this Committee on 30 November 2017 – LR502 refers.

### 4 WORKFORCE IMPLICATIONS

- 4.1 The review is being undertaken by the City Council as the principal council and staff time and resource must be dedicated to ensure an Order is made within the prescribed period.

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

### 6 CONSULTATION AND COMMUNICATION

- 6.1 The Portfolio Holder, signatories to the petition and other key democratic representatives have been engaged in the process to undertake this CGR and the recent consultation. The process has also required statutory notifications which have also been duly carried out.

### 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 There are no environmental; consideration arising from this report.

### 8 EQUALITY IMPACT ASSESSMENT

- 8.1 There are no equality issues arising from this report.

### 9 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property - None</i>		
<i>Community Support – If not completed within the timescales and/or if the consultation is not inclusive the City Council could be considered to</i>	Ensure resource and critical deadlines – as per timetable in the terms of reference – are adhered to.	To enhance the reputation of the City Council with the residents forming part of the MDA.

<i>have not supported the local community in response to their petition.</i>		
<i>Timescales - 11 months of the 12-month deadline has passed. The committee must complete this work within the statutory deadline. Beyond the deadline there is a risk of legal challenge.</i>	Amended but realistic timetables set within the terms of reference to complete work within the required timescales.	None
<i>Project capacity - None</i>		
<i>Financial / VfM - None</i>		
<i>Legal - Possible risk of challenge due to the overwhelming will of local residents and local interest</i>	Ensure statutory and DCLG guidance adhered to. Good, transparent decision making avoiding the use of exempt papers	
<i>Innovation - None</i>		
<i>Reputation - As already set out – a well completed CGR could overall enhance the reputation of the City</i>		As stated
<i>Other</i>		

## 10 SUPPORTING INFORMATION:

- 10.1 On 30 November 2017, this committee considered the implications of a petition requesting a Community Governance Review to change the current parish council arrangements in Denmead and Southwick & Widley to better serve the new housing area at West of Waterlooville. It was formally resolved to conduct this review in accordance with our role as the 'principal council' and a draft Terms of Reference as required by the LGPIH Act. Report LR502 refers. The Terms of Reference were subsequently updated to guide the process – see Report LR507.
- 10.2 As a first stage of the Community Governance Review process, WCC organised a first phase of public consultation in which we outlined four possible outcomes for future parish governance arrangements, specifically;
- Option 1: The existing situation to remain unchanged with the West of Waterlooville MDA being covered by the two existing Parish Councils
  - Option 2: The West of Waterlooville MDA is removed from both existing Parish Councils and a new separate Parish Council be created for West of Waterlooville MDA.

- Option 3: Parts of the West of Waterlooville MDA are removed from Denmead Parish Council and are amalgamated with Southwick and Widley Parish Council.
- Option 4: Parts of the West of Waterlooville MDA are removed from Southwick and Widley Parish Council and are amalgamated with Denmead Parish Councils and a new separate Parish Council be created for West of Waterlooville MDA.

10.3 The process and outcome of the initial consultation was outlined in report LR507 and considered by this committee on 21 February 2018. In summary, there was an overwhelming majority (74.2%) amongst the 604 responses from across the two parishes that Option 2 was the preferred option.

10.4 In light of this, the committee resolved to proceed to publish draft proposals to establish a new parish council for the West of Waterlooville MDA formed from parts of the existing Denmead and Southwick & Widley parish council areas. This would accord with the requirements of the LG&PIHA 2007 to allow;

- a better arrangement of ‘cohesive and sustainable communities’ to be formed;
- a distinctive and recognisable community of place with its own sense of identity; and
- effective and convenient local government, viability and the ability to deliver services.

It was proposed that draft arrangements should indicate that the new council’s boundary broadly cover the area defined as the West of Waterlooville MDA with some variations to ensure a contiguous area with no islands or ‘no-mans land’ being created.

