

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Community Governance Review Sub-Committee
held on Friday, 27th April, 2012 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor D Marren (Chairman)
Councillor P Groves (Vice-Chairman)

Councillors G Baxendale, R Cartlidge, B Murphy and P Whiteley

In attendance

Councillors D Flude, M Grant, S Hogben, D Neilson and D Newton

Officers

Caroline Elwood, Borough Solicitor
Brian Reed, Democratic and Registration Services Manager
Mike Flynn, Community Governance Adviser
Paul Mountford, Democratic Services Officer
Rose Hignett, Senior Electoral Services Officer
James Morley, Scrutiny Officer
Jamie Oliver, Communications Officer

39 DECLARATIONS OF INTEREST

There were no declarations of interest.

40 PUBLIC SPEAKING TIME/OPEN SESSION

Alderman Peter Kent sought assurances that there would be democratic elections to a Crewe town council. He also drew attention to the electoral inequalities which would be created with a 16 member council based on existing Borough Council ward boundaries and suggested that a 20 member council would avoid such an outcome. Finally, he made reference to some other Cheshire East town and parish councils which had larger councils whilst having smaller electorates. He urged the Sub-Committee to reconsider the number of parish councillors proposed for Crewe.

41 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 13th March 2012 be approved as a correct record.

42 CREWE COMMUNITY GOVERNANCE REVIEW - PREPARATION FOR STAGE 2 CONSULTATION

Council at its meeting on 19th April 2012 had deferred consideration of the recommendations of the Constitution Committee on the draft recommendation for the Crewe Community Governance Review in order that advice received from Counsel on some aspects of the Review could be taken into consideration. The matter would be considered at the next Council meeting following further consideration by the Community Governance Sub-Committee and the Constitution Committee in light of the advice received from Counsel.

In very brief summary, the Constitution Committee had recommended to Council that:

- a Crewe Parish Council should be created;
- there should be 16 members representing 6 wards mirroring the Borough Wards;
- the electors from the unparished part of Leighton Borough Ward should be asked whether they would prefer to be included in the proposed parish of Crewe or the existing parish of Leighton; and
- elections should take place as soon as practicably possible.

Following the meeting of the Constitution Committee, the Borough Solicitor had been asked to take Counsel's advice on key elements of the proposals, in particular:

- on the extent to which a temporary parish council could be appointed in the period before parish elections, the powers of such a body and the period of time within which such a body could operate; and
- whether elections to the parish council could be held at the same time as the Police and Crime Commissioner elections in November 2012.

A number of issues arose from Counsel's advice, and further advice was sought to clarify these. A summary of Counsel's advice was circulated at the Sub-Committee's meeting. Very briefly, this included the following points:

1. Any reorganisation order should take effect on 1st April in any year, including 1st April 2013. The Order should ideally be made by 15th October 2012 but no later than 39 days before the election.
2. The Parish Council itself would not come into being until elections following the taking effect of the Order.
3. There was no such legal entity as a "temporary parish council".

4. There was no power to set up a transitional body for a long period of time, exercising significant powers and taking decisions which would bind the new parish council. A transitional body should be set up for a short period of time. Such a body should have limited powers. It could issue a precept and be able to receive assets but should avoid making decisions concerning the budget or those assets which would bind the parish council. It should take administrative decisions which would pave the way for the new parish council but should not be involved in service delivery.
5. Combining parish council elections with Police and Crime Commissioner elections would seem to be administratively complex.

The Sub-Committee gave further consideration to the recommendations of the Constitution Committee in light of the advice received. It was noted that in addition to the administrative complexity of holding parish council elections at the same time as the Police Commissioner elections, the fact that the reorganisation order could not come into effect until 1st April 2013 meant that elections to a Crewe parish council could not be held alongside the Police Commissioner elections.

The Sub-Committee considered two optional indicative timetables for the remainder of the Crewe Community Governance Review. The favoured option, option (b), took the final decision to Council on 11th October 2012 with a view to the order coming into effect on 1st April 2013 and elections being held in May 2013.

The Sub-Committee also considered the arrangements for the Stage 2 consultation process as set out in the report. It was agreed that the consultation with electors of the unparished part of Leighton should take the form of a formal ballot.

Members also noted the need to consider options for a budget and precept for the first year of the new council, and to consider what transitional arrangements should be put in place.

