

Cheltenham Borough Council

Borough Boundary Review Request

Delegated decision by Cllr. Steve Jordan, Leader of the Council

Accountable member	Cllr. Steve Jordan, Leader of the Council
Accountable officer	Richard Gibson, Strategy and Engagement Manager
Ward(s) affected	Up Hatherley
Key Decision	No
Executive summary	<p>A boundary review request was received on 25 Sept and was made by the two ward councillors for Up Hatherley; Cllrs. Whyborn and McKinlay. Their request proposes bringing the former M+G site, now developed with c.270 homes and three other smaller sites within the borough boundary.</p> <p>This request was later endorsed by Up Hatherley Parish Council in a letter dated 12 October. The area is currently in Tewkesbury Borough and Badgeworth Parish (see plan attached at appendix 2).</p>
Recommendations	To not to proceed with the boundary review request at this time.

Financial implications	<p>No financial implications from this decision.</p> <p>Contact officer: Jon Whitlock</p>
Legal implications	Legal advice in regard of carrying out the review was made available to the Leader and to the lead officer -
HR implications (including learning and organisational development)	None identified
Key risks	<p>Progressing the boundary review without the support of Tewkesbury Borough Council could risk the close working relationship that the two councils have developed in working together on matters of shared benefit such as the Joint Core Strategy, our shared services such as Building Control and One Legal, and on the implementation of the Vision 2050.</p> <p>Progressing the boundary review without the support of local residents could risk causing upset and confusion.</p>
Corporate and community plan Implications	The boundary review was not seen as a corporate priority in the 2018/19 interim corporate plan
Environmental and climate change implications	None identified

1. Background

- 1.1** A boundary review request was received on 25 Sept and was made by the two ward councillors for Up Hatherley; Cllrs. Whyborn and McKinlay. Their request proposes bringing the former M+G site, now developed with c.270 homes and three other smaller sites within the borough boundary.
- 1.2** This request has now also been endorsed by Up Hatherley Parish Council in a letter dated 12 October. The area is currently in Tewkesbury Borough and Badgeworth Parish (see plan attached at appendix 2)

2. Background to boundary reviews

- 2.1** A review of the boundaries between district councils is known as a Principal Area Boundary Review (PABR). Any changes to the boundaries of Principal Councils are the responsibility of the Secretary of State following a recommendation from the Local Government Boundary Commission for England.
- 2.2** The LGBCE believes that local authorities should normally be the primary instigators of PABRs where they have identified the need for, and benefits of, changes to their boundaries. Accordingly, it will not normally undertake a review without a request from the principal councils concerned, or at least agreement from them that a review would be desirable.
- 2.3** The LGBCE needs to be satisfied that any proposed change meets its statutory and other criteria, and that the change has local support. At the end of a review it will make recommendations to the Secretary of State. This may be for change or no change.
- 2.4** When the boundaries between two or more principal council areas undergo significant change there will also be a need to examine the electoral arrangements of the authorities affected. This is to ensure that electoral fairness is enhanced, maintained or restored.
- 2.5** The LGBCE cannot recommend the creation or abolition of a parish. Nor can it recommend changes to the boundaries of parishes. However, they can comment on what consequential changes to parish arrangements the Secretary of State may wish to consider making if it is minded to accept any recommendations made for principal area boundary changes.

3. Statutory criteria and rules

- 3.1** Boundary reviews are governed by Section 8 of the Local Government and Public Involvement in Health Act 2007. The Act does not require LGBCE to undertake a review when requested to do so. It will decide in each particular case if a review is desirable. LGBCE expect any proposal for a boundary review to address the following issues:

Local support

Demonstrating that the proposal has substantial support amongst the local electors affected by the proposed change. The LGBCE will not invest resources where public support cannot be demonstrated.

Effective and convenient local government

Demonstrating that there are proper arrangements to ensure that the future provision of services to meet the needs of local people

Reflecting community identity

Ensuring that community characteristics are better reflected by the proposed boundary changes than by the existing boundaries

Financial implications –particularly for larger reviews

Ensuring that the proposal is supported by evidence of long term value for money for both the councils and tax-payers.

4. Considerations for the specific boundary review request

- 4.1** Does Tewkesbury Borough Council support the proposal? LGBCE is clear that the support of all councils involved in the review is essential for any review to progress. The LGBCE has just completed an electoral ward review of Tewkesbury Borough which is in the process of being implemented ahead of full Borough (and Parish) Elections in May 2019.
- 4.2** In a letter dated 24 January 2019, from Tewkesbury Borough Council Chief Executive, Mike Dawson, he states that following informal discussion with relevant members, *“it is unlikely under any circumstances that a proposal for a boundary review will receive support from Tewkesbury Borough Council.”*
- 4.3** Is there local support for the change? LGBCE is clear about the need for the case to include evidence of local support, not just from parish councils and partners but from electors themselves.
- 4.4** In a letter dated 20 November from Mr Peter Shield, writing on behalf of the Hatherley and Shurdington Triangle Action Group (HaShTAG), wrote “I was prepared to present our detailed objections to the additional proposal. However Cllr. Whyborn has emailed with the following statement “...following mainly negative feedback from the residents of the former M&G site houses, nothing is about to happen on a boundary review any time soon.””
- 4.5** It is therefore clear that at the current time, Tewkesbury Borough Council do not support the boundary review request, nor is there much local support for the request.
- 4.6** It is therefore proposed that the boundary review is not progressed at this time.

Report author	Contact officer: Richard Gibson Strategy and Engagement Manager richard.gibson@cheltenham.gov.uk 01242 235 354
Appendices	1. Risk Assessment
Background information	

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
	If the council progressed the boundary review without the support of Tewkesbury Borough Council could risk the close working relationship that the two councils have developed in working together on matters of shared benefit such as the Joint Core Strategy, our shared services such as Building Control and One Legal, and on the implementation of the Vision 2050.	Cllr. Steve Jordan	24.1.19	4	4	16	Reduce	Agree not to pursue boundary review at this point	Feb 2019	Richard Gibson	
	If the council progressed the boundary review without the support of local residents could risk causing upset and confusion	Cllr. Steve Jordan	24.1.19	3	4	12	reduce	Agree not to pursue boundary review at this point	Feb 2019	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