10.5 The results of the initial consultation and an outline of the recommendation were outlined in a letter sent to all dwellings within the WCC part of the MDA boundary in early March. Formal notification of the recommendations and Stage 2 consultation was also passed to Hampshire County Council, the Hampshire Association for Local Councils and the Local Government Boundary Commission for England (LGBCE). In addition, representatives for Grainger, the main housing developer in the MDA, were also informed. This contained details for two drop-in information events at Berewood Primary School and Wellington Care Home for local residents. It also advertised links to further online information and the consultation questionnaire.

10.6 The second consultation ran from March 15 to April 20 during which time we held the information events in the locality and presented to the West of Waterlooville Forum. Out of 475 letters sent out to local addresses with registered electors, thirty-two residents sent responses. This was a low response compared with the previous phase. There have been suggestions that the low response may be due to;

- the subject matter of the letters sent to residents being insufficiently indicated on the envelopes and may have been ignored;
- the local community having ‘consultation fatigue’ on this matter; and

- no availability for a postal response channel.

Lessons from this will be considered for future consultations.

- 10.7 The headline results of the second consultation are set out below and a number of detailed comments are set out in appendix 1.

Question 1: What style should the new Council take?

Option	Total	Percent of All
Not Answered	0	0%
A Town Council	2	6.25%
A Parish Council	28	87.50%
A Neighbourhood Council	0	0%
A Community Council	2	6.25%

Question 2: What should the new Council be called?

Option	Total	Percent of All
Eastmead	1	3.125%
Newlands	11	34.37%
Oakwood	3	9.375%
Southmead	1	3.125%
Wellingswood	1	3.125%
Westwood	6	18.75%
Other / Not Answered	9	28.125%
Berewood	6	
Berewood & Wellington	1	
Eastwick	1	

Question 3: I think we should vote for the members of the new Council;

Option	Total	Percent of All
From a single list of candidates for the whole parish	22	68.75%
From each of the three polling districts within the parish	3	9.375%
Don't know/ No opinion	7	21.87%
Not Answered	0	0%

- 10.8 The key conclusions are that the preferred outcome is that a new parish council is created. In accordance with the public responses and the support of both of the existing parish councils responses, this shall be called Newlands Parish Council. Its members will be elected from a single list for the whole parish area.

- 10.9 Of the detailed responses outlined in appendix 1, the most significant matter is in respect of the boundary. This had been extensively consulted on by the Parish Councils prior to the submission of the petition. There was broad agreement that the boundary should seek to conform with the MDA within the WCC area, alongside some minor variations to avoid administrative islands.
- 10.10 Discussions with Southwick & Widley Parish Council covered some detailed queries in relation to the land adjacent to the southern tip of the MDA area. In particular, representations were made in respect of the Woodside Childrens' Nursery and adjacent properties accessed from Purbrook Heath Road. In the initial proposals, this parcel of land was to be included within the new parish to avoid forming an administrative island. However, the owners have declared a preference to stay within Southwick & Widley Parish. This has been supported by the parish council, which has submitted a proposal to amend the boundary so these premises are retained in their area together with the southernmost area of the MDA, also accessed from Purbrook Heath Road. The housing developer, Grainger, has been informed of this request and has indicated the most agreeable amendment from their perspective, taking account of future landscape management implications. The boundary being proposed for the new parish, which is supported by Grainger and the Southwick & Widley Parish Council, is shown in appendix 2.
- 10.11 There will also need to be some variations to the boundary in the north-western corner of the site to the north of Cutler's Farm to maintain consistency with ward boundaries and avoid the creation of a small island isolated from the rest of Southwick & Widley Parish.
- 10.12 Discussions have also taken place with the two parish councils on the matters relating to the transfer of the assets, responsibilities, land and funds to the new council. These have yet to be finalised but no barriers to a smooth transition are foreseen. Once agreement has been reached on these points they shall be included within the draft Reorganisation Order. It should be noted that if agreement cannot be reached in respect of any finances (which are not exclusive to the existing parishes) these shall be apportioned on a population basis using a population estimate from the City Council on the day before the Order takes effect (i.e 31 March 2019). The ongoing transfers of responsibilities for land and buildings from the site's contractors will in the main be delayed until after the new Council is formed. The long-delayed provision of a temporary community building within the Southwick and Widley part of the MDA will now be progressed prior to the end of September 2018 on the basis that responsibilities will transfer to the successor council in 2019.
- 10.13 In tandem with the assessment of funds to be transferred to the new Council, calculations are also being made on the revenue base for the new council so that estimates can be made on the new Council's budget requirements for 2019/20. This will also facilitate the calculations to set the council's first council tax precept on or after 15<sup>th</sup> October 2018.
- 10.14 Arrangements for a shadow council have been subject to debate and the representatives of the West of Waterlooville Advisory Group (made up of parish and city council members) have been earmarked to play an advisory

