

Report from Community Governance Review Working Group – Appendix 2

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1. Background

- 1.1 On 27 March 2017 Cheltenham Borough Council (CBC) unanimously approved:
- The terms of reference for a community governance review (to include Pittville and the properties in St Nicholas Drive and Merestones Drive) be approved and published as soon as possible after approval. The terms of reference approved are attached at Appendix 3;
 - That a cross party working group be set up to oversee the community governance review (with terms of reference as attached at Appendix 4 to this report and to report back to Council with its recommendations.

The terms of reference for the review were published following the meeting on 27 March 2017.

- 1.2 The membership of the cross party working group is as follows:
- Cllr Deryck Nash, Gloucestershire Association of Parish and Town Councils (GAPTC) – independent chairman;
 - Councillor Steve Jordan, Leader of Cheltenham Borough Council;
 - Councillor Adam Lillywhite, People Against Bureaucracy (PAB) Group;
 - Councillor Diggory Seacome, Conservative Group;
 - Councilor Peter Jeffries and Councillor Dennis Parsons, Liberal Democrat Group;
 - Helen Down – CBC Participation and Engagement Team Leader;
 - Richard Gibson – CBC Strategy and Engagement Manager;
 - Alison Robinson – Chief Executive Officer, Gloucestershire Association of Town and Parish Councils.

- 1.3 The working group met three times between 27 March 2017 and 24 July 2017.

2. Purpose of the working group

- 2.1 As set out in Appendix 4 to the Council report of 27 March 2017 the working group is an advisory group and its purpose is to:
- Consult local government electors in the areas under review, within the proposed boundaries of the areas to be parished;
 - Consult others who would have an interest in the review, for example, Gloucestershire County Council, local businesses and local public and voluntary organisations, such as schools and health bodies;
 - To make recommendations as a result of the review, which take account of representations received in connection with the review as well as this authority's own knowledge of the local area, while having regard to the statutory criteria (see below in italics R1.2) and for the criteria as agreed by Council.

3. Petition to create a new parish council for Pittville

- 3.1 Appendix 2a, map 1, shows the proposed boundary for a new parish council for Pittville as submitted by the campaign group. The boundary includes:
- all of the Pittville “LA” polling district area;
 - part of Pittville “LB” polling district;
 - a proportion of Oakley “JC” polling district (the south side of Prestbury Road); and
 - a small part of St Pauls “PA” polling district (the south side of Clarence Square).
 - The boundary also included the Midwinter allotments.

4. Legislation

- 4.1 As set out in the terms of reference of the community governance review, Cheltenham Borough Council, as a principle council, has a duty placed upon it by the Local Governance and Public Involvement in Health Act 2007, in conducting any community governance review for an area. In so doing the council must ensure that it *“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”*.

5. Proposed boundary for consultation in Pittville (please see map 2 in Appendix 2a)

- 5.1 The working group has carefully considered the proposed boundary for Pittville as put forward by the Pittville Parish Council Campaign Group and recommends that the boundary that is used as the basis for consultation be amended as follows:
- 1) The Midwinter allotments comprise 194 plots of which 19, ie less than 10%, are held by residents living within the proposed Pittville boundary. Allotment provision is a statutory function of a parish council, and therefore if these allotments were to fall within the new Pittville parish boundary, the site would have to be transferred to the new parish council. Given the fact that the Midwinter allotments is one of the largest allotment sites within the Borough, the view of the group was that the transfer would impact on the economic and efficient provision of the service. In addition, the small number of allotment holders who live within the proposed parish was another factor considered by the working group. The authority’s legal advisers, One Legal, has confirmed that a memorandum of understanding could be drawn up to ensure that as vacancies arise at the Midwinter allotments, CBC would seek to sustain 10% of tenancies being held by people in the Pittville parish.
 - 2) That the **Oakley side of Prestbury Road** is removed from the area. The Department for Communities and Local Government guidance on community governance reviews states that “as far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by barriers such as rivers, roads or railways. They need to be and be likely to remain, easily identifiable”. The view of the working group is that the current ward boundary, which runs up the middle of Prestbury Road, is the most obvious boundary. However, it was agreed that residents on the Oakley side of Prestbury Road should be written to as stakeholders as part of the consultation process to ascertain their views.

