

Cheltenham Borough Council

Council – 23 January 2018

Community Governance Review

Accountable member	Cllr Steve Jordan, Leader
Accountable officer	Pat Pratley, Chief Executive
Ward(s) affected	Battledown, Charlton Park, Charlton Kings, Leckhampton, Park, Prestbury, Up Hatherley, Warden Hill
Key/Significant Decision	Yes
Executive summary	<p>On 11 December 2017, Council agreed the principle of altering the boundaries of four parish council areas:</p> <ul style="list-style-type: none"> • Charlton Kings • Leckhampton • Up Hatherley • Prestbury <p>Council also agreed the consequential parish warding, polling districts and representation</p> <p>To progress matters, council also agreed to the following:</p> <ul style="list-style-type: none"> • That householders residing in the properties originally written to are informed of the outcome of the consultation and the intentions of Council; • That additional consultation is undertaken regarding the request to further extend the boundary of Leckhampton with Warden Hill Parish Council to part of Leckhampton Hill; • That a Reorganisation Order be prepared to be brought back to Council on 23 January 2018 for approval. <p>This report summarises progress against these matters and brings the Reorganisation Orders to council for approval.</p>
Recommendations	<p>1. That Council agrees the following Reorganisation Orders:</p> <ul style="list-style-type: none"> • The Cheltenham Borough Council (Reorganisation of Community Governance) (Charlton Kings Parish) Order 2018 (appendix 2); • The Cheltenham Borough Council (Reorganisation of Community Governance) (Leckhampton with Warden Hill Parish) Order 2018 (appendix 3); • The Cheltenham Borough Council (Reorganisation of Community Governance) (Up Hatherley Parish) Order 2018 (appendix 4); • The Cheltenham Borough Council (Reorganisation of Community Governance) (Prestbury Parish) Order 2018 (appendix 5).

	<p>2. That the Chief Executive be authorised, in consultation with the Borough Solicitor, to take such actions and decisions as are necessary to facilitate the introduction and implementation of the Reorganisation Orders including the making of any minor changes to ensure clarity, consistency and lawfulness.</p>
Financial implications	<p>Charlton Kings, Up Hatherley and Leckhampton with Warden Hill Parish Councils will need to include in their precepts for 2018/19 the estimated additional costs of setting up, and providing services to, their respective additional areas.</p> <p>The Tax Base for each parish, calculated in December 2017, will also need to include the additional areas.</p> <p>The estimated cost of adopting the additional areas to each Parish Council and the effect on their precepts and council taxes will also need to be identified by each parish council, which must be approved before the Tax Bases are finalised by 31 January and before the Council Tax can be set for the affected parishes in February 2018.</p> <p>Contact officer Martyn Scull Martyn.Scull@Cheltenham.gov.uk Tel 01242 264351</p>

Legal implications	<p>As indicated in the report, the Act dealing with Community Governance Reviews is the Local Government and Public Involvement in Health Act 2007 Part 4, Chapter 3. This Act lays down the procedure to be used and the various factors that must be taken into account.</p> <p>The duty under Section 93 of the Act is to consult the electors of the area under review, and other person/bodies with an interest in the review, and to try and secure a community that reflects the identities and interests of the community affected, as well as needing to make the area "effective and convenient". The council must also take into account arrangements for community representation and community engagement, as well as having regard to any representations made. Any recommendations must, under the Act, be published and any persons who may be interested in the review informed of the recommendations.</p> <p>The draft Orders are attached to this report and, if approved, will be made as soon as possible after the Council meeting. They will authorise the preliminary work on the Electoral Roll to enable those Parish Wards with extra Councillors to be altered and the electors told of any changes. The actual boundary changes will not occur until 1st April 2018. The elections will take place as normal in May this year.</p> <p>The approach of making four separate Orders has been taken as this will ensure that there is a bespoke Order covering the arrangements for each Parish and, if any one Order was to be challenged, that would not delay progression of the other ones.</p> <p>Once made the Orders need to be deposited as required under the Act and appropriate publicity concerning their effect undertaken.</p> <p>Contact officer Gary Spencer gary.spencer@teWKesbury.gov.uk 01684 272012</p>
HR implications (including learning and organisational development)	<p>None identified as a result of these recommendations</p> <p>Contact officer Julie McCarthy Julie.mccarthy@cheltenham.gov.uk 01242 264355</p>
Key risks	<p>Please see risk assessment attached as appendix 1</p>
Corporate and community plan Implications	<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>
Environmental and climate change implications	<p>Neutral impact on climate change.</p>