role on decisions for the new council post 1<sup>st</sup> April 2019. However, in respect of any necessary binding decisions for the new council, it is proposed that these be made by the elected councillors for the Denmead and Southwick & Wickham wards of Winchester City Council.

10.15 Having considered the responses and representations made by the two parish councils, the following recommendations are proposed for the making of the Draft Reorganisation Order to establish the new council. Subject to receiving permission from the LGBCE, this Order will be presented for confirmation to the meeting of the Full Council on 26 September 2018 and will contain:

1. That the Order be Cited as the Winchester City (Reorganisation of Community Governance in Demead and Southwick & Widley Parishes) Order 2018.
2. The Order shall come into force on 1<sup>st</sup> April 2019 save for the articles relating to:
  - (a) Calculation of budget requirement;
  - (b) proceedings preliminary or relating to the election of parish councillors for the parish of Newlands, to be held on the ordinary day of election of councillors in 2019, which shall take effect the day after the Order is made; and
  - c) the number of parish councillors which shall take effect on the ordinary day of election of councillors in 2019.
3. A new parish, comprising the area outlined on the map (appendix 2) shall be constituted within the Winchester District.
4. The name of the new parish shall be Newlands.
5. In consequence of this Order, the area of the new parish shall cease to be part of the existing parishes for Denmead and Southwick & Widley.
6. The election of all parish councillors for Newlands shall be held on the ordinary day of election of councillors in 2019 (02-05-19).
7. The term of office of every parish councillor elected on the ordinary day of election of councillors in 2019 for the parish of Newlands shall be four years.
8. The number of councillors to be elected for the parish of Newlands shall be nine.
9. The parish of Newlands shall not be divided into wards.
10. The annual meeting of the new parish council in 2019 shall be convened by the Returning Officer of Winchester City Council. The meeting will take place no later than 14 days after the day on which the councillors elected to the new parish council take office.
11. The area coloured and designated by the letter A on the map (appendix 2) shall cease to be part of the parish of Denmead and shall become part of the parish of Newlands.
12. The area coloured and designated by the letter B on the map (appendix 2) shall cease to be part of the parish of Southwick & Widley and shall become part of the parish of Newlands.
13. The registration officer for Winchester City Council shall make such rearrangement of, or adaptation to, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

14. A budget for 2019/20, which is still to be finalised, will be set by the City Council.
15. The land, property, rights and liabilities, which are still to be finalised, shall transfer from Denmead Parish Council to the Newlands Parish Council.
16. The land, property, rights and liabilities, which are still to be finalised, shall transfer from Southwick & Widley Parish Council to the Newlands Parish Council.
17. Until the councillors elected to the council of the new parish of Newlands at elections to be held on the ordinary day of election of councillors in 2019 come into office, the new parish shall be represented by those persons who immediately before 1<sup>st</sup> April 2019 are elected councillors for the Denmead and Southwick & Wickham wards of Winchester City Council.

## 11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 The report highlights that other options were identified in the terms of reference. These were subject to consultation and rejected in line with the feedback. Other proposals were suggested in the consultation including moving the area into the boundary of Havant Borough Council. Such an option is not with the gift of this council to propose or progress and the Local Government Boundary Commission for England, who have been informed, have not expressed an interest in this idea.

