

**Report to Council 27.3.17 – Appendix 2**  
**Community Governance Review 2017**  
**Terms of Reference**

**What is a community governance review?**

Cheltenham Borough Council is carrying out a Community Governance Review, which is a review of the whole or part of the district area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes (in the case of this review – creating);
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election; Council size, the number of Councillors to be elected to the Council and parish warding).

**What does a parish council do?**

Parish councils are the most local form of government. They collect money from council tax payers via the borough council, which is known as a 'precept' and this is used to invest in the area to improve services or facilities. Parish councils are usually made up of local people who stand for election as parish councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services.

**Legislation**

Principal councils are required, by section 100(4) of the Local Governance and Public Involvement in Health Act 2007 to have regard to the Guidance on Community Governance Reviews which is issued by the Secretary of State, under section 100(1) and (3), and the LGBCE under section 100(2).

***The 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient, in terms of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.***

***Relevant considerations which influence judgments against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.***

The guidance states that:

- A parish should be based on an area which reflects community identity and interest and is of a size which is viable as an administrative unit of local government.
- Boundaries should be, and be likely to remain, easily identifiable.
- The recommendations made in the community governance review ought to bring about improved community engagement; better local democracy, and result in more effective and convenient delivery of local services.
- Parishes must fall within the boundaries of a single principal council's area.
- 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.
- The review must be completed within 12 months of the receipt of a petition.

## **Why are we carrying out a community governance review?**

A campaign group in Pittville submitted a valid petition to Cheltenham Borough Council in January 2017, calling for the creation of a new parish council for Pittville. This means Cheltenham Borough Council is required under the Local Government and Public Involvement in Health Act 2007 to carry out a community governance review to decide whether or not it should be created. The review must take place within 12 months of receipt of the petition (by January 2018). A map of the proposed Pittville Parish Council area is attached.

The petition states:

*This petition is addressed to Cheltenham Borough Council under Section 80 of the Local Government and Public Involvement in Health Act 2007 ('The Act').*

*We the undersigned, each being a local government elector for the area defined in the map produced by Pittville Parish Council Campaign Group, call upon Cheltenham Borough Council to conduct a Community Governance review in accordance with its duties under Section 83 of the Act.*

*Pursuant to Section 80(4) of the Act, we recommend the Council designates the areas defined on the map a parished area. We further recommend that a Parish Council be established for this proposed new parish, to be called Pittville Parish Council.*

The guidance states:

'For a petition to be valid, it must meet certain conditions. The first of these conditions is that the petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds are:

- a) for an area with less than 500 local electors, the petition must be signed by at least 50% of them.
- b) for an area with between 500 and 2500 local electors, the petition must be signed by at least 250 of them.
- c) for an area with more than 2500 local electors, the petition must be signed by at least 7.5% of them.

The number of electors in the area defined by the Pittville Parish Council Campaign Group is 3833 (based on the 1 December 2016 electoral register), so a minimum of 287 valid signatures was needed. The campaign group collected 310 signatures, of which 302 were valid.

## **Areas included in the review and covered by these terms of reference**

### **Creating a parish council for Pittville**

The review will consider the creation of a new parish to be known as Pittville Parish Council and we will consult all electors and stakeholders with an interest in the review, based on the area identified in the map attached. The review will need to consider the electoral arrangements including the number of Councillors to be elected and any warding arrangements.

### **Prestbury**

The review will be used to consult with a small number of properties in St Nicholas Drive, Prestbury, which make up polling district MC and are the only part of the Prestbury ward not to be included in

Prestbury Parish Council area. These properties would be between the parishes of Prestbury and Pittville if the new parish council for Pittville is created.

### **Rectifying anomalies**

The review will also be used to consult on rectifying a small anomaly in Merestones Drive, where 2 properties are on the electoral register for Warden Hill and Leckhampton with Warden Hill Parish Council, but have more of a relationship with Park ward which the rest of the road is in.

### **Who carries out the community governance review?**

Cheltenham Borough Council is responsible for carrying out the review. Full Council will be responsible for overseeing the process and agreeing the terms of reference and the recommendations from the review.

A cross party working group will be set up, including council officers, to oversee the implementation of the Community Governance Review and to report back to Full Council with recommendations based on the responses to the consultation. The working group will need to carry out the review impartially and objectively.

If the community governance review concludes that changes should be made and that the new parish council should be created, and this is approved by Full Council, then Cheltenham Borough Council would make and publish a Reorganisation Order to put changes into effect. The Order may cover any matters that appear to the council to be necessary to give effect to the Order. These may include the transfer and management or custody of property, functions, rights and liabilities and the setting of a precept if a new parish is to be created.

### **How will the council consult on the review?**

Before making or publicising the recommendations, the Council will take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the Council to consult the local government electors for the areas 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.

The Council will:

- Write to all households in the area under review;
- Consult other interested stakeholders (local residents associations, friends of groups, schools, the voluntary and community sector and local businesses);
- Consult ward councillors, adjacent ward councillors and parish councils;
- Welcome comments from any other person or body that wishes to make representation;
- Notify Gloucestershire County Council that a review is to be undertaken and consult them on the matters under review and
- Take into account any representations received in connection with the review.

Information about the review will be available on the council's website and documents will be available from the Municipal Offices.

Any decisions made and the reasons for those decisions will be published following the review.

## Timetable

Action	Who	By when
Terms of reference to be agreed and approval for a working group of officers and councillors to be set up to oversee the review	Full Council	27 March 2017
Terms of reference published		28 March 2017
Planning of consultation phase	Working group	April/May 2017
Consultation document and process for analysing the results to be approved.	Full Council	19 June 2017
Consultation phase: consulting with all electors and interested parties within the defined areas.	Working group	June / July 2017
Prepare recommendations	Working group	September/October 2017
Recommendations presented for approval	Full Council	November 2017
Recommendations published (if approved)		November 2017
Reorganisation Order made (if approved)		December 2017
Precept for new parish council included in council budget		February 2018
Parish Council elections		May 2018

## Electorate forecast

It isn't possible to determine the electorate forecast for the boundary of the proposed Pittville Parish Council, so the forecast is based on the Pittville ward. Based on the population increase estimated in the Joint Core Strategy and Local Plan trajectory, the Pittville ward has a net gain of 90 dwellings permitted up to 2021/22. An estimate of the increase in the electorate of the ward in the next five years is therefore 142. This is based on applying a multiplier of 2.1 people per household, and this is then divided by 75%, which is the estimated percentage of people eligible to vote. The current electorate of the ward (as at 1 March 2017) is 4570.

## What will it cost residents in the area under review if it becomes parished?

Residents within parished areas pay a parish precept, which is determined by the parish council and is linked to its activities and the level of support needed to deliver these, for example associated salaries, premises and any assets that might be transferred to its possession.

The annual precept for 2017/18 of the existing parish councils is detailed in the below table as an example:

Parish	Tax Base	Precept (£) per annum	Council Tax Band D (£) per annum
<b>Charlton Kings</b>	4186.10	68,720.00	16.42
<b>Leckhampton with Warden Hill</b>	1842.80	33,812.23	18.34
<b>Prestbury</b>	2858.30	63,868.68	22.34
<b>Swindon</b>	677.50	11,181.46	16.50
<b>Up Hatherley</b>	2155.00	21,505.34	9.98

**Date of publication of the terms of reference:** after approval by Full Council