

Council Agenda

Date: Thursday, 15th October, 2009
Time: 6.00 pm
Venue: Nantwich Civic Hall, Market Street, Nantwich, CW5 5DG

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Prayers**
2. **Apologies for Absence**
3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

4. **Minutes of Previous meeting** (Pages 1 - 16)

5. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

6. **Public Speaking Time/Open Session**

In accordance with Procedure Rule 35, a total period of 15 minutes is allocated for members of the public to speak at Council meetings.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if any questions, from members of the public, were submitted at least one working day before the meeting.

7. **Notice of Motion** (Pages 17 - 20)

To consider the attached Notice of Motion submitted by Councillor R Menlove and seconded by Councillor P Whiteley.

8. **Referral to the Council of recommendations from Governance and Constitution Committee** (Pages 21 - 136)

a) Delegation of Licensing Functions (Expedited Reviews) (pages 21-26)

b) Local Ward Members' Protocol and the Councillor Call for Action Protocol (pages 27-42)

c) Public and Member Questions and Statements at Meetings (pages 43-54)

d) Cabinet Decision-Making Arrangements (pages 55-61)

e) Crewe Community Governance Review (pages 63-135)

9. **Membership of Committees and Election of Chairmen**

To note changes in membership of Committees and to elect Chairmen and Vice-Chairmen of Committees.

10. **Supplementary Estimate Approvals** (Pages 137 - 146)

To approve the Supplementary Estimates, as set out in the report and approved by Cabinet during the year, in accordance with Finance Procedure Rules.

11. **Questions**

In accordance with Procedure Rules 11, opportunity is provided for Members of the Council to ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.

Questions must be sent in writing to the Monitoring Officer by close of business on Friday 9 October 2009.

12. **Urgent Items of Business**

For Council to deal with any urgent Part 1 items, which in the opinion of the Mayor, should be dealt with at this meeting.

13. **Exclusion of the Press and Public**

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit, pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

Council may decide that the press and public be excluded from the meeting during consideration of the following item, pursuant to Section 100(A) 4 of the Local Government Act 1972, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

14. **Football Facilities and Extra Care Housing Provision in Sandbach** (Pages 147 - 170)

15. **Urgent items of Business**

For Council to deal with any urgent Part II items, which in the opinion of the Mayor, should be dealt with at this meeting.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Thursday, 23rd July, 2009 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor M Simon (Chairman)

Councillors E Alcock, C Andrew, A Arnold, M Asquith, Rachel Bailey, Rhoda Bailey, A Barratt, T Beard, D Bebbington, D Beckford, S Bentley, D Brickhill, S Broadhurst, D Brown, D Cannon, R Cartlidge, S Conquest, J Crockatt, H Davenport, M Davies, R Domleo, B Dykes, P Edwards, P Findlow, W Fitzgerald, R Fletcher, D Flude, S Furlong, H Gaddum, L Gilbert, E Gilliland, J Hammond, M Hardy, D Hough, T Jackson, J Jones, S Jones, F Keegan, A Knowles, W Livesley, J Macrae, M Martin, P Mason, S McGrory, R Menlove, G Merry, A Moran, B Moran, H Murray, J Narraway, D Neilson, R Parker, M Parsons, A Ranfield, A Richardson, B Silvester, L Smetham, D Stockton, D Thompson, C Thorley, A Thwaite, C Tomlinson, D Topping, R Walker, G M Walton, J Weatherill, R West, R Westwood, P Whiteley, S Wilkinson and J Wray.

Officers Present:-

Strategic Director People, Strategic Director Places, Borough Solicitor, Democratic Services Manager, Borough Treasurer.

115 PRAYERS

The Reverend Charles Razzall said prayers, at the request of the Mayor.

116 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Baxendale, C Beard, J Goddard, M Hollins, O Hunter, A Martin, B Howell and A Kolker.

117 DECLARATIONS OF INTEREST

The Mayor asked those Members who had any personal or prejudicial Interests on general agenda items, to declare them, but before doing so, drew Members' attention to Item 8 on the agenda (Electoral Review – Submission on warding arrangements) and stated that she proposed to ask the Borough Solicitor to record the declaration of a Personal Interest by every Member who was also a member of a Parish Council, in accordance with the Members completed Register. Council confirmed that it was content with this approach and therefore, all members of Parish Councils declared personal interests to that effect.

118 MINUTES OF THE ANNUAL COUNCIL MEETING HELD ON 1 APRIL 2009 AND RECONVENED ON 2 APRIL 2009

RESOLVED

That, subject to the addition of Councillors Howell, Alcock, S Jones and Narraway to the list of those present at the reconvened meeting held on 2 April, the minutes be approved as a correct record.

119 MAYOR'S ANNOUNCEMENTS

The Mayor :-

(1) Announced that Since taking office on 1 April, she was pleased to report that she had now had the opportunity to visit all the former constituent borough areas (Congleton, Crewe and Nantwich and Macclesfield) and was getting to know her way around the Cheshire East boundaries.

(2) Announced that the first Armed Forces Day had taken place on 27 June 2009 and she was honoured to have had the opportunity to attend the local version of this event, which started, on 22 June, with flag-raising events in Sandbach, Crewe and Macclesfield. She had attended the Crewe event, with the Leader attending at Sandbach and the Deputy Mayor in Macclesfield. This was followed, on Saturday the 27 June, with receptions in the same three towns to mark the contribution of the British Forces in conflicts throughout the world. This date in the calendar each year would be an opportunity for the nation as a whole to show support for men and women who make up the armed forces community, which included not only those who were currently serving and their families, but also the veterans and new recruits. Across the country people had been involved by holding local events and she was honoured to have the opportunity to host the Crewe event, which she felt was both moving and up-lifting and was also a time for reflection.

(3) Announced that, on the Tuesday, 2 June, the Mercian Regiment 1st Battalion (Cheshire), on which the Freedom of the Borough had been conferred, exercised its right to march through the towns of both Congleton and Nantwich with "bayonets fixed and flags flying" The roads were closed during the march, and there was a good turn-out by members of the public for both events.

(4) Announced that she have been humbled by being given the opportunity to meet various volunteers of the Voluntary sector. She considered that the Voluntary sector was vital to the well-being of any community. Despite the proliferation of welfare assistance, the state could not always provide for the needs of all and there would always be gaps in provision. Without the unstinting dedication of those people who choose selflessly to helped others, society would be much poorer. Volunteering could be a two-way experience; not only does it help those who are receiving the services, but it could be very rewarding for the volunteers themselves.

(5) That an early highlight of her year had been attending the Royal Garden Party on Tuesday, 14 July. Along with her Consort and with fellow Councillors she went to London. It was an event where they were able to mix with people from all walks of life; other Mayors,

volunteers, business-people, veterans and young people. There were over several thousand people in attendance. The party had been delighted that His Royal Highness Prince Philip chose to come over to speak to them about Cheshire East.

(6) Referred to her Civic Report, which had been circulated at the meeting and stated that, with a large area such as Cheshire East, the Mayoral engagements had, obviously, increased significantly. The range was wide, covering visits to schools, church services, voluntary sector events, open days, and more recently, the Royal Horticultural Show at Tatton Park. There's hardly a moment to spare, but with the support of her Consort, Maurice and Councillor Baxendale, her Deputy, she was finding it thoroughly rewarding and a wonderful experience.

(7) Reminded Members that the following day was "Dress Down Friday" and that officers would be wearing casual dress and making a contribution to the Mayors' charities.

120 PUBLIC SPEAKING TIME/OPEN SESSION

Mr B Evans used public speaking time to suggest that the Council organise an open doors event in the following year, during Local Democracy Week, whereby Council buildings, including administrative offices, would be open to the public. This was a national initiative, which normally took place in September and also involved factories and other institutions. The event would enable the public to look around the Council buildings. In addition, he suggested that, by 2010, the Council should have structures in place and by this time, the Boundary Committee would have completed its review and this would provide the opportunity to invigorate the electorate.

The Leader of the Council agreed that consideration would be given to the suggestion.

Mr B Cartwright, representing Cheshire Anti Incinerator Network (CHAIN), used public speaking time to urge the Council to refuse the planning application, submitted by Covanta Energy, to build a waste burning incinerator in Middlewich. Mr Cartwright outlined the objections to the proposal, which included lack of need, the fact that it was clear that waste would have to be transported from outside the County and the fact that the Cavanta site was not one of the 6 preferred sites chosen as potential development sites and deemed suitable. He also outlined the grounds on which it was considered that the application should be refused, which related to landscape matters, visual impact, height, distance from the nearest urbanisation, affect on air quality, traffic impact/additional HGVs and public opinion/objection.

Mr Leonard used public speaking to question why several planning applications had been refused, for the development, for housing, of a contaminated Brownfield site in the Green Belt, in his ownership. He stated that, whilst he could accept that the reason given was inappropriate development in the Green Belt, he did not feel that the same rule applied to other sites in the Borough. Mr

Leonard provided a list of examples of other applications for development Green Belt, in the former Macclesfield Borough, which had been granted planning permission.

The Prosperity Portfolio Holder, Cllr Macrae, thanked Mr Leonard for his question and stated that, as Mr Leonard was aware, his site lay within the North Cheshire Green Belt. Cllr Macrae was well aware of the history of the site, as Mr Leonard had approached him in the previous year. Whilst he could not comment on any individual application, a review of the Core Strategy for the Local Development Framework Plan would be taking place shortly and the Council would be consulting on it, which would provide the opportunity for Mr Leonard to make comments. Councillor Macrae undertook to provide a written response to Mr Leonard.

121 NOTICE OF MOTION

Consideration was given to the following Notice of Motion, submitted by Councillor A Arnold and seconded by Councillor J Narraway:-

“That Cheshire East Council suspends car parking charges, on Saturdays, in Macclesfield Town centre, for a trial period of three months initially, subject to a review of its effect in increasing local trade, will, if proved successful extend the duration of the scheme and implement the same measures to other town centres in Cheshire East, requiring assistance in regenerating local businesses.

Given the urgency of the need for regeneration assistance within our town centres, the trial scheme in Macclesfield should be implemented as quickly as possible”.

RESOLVED

That the motion stand referred to Cabinet.

122 ELECTORAL REVIEW - SUBMISSION ON WARDING ARRANGEMENTS

Consideration was given to a report relating the work of the Electoral Review Task Group, concerning the preparation of a submission to the Boundary Committee for England on the Warding Arrangements to be made for Cheshire East Council.

The Council was requested to consider and approve the submission prepared by the Task Group, which set out the Authority's proposals for Warding Arrangements under the Electoral Review of the Cheshire East area and to authorise the Borough Solicitor and Monitoring Officer to make any necessary technical and detailed amendments to finalise the document, to ensure that it complied fully with the wishes of the Council and was delivered by the Boundary Committee's deadline of 4 August.