Property/Asset Implications	<p>None identified as a result of these recommendations</p> <p>Contact officer David Roberts David.Roberts@cheltenham.gov.uk Tel: 01242 264151</p>
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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 meant that CBC was 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.
- 1.2** Council on 27 March 2017 agreed the terms of reference for the working group which considered the proposals from the Pittville Parish Council Campaign Group and proposals to consider two small anomaly areas in Merestones Drive and St. Nicholas Drive. CBC also subsequently invited proposals from existing parish councils about consulting on extensions to their current boundaries as part of the review.
- 1.3** The consultation plans were agreed by Council on 24 July and the results of the consultation were reported to Council on 11 December along with a series of recommendations to progress the review.
- 1.4** At the meeting Council agreed the principle of altering the boundaries of four parish council areas:
 - Charlton Kings;
 - Leckhampton;
 - Up Hatherley;
 - Prestbury.
- 1.5** Council also agreed the consequential parish warding, polling districts and representation arrangements.
- 1.6** To progress matters, Council also agreed to the following:
 - That householders residing in the properties originally written to are informed of the outcome of the consultation and the intentions of Council;
 - That additional consultation is undertaken regarding the request to further extend the boundary of Leckhampton with Warden Hill Parish Council to part of Leckhampton Hill;
 - That a Reorganisation Order be prepared to be brought back to Council on 23 January 2018 for approval.

2. Informing local residents of the outcome of the review

- 2.1** In the week before Christmas, letters were sent to 6514 householders in the areas identified in the maps contained within the appendices 2 to 5 of this report
 - Pittville – to inform householders that their area would not be parished
 - Charlton Kings – to inform householders that their area would be parished
 - Leckhampton – to inform householders that their area would be parished
 - Up Hatherley 1 - to inform householders that their area would be parished
 - Up Hatherley 2 - to inform householders that their area would not be parished
 - Prestbury (St. Nicholas Drive) to inform householders that their area would be parished
- 2.2** The letter gave householders the opportunity to make a comment or ask a question about the arrangements by midday Wednesday 10 January.
- 2.3** In total 10 comments were received. One comment expressed support, five comments sought additional clarification and there were four objections. A summary of objections is as follows:
 - One objection about the rise in council tax;
 - One objection as the parish council has views that the respondent does not agree with;
 - One objection that the benefits of being parished are not clear and therefore paying additional council tax might not be justified;
 - One objection from a respondent who feels that they live closer to Prestbury than Charlton Kings and is also concerned about paying additional council tax.

3. Consultation to include part of Leckhampton Hill within the boundary of Leckhampton with Warden Hill Parish Council

- 3.1** The proposal from Leckhampton with Warden Hill Parish Council to include part of Leckhampton Hill within its boundary was sent to the following:
- 3.2** All householders living within the proposed additional area of Leckhampton with Warden Hill Parish Council (identified within appendix 3), plus residents living within properties shown on the map included in appendix 6.
- 3.3** All land-owners. The ownership of the land is split between four groups, Cheltenham Borough Council plus the following:
- Pye Construction
 - Idris Davies Ltd (Property Management)
 - A private resident
- 3.4** A summary of the responses is as follows
- No comments from the land owners were received.
 - One comment was received by phone from a resident on Highland Road expressing a desire not to see any building work take place on the land.
 - One comment was received that the land should be under the care of Charlton Kings Parish Council and not Leckhampton with Warden Hill Parish
 - Six comments were received supporting the proposal.
- 3.5** As there were no objections to the proposal, it is recommended that the land is included in the boundary of Leckhampton with Warden Hill Parish Council and that this is included within the Cheltenham Borough Council (Reorganisation of Community Governance) (Leckhampton with Warden Hill Parish) Order 2018.

