

Cheltenham Borough Council
Council – 24 July 2017
Community Governance Review

Accountable member	Cllr Steve Jordan, Leader
Accountable officer	Pat Pratley, Head of Paid Service
Ward(s) affected	Pittville, St Pauls, Oakley, Prestbury, Up Hatherley, Warden Hill, Leckhampton, Park, Charlton Kings, Charlton Park, Battledown
Key/Significant Decision	Yes
Executive summary	<p>A cross party working group was set up to oversee a community governance review prompted by the receipt of a valid petition from Pittville Parish Council Campaign Group for the creation of a new parish council. The terms of reference were agreed by council on 27 March 2017.</p> <p>The working group has met three times and has:</p> <ul style="list-style-type: none"> • Considered the proposed boundary provided by the Pittville Parish Council Campaign Group. • Considered proposals from three of the existing parish councils about consulting on extensions to their current boundaries as part of this review, plus the anomaly areas in Merestones Drive and St Nicholas Drive. • Planned the consultation phase for the review and a process for determining what the result is from the responses received. <p>The working group now seeks Council approval to the recommendations below to enable it to commence the consultation with electors and stakeholders in Pittville and in three of the existing parish council areas during August and September 2017.</p>
Recommendations	<ol style="list-style-type: none"> 1. That Council approves an amendment to the boundary for consultation in Pittville as per the description in paragraph 5 of Appendix 2 and map 2 in Appendix 2A. 2. That Council approves amendments to the terms of reference for the Community Governance Review 2017 to include consultation about making changes to the existing parish council boundaries: <ul style="list-style-type: none"> • The addition of 4 small consultation areas for Charlton Kings Parish Council (see map 4 at appendix 2A) • The addition of a consultation area for Leckhampton with Warden Hill Parish Council (see map 5 at appendix 2A) • The addition of a consultation area for Up Hatherley Parish Council (see map 6 at appendix 2A)

3. That Council approves the consultation process as described in Appendix 2, paragraph 8 and the respective consultation documents to go out to:

- **All registered electors at 24.7.17 within the proposed Pittville Parish Council area (Appendix 2B refers)**
- **All registered electors at 24.7.17 within the proposed consultation areas for Leckhampton with Warden Hill Parish Council; Charlton Kings Parish Council and Up Hatherley Parish Council (Appendix 2C refers)**
- **All registered electors at 24.7.17 in the small parts of St Nicholas Drive and Merestones Drive (Appendix 2 D refers)**
- **Stakeholders with an interest in the Community Governance Review in and around the four areas (Appendixes 2E and 2F refers).**

4. That Council approves the recommendation from the working group about the process for determining the results of the consultation as described in Appendix 2, paragraph 12.

Financial implications

The cost of the consultation for the proposed Pittville Parish Council is estimated to be £3,000, which will need to be met from the council's general balances. The consultation costs for the proposed boundary changes for Up Hatherley, Warden Hill & Leckhampton and Charlton Kings Parish Council will be paid by these Parish Councils.

If the proposed boundary changes for Up Hatherley are accepted, consideration will need to be given to the transfer of two allotment sites in the areas to the responsibility of the Parish Council. (See Appendix 2 paragraph 6.6.2 for details). There may be a small impact on the council's Medium Term Financial Strategy should this future transfer take place.

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Legal implications	<p>One of the responsibilities of the Working Group is to consider the proposed boundary of the new Parish Council. The proposed boundary was within the petition submitted by the Pittville Parish Council Campaign Group. Under regulation 9 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008, land held or used for the purposes of the Allotments Acts 1908 to 1950 will be automatically transferred from the District Council to the new Parish Council if it is in an area constituted as a parish by a Reorganisation Order. Consequently any allotments that do fall within the boundary of the new Parish Council will be transferred.</p> <p>If allotments are to be transferred, section 8 of the Allotment Act 1925 states that "<i>where a local authority has purchased or appropriated land for the use as allotments the local authority shall not sell, appropriate, use or dispose of the land for any purpose other than use for allotments without the consent of the Secretary of State</i>". Therefore, the Council can only transfer to the Parish Council on the basis that the land will be used as allotment land and an appropriate restriction could be imposed to prevent the land's subsequent sale for any other purpose. Additionally the Secretary of State would need to authorise any such disposal if the intended use was for anything other than allotments.</p> <p>Whilst conducting the Community Governance Review, it will remain open to the Working Group to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines. When considering the petition the focus of the Working Group has to be on community cohesion. The members of the Working Group must remain impartial throughout and consider fully the responses received during consultation.</p> <p>In respect of any personal information supplied by the consultees during the consultation, any such information will be held by the Council in accordance with data protection legislation and will only be used for the purpose of the Community Governance Review. Personal information will not be published by the Council and individuals will not be identified.</p> <p>Contact officer</p> <p>John Teasdale</p> <p>john.teasdale@tewkesbury.gov.uk</p> <p>01684 272699</p>
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<p>HR implications (including learning and organisational development)</p>	<p>There are two allotment sites in the Up Hatherley consultation area (see appendix 2 - para 6.6.2) so if these were both to be transferred, there would be a small impact on the Green Space team as this would mean a potential 1/8 of CBC managed sites being transferred.</p> <p>If these are to be included within a parished area, and if they are to be transferred to the relevant parish council, then the council will want to fully understand the financial and staffing implications of this transfer.</p> <p>It is suggested that these are determined as part of the report that will be brought back to full council in December 2017.</p> <p>Cheltenham Borough Council is responsible for carrying out the community governance review, which needs to be carried out within existing staff resources within the Strategy and Engagement Team.</p> <p>Contact officer</p> <p>Julie McCarthy</p> <p>Julie.mccarthy@cheltenham.gov.uk</p> <p>01242 264355</p>
<p>Key risks</p>	<p>Please see risk assessment attached as appendix 1</p>
<p>Corporate and community plan Implications</p>	<p>Supporting the creation and growth of parish councils in the borough supports the Corporate Strategy theme 'People live in strong, safe and healthy communities', as people are encouraged to get actively involved in their communities.</p>
<p>Environmental and climate change implications</p>	<p>Neutral impact on climate change.</p>
<p>Property/Asset Implications</p>	<p>Any allotments currently managed by CBC that as a result of the boundary changes became part of a parish council area would have to be transferred to the parish council. The area being consulted on behalf of Up Hatherley Parish Council includes two CBC managed allotment sites (see appendix 2 - para 6.6.2).</p> <p>If these are to be included within a parished area, and if they are to be transferred to the relevant parish council, then the council will want to fully understand the full financial implications, especially should the sites cease to be required for allotments at some future date together with any and staffing implications of this transfer.</p> <p>It is suggested that these are determined as part of the report that will be brought back to full council in December 2017.</p> <p>Contact officer</p> <p>David Roberts</p> <p>David.Roberts@cheltenham.gov.uk</p> <p>Tel: 01242 264151</p>