A revised appendix 3 – Warding table, an additional appendix 5 – Summary of representations received on the warding arrangements being recommended to Council and a revised list of recommendations were circulated at the meeting.

The motion as set out in the resolution below was moved and seconded.

A requisition for a named vote was submitted and duly supported, in accordance with the provisions of Council Procedure Rule 15.2 of the Constitution.

The motion was put to the meeting with the following results:-

For	Against	Not voting
C Andrew	E Alcock	P Edwards
N Asquith	A Arnold	H Gaddum
R A Bailey	T Beard	S Mcgrory
R Bailey	S Broadhurst	L Smetham
A Barratt	D Cannon	G Walton
D Bebbington	R Cartlidge	
D Beckford	S Conquest	
S Bentley	R Fletcher	
D Brickhill	D Flude	
D Brown	D Hough	
J Crockatt	S Jones	
H Davenport	M Martin	
M Davies	A Moran	
R Domleo	J Narraway	
H Dykes	D Neilson	
P Findlow	M Parsons	
W Fitzgerald	C Thorley	
S Furlong	C Tomlinson	
L Gilbert		
E Gilliland		
J Hammond		
MC Hardy		
T Jackson		
J Jones		
F Keegan		
A Knowles		
W Livesley		
J Macrae		
P Mason		
R Menlove		
G Merry		
B Moran		
H Murray		
R Parker		
T Ranfield		
A Richardson		
B Silvester		
M Simon		
D Stockton		
D Thompson		
A Thwaite		

D Topping		
R Walker		
J Weatherill		
R West		
R Westwood		
P Whilteley		
S Wilkinson		
J Wray		

The motion was declared carried, with 49 votes for, 18 against and 5 not voting.

RESOLVED

1. That the proposed submission to the Boundary Committee on Warding arrangements for Cheshire East Council, as prepared by the Member Task Group, be approved subject to –

a) the inclusion of the revised Appendix 3 as circulated to the Council, and subject to paragraph b) below, the proposed Ward names as shown therein;

b) the following changes being made to the proposed Ward names:
Poynton Rural Ward being renamed Poynton East and Adlington Ward
Gawsworth Ward being renamed Henbury and Gawsworth Ward
Holmes Chapel Ward being renamed Dane Valley Ward;

c) confirmation that the Congleton Rural Ward is to be represented by one Councillor;

d) the area north of the Holly Bush Inn, Crewe Road, Winterley and the roundabout adjoining the Haslington and Wheelock bypasses (containing 82 electors) being transferred from the Sandbach West Ward to the Haslington Ward;

e) the Leighton Rural Parish Ward (which incorporates Leighton Hospital) being transferred from the Bunbury Ward to the Crewe North Ward.

f) part of the Oakhanger Parish Ward being transferred from the Haslington Ward to the Alsager Ward.

g) the area of Wychwood Park to the south of the A531 containing 161 electors (part of Polling District GF1 being transferred from the Haslington Ward to the Wybunbury Ward.

h) the Parish of Batherton containing 38 electors (Polling District 1FC6) being transferred from Wybunbury Ward to the Nantwich South Ward.

2. That the Borough Solicitor and Monitoring Officer be authorised to make the necessary technical and detailed amendments to finalise the submission in view of the foregoing decisions, to ensure the final accuracy of the electoral data and compliance with the Boundary Committee's statutory criteria, and to meet the Committee's deadline of 4 August.

123 COAT OF ARMS

Consideration was given to a report which set out the next steps required to enable the Council to be granted a Coat of Arms, for use by the Mayor only, as previously agreed in principle, and invites the Council to approve the design of the Arms and consider the Motto, so that a formal Petition can be submitted to the College of Arms.

RESOLVED

1. That the design of the Coat of Arms for Cheshire East Council, together with the descriptive text be approved.
2. That the Motto for the Coat of Arms, "Working Together for Excellence", as set out in paragraph 11.3 of the report be approved.
3. That submission of a Petition to the College of Arms, in order that the Grant of Arms may be made, be approved.

124 SUBSTITUTE MEMBERS AT PLANNING MEETINGS

On 17 June, the Strategic Planning Board considered a report, which proposed alternative arrangements to restrict the appointment of substitute members for planning matters. The Board made the following recommendation to the Governance and Constitution Committee and to Council:

"That the scheme of substitution in the Constitution be amended as follows:

- a) No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member should wherever possible come from the same political group but may come from a different political group
- b) No substitutions shall be made to the Strategic Planning Board from the area committees or at all."

On 25 June 2009, the Governance and Constitution Committee considered the recommendations of the Strategic Planning Board and, whilst it supported recommendation (a) and recommended it to Council, the Committee did not support recommendation (b).

The Governance and Constitution Committee, therefore, recommended to Council only that:

- a) "No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member should wherever possible come from the same political group but may come from a different political group."

Council was requested to decide whether it wished the Constitution to be changed to reflect both recommendations (a) and (b), according to the wishes of the Strategic Planning Board, or just recommendation (a), in line with the wishes of the Governance and Constitution Committee.

The Prosperity Portfolio Holder proposed that, in light of recent discussions the recommendations set out in the report be deferred for further consideration by the appropriate Committees.

RESOLVED

That the recommendations set out on page 51 of the agenda be deferred for further consideration by the appropriate Committees.

125 **REFERRAL TO COUNCIL OF RECOMMENDATIONS FROM GOVERNANCE AND CONSTITUTION COMMITTEE**

Consideration was given to recommendations to Council from the Governance and Constitution Committee in respect of the following matters:-

Committee Membership Changes

The Conservative Group had notified the following proposed changes to Committee places:

Licensing Committee

Replace Councillor Parker with Councillor Hardy

Governance and Constitution Committee

Replace Cllr Bentley with Cllr Livesley

Public Rights of Way Committee

Replace Cllr Rhoda Bailey with Cllr Wray

The Governance and Constitution Committee, at its meeting on 21 May 2009 considered a report relating to the proposed changes and recommended that Council approve them.

RESOLVED

That the proposed changes to Committee places be approved.

Additional Functions-Head of Safer and Stronger Communities

The Governance and Constitution Committee, at its meeting on 25 June 2009, had considered a report seeking a recommendation from the Committee to Council that reference to additional pieces of legislation be added to the list contained in the Constitution, relating to matters which fell within the remit of the

Head of Safer and Stronger Communities. Council was recommended to approve the recommendation.

RESOLVED

1. That the amended list of legislation, attached at Appendix A, be added to the list in the Appendix to the "Powers and Responsibilities of Officers" (section of Part 3 of the Constitution) which would have the effect of bringing responsibility for this legislation within the remit of the Head of Safer and Stronger Communities by virtue of paragraph 25.1.2 of that Part; and
2. That such consequential amendments be made to the Constitution as the Borough Solicitor considered necessary to give effect to the wishes of Council.

Amendments to Finance and Contract Procedure Rules

The Governance and Constitution Committee, at its meeting on 25 June 2009, had considered a report relating to proposed amendments to the Finance and Contract Procedure Rules and recommended that Council approve the proposed amendments.

RESOLVED

1. That the amendments to the Finance and Contract Procedure Rules, set out in Appendix B attached, be approved.
2. That the Borough Solicitor be authorised to continue to exercise his corrective powers with regard to the Constitution, in those cases where he considers it appropriate to do so.

Member Speaking at Planning Committees

The Governance and Constitution Committee, at its meeting on 21 May 2009, considered an amendment to the Constitution to apply a Planning Public Speaking Protocol to Members' general speaking rights at Planning Board and Planning Committee meetings.

Procedure Rule 38 in the Constitution provided that any Member may attend Committees to which they had not been appointed. The Member had no right to vote, but could speak with the consent of the chairman. The Council had delegated authority to the Strategic Planning Board to adopt its own working protocols. The Board had now adopted a Protocol which gave enhanced speaking rights to a wide range of speakers who could address the Board and Committees. It was, therefore, necessary to amend the existing provisions within the Constitution relating to Member and public speaking.

The Committee had previously resolved to review Member and public speaking provisions in consultation with the Cabinet and Corporate Scrutiny Committee. This particular provision, however, had been approved by the Strategic Planning Board under its delegated powers and was now in operation. It was, therefore, necessary to reflect this in the Constitution.

The recommendations of the Governance and Constitution Committee were moved and seconded as follows:-

(1) That Procedure Rule 38 of the Constitution be amended to add a new paragraph 38.4: "At meetings of the Strategic Planning Board and Planning Committees, Members' speaking rights are subject to the protocol on public speaking entitled 'Public Speaking Rights at Strategic Planning Board and Planning Committees (contained in Part 5 of the Constitution)";

(2) That the public speaking protocol, set out in the appendix attached to the report, be added to the Constitution; and

(3) where practicable, Members be given priority when speaking on planning matters at meetings in order to avoid their having to wait.

An amendment to withdraw recommendation 3 above from the recommendations to Council was moved and seconded and declared carried.

RESOLVED

1. That Procedure Rule 38 of the Constitution be amended to add a new paragraph 38.4: "At meetings of the Strategic Planning Board and Planning Committees, Members' speaking rights are subject to the protocol on public speaking entitled 'Public Speaking Rights at Strategic Planning Board and Planning Committees (contained in Part 5 of the Constitution)";

2. That the public speaking protocol as set out in the appendix to the report be added to the Constitution.

Cabinet Decision-Making Arrangements

The Governance and Constitution Committee, at its meeting on 16 April 2009, had considered a report on proposed decision-making powers and procedures relating to individual Members of the Cabinet and recommended that Council approve an alternative approach in respect of the decision-making powers of individual Cabinet Members, as follows:-

That Cabinet Members should make all executive decisions in respect of their portfolio areas except:

- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.
- (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
- (c) Decisions involving expenditure or savings of £1 million or more.
- (d) Decisions which were significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.
- (e) Decisions which the Leader wished to be taken by full Cabinet.

Provided that all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

On a related matter, the Council had previously resolved to include the following provision within its Constitution to exclude certain decisions from the definition of a key decision:

“The Council has decided that the letting of any contract by the Council’s [Business Services Officer] or the Council’s [Policy Officer], which involves the provision of services to, or the purchase of goods and services by, the Council shall be excluded from the definition of a Key Decision where such contracts relate mainly to the internal workings of the authority and do not therefore have a significant impact directly on local communities in the same way as other Key Decisions. Such contracts include advertising, library books, vehicles, consumables, food, gas, electricity and cleaning of Council premises.”

On further consideration, this provision was regarded as flawed and it was, therefore, recommended that it be removed from the Constitution.

The Cabinet on 24 March 2009 had supported the proposals and had also approved arrangements for public decision-making by individual Cabinet Members, details of which had been reported to the Committee for information.

RESOLVED

1. The alternative approach in respect of the decision-making powers of individual Cabinet Members be approved;
2. That the provision within the Constitution excluding the letting of certain contracts from the definition of a key decision be rescinded.
3. That the Constitution amended accordingly.

