

## STROUD DISTRICT COUNCIL

AGENDA  
ITEM NO

## COUNCIL

19 DECEMBER 2019

**10**

<b>Report Title</b>	<b>COMMUNITY GOVERNANCE REVIEW AMENDED RECOMMENDATIONS</b>
<b>Purpose of Report</b>	To put an amended recommendation arising from the Community Governance Review to Council for consideration and, if appropriate, approval.
<b>Decision(s)</b>	<p><b>It is RECOMMENDED that Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the amendment to the recommendation to Kingswood Parish Council and Wotton-under-Edge Town Council boundary following the Community Governance Review;</b></li> <li><b>2. To authorise the Democratic Services and Elections Manager to request the Local Government Boundary Commission for England to make a related alteration order to change the district ward boundary; and</b></li> <li><b>3. To authorise the Interim Head of Legal Services to make a reorganisation or community governance order to implement the change if agreed by Council.</b></li> </ol>
<b>Consultation and Feedback</b>	A full consultation process took place during the Community Governance Review and subsequently, consultation and mediation has been carried out with Kingswood Parish Council and Wotton-under-Edge Town Council. The amended recommendation has been considered by the Working Group who commend it to Council.
<b>Financial Implications and Risk Assessment</b>	<p>There are no financial implications arising from this report.</p> <p>Andrew Cummings, Section 151 Officer Tel: 01453 754115 Email: <a href="mailto:andrew.cummings@stroud.gov.uk">andrew.cummings@stroud.gov.uk</a></p>
<b>Legal Implications</b>	<p>Any legal implications were set out in the report considered by Council on the 18<sup>th</sup> of July 2019. There are no additional legal implications arising from the amended recommendations.</p> <p>Patrick Arran, Interim Head of Legal and Monitoring Officer Tel: 01453 754369 Email: <a href="mailto:patrick.arran@stroud.gov.uk">patrick.arran@stroud.gov.uk</a></p>
<b>Report Author</b>	Patrick Arran, Interim Head of Legal and Monitoring Officer
<b>Options</b>	Given the circumstances set out in the report, the firm advice is that the only feasible option is to accept the recommendation which has been agreed between Kingswood Parish Council and Wotton under Edge Town Council. However, Council could refuse to change the recommendation it made on the 18 <sup>th</sup> of July 2019.

1. On the 18<sup>th</sup> of July 2019 Council considered a report in relation to a Community Governance Review which had been undertaken for the whole of the District. A decision was made to transfer the area referred to as Wotton under Edge South Ward (Also referred to as K5) into Kingswood Parish. At the meeting, the Ward Councillors from Wotton-under-Edge moved an amendment which would have removed the areas in which the Wotton Community Sports Foundation and Katharine Lady Berkeley's School were situated from the area consisting of K5, but the proposed amendment was lost.
  - 1.1 Councillor Reeves proposed an amendment, the effect of which was that Wotton-under-Edge Town Council would have retained the land which consists of the Sports Foundation but this amendment was also lost. Council then went on to make the recommendation set out in the report.
  - 1.2 The Council subsequently received a Judicial Review pre-action protocol letter from solicitors instructed by Wotton-under-Edge Town Council challenging the decision made by Council on the basis of a suggestion that the Council had not consulted properly in accordance with legal requirements. This was not accepted by the Council and a robust response was sent which refuted the allegations made in the letter. However, as is usual in such matters, and in an effort to avoid incurring costs for two public bodies, officers offered to seek to resolve the dispute by attempting mediation.
  - 1.3 This was agreed by solicitors acting for Wotton-under-Edge Town Council and no court proceedings were issued. Whilst it was not a party to the dispute, Kingswood Parish Council agreed to assist the Council to resolve the dispute, if possible.
  - 1.4 A mediator was appointed and the parties attended a mediation meeting on the 2<sup>nd</sup> of December. The mediation was successful and a compromise position was reached. The basis of the agreement is that the land containing Wotton Community Sports Foundation, together with a triangular parcel of land adjacent to Katharine Lady Berkeley's School would be retained in Wotton-under-Edge Town Council. A map is attached at Appendix 1 showing the area which is hatched red and highlighted yellow.
  - 1.5 The legal position is that Council has already made a statutory recommendation in accordance with the requirements of the legislation. In order to give effect to the agreement reached between the parties, an amended recommendation must be approved by Council and the purpose of this report is to ask Council to do this.
  - 1.6 The advice of the Interim Head of Legal Services and the Democratic Services and Elections Manager is that the amended recommendation satisfies the statutory criteria in Section 93 (4) of the Local Government and Public Involvement in Health Act 2007 in that the recommendation has regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.