### BACKGROUND DOCUMENTS:-

#### Previous Committee Reports:-

LR502: COMMUNITY GOVERNANCE REVIEW - WEST OF WATERLOOVILLE MAJOR DEVELOPMENT AREA - 30 NOVEMBER 2017

LR507: COMMENTS FOLLOWING CONSULTATION OF THE COMMUNITY GOVERNANCE REVIEW - WEST OF WATERLOOVILLE MAJOR DEVELOPMENT AREA - 21 FEBRUARY 2018

#### Other Background Documents:-

Guidance on Community Governance Reviews – March 2010

### APPENDICES:

Appendix 1 – List of consultation feedback and officer responses to the points raised.

Appendix 2 - Map showing proposed area of Newlands Parish Council and the areas to be transferred from Denmead and Southwick & Widley Parish Councils.

## Appendix 1 Consultation responses

Comments about proposals	Response
<p><b>Boundary Matters</b></p> <p>“On the precise boundary of the proposed new parish, .....To the west the boundary broadly follows Newlands Lane with a number of properties to the east of the road excluded from the new parish. I can understand the exclusions of the two farms as these will have no road access in to the MDA but it is unclear why woodland to the south of Cutlers Farm is excluded as is why Alfordsmoor Coppice. The boundary would be better if it followed Newlands Lane to its junction with Purbrook Heath Lane. The footpath links through Alfordsmoor Coppice will ensure strong geographic links to the MDA and it is sensible that the parish covered an area in the vicinity of the built environment that will be used by its residents.</p> <p>To the south the boundary creates a small square of land that includes the Rowan’s Hospice which is squeezed between the new parish to the north and Havant Borough to the south. It would be better if the boundary followed Purbrook Heath Road. The properties here will have as stronger geographic link to the new parish than the village of Southwick several miles away.</p>	<p>The boundary of the MDA was determined by the Southwick Estate when they sold the land to Grainger for development. Whilst the uneven ‘tooth’ like nature of the boundary may not look clean, it does follow natural hedgerows and property boundaries. Those properties to the West of Newlands Lane which lie outside of the MDA, all wish to remain within the Parish of Southwick &amp; Widley. Southwick &amp; Widley would wish to have some barrier to prevent future development of the urban area into the rural area.</p> <p>This was considered in the initial boundary proposals. Southwick &amp; Widley Parish Council has subsequently consulted the affected parties and supports the wishes of their constituents who have all indicated that they wish to be associated with the rural aspect of Southwick &amp; Widley, rather than be associated with an urban parish of Newlands. An alternative boundary change has therefore been proposed.</p>
<p>The process for selecting the name should be transparent, unlike the way Newlands Walk was chosen: vote results were not published and some options were rejected after the vote.</p>	<p>This is an advisory consultation, not a binding referendum. Nevertheless, all the results will be published as part of this report.</p>
<p>I’m upset that you haven’t included Berewood in the naming of the parish. We’ve settled in a new place and part of our new communities growing identity is the name of where we live. This would be greatly helped if WCC would stop trying to change our name.</p> <p>I think it’s very devious and idiotic how the</p>	<p>Berewood is the name used by Grainger Homes to define and market the development of Phase x and it is gaining recognition as a locality name. However, it does not cover the other key part of the MDA with Denmead Parish to the north, developed by Taylor Wimpey. As the existing parish councils desired a name which can</p>