Budget and Policy Framework Procedure Rules

The Governance and Constitution Committee, at its meeting on 16 April 2009, had considered proposed procedure rules relating to the budget and Policy Framework and recommended that the draft Budget and Policy Framework Procedure Rules, attached at Appendix C, be recommended to Council for adoption and incorporation into the Constitution and that consideration be given to extending the minimum period for consultation on the budget to six weeks and the Officers be authorised in consultation with the Chairman to make a final determination on the appropriate provision in the draft Rules for recommendation to Council.

It was noted that the views of the Borough Treasurer and Portfolio Holder for Resources have been sought on the suggestion that the minimum period of consultation on the budget be amended from four to six weeks. While they were generally supportive of a six week consultation period in future years, it was considered that the complexity of compiling the Council's first operational budget would be better suited to a four week period for the year 2010/11. It was proposed to amend Rule 6 of the Budget and Policy Framework procedure rules to clarify “in year” changes as required by the Governance and Constitution Committee.

RESOLVED

1. That the draft Budget and Policy Framework Procedure Rules, as set out in Appendix C attached, be adopted and incorporated into the Constitution.

126 LEADER'S REPORT TO FULL COUNCIL

The Leader of the Council reported the following Key Decisions, which had been taken under the urgency provisions contained within Council Procedure Rule 44 :-

1. Gorsey Bank Primary School, Wilmslow – Remedial works to four classroom extension.
2. Decision relating to the future use of County Hall, Chester.

127 QUESTIONS

Councillor D Flude had submitted the following five questions:-

Question 1 - Home Office Consultation May 2009.

Together we can end violence against women and girls.

Can this Council be assured that there was a response from this council to this consultation?

Can this Council be assured that the survivors of domestic and or sexual violence in Cheshire East are provided with the services from this Council, that they need to be safe to enable recovery from their horrific experiences?

How is this Council implementing the Co-ordinated Community Response model, which has been evaluated nationally and proved to be cost effective and ensures an integrated response to all parties, including children who experience domestic and or sexual violence?

What funding is this Council allocating to the work, to prevent and respond to domestic and sexual violence now and how does it envisage securing sustained funding, as part of a strategic long term response?

The Sexual Assault Referral Centre, that is planned to be opened at Leighton Hospital has funding from our partners, Health and Police, what contribution to this vital resource will Cheshire East Council be making?

Question 2

A recent survey has found that that more than six out of ten people providing unpaid care for someone who is ill, frail or disabled have not had a break for more than a year and a third of them have not taken time off since they started caring.

Of particular concern are young carers who provide care for family members who have mental health, drug or alcohol problems.

Can this Council be assured that?

All carers who request or require a carer's assessment are assessed and a timely review of their caring needs takes place and that any changes in their circumstances are acted on promptly?

That within each social work team there is sufficient clerical support to enable the vital role and expertise of Social Worker's who carry out the social work function of assessing, setting up care packages and reviewing, to be enabled to carry out their function, recognising the ever increasing referrals to social work teams?

Are technological systems in place and are these systems fit for purpose to enable social workers to carry out designated functions in a cost and time efficient manner?

Question 3 - Criteria for Care

Cheshire East Cabinet have stated that the new model of Social Care puts the person and their carers at the heart of all we do.

A large percentage of older people fall just outside the stated group of people who would qualify for care, i.e. they are not in the Critical or Substantial range of need.

Preventive work is vital, if we are to enable older people to retain their independence. Current guidelines have excluded many older people with lower needs from the most basic care provision, such as bathing, shopping and housework.

Recognising that basic needs are vital in preventive work; will there be greater investment in preventative services through the Supporting You Budgets, via other agencies?

The Adult Services Portfolio Holder undertook to provide written responses to questions 1, 2 and 3.

Question 4 - Response times to communications received by Cheshire East Council.

What are this Council's response time for letters and emails?

Does this council send important letter by recorded mail i.e. final notices for the payment of Council Tax arrears?

What is the response time for telephone calls to this council i.e. how many rings before telephones are answered?

The Performance and Capacity Portfolio Holder responded as follows:-

We aim to acknowledge letters and emails within 3 working days. We will typically provide a full response within 7 working days. If it is clear, however, that the matter will require more in-depth investigation, then we will advise the customer within 7 working days that the matter will require more detailed investigation and a response will be provided within a

further 20 working days. Does this council send important letter by recorded mail i.e. final notices for the payment of Council Tax arrears?

We do not send these types of notices by recorded mail. Costs would significantly increase if we adopted this approach (recorded mail is approximately 75p extra per item). Also, the courts have deemed that 1st or 2nd class mail is sufficient even in the case of a court summons.

We aim to answer 95% of all calls received by our Contact Centres, with 80% of calls answered within 20 seconds.

Question 5

When will the residents of the town of Crewe have a kerb side glass collection service and will the silver bins, at present used for recyclable waste, be used for this service?

The Environmental Services Portfolio Holder responded as follows:-

Glass is currently collected separately in the old Macclesfield and Congleton areas. We are able to sell it for a small amount, which is much less than the cost of collection. It is not possible for the single container recycling vehicles operating in Crewe to collect glass, as the materials recycling facility (or Merf) to which we send all this waste stream will not accept glass.

In order to collect glass in Crewe we would need either to change our vehicles or gain access to a Merf that is able to handle glass. There is of course a third alternative and that is to have a separate round to collect glass. This as you can imagine would be prohibitively expensive. It would also mean a fifth wheelie bin or suitable collection box for each house.

When the waste staff have dealt with the change to fortnightly collections in Congleton and the extra green waste bin in Crewe, all rounds will have to be rerouted and several smaller depots closed. We are then going to bring before you our plans for the energy from waste plant for which two selected tenders are in final stages of submission. These may have some effect on the sort of residual waste we collect.

Once all those schemes are finalised, we will be able to bring forward our overall plan for the collection and disposal of waste. This will include details of whether we kerbside sort or use a Merf, which we may or may not operate ourselves. If that Merf is designed to handle glass, then we can collect glass in the silver bin. If not, we may have to replace all our vehicles with new ones with multiple containers for recyclable waste that has been sorted at the kerbside. Hopefully we will complete this process by 2015.

Question 6

The following question was submitted by Councillor D Cannon

The May edition of the Newsletter of the Cheshire Association of Local Councils was distributed by e-mail to Cheshire East Members earlier in the year. The Chairman of the Association writes about his meetings with the Leaders and Chief Executives of Cheshire's Unitary Authorities. He says, "The two Authorities have stated their keenness to support the parishing of the unparished areas in their Boroughs".

Does the Leader of the Council regard this as an accurate expression of the views of the Cabinet? Is this a subject which the Council as a whole should debate and consider how it might be actively pursued as a policy?"

The Leader of the Council responded as follows:-

The Council has received a petition for a new town council for Crewe. The Borough Solicitor is currently reporting to a sub-committee of the Governance and Constitution Committee with proposals for carrying out a community governance review.

With regard to Macclesfield and Wilmslow, the Council is in the early days of developing local working and a decision will be made in due course as to whether to conduct community governance reviews, notwithstanding the possible receipt of petitions from those areas.

Question 7

The following question was submitted by Councillor S Jones:-

The Cabinet at their meeting on 19 May 2009 approved the amended Notice of Motion first put to Council on 2 April, 2009 that:-

"This Council Supports Fair-Trade principles where consistent with Value for Money".

How does this Council intend to demonstrate its commitment to Fair-Trade principles and how will the extent of this commitment be monitored?

The Procurement, Assets and Shared Service Portfolio Holder responded as follows:-

We will shortly be introducing a procurement guidance note on how to integrate fair-trade principles into procurement activity.

We will shortly be introducing a tender and contract management system that will give visibility and control over procurement activity. We will introduce a performance monitor within this system that will enable us to identify where fair-trade alternatives have been requested and accepted etc. Specific measures are yet to be developed.

In addition the Procurement officer will be meeting with the Fair-Trade steering group to establish an action plan as to how we can support Fair-Trade principles and the Town Centre Manager is also developing an action plan to support town centres to obtain / maintain Fair-Trade status.

The meeting commenced at 6.00 pm and concluded at 8.10 pm

Councillor M Simon (Chairman)
CHAIRMAN

MOTION FOR COUNCIL

I hereby move that the Council instigate a Community Governance Review for the unparished area of Wilmslow, Handforth and Styal in total, to meet the emerging operating requirements of Cheshire East Council for the provision of locally managed services.

The Review to consider the recommendations that

-a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007

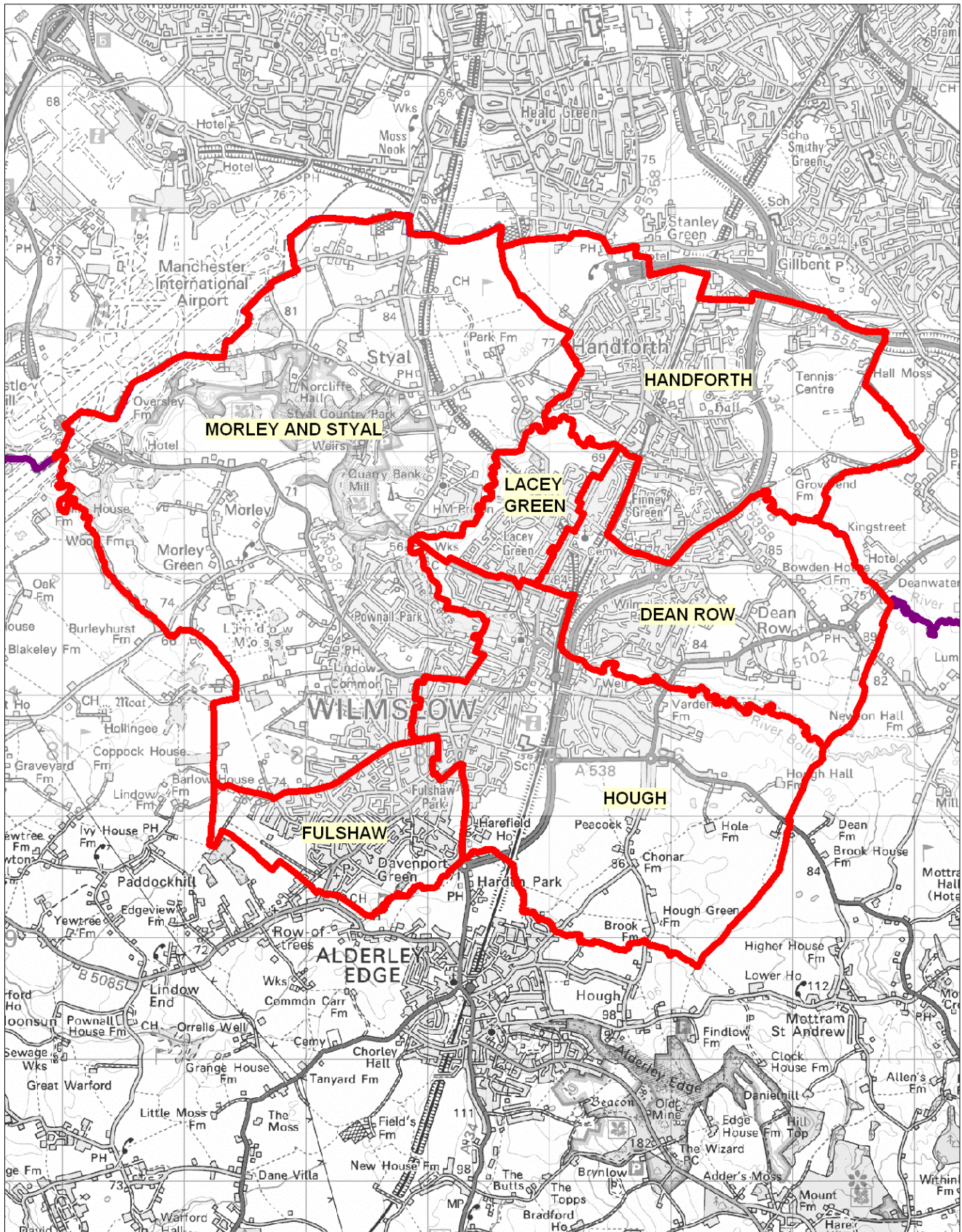
-the new parish should have a parish council to be known as Wilmslow & Handforth Town Council

