

Cheltenham Borough Council
Council – 12 December 2011
Community governance review

Accountable member	Councillor Colin Hay, cabinet member corporate services
Accountable officer	Jane Griffiths, Director of commissioning
Accountable scrutiny committee	Economy and business improvement
Ward(s) affected	All
Significant Decision	Yes
Executive summary	<p>The Local Government and Public Involvement and Health Act 2007 transferred the powers to take decisions on the creation of parishes and their electoral arrangements from the Secretary of State to district and unitary councils.</p> <p>The council had been approached by two parish councils, Up Hatherley and Leckhampton and Warden Hill, who are considering whether there should be a review of their boundaries. Letters were sent to all the parish councils to identify whether there was support for undertaking a community governance review in their areas and Charlton Kings have also expressed an interest in a boundary review, whilst Swindon and Prestbury Parish Councils have indicated that they do not want a review of their boundaries at this time</p> <p>The council reviewed the parish boundaries in 2002. The guidance suggests that councils should consider conducting a review every 10-15 years. Therefore, Council should determine whether to conduct a community governance review in respect of parish boundaries in 2012/13 ahead of the 2014 parish elections or later in 2016/17 ahead of the 2018 elections.</p>
Recommendations	<p>Council to determine whether to undertake a community governance review of parish boundaries in 2012/13 ahead of parish elections in 2014.</p> <p>If Council determines to undertake such a review to authorise the Director of Commissioning to set up a cross party member working group (which would also involve parish council representatives) to support the review and to build the review into the corporate strategy action plan for 2012/13 and that terms of reference for the review to be drawn up by the working group for approval by Council no later than July 2012.</p>

Financial implications	<p>There is no budget to fund this review however costs could be kept to a minimum by using current websites and the support of parish councils and other community groups.</p> <p>Contact officer: Andrew Sherbourne, andrew.sherbourne@cheltenham.gov.uk, 01242 264337</p>
Legal implications	<p>There are specific statutory requirements for conducting a community governance review as referred in the report. Any change to parish boundaries would be made through a reorganisation order following completion of the review.</p> <p>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>Nor direct HR implications but officer resource would be required to support the review but if this was planned it could be built into the corporate strategy action plan and resourced accordingly through workplans.</p> <p>Contact officer: Julie McCarthy, Julie.McCarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>The risks are set out in appendix 1.</p>
Corporate and community plan Implications	<p>The review does not form part of the current years action plan but if members were minded to support the review then it could be built into work plans for 2012/13. Such a review would support the outcomes for developing a strong sense of community and residents being involved in supporting local issues.</p>
Environmental and climate change implications	

1. Background

- 1.1 Chapter 3, part 4 of the 2007 Local Government and Public Involvement and Health Act ('the Act') gave district councils the power to undertake community governance reviews. The processes to be followed are set out in the Act and guidance for such reviews has been issued by the Secretary of State a copy of which is set out in appendix 2.
- 1.2 The council received an enquiry from Up Hatherley Parish Council in 2010 and from Leckhampton Parish Council in September 2011 as to when and how the council might undertake a review of their boundaries. Under the Act, the council may undertake a community governance review if it so decides and, additionally, is under a duty to carry out a review if it receives a valid petition. No petition has been received in this case. The guidance suggests that a review should be conducted every 10 to 15 years. The parish boundaries were last reviewed in 2002.
- 1.3 The council wrote to all the parish councils in October 2011 to ascertain whether there was any support for a review and asking them whether they were prepared to offer any financial or officer support in conducting a review. There responses are summarised in section 3 below.

2. Reasons for recommendations

- 2.1 Letters were sent to the parish councils in October 2011.
- 2.2 We have heard from all of the parish councils, and Up Hatherley Parish Council, Leckhampton and Warden Hill Parish Council and Charlton Kings Parish Council have responded to indicate that they believe there are some anomalies with their boundaries and that they would want to be involved in supporting the review. Prestbury Parish Council has indicated that it has no aspirations to either expand or contract its Parish Boundary within the Borough at this time, and Swindon Parish Council has indicated that it is not requesting a review of its boundaries.
- 2.3 The council has no budget for undertaking a review. Costs could be kept to a minimum using websites and support from parish councils and other community groups. Officer resource would be required to support the review but if this was planned it could be built into the corporate strategy action plan and resourced accordingly through workplans.

3. Alternative options considered

- 3.1 The council could decide not to undertake a review at this time, and choose to undertake a review ahead of the parish elections in 2018. This would mean that the review would be completed was just within the 15 year guidance as set out by the secretary of state.
- 3.2 It should be noted that the Local Government Boundary Commission has just completed its review of county divisions and that these are based on existing parish boundaries and therefore the timing of a parish review is not ideal. Any changes to boundaries would therefore need to deal with associated electoral arrangements ie warding of parishes.
- 3.3 The council could choose only to act if a valid petition is received from a parish council but it would be more appropriate to deal with a review in a planned way.

4. Consultation and feedback

- 4.1 The council has a duty to consult with the Gloucestershire County Council if it determines that a community governance review should be undertaken, and must notify them of the intention to undertake a review and the terms of reference. The head of democratic services at the county council has been sent a copy of the draft report and she has indicated that they would follow a similar procedure to that being undertaken with the Stroud review ie contact the political groups

and the relevant members and make a copy of the relevant documents available in the office if they wanted to view it but that any comments county members have should be submitted directly to the council.

4.2 If the council was proposing to undertake a review then it would be appropriate to engage with the a wide range of stakeholders and residents and a consultation plan would need to be developed as part of the review.

5. Performance management –monitoring and review

5.1 If the council were minded to conduct a review it is proposed that a cross party member working group is established. The council could also use the C5 group which is made up of representatives from each of the parish councils to support the process.

5.2 Any recommendations from the review would need to be reported to council.

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Appendices	1. Risk Assessment 2.
Background information	1.

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	The review will take officer time which is currently not included within workplans	Jane Griffiths	28.11.11	2	4	8	R	The review will need to be planned and built into resource commitments. Parish councils will need to support the review process	Resource commitments would need to be agreed prior to agreement of the scope of the review	Jane Griffiths	Commissioning

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-4 (4 being the greatest impact)

Likelihood – how likely is it that the risk will occur on a scale of 1-6 (6 being most likely)

Impact Description	Impact score	Probability	Likelihood Description	Likelihood Score
Negligible	1	0% - 5%	Almost impossible	1
Marginal	2	5% - 15%	Very low	2

Major	<u>3</u>		15% - 30%	Low	<u>3</u>
Critical	<u>4</u>		30% - 60%	Significant	<u>4</u>
			60% - 90%	High	<u>5</u>
			> 90%	Very high	<u>6</u>

Control - Either: Reduce / Accept / Transfer to 3rd party / Close