- 3) To keep **the fourth (St Pauls) side of Clarence Square**
The view of the working group was to keep the fourth (St Pauls) side of Clarence Square within the boundary as the square is a natural community
- 4) **That the parish council boundary between Prestbury and Pittville is kept coterminous with the ward/parliamentary boundary**
The working group considered the fact that the University of Gloucestershire's Pittville Campus has been developed into a student accommodation village and the boundary between Prestbury and Pittville wards runs across the middle of it (see map 3 in Appendix 2A). The community governance review can only affect change on parish council boundaries, so the working group proposed that the parish council boundary between Prestbury and Pittville be kept coterminous with the ward / parliamentary boundary and that accommodation blocks be counted as falling on either side of the boundary depending on which side the majority of the block is on.

However, the working group also noted that it is not good practice for the boundary to split the campus in this way and therefore recommends that this is put to the Boundary Commission next time a review of ward or parliamentary boundaries is made.

There are 3675 electors in the proposed boundary for consultation.

R1 That Council approves an amendment to the boundary for consultation in Pittville as per the description in paragraph 5 (above) and map 2 in Appendix 2A.

6 Amendments to existing parish council boundaries

- 6.1 In 2012, the council started a community governance review, which was going to consider extending the boundaries of Charlton Kings, Leckhampton with Warden Hill and Up Hatherley parish councils. The review was postponed because its scope became bigger than just resolving small anomalies and therefore the budget was insufficient to consult all electors within the existing parish areas as well as those being asked whether they wanted to become part of one.
- 6.2 Council agreed at the time to revisit the review ahead of the 2018 parish council elections, by which time it was thought that the future shape of the borough would be better known through the JCS and Cheltenham Plan. Since a review has been triggered by the petition from Pittville, it was felt to be the right time to invite the existing parish councils to consider proposals for amending their boundaries.
- 6.3 The parameters for proposals were that:
 - Boundary extensions would only be made within the existing borough boundary, as the DCLG guidance states that "*parishes must fall within the boundaries of a single principal council's area*".
 - The review would not include moving land from one parish council to another.
 - The parish councils would need to pay for the cost of the consultation with electors in the areas being consulted about joining the parish.

The following proposals for consultation were subsequently received by the Council.

6.4 Charlton Kings proposals

6.4.1 Charlton Kings Parish Council has requested that four areas are consulted (please see map 4 at Appendix 2A). These are:

- Roads off Sandy Lane
- Roads of Charlton Park Drive
- The other side of Oakley Road (not currently within the parish)
- The former GCHQ Oakley site.

6.4.2 There are an estimated 886 electors currently within these 4 areas.

6.5 Leckhampton with Warden Hill proposals

6.5.1 Leckhampton with Warden Hill Parish Council has requested that residents in the unparished part of the Leckhampton borough ward be consulted. Please see map 5 in Appendix 2A). This area is broken into 4 blocks, as the blocks closest to the existing parish council boundary are the most likely to want to become part of the parish.

6.5.2 There are 3070 electors currently in this proposed consultation area.

6.6 Up Hatherley proposals

6.6.1 Up Hatherley Parish Council has asked for consultation with residents in the unparished part of Warden Hill ward, which is adjacent to the existing parish council boundary, plus part of Hatherley Road, which is in Park ward. This area is broken into two blocks, with Alma Road as the line between them, because the block east of Alma Road is most likely to feel an affinity with Up Hatherley Parish Council. Please see map 6 in Appendix 2A.

6.6.2 In the block which lies east of Alma Road, there are two CBC allotment sites – Alma Road and Warden Hill. Unlike Midwinter, these are small sites; 24 full sized plots at Warden Hill and 83 plots at Alma Road, with allotment holders on the whole being very local to them. CBC currently manages around 800 allotment plots in the borough and if this area did choose to become part of the parish, there would need to be discussion about how these sites would be transferred to the parish council and what the future management arrangements should be.