-the area to which the review is to relate to, be defined as shown on the attached map, being the Electoral Wards of Dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley and Styal.

Cllr Rod Menlove

Cllr Paul Whiteley

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**EXTRACT FROM GOVERNANCE AND CONSTITUTION COMMITTEE MINUTES
30 SEPTEMBER 2009**

123 DELEGATION OF LICENSING FUNCTIONS (EXPEDITED REVIEWS)

The Committee considered a report on the delegation of functions in relation to expedited reviews under the Licensing Act 2003 from the full Licensing Committee to the Licensing Sub-Committee. The report sought approval for the resulting changes to the Constitution.

The Licensing Committee at its meeting on 22 May 2009 had resolved to delegate certain functions in relation to 'expedited' review applications (i.e. applications for the urgent review of a premises licence or club premises certificate) to the Licensing Sub-Committee established under the Licensing Act 2003. Although the Licensing Committee had the authority to delegate its functions to a sub-committee, any consequential amendments to the Constitution had to be approved by Council on the recommendation of the Governance and Constitution Committee.

RESOLVED

That

- (1) the delegation of functions in relation to expedited reviews under sections 53A, 53B and 53C from the full Licensing Committee to the Licensing Sub-Committee be noted; and**
- (2) Council be recommended to approve the consequential changes to the Constitution as set out in Appendix 2 to the report.**

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 30 September 2009
Report of: Monitoring Officer
Title: Delegation of Licensing Functions (Expedited Reviews)

1.0 Purpose of Report

- 1.1 To advise the Committee of a delegation of functions in relation to expedited reviews under the Licensing Act 2003 from the full Licensing Committee to the Licensing Sub-Committee and to seek approval for the resulting changes to the Constitution.

2.0 Recommendations

- 2.1 That the Committee
- (1) note the delegation of functions in relation to expedited reviews under sections 53A, 53B and 53C from the full Licensing Committee to the Licensing Sub-Committee; and
 - (2) recommend to Council the consequential changes to the Constitution as a result of the Licensing Committee's decision as set out within the report.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 Sections 53A, 53B and 53C of the Licensing Act 2003 make provision for the exercise by the Licensing Authority of functions in relation to 'expedited' or 'summary' review applications.
- 5.2 Section 10 of the Licensing Act 2003 provides that a licensing committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it. Section 10 also provides that the functions within sections 53A, 53B and 53C may not be discharged by an officer of the authority.

6.0 Risk Assessment

- 6.1 There is a risk of legal challenge to decisions taken by the licensing authority if a body taking such decisions does not have the correct delegation to do so. The decision requested seeks to ensure that the Constitution accurately reflects the delegation made by the Licensing Committee.

7.0 Background and Options

- 7.1 At its meeting on 22nd May 2009, the Licensing Committee resolved to delegate certain functions in relation to 'expedited' review applications (i.e. applications for the urgent review of a premises licence or club premises certificate) to the Licensing Sub-Committee established under the Licensing Act 2003. The relevant Licensing Committee minute is attached as Appendix 1.
- 7.2 A number of changes to the Constitution are required to reflect the Licensing Committee's decision, details of which are set out within Appendix 2.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 It is advantageous to make these changes as soon as possible to ensure that the Constitution accurately reflects the delegations made by the Licensing Committee.

9.0 Conclusions and Recommendation

- 9.1 The Committee is asked to approve the consequential changes to the Constitution as set out within Appendix 2 to the report.

For further information:

Officer: Mrs K Khan
Tel No: (01625) 504264
Email: k.khan@macclesfield.gov.uk

Background Documents:

None

APPENDIX 1

Minutes of the Licensing Committee Meeting - 22nd May 2009

Minute No. 54

Delegation of Functions (Expedited Reviews)

To consider the delegation of functions relating to expedited reviews under the Licensing Act 2003 from the Licensing Committee to the Licensing Sub-Committee.

Minutes:

In accordance with the Licensing Act 2003, certain functions falling under the remit of the Licensing Committee could be delegated to a Licensing Sub Committee; the power of referral to the parent committee being retained by the Chairman and Vice Chairman. On the 19 December 2008, the Committee had resolved to delegate the majority of its functions under the 2003 Act to a Sub-Committee of three Members; however two functions were omitted namely –

- a) Determination of interim steps pending summary review [Sections 53A(2) (a) or 53B]; and
- b) Any function under Section 53C [review following review notice] in a case where relevant representations [within the meaning of Section 53C(7)] have been made.

To ensure reviews could be dealt with expeditiously, the Committee was invited to delegate the above powers to the Sub Committee.

RESOLVED: That the following functions be delegated to the Licensing Sub Committee established under the Licensing Act 2003, subject to the proviso that the Chairman or Vice Chairman of the full Committee has the discretion to refer matters to the full Licensing Committee if the item is particular significant or controversial in nature -

- a) Determination of interim steps pending summary review [Sections 53A(2) (a) or 53B]; and
- b) Any function under Section 53C [review following review notice] in a case where relevant representations [within the meaning of Section 53C(7)] have been made.

APPENDIX 2

Consequential Changes to the Constitution

1. To insert the following into the table with the Licensing Committee's terms of reference at page 91 of the Constitution:

Function	Full Committee	Sub-Committee
Determination of interim steps pending summary review (sections 53A(2) (a) or 53B of the 2003 Act)		To determine interim steps
Functions under Section 53C (review following review notice) in a case where relevant representations have been made		To determine the review application

2. To insert the following into the Schedule of functions of the Licensing Committee at page 98 of the Constitution (and to renumber the succeeding paragraphs accordingly):

(xvi) *Sections 53A(2) (a) and 53B of the 2003 Act (determination of interim steps pending summary review);*

(xvii) *Section 53C (review following review notice)*

3. To insert the following into paragraph 25.4 at page 136, the exceptions to the delegation of functions to the Head of Safer and Stronger Communities (and to renumber the succeeding paragraphs accordingly):

25.4.5 The determination of interim steps pending summary review (under sections 53A(2) and 53B of the Licensing Act 2003) and determination of reviews (under section 53C of the Licensing Act 2003) shall be referred to the Licensing Sub-Committee.

4. To insert the following into the exceptions to the delegation to the Head of Safer and Stronger Communities at page 155 under Licensing Functions (Licensing Act 2003 and Gambling Act 2005):

(x) *The determination of interim steps pending summary review (under sections 53A(2) and 53B of the Licensing Act 2003) and determination of reviews (under section 53C of the Licensing Act 2003) shall be referred to the Licensing Sub-Committee.**

**EXTRACT FROM GOVERNANCE AND CONSTITUTION COMMITTEE MINUTES
30 SEPTEMBER 2009**

**LOCAL WARD MEMBERS' PROTOCOL AND THE COUNCILLOR CALL
FOR ACTION PROTOCOL**

The Committee considered a report proposing a Local Ward Members' Protocol and a Councillor's Call for Action Protocol which would strengthen Member involvement at Ward level through the provision of timely, relevant information on local issues.

The Local Government and Public Involvement in Health Act emphasised the importance of the role of Ward Members as community leaders and advocated their empowerment to deal with local issues. The proposed Protocols would illustrate how Members, with officer support, could achieve this.

The Local Ward Members' Protocol had received the informal comments of the Leader and Cabinet and their suggestions had been incorporated. The Councillor Call for Action Protocol had been considered by the five Scrutiny Committee Chairmen and appropriate revisions had been made.

RESOLVED

That Council be recommended to adopt the Local Ward Members' Protocol (Appendix A to the report) and the Councillor's Call for Action Protocol (Appendix B) for incorporation into the Constitution.

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CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 30 September 2009
Report of: Borough Solicitor
Subject/Title: Local Ward Members' Protocol and the Councillor Call for Action Protocol
Portfolio Holder: Leader

1.0 Report Summary

- 1.1 The purpose of this report is to propose a Local Ward Members' Protocol (Appendix A) and a Councillor's Call for Action Protocol (Appendix B) which will strengthen Member involvement at Ward level through the provision of timely, relevant information on local issues.
- 1.2 The Local Government and Public Involvement in Health Act emphasises the importance of the role of Ward Members as community leaders and advocates their empowerment to deal with local issues. These Protocols will illustrate how Members, with officer support, can achieve this.
- 1.3 The Local Ward Members' Protocol has received the informal comments of both the Leader and the Cabinet and their suggestions have been included. The Councillor Call for Action Protocol has been considered by the five Scrutiny Committee Chairmen and appropriate revisions have been made.

2.0 Recommendations

- 2.1 That the Committee consider Appendices A and B and recommend to Council that they be adopted and incorporated into the Constitution.

3.0 Reasons for Recommendations

- 3.1 The Local Ward Members' Protocol and the Councillor's Call for Action Protocol are recommended for adoption as a means of ensuring improvement of Member involvement at Ward level.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The proposal is to incorporate these two documents into the Council's Constitution.

7.0 Financial Implications 2009/10 and beyond

- 7.1 There are no direct financial implications arising from this report.

8.0 Legal Implications

- 8.1 In order for the Protocols to become part of the Constitution, this Committee must first make a recommendation to the Council to this effect.

9.0 Risk Management

- 9.1 No implications

10.0 Background and Options

- 10.1 There are no background papers

11.0 *Access to Information*

There are no background papers.