<b>Comments about proposals</b>	<b>Response</b>
the council has deliberately selected names which don't include Berewood. We all tell people we live at Berewood and we are happy with the name and the association of being on the edge of the Forest of Bere.	cover both areas, Berewood was not included as an option.
The separation of the polling districts would be better running along the River Wallington.	The division of the polling districts is a responsibility of the Local Government Boundary Commission for England (LGBCE). They will review the areas as scope and pace of the new development dictates.
We need a local playground for the kids.	Comment passed to the current parish councils.
I am confused by the plan. When the developments are complete the majority of the properties will be in the XW1 area  What happens with the areas in Havant, specifically the proposed town park?	The division of the polling districts is a responsibility of the Local Government Boundary Commission for England (LGBCE). They will review the areas as scope and pace of the new development dictates.  Areas within Havant will be the responsibility of Havant Borough Council, as with all parts of Havant.
What would happen if insufficient numbers of people stand for election?  What training would candidates be given before standing and/or after election so that they are clear about responsibilities and accountability?  What voting rights would they have if they didn't live within the proposed Council area?  Clarification of what the proposed Council would be responsible for e.g. as currently roads are not adopted, some land is not built on and who is responsible for open spaces not yet decided.	These matters are enforced by general protocols overseen by Winchester City Council.  Training and guidance is available via the Hampshire Association of Local Councils (HALC).  All residents within three miles of any parish council are entitled to stand for election. Only residents of the area in question have the ability to vote.  The roles and responsibilities of a Parish Council are defined in law. The specific maintenance responsibilities of local assets will be defined in the Councils' Reorganisation Order to be enacted in April 2018
Where the new council will be based and if it will have any facilities for the residents to use eg, community hall	There is provision for a new community facility, which it is assumed will be occupied and run by the new parish council.

<b>Comments about proposals</b>	<b>Response</b>
	The community provision is due to be split between a smaller area, (for offices/meeting room) on the local centre near the school and a larger provision (suitable for badminton) in the town park. These are all subject to agreement.
Can the Winchester/Havant boundary be considered again so that all residents in the MDA could be part of the new Parish? (For example, Red Row and some parts of the Taylor Wimpey development.)	This is not in the gift of WCC to decide and is a matter for the Local Government Boundary Commission for England to consider. How the Parish Council works with the neighbouring parts of the development within Havant Borough is a matter it can consider when established .

"Has this consultation enabled you to give you opinions and ideas on this matter?"

Yes	27	84.375%
No	4	12.50%
Not Answered	1	3.125%

<b>Comments about Consultation Process</b>	<b>Response</b>
The community governance review page talked about consulting on the precise boundary of the parish in this phase but there were no specific questions on this and I had to use question 4 to provide my views	Good point. The questionnaire was amended to clearly prompt responses about the boundary within Question 4
Add some form of user tracking, so you can tell if the feedback is representative of the intended area (and not people from Australia taking a keen interest :-)	Users are tracked in respect that they are asked to submit their names and a home postcode. This helps us send personalised responses if necessary and assess the geographic coverage. The IP address of the sending device is also logged so that multiple / spam responses can be detected.
How about some community noticeboards?	There are community noticeboards run by the parish councils who decide what information should be displayed – did they display this?
A presentation at Residents' Meetings where 50 plus regularly attend.	The most popular local meetings are those concerning current local planning and community issues. Information events for this topic were

Comments about Consultation Process	Response
	arranged at two local venues for this and the previous phases of the consultation.
Actually put out information, nothing through our door at all.	An addressed letter was sent to all residences in the WCC part of the MDA that had a registered elector.
It's a bit confusing to have a second consultation when we've already voted for a new Parish	The consultation letter explained the nature and purpose of the two phases of consultation although it is accepted this may not clear to all people. Hence the purpose of the information events and the email account.
Better publicity. Allowing residents to register for email communications on relevant matters.	Hmm - Public Notice opportunities?
Leaflets through the doors,Residents newsletter.	A letter was sent to all households. The consultation was also alreted through local social media accounts and the West Of Waterlooville website.
Why is this area being put forward to be separated from the other areas.	Covered in previous Phase one Consultations. This proposal was the subject of a petition from over 200 local residents in Spring 2017.
The process feels a bit predestined to be Newlands parish Council.	Newlands is known to be the preferred name by the WoWAG but this council did propose other options and allowed the public to present their own suggestions.
More social media outreach, however, I do feel that since Nov 2017 (when I moved into the area) this has been very well communicated to residents via other methods. Thank you!	Key local stakeholder were asked to help us transmit the messages about this consultation which they helpfully did.

**Appendix 2 - Map showing proposed area of Newlands Parish Council and the areas to be transferred from Denmead and Southwick & Widley Parish Councils.**