6.6.3 There are 1,426 electors currently in this proposed consultation area.

6.6.4 The working group has considered these proposals and is happy to propose that consultation takes place with electors living in the specific areas

R2 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:

- **The addition of 4 small consultation areas for Charlton Kings Parish Council (map 4, appendix 2a)**
- **The addition of a consultation area for Leckhampton with Warden Hill Parish Council (map 5, Appendix 2a)**
- **The addition of a consultation area for Up Hatherley Parish Council (map 6, appendix 2a)**

- 7. Merestones Drive (2 properties) and St Nicholas Drive (8 properties)**
- 7.1 When Council approved the establishment of the working group and the terms of reference for the group it also made reference to addressing two small areas:
- An anomaly relating to 2 properties in Merestones Drive
 - Part of St Nicholas Drive, 8 properties, which is the only part of Prestbury ward not to be in Prestbury parish and would be between Prestbury and Pittville parishes if the new parish council in Pittville is created.
- 7.2 The working group has considered these proposals and is happy to propose that consultation takes place with electors living in the specific properties listed below:
- Merestones Drive (2 properties)
Two properties, numbers 58 and 67, are currently within Warden Hill ward and within Leckhampton with Warden Hill Parish Council's area, while the rest of the road is in Park ward. While this review is unable to make changes to ward boundaries the working group is proposing that these two properties are consulted with regard to moving them from Warden Hill ward and moving them into Park ward when the Boundary Commission next does a review of ward boundaries.
- St Nicholas Drive (8 properties)
Eight properties (numbers 19-26) are the only part of the road, and of Prestbury borough ward, not to be included within the proposed parish boundary for a new Pittville Parish Council. Therefore, if a new parish council is created these 8 properties would be the only unparished area between the two parishes of Prestbury and Pittville.
- 8. Proposed consultation process to be undertaken in the four areas**
- 8.1 The DCLG guidance stipulates that the principal council must consult with the local government electors for the area under review and any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- 8.2 Therefore, the working group has devised the attached letters (please see appendices 2B, 2C, 2D) to each registered elector in the areas under review, which includes a response slip where they can indicate 'yes' or 'no' to the proposals and add any further comments and return it in a freepost envelope. The letter includes accompanying background information, which explains why the review is being carried out, what a parish council is and does and what the implications are, including the increase to council tax (which forms the parish precept) for householders if they become part of a parish. There will also be the opportunity to respond online, by entering a unique identity number. This prevents any breach of data protection, as people are not being asked to put their personal details on the online survey form (see section below). The letters are similar, but adapted to each area under review.
- 8.3 For stakeholders and others who may have an interest in the review, the letters attached as appendix 2E and 2F will be sent out (adapted to each area), with the background information.
- 8.4 Details of the consultation will also be published on the council's website, with contact details for submitting any representations and a media release will be sent out.

8.5 As the electoral register is continually updated, the elections team will produce a list of registered electors as appearing on the electoral roll on 24 July 2017 for the purposes of this consultation.

R3 That Council approves the consultation process as described in paragraph 8 above and the consultation documents to go out to:

- **All registered electors at 24.7.17 within the proposed Pittville Parish Council area and**
- **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**
- **All registered electors at 24.7.17 in the small parts of St Nicholas Drive and Merestones Drive**
- **Stakeholders with an interest in the Community Governance Review in and around the four areas**

9 Consultation Timeline

9.1 Mid-August – letters will be hand delivered to each registered elector by the council's canvassers or by parish council volunteers. The exact date will depend on approval to the recommendations by Full Council on 24 July and printing lead in times.

9.2 Friday 29 September: Deadline for responses to be received.

9.3 Electors and others with an interest in the review will have between 6 and 8 weeks (depending on the issue date) to respond, and this will include 4 weeks which are outside the school summer holidays.

10 Costs

10.1 Costs include printing of the letters, background information and freepost envelopes and delivering these; the freepost license and responses; data entry and support from One Legal.

10.2 The existing parish councils have agreed to fund the cost of the consultation in their areas, and Cheltenham Borough Council will fund the cost of consultation in Pittville, which is estimated to be no more than £3000.

11 Data protection

11.1 To comply with data protection rules, it is proposed that the online response form will not ask for any personal details (for example name and address). Instead respondents will enter a unique identity number generated by CBC.

11.2 This is because the online form will be hosted by Google Forms on a server outside the UK, and hence if personal details were entered onto the form this would be a potential breach of data protection regulations.

12 Proposed process for determining the results of the consultation

12.1 The yes/no responses from registered electors will provide a quantifiable indication as to whether or not there is support for each area to become part of a parish. This quantitative data will need to be considered alongside the qualitative data from comments received and representations made by stakeholders and others with an interest in the review. The working group recommends that the yes/no responses from electors should be deemed the most significant indicator of support (or lack of) for the proposals, given that

these are the people who would pay the parish precept and whom the parish council would be there to serve.