Name: Shirley Hudspeth

Designation: Democratic Services Team Manager

Tel No: 01270 686029

Email: Shirley.hudspeth@cheshireeast.gov.uk

Local Ward Members' Protocol

1. Scope

- 1.1 Local ward members as community champions have an important role to play in representing the Council in their wards, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations. It is essential for the proper running of the Council that members are fully informed about matters on which they may be required to make decisions or which affect their wards. **Quite simply, members should be “the first to know” of events and issues affecting their wards.**
- 1.2 The basic building blocks of democratic representation are at ward level. Therefore, the Council accepts that members need to be aware of significant developments within their wards if they are to be effective in their roles as spokespersons on behalf of their local communities.
- 1.3 The following protocol sets out a framework of rights or practices, which are to be applied to local ward members. The protocol cannot be comprehensive and its provisions must be interpreted flexibly and with regard to any special circumstances, which may apply in any particular case. They represent a base line from which any departure should be capable of justification. Except where impractical the Chief Executive and the Leader should approve any departure from this protocol.

2. Definitions

- 2.1 A “local matter” is an item where relevance is restricted to a particular ward. In this protocol “local ward member” shall mean the member(s) for a ward to which a matter relates exclusively or which relates solely to an elector of that ward and “local matter” shall be interpreted accordingly.
- 2.2 Where a single matter contains a series of discrete items some or all of which relate exclusively to the ward of a member(s) then each item shall be treated as a “local matter”.
- 2.3 Where a single matter applies to not more than three wards the Chief Executive or the Corporate Management Team shall give consideration to treating the matter as a “local matter” for each of the relevant members and shall apply the spirit of this protocol accordingly.

3. Duty on Chief Executive and Corporate Management Team

- 3.1 It is the duty of each chief officer to ensure that all relevant staff are aware of the requirement to keep local ward members informed and that the

timing of such information allows members to contribute to those discussions.

Local ward members should also be kept informed about matters affecting their wards during the formative stages of policy development. It is important in an effective democratic process that they know early on if they are to deal with their constituents' concerns or to exert influence on their behalf.

4. Business Conducted in Committee s etc

- 4.1 The Chief Executive, Directors and Managers should normally ensure that local matters being reported through the committee process are identified and marked accordingly on the front page of the report. The Chief Executive should ensure that a copy of the agenda and papers are supplied by electronic means to the local ward member(s) at the same time as the Committee papers are despatched.
- 4.2 ***Subject to the Council's Code of Conduct for Members, the usual rules regarding bias and predetermination and any special rules regarding regulatory committees (including the protocols on public speaking at meetings of the Strategic Planning Board and Planning Committees), the current rules permit local ward members to attend and ask questions at meetings of Council and to speak at meetings of Cabinet, committees and sub-committees. Members must give 3 clear working days' notice of the intention to ask a question at Council and must obtain the permission of the Leader or Chairman to speak at Cabinet, committees or sub-committees. Where permitted to do so, visiting Members may speak for up to 5 minutes.***
- 4.3 If local ward members do not attend such a meeting for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome.

5. Business Conducted Outside Committee

- 5.1 Senior Officers as well as the Leader and Committee Chairmen and Vice-Chairmen are expected to keep local ward members apprised of **significant** matters that are not the subject of a report to Council or its Committees, but which relate specifically to the local member's ward or which may have a material impact in the local area of which the ward is a part. Significant matters include matters or items that are of concern to the general public and local ward members.

6. Consultation

- 6.1 Whenever the Council undertakes any form of consultation exercise, the local ward member(s) will be notified at the outset of the exercise.
- 6.2 Local ward members will be advised of all planning applications relating to their wards (and be able to view them within the Planning Department dealt with by the Council as the Planning Authority). Licensing applications are available for viewing on the website, which is routinely updated.

7. Expedited Procedures – Consultation

- 7.1 Where an officer *or an individual Portfolio Holder* makes a decision in accordance with the scheme of delegation on a local matter, a letter setting out the details of the matter and the course of action it is proposed to take, detailing the options and giving reasons for making the decision should normally be sent, by electronic means, to the local ward member(s) by the relevant chief officer.

8. Local Meetings

- 8.1 Where any public meeting to be held in a member's ward is arranged by the Council the local ward member(s) for the ward in which the public meeting takes place will be informed of the event and invited to attend by the Chief Executive or relevant Director e.g. a Planning Inquiry.
- 8.2 Local ward members will be invited to the opening of any Council buildings/projects or launches of services in their wards though if present the Mayor/Deputy Mayor, Leader/Deputy Leader, relevant Committee Chairman/Vice-Chairman shall take precedence unless otherwise agreed.
- 8.3 A copy of the Mayoral Engagement List shall be sent by electronic means to all members in order that they are kept informed of the Mayor/Deputy Mayor's attendance at any occasion in their ward.
- 8.4 Where a local liaison or local consultation group is established by the Council consideration should be given to whether the local ward member(s) should be invited to attend to observe if not appointed as a member of the group.

9. Publicity

- 9.1 Any publicity activity organised by officers in a member's ward whether of a local nature or borough wide nature will seek to involve the relevant local ward member(s) where possible.

10. Officer Meetings and Correspondence

- 10.1 The nature and extent of correspondence between the Council's Directorates on the one hand and the public or specific clients or recipients of services including their representatives on the other is such that it is neither always appropriate or practical for local ward members to be advised of all such matters.
- 10.2 Where any officer is invited to attend a meeting of a Parish Council they shall inform the ward members, by electronic means. Further, where senior officers are invited to attend a meeting with a public body in relation to a local matter, the local ward member(s) should normally be made aware, by electronic means, of the general circumstances.
- 10.3 Any information communicated to the local ward member(s) shall be without prejudice to the right of an officer to communicate with any relevant Committee Chairmen, Group Leader or other member(s) as appropriate in the circumstances.

11. Action Relating to Other Members' Wards

- 11.1 Where a member wishes to propose a motion or seek a debate or otherwise speak in a meeting of the Council or a Committee in relation to a local matter in another member's ward, they should seek wherever possible, as a matter of courtesy, to give prior warning to the local ward member(s).
- 11.2 All members who involve themselves in matters relating to the Council or its functions in wards other than their own should seek, as a matter of courtesy, to advise the local ward members of these actions and should do so in advance if circumstances permit. (This shall not apply to canvassing or other party political activity.) However, it must be accepted that Cabinet and Scrutiny Members will on occasion have a need to consider issues which involve individual wards and it may not always be possible to inform local ward members in advance.

12. Community Amenities

- 12.1 Under this protocol all Directorates must notify local ward members if they become aware of any proposals for the closure or opening of community amenities, including post offices, bank branches, health facilities etc.

13. Confidentiality

- 13.1 The local ward member(s) under this protocol must not make public nor make personal use of any information or material supplied to them where the supplier of the information has indicated that it is of a confidential

nature. They must also comply with any relevant provisions of the Data Protection Act and the Freedom of Information Act.

14. Commitments

- 14.1 Local ward members are reminded that they do not have the right to commit the Council or its officers to any particular course of action and should ensure that they do not convey to the public any false impression of commitment or give any undertaking that they are not in a position to personally fulfil.

15. Freedom of Information Requests

- 15.1 Local ward members will be advised of any Freedom of Information requests that affect their wards.

16. Dissemination of the Protocol

- 16.1 The protocol will be disseminated throughout the Council to ensure that all officers communicate with and involve local ward members and therefore it is proposed to do this by the following means:

- Talking East - Council intranet
- Corporate Management Team's minutes
- Departmental Management Teams
- Talking East – Your Monthly Staff Newsletter
- Induction
- As part of the Communications Strategy

17. Review of this Protocol

- 17.1 The Local Government and Public Involvement in Health Act 2007 contains provisions regarding the role of local ward members, which may require amendment of this policy in due course. The Council's Standards Committee may issue revisions from time to time.

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Councillor Call for Action Protocol – A Guide

1. What is the Councillor Call for Action?

- 1.1 The Councillor Call for Action (CCfA) process provides ward Members with a means of escalating matters of ward concern to a Scrutiny Committee, for possible onwards recommendations to the Council's Cabinet and/or other agencies. **It is very important to note that a CCfA is intended to be a measure of "last resort" and may not be used until all other avenues have been exhausted.** The CCfA may not be used in relation to individual planning and licensing decisions or where other avenues of appeal exist.
- 1.2 This guide has been prepared to offer assistance to a Councillor who is thinking of pursuing a CCfA and has regard to a best practice guidance booklet published by the Centre for Public Scrutiny and the Improvement and Development Agency.

2. What is CCfA designed to achieve?

- 2.1 CCfA should be seen in the context of wider changes introduced to provide overview and scrutiny with greater powers to work more closely with partners and across organisational boundaries. It will enable Councillors, as the democratic representatives of their communities, to raise issues that it has not been possible to resolve by other means.
- 2.2 CCfA should not be seen in isolation. It is part of a range of measures available to a ward Councillor in support of his or her representative role, including the internal feedback process, petitions, call-in etc.

3. Who can raise a CCfA?

- 3.1 It is open to any Councillor to raise a CCfA at a meeting of one of the Council's Scrutiny Committees. The Councillor does not have to be a member of the relevant Committee.
- 3.2 A Councillor whose CCfA is listed on an agenda for a Scrutiny Committee meeting will be invited and expected to attend that meeting to speak to the item. However, in exceptional circumstances, the Councillor concerned can send a substitute. The decision to allow this will be taken by the Borough Solicitor in consultation with the relevant Scrutiny Committee Chairman and Vice-Chairman.

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4. What can be raised through a CCfA?

- 4.1 A Councillor who is a member of a Scrutiny Committee can raise any matter that is within the terms of reference of the Committee. Any Councillor can raise a local government matter with any of the Council's Scrutiny Committees and in particular, issues relating to the local neighbourhood. A local government matter can relate to the discharge of any function of the Council and, more locally, all or part of the Councillor's ward or any person who lives or works in it. In line with the area focus of Comprehensive Area Assessment and the fact that the Council's duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership, a Councillor can raise any issue that relates to the economic, social and environmental well-being of his or her ward.

5. Is any matter excluded from a CCfA?

- 5.1 Yes. There are certain exclusions from CCfA. The Scrutiny Committee may reject any Call for Action if it:
- is not a matter for which the local authority or its partners has a responsibility, or which does not affect the borough
 - is defamatory, frivolous or offensive
 - is substantially the same as a Councillor Call for Action which has been put to any meeting of the Council in the past 6 months
 - is a matter relating to a planning decision
 - is a matter relating to a licensing decision
 - is a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or appeal conferred by or under any enactment
 - is vexatious, discriminatory or not reasonable* for inclusion on an agenda for discussion at a meeting of a Scrutiny Committee.
- 5.2 Although a CCfA can not be raised on a single licensing or planning decision, a CCfA can be raised about licensing and planning decisions and other decisions where there is a right to review or appeal if the CCfA consists of an allegation that the authority responsible has failed to discharge the function or is failing on a systematic basis.