4. The four Reorganisation Orders

- 4.1** Council is being asked to approve the following Reorganisation Orders:
- The Cheltenham Borough Council (Reorganisation of Community Governance) (Charlton Kings Parish) Order 2018 (appendix 2)
 - The Cheltenham Borough Council (Reorganisation of Community Governance) (Leckhampton with Warden Hill Parish) Order 2018 (appendix 3)
 - The Cheltenham Borough Council (Reorganisation of Community Governance) (Up Hatherley Parish) Order 2018 (appendix 4)
 - The Cheltenham Borough Council (Reorganisation of Community Governance) (Prestbury Parish) Order 2018 (appendix 5)
- 4.2** The purpose of the Reorganisation Orders are as follows:
- 1) The Cheltenham Borough Council (Reorganisation of Community Governance) (Charlton Kings Parish) Order 2018.** To change the boundaries of the existing Parish Council to include the four areas on the Map and increase the number of Parish Councillors in West Ward by two
 - 2) The Cheltenham Borough Council (Reorganisation of Community Governance) (Leckhampton with Warden Hill Parish) Order 2018.** To change the boundaries of the existing Parish Council to include the two areas shown on the Map (subject to the outcome of consultation) and increase the number of Councillors in Leckhampton Ward from five to eleven.

- 3) **The Cheltenham Borough Council (Reorganisation of Community Governance) (Up Hatherley Parish) Order 2018.** To change the boundaries of the existing Parish Council to include the two areas shown on the Map and identify the number of Parish Councillors in North 1 Ward will be two and in North 2 Ward will be one.
- 4) **The Cheltenham Borough Council (Reorganisation of Community Governance) (Prestbury Parish) Order 2018.** To change the boundaries of the existing Parish Council to include the area identified on the Map.

5. Next Steps

5.1 The proposed timescales are as follows:

Agree and publish the Reorganisation Orders	Following council on 23 January 2018
Parish councils to agree precepts	By 31 January 2018
Precept for new parish council included in council budget	18 February 2018
Re-publish electoral register and consequential electoral arrangements	1 March 2018
First elections to the new parish council boundaries	3 May 2018

Report author	Contact officer: Richard Gibson Strategy and Engagement Manager Richard.gibson@cheltenham.gov.uk 01242 235 354
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. The Cheltenham Borough Council (Reorganisation of Community Governance) (Charlton Kings Parish) Order 2018 3. The Cheltenham Borough Council (Reorganisation of Community Governance) (Leckhampton with Warden Hill Parish) Order 2018 4. The Cheltenham Borough Council (Reorganisation of Community Governance) (Up Hatherley Parish) Order 2018 5. The Cheltenham Borough Council (Reorganisation of Community Governance) (Prestbury Parish) Order 2018 6. Map of additional areas consulted about the Leckhampton Hill proposal
Background information	<ol style="list-style-type: none"> 1. Community Governance Review Report to Council 27 March 2017 2. Community Governance Review Report to Council 24 July 2017 3. Community Governance Review Report to Council 11 December 2017 4. Guidance on community governance reviews – DCLG March 2010

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
	Financial and reputational risk if the Reorganisation Order is not approved before 31 January 2018, since the revised Tax Bases for the affected areas must be declared on or before that date. If the Order is not approved by February 2018 the Tax Bases and the parish precepts including the additional areas will then be incorrect, resulting in incorrect council taxes for the affected parishes	Chief Executive	27.3.17	5	2	10	Reduce	The Reorganisation Order must be approved before 31 January 2018.	January 2018	Richard Gibson	
Explanatory notes 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) 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) Control - Either: Reduce / Accept / Transfer to 3rd party / Close											