1. Background

- 1.1** 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 CBC 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 a new parish council should be created. The review must take place within 12 months of receipt of the petition.
- 1.2** Council on 27 March 2017 agreed the terms of reference for the working group which subsequently met three times and has:
 - Considered the proposed boundary provided by the Pittville Parish Council Campaign Group.
 - Considered proposals from three of the existing parish councils about consulting on extensions to their current boundaries as part of this review, plus the anomaly areas in Merestones Drive and St Nicholas Drive.
 - Planned the consultation phase for the review and a process for determining what the result is from the responses received.
- 1.3** The report from Cllr Deryck Nash as independent chairman of the cross party working group is attached as appendix 2.
- 1.4** The working group has suggested an amended boundary for the proposed Pittville Parish Council, to remove the Midwinter allotments and the side of Prestbury Road which is in Oakley ward. It has agreed to include the fourth side of Clarence Square (in St Pauls ward) and to follow the ward boundary between Prestbury and Pittville wards, which is also a parliamentary boundary, but which cuts across the new University Pittville Campus accommodation site. This is set out in in appendix 2, paragraphs 3 to 5.
- 1.5** The working group supports proposals from three of the existing parish councils (Charlton Kings, Leckhampton with Warden Hill and Up Hatherley) for consulting on extensions to their current boundaries as part of this review. Please see Appendix 2, paragraph 6 for details and appendix 1A for maps.
- 1.6** The working group has devised a consultation process for the review, including consultation letters and background information to go to electors within each area being consulted and a different version for stakeholders and others who may have an interest in the review. Please see Appendix 2, paragraph 7.
- 1.7** The working group has also considered an approach for interpreting the results of the consultation. Please see Appendix 2, paragraph 11.
- 1.8** **Consultation and feedback**
- 1.9** The contents of this report have been compiled by the cross party working group.
- 1.10** Input has also been received from the Pittville Parish Council Campaign Group and from representatives from the existing parish councils involved in the review.
- 1.11** In addition, a members' seminar was held on Wednesday 19th July. This provided the opportunity for all elected members to review the consultation proposals.

2. Performance management –monitoring and review

- 2.1 The Community Governance Review must be completed by January 2018, which is 12 months from the date of receipt of the petition from the Pittville Parish Council Campaign Group.
- 2.2 The working group will analyse the responses received in connection with the review and use them to determine what the recommendation should be in each area. Full Council will be asked to approve any recommendations arising from the review.

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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Report from the Community Governance Review Working Group<ol style="list-style-type: none">2A Maps2B Consultation letter to electors in the Pittville consultation area2C Consultation letters to electors in the existing parish council consultation areas2D Consultation letters to St Nicholas Drive and Merestones Drive properties2E Letter to stakeholders (Pittville)2F Letter to stakeholders (existing parish council consultation areas)3. Terms of reference for CGR agreed 27.3.174. Terms of reference for CGR Working Group agreed 27.3.17
Background information	<ol style="list-style-type: none">1. DCLG guidance on community governance reviews

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Reputational risk if Council does not approve recommendations put forward through the community governance review.	Head of Paid Service	27.3.17	2	2	4	Reduce	Report and recommendations based on the results of the consultation to be brought back to Full Council for approval.	December 2017	Helen Down	
	Financial risks if it is agreed that the new parish council should be created, but the Reorganisation Order is not made in time to set the precept for the new council in February 2018.	Head of Paid Service	27.3.17	3	2	6	Reduce	Recommendations to be presented to Full Council by December 2017, to allow time to make the Reorganisation Order.	January 2018	Helen Down	
	Financial and staffing risks if the two allotments referred to in appendix 2 - para 6.6.2 are transferred to a parish council	Head of Paid Service	12.7.17	2	3	6	accept	Financial and staffing implications will be determined and presented to full council in December	December 2017	Helen Down	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											