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6. What other avenues are available to resolve an issue?

6.1 There is a wide range of both formal and informal avenues available that a Councillor can use to influence, change and resolve problems. These include:

- Motions on the agenda for Council
- Local Area Partnerships (LAPs)
- Written and oral questions at Council
- Exercising the right to ask for items to be included on an agenda
- Organising a petition
- Organising a public meeting
- Informal discussions with officers or other Councillors
- Liaison and discussions with Councillors of other authorities, such as Town or Parish Councils
- Writing to or emailing an officer or an officer of another authority on behalf of a constituent

6.2 It is important to recognise CCfA as a last resort rather than the primary route to getting constituency issues resolved. It would be an unnecessary waste of resources if a Councillor tried to deal with all constituency issues or matters of concern by raising them on a Scrutiny Committee agenda. A Councillor should try to resolve matters informally or at a local level before considering whether to pursue a CCfA. Advice can be sought from the Senior Scrutiny Officer on appropriate courses of action.

6.3 A ward Member requesting a call for action will be asked to demonstrate that he or she has sought to address the issue through all existing means and the call will not be considered unless the relevant Scrutiny Committee is satisfied that:

- the Councillor has made all reasonable efforts to resolve the matter via dialogue with Council officers and or relevant partners and particularly the Local Area Partnership;
- the issue of concern is a matter in respect of which the Council has a statutory power or duty to deal with which is not precluded by legislation; and
- the issue of concern has a demonstrable impact on a part of or the whole of a Councillor's ward.

6.4 Before a CCfA can be progressed to scrutiny, the Councillor must provide documentation to show that they have taken the following steps:

APPENDIX B

- made the relevant service request / Members' enquiry/letter to relevant other agency
- raised the issue with the relevant Cabinet Member or senior representative of a partner agency
- raised the issue of concern at relevant meetings dealing with crime and disorder matters
- brought the matter to the attention of the Local Area Partnership.

6.5 Care should be taken by a Councillor not to offer definitive advice to a constituent about a particular issue which may lead to action or expenditure on the part of the constituent. Councillors are not insured to do so and any subsequent claim by a constituent that the advice was flawed could lead to embarrassment and costs.

7. How will the process work?

7.1 The ward Councillor's role in the consideration of the CCfA, as with any formal Council business, is subject to compliance with the Members' Code of Conduct

7.2 A Councillor wishing to raise a CCfA should contact the Senior Scrutiny Officer with the appropriate details not less than ten working days prior to the despatch of an agenda for the Scrutiny Committee on which the item is to be included. He or she should explain:

- The background to the CCfA
- What action the Councillor has already taken to try to resolve the issue informally
- If the issue is being raised on behalf of a constituent, what action the constituent has taken to try to resolve the matter
- What resolution the Councillor (or constituent) is seeking to achieve
- The decision/recommendation(s) of the Local Area Partnership.

7.3 It is important to recognise that CCfA is not appropriate for an individual complaint, e.g. a complaint by an individual resident about a failure to collect refuse or about an incident in a leisure centre. Avenues for complaint already exist to deal with such matters through the Council's Complaints Procedure. However scrutiny can become involved where it is felt that a series of complaints demonstrates a systematic failure in a particular service.

7.4 On receipt of the request, the Senior Scrutiny Officer will obtain any further information thought to be necessary from the Councillor, including any documentation that may be available, and his or her availability to attend the Committee meeting when the CCfA is to be raised. The Senior Scrutiny Officer will consult with the Chairman of

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the relevant Scrutiny Committee on whether the CCfA can be accepted or whether it should be excluded under the statutory criteria.

- 7.5 In considering whether to include the CCfA on an agenda, regard will be had to any representations made by the Councillor in support of his or her request. The Borough Solicitor, after consultation with the appropriate Chairman and Vice-Chairman, will consider whether a CCfA can now be accepted and, If so, which Committee it should be considered by. If the CCfA is rejected, the Councillor will be notified of the decision and the reason for it.
- 7.6 The relevant Cabinet Member will be invited to attend the Committee meeting at which the CCfA is to be raised, together with a senior officer from the appropriate directorate or service.
- 7.7 When an item is raised at a Committee meeting, the Councillor bringing the CCfA or, in exceptional circumstances the substitute, will be invited to speak to the Committee about the issue and what outcome is being sought. The Committee may:
- Challenge the expected outcome if it feels that this is unreasonable or inappropriate
 - Seek further information from the Councillor bringing the CCfA
 - Invite the Cabinet Member or senior officer to respond to the issues raised by the Councillor
 - Decide to ask the Cabinet Member or senior officer to report back to a future meeting with further information, after investigating the issue raised
 - Decide whether to invite a representative of a partner or other organisation to attend a future meeting if the CCfA relates to an issue that is the responsibility of that organisation
 - Appoint a task and finish group to investigate the issue further and report back with recommendations
 - Recommend the Cabinet Member or Cabinet to pursue a particular resolution to the CCfA
 - Decide that it would be inappropriate to pursue the matter any further giving reasons
 - Refer it back to the Local Area Partnership setting out the reasons why it has decided on this course of action
- 7.7 If the Committee decides to submit a report and/or recommendations either to the authority or the Cabinet, it will provide the Councillor with a copy.
- 7.8 The decision of the Committee on the CCfA shall be final.

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- 7.9 The same procedure will apply to Cabinet in respect of CCfAs that fall within its remit.

8. ***Definitions**

- 8.1 Any matter which is vexatious, discriminatory or not reasonable is excluded from CCfA
- 8.2 **'Vexatious'** is defined in guidance to the Freedom of Information Act as 'Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause'.
- 8.3 Issues around persistency are also implied in this definition. However, a persistent request may be entirely valid where it relates to a systematic problem. A request which some Councillors may regard as vexatious for political reasons may be entirely reasonable.
- 8.4 **'Discriminatory'** is defined in the Equality Act as 'A person ("A") discriminates against another person ("B") for the purposes of this Part if on the grounds of the religion or belief of B or of any other person except A (whether or not it is also A's religion or belief) A treats B less favourably than he treats or would treat others (in cases where there is no material difference in the relevant circumstances'. The definition can be applied to other forms of discrimination for reasons of sex and/or race.
- 8.5 **'Not reasonable'** does not mean the same as unreasonable. It is best considered as a qualifier to the word 'vexatious' i.e. a vexatious request is likely to be not reasonable and vice versa.

**EXTRACT FROM GOVERNANCE AND CONSTITUTION COMMITTEE
MINUTES 30 SEPTEMBER 2009**

PUBLIC AND MEMBER QUESTIONS AND STATEMENTS AT MEETINGS

The Committee considered a report setting out the recommendations of the Corporate Scrutiny Committee and Cabinet with regard to public and Member questions and statements at meetings.

At its meeting on 16 April 2009, the Committee had reviewed the arrangements for public and Member questions and statements at meetings following proposals to disapply those provisions of the Constitution from the meetings of planning, licensing and scrutiny bodies. The Committee had decided to seek the views of the Corporate Scrutiny Committee and the Cabinet. The matter was subsequently considered by the Corporate Scrutiny Committee on 12 June and the Cabinet on 14 July. The Cabinet had concurred with the recommendations of the Corporate Scrutiny Committee and the recommendations of both bodies to the Governance and Constitution Committee were considered.

RESOLVED

That Council be recommended that

- (1) the recommendations of the Corporate Scrutiny Committee and Cabinet in relation to public and Member questions and statements at meetings be approved as follows:**
 - (a) That the existing Planning and Licensing Protocols which override the member and public speaking and questioning provisions that apply to other committees, should be retained;**
 - (b) That the facility to allow questions by Members of the Public at meetings of Overview and Scrutiny Committees should be removed, but a period of 15 minutes be provided at the beginning of meetings to allow members of the Public to make a statement(s) on any matter that falls within the remit of the relevant committee, subject to individual speakers being restricted to 5 minutes each;**
 - (c) That whilst acknowledging that Planning and Licensing Committees have separate arrangements in place for public involvement, in all other cases, members of the Public should provide 3 clear working days notice, in writing, if they wish to ask a question at any other decision making meeting, in order for an informed answer to be given, but they should not be required to give notice of intention to make use of public speaking provision (although as a matter of courtesy, a period of 24 hours notice should be encouraged);**

(d) That members of the Council should, in accordance with the current rules, be required to provide 3 clear working days notice in writing if they wish to ask a question at a full Council meeting or Cabinet in order for an informed answer to be given;

(e) That the existing provisions of the constitution relating to the way in which questions may be answered be preserved.

the relevant provisions of the Constitution be amended accordingly

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 30 September 2009
Report of: Democratic Services Manager
Subject: Public and Member Questions and Statements at Meetings

1.0 Report Summary

- 1.1 This report sets out the recommendations of the Corporate Scrutiny Committee and Cabinet with regard to public and Member questions and statements at meetings, and asks the Committee whether, in light of those recommendations, it wishes to make recommendations to Council to amend the relevant provisions of the Constitution.

2.0 Recommendation

- 2.1 That the Committee consider the recommendations of the Corporate Scrutiny Committee and the Cabinet as set out in Appendix B and decide whether to make recommendations to Council to amend the relevant provisions of the Constitution.

3.0 Reasons for Recommendations

- 3.1 To give effect to the decision of the Committee of 16th April 2009.

4.0 Wards Affected

- 4.1 All Wards are affected

5.0 Local Ward Members

- 5.1 All local ward Members are affected.

6.0 Policy Implications

- 6.1 If, following any recommendations of the Committee, Council resolves to make changes to the Constitution, these changes will govern the way in which public and Member questions and speaking are dealt with at some meetings.

7.0 Financial Implications for Transition Costs

- 7.1 There are no financial implications for transitional costs.

8.0 Financial Implications 2009/10 and beyond

- 8.1 There are no financial implications for 2009/10 and beyond.

9.0 Legal Implications

- 9.1 If any changes are made to the Constitution, these must first be the subject of a recommendation of the Governance and Constitution Committee, and then a resolution of Council.

10.0 Risk Management

- 10.1 No risks appear to arise from the matters referred to in this report.