12.2 The working group members could find no examples anywhere in the country where a minimum threshold for responses was used, but the working group agreed that there would need to be a clear demonstration of support through the number of responses received in each area and the number in favour of joining a parish for the working group to be able to judge that a new parish council should be created, or that existing parish boundaries should be amended.

12.3 It is recommended that the results from each area be considered as follows:

12.3.1 Pittville:

There must be a clear demonstration of support through the number of responses received, and an overall majority for either yes or no from the whole of the proposed area.

12.3.2 Charlton Kings:

A clear demonstration of support in terms of the level of response and an overall majority of either yes or no from each block being consulted as a separate entity, for example, a yes or no from the roads off Sandy Lane and a yes or no from the roads off Charlton Park Drive.

12.3.3 Leckhampton with Warden Hill:

A clear demonstration of support in terms of the level of response and an overall majority of either yes or no from each of the 4 blocks within the consultation area. However, if they are to join the parish, blocks must join up to the existing parish area, so if the blocks closest to the existing boundary decide not to join, then the blocks furthest from the existing boundary would also be counted as not joining the parish council even if they have indicated support.

12.3.4 Up Hatherley:

A clear demonstration of support in terms of the level of response and an overall majority of either yes or no from the 2 blocks within the consultation area. However, in the unlikely scenario that the block west of Alma Road (closest to the existing parish boundary) decided 'no' but the block east of Alma Road (furthest from the existing boundary) decided yes, this would be taken as a 'no' from the whole area, to ensure the blocks to be added join up to the existing boundary.

12.3.5 Merestones Drive (2 properties) and St Nicholas Drive (8 properties):

The 2 properties in Merestones Drive will be asked to decide whether or not they wish to be taken out of the Leckhampton with Warden Hill Parish Council boundary, and for change to happen, both would need to be in favour.

The 8 properties in St Nicholas Drive will be treated as a block and an overall majority of either 'yes' or 'no' to joining Prestbury Parish Council will be made.

12.3.6 It is proposed that input of the responses is carried out in September, so that a report can be made to the working group as soon as possible after the closing date for responses, to allow time for interpretation of the results and determining the recommendations to be made to Council in December. However, the working group recommends that the responses received during the consultation phase are not shared with the working group or with the campaign group until after the closing date for responses.

R4 That Council approves the recommendation from the working group about the process for determining the results of the consultation as described in paragraph 12 above.

13. Timeline for the rest of the review

13.1 The timeline has changed slightly from the dates included in the terms of reference, but the overall conclusion of the review (January 2018) remains the same.

Action	Who	By when
Consultation phase: consulting with all electors and interested parties within the defined areas.	Working group	End of September 2017
Consideration of consultation responses	Working group	October 2018
Prepare recommendations	Working group	October / November 2017
Potential member seminar		Late November / early December
Recommendations presented for approval	Full Council	December 2017
Recommendations published (if approved)		December 2017
Reorganisation Order made (if approved)		December 2017 / January 2018
Precept for new parish council included in council budget		February 2018
Parish Council elections		May 2018

14. Summary of issues raised by individual working group members

14.1 Cllr Lillywhite raised concern about the membership of the working group, because it included Cllr Dennis Parsons who is a member of the Pittville Parish Campaign Group, and therefore it was his opinion that Cllr Parsons could not be impartial. However, it was felt that having both ward councillors for Pittville on the group provided greater balance of opinion than only having one. The chair reminded the group that it was absolutely critical that the group acts in a fair, transparent and impartial way.

14.2 Cllr Parsons objected to the inclusion of reference to other possible forms of community governance within the consultation materials, but the working group felt that this was a useful part of a balanced and unbiased document.

15. Summary of recommendations from the working group:

The working group recommends that:

- R1** 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.
- R2** 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:
- 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)
- R3** That Council approves the consultation process as described in paragraph 8 above and the 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).
- R4** That Council approves the recommendation from the working group about the process for determining the results of the consultation as described in paragraph 12 above.

Author: Cllr Deryck Nash, Gloucestershire Association of Parish and Town Councils (GAPTC), Chair of the Community Governance Review Working Group