

**Cheltenham Borough Council**  
**Council – 17 December 2012**  
**Scrutiny Task Group - Community Governance Review**  
**Report of the Overview and Scrutiny Committee**

<b>Accountable member</b>	n/a
<b>Accountable officer</b>	Jane Griffiths, Director Commissioning
<b>Ward(s) affected</b>	Benhall and the Reddings, Warden Hill, Park, Leckhampton, Charlton Park, Charlton Kings, College, Battledown
<b>Significant decision</b>	Yes
<b>Executive summary</b>	<p>Following approaches from the parish councils of Charlton Kings, Leckhampton with Warden Hill and Up Hatherley to consider changes to their existing boundaries, full Council on 12th December 2011 agreed the following:</p> <ul style="list-style-type: none"> <li>• A community governance review of parish boundaries be undertaken in 2012/13 ahead of parish elections in 2014; and</li> <li>• The Director of Commissioning be authorised 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 in March 2012 for approval by Council no later than July 2012.</li> </ul> <p>Community governance reviews are now the responsibility of principal (district) authorities and it is good practice to conduct one every 10 – 15 years. The last one in Cheltenham was carried out in 2002.</p> <p>A Scrutiny Task Group was set up in June 2012 to scope the review in terms of the areas to be consulted and how. The group comprised elected members, parish council representatives and officers. It met four times and put the following proposal to Overview and Scrutiny on 26 November:</p> <ul style="list-style-type: none"> <li>• To consult with 7,000 households in areas adjacent to the parish council areas of Charlton Kings, Leckhampton with Warden Hill and Up Hatherley, including the Reddings to see whether they would like to become parished (see consultation areas on the map attached as appendix 2).</li> <li>• Each household in the areas to receive a consultation document outlining the proposals; information about the parish councils and a questionnaire to return to indicate their views. In addition, a public meeting would be held in each parish council area plus the Reddings.</li> <li>• If members wanted to reduce the costs of the review, the task group was happy to not consult with residents in the Reddings and</li> </ul>

Naunton Park, as these areas did not form a core part of the proposals from the parish councils.

Overview and Scrutiny members had a number of concerns about the proposals, which are set out in the meeting minutes from 26.11.12 attached as appendix 4. The Committee did not support the recommendations of the task group.

**Recommendations**

**The Council is recommended:**

**To consider the following recommendation from the Overview and Scrutiny Committee (below), taking into account the financial, legal and HR implications outlined below:**

- 1. The review should be deferred to a later date when any recommendations can be implemented ahead of the 2018 parish council elections**
- 2. The scope of the review should be reviewed at that time taking into account the views expressed at the meeting of 26.11.12.**

**This will provide an opportunity to carry out a more comprehensive review that looks at the shape of communities across the whole borough.**

**Financial implications**

Although not carrying out the review in 2012-13 will potentially save the council at least £3,600, the recommendation to carry out a more comprehensive review will mean the additional cost will need to be factored in to the medium term financial strategy for the financial year 2016/17. The cost of a review involving sending a paper-based form to every household in the borough would be in the region of £15,000 – £20,000.

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<p><b>Legal implications</b></p>	<p>The principal council, in this case Cheltenham Borough Council, <b>may</b> carry out general reviews of their area, specific reviews if requested by a parish council or <b>must</b> carry out a review if an appropriate petition is presented to it under Section 80 of the Act. No petition has been presented and thus the decision whether to carry out a review at this time is for the Council to make.</p> <p>The Guidance on reviews recommends that it would be good practice to review a Local Authority's area every 10-15 years to ascertain whether parish boundaries are adequately reflecting the local situation and to consider if any new parishes should be established. It also indicates that existing parishes could, exceptionally, be abolished. Alternatively the council has power to look at reviews of parts of its area if it considers that 'anomalies' have arisen through, say, development.</p> <p>If the council decided to hold a review it would be necessary to decide how the review would take place including the terms of reference and there would be a period of 12 months within which to carry it out.</p> <p>There is currently a consultation paper released concerning possible changes to the law for community governance reviews in particular the number of petitioners needed to require a review. The consultation period ends in January 2013, although what changes, if any, there may be is unclear.</p> <p><i>Contact officer: Gary Spencer, <a href="mailto:gary.spencer@tewkesbury.gov.uk">gary.spencer@tewkesbury.gov.uk</a>, 01684 272699</i></p>
<p><b>HR implications (including learning and organisational development)</b></p>	<p>No direct HR implications arising from this report.</p> <p><b>Contact officer: Sarah Flury <a href="mailto:sarah.flury@cheltenham.gov.uk">sarah.flury@cheltenham.gov.uk</a> 01242 77 5215</b></p>
<p><b>Key risks</b></p>	<p>Reputation – risk of damaging our relationship with our parish councils by not responding positively to the request from them.</p> <p>Resources - delaying the review with a view to making it more comprehensive will make it more costly in terms of money and staff time. It will need to be factored into the medium term financial strategy.</p>
<p><b>Corporate and community plan Implications</b></p>	<p>The review is one of the improvement actions for 2012/13 under the objective 'our residents enjoy a strong sense of community'.</p>
<p><b>Environmental and climate change implications</b></p>	<p>None identified</p>