11.0 Background and Options

- 11.1 At its meeting on 16 April 2009, the Committee reviewed the arrangements regarding public and Member questions and statements at meetings following proposals to disapply those provisions of the Constitution from the meetings of planning, licensing and scrutiny bodies. The Committee decided to seek the views of the Corporate Scrutiny Committee and the Cabinet. Further details are contained in the report to the Committee on 16 April which is attached at Appendix A.
- 11.2 This matter was subsequently considered by the Corporate Scrutiny Committee on 12 June and the Cabinet on 14 July. The recommendations of both bodies are set out in Appendix B. The two sets of recommendations are identical.
- 11.3 The Committee must now consider the recommendations of the Scrutiny Committee and the Cabinet and decide whether it wishes to make any recommendations to Council.
- 11.4 The Committee will recall that at its meeting on 21 May, it agreed to recommend to Council an amendment to the Constitution to apply a Planning Public Speaking Protocol to Members' general speaking rights at Planning Board and Planning Committee meetings. This aspect of Member speaking was dealt with separately because the Strategic Planning Board had delegated authority to determine its own arrangements and was already operating them. Council was therefore asked to approve the necessary amendment to the Constitution, which it has now done. Members will note that the Corporate Scrutiny Committee and the Cabinet, in reviewing public and Member speaking rights in general, have recommended that the Planning Protocol should be retained.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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APPENDIX A

CESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 16 April 2009
Report of: Borough Solicitor
Title: Public and Member Questions at Meetings

1.0 Purpose of Report

- 2.1 To review the arrangements for public and Member questions at Meetings.

2.0 Recommendations

- 2.1 That consideration be given to the Council's current arrangements for public and Member questions and statements at meetings and whether the views of the Cabinet and appropriate scrutiny committee should be sought before formal recommendations are made to Council.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 The public and Member speaking and questions provisions are contained in the Council's Constitution. Any changes to the provisions must be agreed by the Council following a recommendation of the Governance and Constitution Committee.

6.0 Risk Assessment

- 6.1 Providing that the above requirements are adhered to, there are no risks associated with the consideration of the public and member speaking and questions provisions.

7.0 Background/Context

- 7.1 Over the last few months, Members have raised questions about the Council's arrangements for public and Member questions and statements at Council and other meetings. This report seeks to

summarise the background and context and the Constitutional provisions that currently apply.

- 7.2 At its meeting on 9 February 2009 the Governance and Constitution Committee considered a report relating to public questions/speaking at Licensing and Scrutiny Committee meetings.
- 7.3 The Licensing Committee on 14 January 2009 had requested that the provision for members of the public to ask questions/speak at the commencement of meetings of the Licensing Committee be waived.
- 7.4 The Scrutiny Committee on 21 January 2009 had requested that Governance and Constitution Committee remove the public speaking/open session from the rules of procedure for the Scrutiny Committee. The Health and Adult Social Care Scrutiny Committee made a similar resolution at its meeting on 20 January. In making these resolutions Members questioned whether it was appropriate to include public speaking/questions within the agenda of a Committee which is not itself a decision-making body.
- 7.5 On 12 January 2009, the Governance and Constitution Committee gave preliminary consideration to Member entitlement to speak and ask questions at Cabinet meetings but at its subsequent meeting on 9 February the Committee resolved that
- (a) it be recommended to Council that the public speaking rule (Rule 35 of the Council Procedure Rules) be disapplied in respect of meetings of the Licensing Committee where it is meeting in a quasi-judicial capacity, either by itself or by Sub-Committee; and
 - (b) the issue of questions and statements by Members and the public be further considered in conjunction with a report by the Borough Solicitor to include the emerging Government guidance relating to Councillor Call for Action and Petitions under the Local Government and Public Involvement in Health Act 2007.
- 7.6 The Council at its meeting on 24 February 2009 approved the adoption of the new Constitution to take effect from Vesting Day. In doing so, it resolved:
- “That the issue of questions and statements by Members and the public be further considered in accordance with the recommendation at Item 10 of the Governance and Constitution Committee meeting on 9 February but that, in the interim, and in this respect, only the currently appended Cabinet Procedure Rules 7 and 8 should apply, which provide for:
- (a) Chairmen and Spokespersons of Scrutiny Committees to attend and speak at meetings of the Cabinet on agenda items;

- (b) other Members to speak with the permission of the Leader; and
- (c) questions to be submitted by members of the public, providing 3 working days' notice is given."

7.7 A report on Councillor Call for Action and Petitions is included elsewhere on this agenda. This report addresses the issue of public questions at meetings.

8.0 Constitutional Provisions Relating to Public and Member Questions and Statements

8.1 The provisions relating to public questions at meetings of the Council, its committees and sub-committees and Cabinet may be found in Council Procedure Rules 11 and 35 and Appendix 7 to those Rules and in Cabinet Procedure Rule 8. These are summarised in the Appendix to this report.

9.0 Licensing, Planning and Scrutiny – Reasons Behind Their Requests

- 9.1 The Licensing Committee on 14 January 2009 asked that the provision for members of the public to ask questions/speak at the commencement of meetings of the Licensing Committee be waived. The Licensing Committee noted that when considering applications it was acting in a quasi-judicial nature and as such appropriate provision was already made within its own procedure rules adopted in accordance with the provisions of the relevant legislation. The procedure adopted by the Licensing Committee is summarised in the Appendix.
- 9.2 The Scrutiny Committee on 21 January 2009 asked for the removal of public speaking/open session from the rules of procedure for the Scrutiny Committee. The Health and Adult Social Care Scrutiny Committee made a similar resolution at its meeting on 20 January. In making these resolutions Members questioned whether it was appropriate to include public speaking/questions within the agenda of a Committee which is not itself a decision-making body.
- 9.3 Since consideration of these proposals, the Strategic Planning Board has now requested a similar exemption from the main public question provisions for the Board and Planning Committees on the following grounds:

Council gave the Strategic Planning Board power to adopt working protocols governing the Planning function. This specifically included a protocol regarding public speaking rights. On 4 March 2009 the Board resolved

- (i) to adopt a Public Speaking Protocol for Board and Planning Committee meetings; and

- (ii) to request Governance and Constitution Committee to consider an amendment to Procedure Rule 35 in order to waive the general provision for speaking rights at the commencement of those meetings.

The Planning Public Speaking Protocol tailors and significantly expands the general speaking rights in Procedure Rule 35, in accordance with good practice guidance issued by the Planning Officers Society. It provides for

- a wide range of eligible speakers
- minutes per group (supporters, objectors, Members, applicants and others) before the debate begins regarding each application on the agenda
- questions for clarification purposes
- overriding discretion for the Chair to extend time a clear procedure

In these circumstances, the Board felt that the existing provision for 10 minutes public speaking no longer added value to a Planning meeting and that business would be despatched more expeditiously if the tailored Protocol replaced rather than supplemented the general rule.

The Board therefore proposed that this Committee recommend to Council that the Strategic Planning Board and Planning Committees be excluded from the general arrangements for public speaking set out in Procedure Rule 35 of the Constitution in order for them to allow enhanced public speaking rights which are set out in full in a separate Planning Public Speaking Protocol.

10.0 Conclusions

- 10.1 This report sets out the provisions within the Constitution governing public and Member speaking and questions provisions at meetings. It also contains proposals for excluding those provisions from three sets of bodies, together with the rationale for those exclusions. Given the significance of these amendments, Members may wish to consider seeking the views of the Cabinet and relevant scrutiny committee before taking a final view on the matter. The views of the Licensing Committee and Strategic Planning Board have been provided on the specific issues relating to their business.

For further information:

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Background Documents: Constitution and reports to and minutes of committees referred to in the report.

BRIEF SUMMARY OF PUBLIC AND MEMBER SPEAKING/QUESTION PROVISIONS

Council Meetings – Questions by Members

1. Members may ask questions of the Mayor, Cabinet Members, Committee Chairmen, Fire/Police Authority representatives PROVIDED THAT 3 clear working days' written notice is given.
2. The Mayor may agree to take urgent questions.
3. Reasonable endeavours must be used, when responses are given, to address the matter raised.
4. Questioners may ask supplementary questions.

Council Meetings – relating to the Minutes

1. The accuracy of the minutes of the last meeting of Council may be questioned by a motion which must be proposed, seconded and voted upon.
2. The accuracy of the record of minutes of committees and decisions of the Cabinet may be questioned at Council. Any questions must be considered and determined by the committee or Cabinet at their next meeting.

All Meetings – Public Speaking and Public Questions

1. 15 minutes is allocated for public speaking at Council meetings. 10 minutes is allocated at committees, etc.
2. 5 minutes is allocated to each public speaker.
3. Members of the public may use this time to ask questions of the appropriate Cabinet Member or Chairman.

Cabinet Meetings – Public Questions

Where a member of the public wishes to ask questions of a Cabinet Member at a Cabinet meeting, 3 working days' notice must be given.

Cabinet Meetings – Member Participation

1. The chairmen and spokespersons of scrutiny committees are entitled to attend and speak on agenda items of any formal Cabinet meeting.
2. Other Members may speak with the permission of the Leader.

Licensing Committee Hearings

The Licensing Committee has adopted its own procedures for dealing with applications which include facilities for representations to be made and questions to be asked by all parties and residents.

Planning Committee Hearings

A protocol has been adopted which includes provision for Members of the Council and members of the public to speak.

Appendix B

RESOLUTION OF THE CORPORATE SCRUTINY COMMITTEE ON 12 JUNE 2009

That Governance and Constitution Committee be informed that the views of this Committee in relation to Public and member questions are as follows:

1. That the existing Planning and Licensing Protocols which override the member and public speaking and questioning provisions that apply to other committees, should be retained;
2. That the facility to allow questions by Members of the Public at meetings of Overview and Scrutiny Committees should be removed, but a period of 15 minutes be provided at the beginning of meetings to allow members of the Public to make a Statement(s) on any matter that falls within the remit of the relevant committee, subject to individual speakers being restricted to 5 minutes each;
3. That whilst acknowledging that Planning and Licensing Committees have separate arrangements in place for public involvement, in all other cases, members of the Public should provide 3 clear working days notice, in writing, if they wish to ask a question at any other decision making meeting, in order for an informed answer to be given, but they should not be required to give notice of intention to make use of public speaking provision (although as a matter of courtesy, a period of 24 hours notice should be encouraged);
4. That members of the Council should, in accordance with the current rules, be required to provide 3 clear working days notice in writing if they wish to ask a question at a full council meeting or Cabinet in order for an informed answer to be given;
5. That the existing provisions of the constitution relating to the way in which questions may be answered be preserved.

RESOLUTION OF THE CABINET ON 14 JULY 2009

That the Governance and Constitution Committee be informed that the views of the Cabinet in relation to Public and member questions are as follows:

1. That the existing Planning and Licensing Protocols which override the member and public speaking and questioning provisions that apply to other committees, should be retained;
2. That the facility to allow questions by Members of the Public at meetings of Overview and Scrutiny Committees should be removed, but a period of 15 minutes be provided at the beginning of meetings to

allow members of the Public to make a statement(s) on any matter that falls within the remit of the relevant committee, subject to individual speakers being restricted to 5 minutes each;

3. That whilst acknowledging that Planning and Licensing Committees have separate arrangements in place for public involvement, in all other cases, members of the Public should provide 3 clear working days notice, in writing, if they wish to ask a question at any other decision making meeting, in order for an informed answer to be given, but they should not be required to give notice of intention to make use of public speaking provision (although as a matter of courtesy, a period of 24 hours notice should be encouraged);
4. That members of the Council should, in accordance with the current rules, be required to provide 3 clear working days notice in writing if they wish to ask a question at a full Council meeting or Cabinet in order for an informed answer to be given;
5. That the existing provisions of the constitution relating to the way in which questions may be answered be preserved.