RESOLVED

That

- (1) having considered the matter further in light of the advice received from Counsel, the Sub-Committee supports the recommendations made by the Constitution Committee to Council on 19th April 2012, namely:
 - a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a parish council for the unparished area of Crewe and that parish council be advised to consider its designation as a Town Council;

- b. that the parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that, subject to recommendation c. below, the unparished part of Leighton (Polling District 1FJ4) be incorporated into the St Barnabas parish ward, and that each ward should have the number of parish councillors as follows:

St Barnabas	2
Crewe Central	2
Crewe North	2
Crewe South	3
Crewe East	4
Crewe West	3
TOTAL	16

- c. that the electors of the unparished part of the Borough ward of Leighton should be asked whether they would prefer to be included within the proposed parish of Crewe or within the existing parish of Leighton;
- d. that elections to the Crewe parish council should be held as soon as is practicably possible, and should thereafter be synchronised with the ordinary date of parish council elections; and
- e. that these proposals form the basis of a second stage of public consultation and that the Boundary Commission be informed of the proposals;
- (2) the proposed arrangements for the Stage 2 consultation process as set out in the report be approved;
- (3) the proposed consultation with the electors for the unparished part of Leighton be conducted by means of a formal ballot;
- (4) the indicative timetable option (b) for the latter stages of the Review as circulated at the meeting be approved and the project plan be amended accordingly;
- (5) the Director of Finance and Business Services be asked to consider arrangements for a budget and precept for the proposed parish council for consideration by the Constitution Committee; and
- (6) the Constitution Committee be asked to consider appropriate transitional arrangements for the period leading up to parish elections.

43 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW

The Sub-Committee considered a briefing paper outlining the process to be followed in conducting the Macclesfield Community Governance

Review. The Constitution Committee had ordered the Review in response to representations by the Macclesfield Civic Society in May 2011.

The process proposed, and matters to be taken into consideration by the Review, were broadly the same as for Crewe.

The Sub-Committee had noted previously that as the community governance review moved around the Borough it would need to review its membership so that Members with appropriate knowledge and experience could participate. Any review of the Sub-Committee's membership would need to balance the need for local knowledge with the experience already gained by existing Members and the continuity this provided. It was also acknowledged that there were alternative approaches to involving local members in the Review process.

Since the report had been circulated it had been necessary to reconsider the timetable for the Review and a number of optional indicative timetables were circulated at the meeting. It was agreed that option (a) for the Stage 1 process, which included public meetings, should be adopted for now and that the options for Stage 2 could be considered as the Review progressed. In approving option (a), Members noted a potential issue with the timing of any ballot which would occur around the time of the Police Commissioner elections; this would be considered further in due course.

The Officers had prepared a draft list of consultees and stakeholders for the Macclesfield Review which had been circulated with the report. Local Members had been asked to suggest any additions to the list and the names of a number of additional organisations had been submitted by Councillors L Brown and D Neilson. The list would be updated accordingly and any additional suggestions received from local Members would be added.

Reference had been made at the previous meeting to a potential mechanism under the Localism Act 2011 which would allow the introduction of a form of community governance known as a 'community trust'. This had not been included in the list of governance options in the report but was the subject of ongoing investigation by Officers. It was anticipated that further information would be available at the next meeting.

The Officers circulated maps showing the boundary of the unparished area of Macclesfield, the constituent and adjoining Borough wards, and adjoining parishes. It was noted that part of the Macclesfield South Borough Ward was already parished and included in Gawsorth Parish. This part of the Borough Ward would therefore not be included in the Community Governance Review.

RESOLVED

That

- (1) the report be noted and the proposed arrangements for conducting the Macclesfield Community Governance Review, including the matters to be taken into account in conducting the Review, the alternative forms of local governance identified and the proposed consultation arrangements be approved;
- (2) the indicative timetable option (a) for Stage 1 of the Review be approved and the project plan be amended accordingly; options for Stage 2 be considered further in due course;
- (3) the list of consultees and stakeholders appended to the report be approved, subject to the inclusion of the additional organisations submitted by local Members, and any further submissions received, and the list form the basis of the initial consultation on the Review;
- (4) the leaflets and other publicity and consultation materials used for the Crewe Community Governance Review be adapted for use in the Macclesfield Review and public meetings be arranged at suitable venues in Macclesfield;
- (5) the Officers report to the next meeting on any provisions within the Localism Act relating to community trusts; and
- (6) the Constitution Committee be asked to review the membership of the Community Governance Review Sub-Committee.

44 DATE OF NEXT MEETING

The date and time of the next meeting to be agreed by the Chairman following consultation with Members.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

Councillor D Marren (Chairman)