## **1. Background – community governance reviews**

- 1.1** The Local Government and Public Involvement in Health Act 2007 (Sections 79 to 102) provides the framework for reviews of parish boundaries and the existence of parishes under what is called a community governance review. This framework is supported by guidance dated March 2010 from the Department of Communities and Local Government and the Local Government Boundary Commission for England.

## **2. Background – the council’s relationship with its parish councils**

- 2.1** The Council has a healthy relationship with the five Cheltenham parish councils which is set out formally through the Cheltenham Charter adopted in 2008 and sustained through the C5 group which meets every three months.
- 2.2** All those involved in the review recognise the value of parish councils in the services they provide to their communities.
- 2.3** In addition, parish councils have acquired new powers under the Localism Act 2011 including the general power of competence which enables parish councils to take on an enhanced role: a power to produce a neighbourhood plan, which would set out general planning policies for the development and use of land in a neighbourhood plus powers under the community rights to challenge, build and bid.

## **3. The task group’s proposal**

The Scrutiny Task Group met for the first time in June 2012 and then met three other times thereafter. The group comprised elected members, parish council representatives and officers.

- 3.1** In outlining the Task Group Report (attached as appendix 3) to the Overview and Scrutiny Committee, the Strategy and Engagement Manager summarised the context within which the proposals were agreed:
- Prestbury and Swindon Parish Councils had no interest in altering their boundaries within Cheltenham borough at this stage, so did not take part in the review;
  - Any proposed boundaries had to be contained wholly within the borough boundary, though there was a looser relationship with ward boundaries;
  - The task group was mindful of the need to deliver the review at best value to the taxpayer; a sum of £2,300 had been carried forward from 2011/12 budgets, though the proposed cost would have exceeded this figure;
  - The task group had briefly discussed how existing parish council boundaries might become more aligned with natural communities on the ground, but as this subject provoked strong opinions from parish council representatives, the concept of giving residents the option to switch between parish councils was not taken any further; and
  - Unless all three parish council could agree on the proposal, the council would not progress the review.
- 3.2** Through a process of debate and discussion, the group agreed the proposals which would be consulted on as set out in the map attached as appendix 2.
- 3.3** Up Hatherley Parish Council asked for the area bounded by Alma Road, Hatherley Road and Windermere Road to be consulted with a view to the area becoming part of their parish council.
- 3.4** Since the Reddings was previously part of Badgeworth Parish Council, it was proposed that residents there be consulted about whether they would like to become parished, either through setting up their own parish council or by joining with Up Hatherley Parish Council.

- 3.5 Leckhampton with Warden Hill Parish Council asked for the area between Shurdington Road and Leckhampton Road up to the Norwood Arms and the Pilley area to be consulted. There was a desire for a mutual boundary to be formed between Leckhampton with Warden Hill and Charlton Kings Parish Councils.
- 3.6 The task group suggested that the remainder of the Warden Hill borough ward be consulted (the area around Bournside School with a view to it becoming part of Leckhampton with Warden Hill Parish Council if there was support.
- 3.7 The group also suggested consulting with the Naunton Park area, to see if residents there would like to join Leckhampton with Warden Hill Parish Council.
- 3.8 Charlton Kings Parish Council asked for the roads off Sandy Lane to be consulted, along with Charlton Park, the small area on the un-parished side of Oakley Road and the area including the old GCHQ buildings as these areas are thought to be seen as part of Charlton Kings but are not within the current boundary.
- 3.9 The impact on the electorates for the 3 parish councils based on the proposals was estimated to be roughly: Charlton Kings growing from 8,110 electors to 8,957 plus potential future development; Leckhampton with Warden Hill growing from 3,803 to 9,947 electors (if all areas consulted wanted to join the parish council) plus potential development; Up Hatherley growing from 4,775 electors to 5,622 plus the possibility of joining with the Reddings which comprises 1,988 electors.
- 3.10 The cost of the review was estimated at £3,672 to include printing of booklets and freepost envelopes, distribution and reinstating the Council's freepost license, plus the cost of freepost returns. This cost was due to be met from £2,300 carried forward from 2011/12 under spend and the remainder from the Commissioning Division's printing budget.

#### **4. Response from Overview and Scrutiny**

- 4.1 Overview and Scrutiny members raised the concerns outlined in the minutes from 26 November attached as appendix 4 and did not approve the recommendations of the task group.

#### **5. Reasons for recommendations**

As the review is a power that only the Borough Council should exercise every 10-15 years, Scrutiny members were keen to assess the proposal to ensure best value for local tax-payers.

Scrutiny members also wanted to ensure that if a review was conducted, it was done so in a fair and comprehensive way, making the most of the opportunity to ask people who already live in a parish as well as those who do not about how they view their area to ensure parish council boundaries best reflect strong local communities.

In addition, scrutiny members identified the following concerns:

- The proposals lacked clear criteria for success or failure of the consultation and also lacked any consideration of the equity issues about consulting households rather than individual electors.
- The scope of the proposals was in excess of the limited scope of the original proposal which was to seek to address small 'anomalies' to existing parish boundaries.
- The proposed extensions to existing boundaries did not appear to make sense in regard to borough ward boundaries and new county divisions. Scrutiny members felt that the boundaries should be co-terminous in order to improve accountability, help build community identity and tie into delivery of services by all local authorities.

- Emerging Government policy will require a more fundamental review of neighbourhoods, governance and plans in the next few years which could make a further change necessary in preparation for 2018 elections.
- A more comprehensive review would have to be properly funded and contributions to consultation costs should be built in to future budgets of parish councils.

Scrutiny members also highlighted that there is a risk that in the current economic climate, many people who do not currently live in a parish council area might not be in favour of additional council tax – called a precept.

Scrutiny members felt on balance, having considered the proposals, that the review should be postponed so that it was complete before the 2018 parish council elections. By then, the Joint Core Strategy and Cheltenham Local Plan would be in place and a full review of the whole borough could be done at that point with a clearer picture of future shape of neighbourhoods across the whole borough.

## 6. Alternative options considered

- 6.1 Scrutiny members considered whether to scale the review back to a bare minimum, just addressing anomalies in the existing parish boundaries and go ahead with it now, but decided on balance that it made more sense to wait and do it more comprehensively at a future date.

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<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Map of the consultation areas put forward by the Task Group</li> <li>3. Task Group Report on Community Governance Review to Overview and Scrutiny committee 26.11.12</li> <li>4. Minutes of Overview and Scrutiny committee meeting 26.11.12</li> </ol>
<b>Background information</b>	<ol style="list-style-type: none"> <li>1. Communities and Local Government guidance on community governance reviews</li> </ol>

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
	<p>If the review is postponed, there is a risk that this will harm our working relationship with the parish councils who have requested the review and worked with officers to develop proposals.</p> <p>If the council did not then carry out the review at a later date, this would cause further damage to the relationship.</p>	JG	28.11.12	2	3	6		Explain the reasons behind postponing the review to the next meeting of the C5 Parish Councils Group along with the commitment to carry it out at a later date.	January 2013	HD	
	<p>If a more comprehensive review is sought by elected member, then this will increase the cost (to around £15-20k) which will need to be factored into the MTFS.</p>	JG	28.11.12	2	3	6		Factor the review into the medium term financial strategy		JG	
<p><b>Explanatory notes</b></p> <p><b>Impact</b> – 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><b>Likelihood</b> – 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><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											