**EXTRACT FROM GOVERNANCE AND CONSTITUTION COMMITTEE
MINUTES 30 SEPTEMBER 2009**

CABINET DECISION-MAKING ARRANGEMENTS

The Committee considered a proposed change to the existing Cabinet Decision-Making arrangements.

Despite Council having agreed that individual Cabinet Members should have their own decision-making powers, the collective Cabinet was still being expected to deal with many decisions which could be dealt with on an individual basis. Despite a series of training sessions, Officers were still reluctant to refer decisions to individual portfolio holders rather than collective Cabinet. Cabinet Members were themselves reticent in using their powers and often deferred to full Cabinet.

A further reduction in the volume of Cabinet business could be achieved by removing paragraph (d) of the existing restrictions on individual Cabinet Member decision-making. This related to decisions which “are significant in terms of their effect on communities living or working in an area comprising two or more wards”. Many decisions were “significant in terms of their effect on communities” but could readily be taken by the relevant portfolio holder. By removing this provision, Council would bring clarity and certainty to its executive decision-making arrangements. There were no implications for the Council’s call-in provisions which would continue to apply to all executive decisions whether taken collectively or individually.

Cabinet Members would also be given some assurance in the use of their individual decision-making powers by:

- (a) the opportunity to discuss a proposal first at an informal Cabinet meeting; and
- (b) the scheduling of regular weekly Cabinet Member decision days on Tuesdays.

RESOLVED

That Council be recommended that

- (1) an amendment be made to the decision-making powers of individual Cabinet Members by the removal of paragraph (d) from the existing restrictions on individual Cabinet Member decision-making, the revised restrictions being as follows:**

“Cabinet Members may make all executive decisions in respect of their portfolio areas except:

- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.**
- (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.**
- (c) Decisions involving expenditure or savings of £1 million or more.**
- (d) Decisions which the Leader wishes to be taken by full Cabinet.**

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions."

- (2) the Constitution be amended accordingly.**

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of Meeting: 30 September 2009
Report of: Democratic Services Manager
Subject/Title: Cabinet Decision-Making Arrangements

1.0 Report Summary

- 1.1 To enable the Governance and Constitution Committee to consider proposed changes to the existing Cabinet Decision-Making arrangements and to make a recommendation to Council in order for changes to be made to the Constitution.

2.0 Recommendations

- 2.1 That the proposed changed individual Cabinet Member decision-making powers, set out in Appendix B to this report, be recommended for approval by Council and for inclusion in the Constitution.

3.0 Reasons for Recommendations

- 3.1 In order to ensure greater use of individual decision-making powers.

4.0 Wards Affected

- 4.1 All Cheshire East Council Wards are affected.

5.0 Local Ward Members

- 5.1 All Cheshire East local Ward Members are affected.

6.0 Policy Implications

- 6.1 Any changes to the Council's decision-making arrangements which are agreed by Council must be reflected in the Constitution. These will then govern the way in which the Council, its Members and officers operate.

7.0 Financial Implications for Transition Costs

- 7.1 There appear to be no financial implications for Transition Costs.

8.0 Financial Implications 2009/10 and beyond

- 8.1 There appear to be no identifiable financial implications 2009/10 and beyond.

9.0 Legal Implications

- 9.1 Any changes to the Council's decision-making arrangements must be reflected in the Constitution. Constitutional changes cannot take place until a recommendation of the Committee has been considered by Council and Council approval has been given.

10.0 Risk Management

- 10.1 No changes are proposed to be made to the Constitutional provisions relating to call-in of executive decisions, which enable individual Cabinet Member decisions to be considered by Scrutiny Committees. There would seem to be no risks associated with the proposed changes. Indeed, the changes proposed will bring further clarity for officers and Members as to the types of decision which may be made by Cabinet Members and the collective Cabinet.

11.0 Background and Options

- 11.1 Appendix A sets out the existing powers of individual Cabinet Members to make decisions within their areas of Portfolio responsibility. Further amendment is required to reduce the volume of business being transacted by full Cabinet.
- 11.2 Despite Council having agreed that individual Cabinet Members should have their own decision-making powers, the collective Cabinet is still being expected to deal with many decisions which, it would appear, should be dealt with on an individual basis. Officers are still, despite a series of training sessions, reluctant about referring decisions to be dealt with individually by portfolio holders rather than collective Cabinet. Individual Cabinet Members are reticent in using their powers and often defer to full Cabinet.
- 11.3 A further reduction in the volume of Cabinet business could be achieved by removing paragraph (d) of the existing powers as set out in Appendix A. Many decisions are "significant in terms of their effect on communities" but could readily be taken by the relevant portfolio holder.
- 11.4 It is proposed that the powers of individual Cabinet Members should be changed to reflect the provisions in Appendix B. These powers are identical to the existing powers, except it is proposed that individual Cabinet Members will not be prevented from making decisions which are "significant in terms of their effect on communities....". By removing this provision, Council would bring certainty to its executive decision-making arrangements.
- 11.4 It should be noted, however, that no changes are proposed to be made to the Council's call-in provisions which, when triggered, put executive decisions on hold and give time for Scrutiny Committees to consider whether advice should be offered to the decision-maker prior to the decision being reconsidered.
- 11.5 It is understood that Cabinet Members will also be given some assurance in the use of their individual decision-making powers by:-

(a) the opportunity to discuss the matter first at an informal Cabinet meeting;
and

(b) the scheduling of regular weekly Member decision days on Tuesdays.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Brian Reed
Designation: Democratic Services Manager
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Email: brian.reed@cheshireeast.gov.uk

Appendix A

Existing powers of individual Cabinet Members

Cabinet Members may make all executive decisions in respect of their portfolio areas except:

- (a) Decisions already taken by Cabinet or an officer acting under delegated powers.
- (b) Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
- (c) Decisions involving expenditure or savings of £1 million or more.
- (d) Decisions which are significant in terms of their effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.
- (e) Decisions which the Leader wishes to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

Appendix B

Proposed powers of individual Cabinet Members

Cabinet Members may make all executive decisions in respect of their portfolio areas except:

1. Decisions already taken by Cabinet or an officer acting under delegated powers.
2. Decisions involving a departure from the Council's Budget and Policy Framework or any Cabinet or regulatory committee policy.
3. Decisions involving expenditure or savings of £1 million or more.
4. Decisions which the Leader wishes to be taken by full Cabinet.

PROVIDED THAT all such decisions shall be taken in public and that regard shall be had to the advice of the Borough Solicitor by the decision-maker in interpreting these provisions.

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CREWE COMMUNITY GOVERNANCE REVIEW

Extract of the Minutes of Governance and Constitution Sub Committee 5 October 2009

5. CREWE COMMUNITY GOVERNANCE REVIEW – FORMULATING THE COUNCIL’S DRAFT RECOMMENDATION

The Sub Committee considered a briefing paper based on the statutory guidance issued by the Department for Communities and Local Government that set out the points which needed to be taken into consideration in formulating the Council’s draft recommendation.

AGREED: That the procedures to be followed in conducting the Review based on the statutory guidance issued by the Department for Community Governance review be noted.

6. CREWE COMMUNITY GOVERNANCE REVIEW - FIRST STAGE CONSULTATION

Stage 1 of the Consultation process had concluded on 30 September 2009. The outcome of the results and the feedback received from stakeholder organisations was submitted to Members for consideration i.e.

- a) The petition signed by 10% of the electorate requesting a Town Council for Crewe;
- (b) Results of the consultation with electors;
- (c) Results of the consultation exercise with stakeholders;
- d) Other representations received;
- (e) Notes of the two public meetings held on 1 September 2009; and
- (f) Feedback from the Crewe Charter Trustees meeting held on 24 September 2009.

The Sub Committee was invited to consider the report and forward its views to the Governance and Constitution Committee on 15 October 2009 in accordance with the recommendation set out on page 17 of the agenda.

AGREED: That a) the matter be remitted to the Governance and Constitution Committee, together with the results of the Review, without any recommendation from the Sub Committee; and
b) information be garnered on other alternatives for community governance for discussion by the Governance and Constitution Committee.

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CHESHIRE EAST COUNCIL

REPORT TO: COMMUNITY GOVERNANCE REVIEW MEMBER GROUP

Date of Meeting:	5 th October 2009
Report of:	Borough Solicitor
Subject/Title:	Crewe Community Governance Review – Formulating The Council's Draft Recommendations

1.0 Report Summary

- 1.1 This paper provides members with an outline of the process to be followed in conducting this review. It is based on the statutory guidance in respect of the process for creating a new local council 'Guidance on community governance reviews' issued by the Department for Communities and Local Government and the Electoral Commission.

2. Petition

On 30th March 2009 Crewe & Nantwich Borough Council received a valid petition which called for a Community Governance Review (CGR) and identified three recommendations arising from a Review:

- 1) That a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007
- 2) That the new parish should have a council to be known as Crewe Town Council.
- 3) That the area to which the review is to relate is the whole of the Electoral Wards of Coppenhall, Delamere, Grosvenor, Maw Green, St Johns, Valley and Waldron; and those parts of the following Electoral Wards which do not already fall into an existing parish: Alexandra, Leighton, St Barnabas, Wistaston Green.

3. Procedure

1. Since February 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements has been devolved from the Secretary of State and the Electoral Commission to principal Councils such as Cheshire East.
2. Cheshire East Council can, therefore, decide whether to give effect to the recommendations made arising from the Community Governance Review, provided it takes the views of local people into account.

3. In broad terms the process will follow a number of phases outlined below:
 - Determine viable options for community governance in the area under review.
 - Draw up a Consultation Plan focused on consulting on those viable options.
 - Stage 1 Consultation on the options.
 - Evaluation and analysis of responses.
 - Draft recommendation for Governance & Constitution Committee to consider for recommendation to Council.
 - Draft Proposal advertised
 - Stage 2 Consultation on the Draft Proposal
 - Council decides Outcome of the review.
4. The key element of the Review is the consultation process. The Member Group agreed the list of consultees, method of consultation and the timing of the consultation process.
5. The consultation process is central to the Review and must include:
 - Local government electors in the area under review
 - Local businesses, local public and voluntary organisations, schools, health bodies
 - Residents and community groups
 - Area working arrangements.
6. The views of the Electoral Commission on any proposed electoral arrangements must also be sought.
7. In view of the fact that this Review was initiated by petition, the organisers of that petition were asked to participate in the consultation process. Any views received as part of the consultation process must be taken into account.
8. The initial phase of consultation has been based largely on written representations received in response to public notices and specific invitations. Two public meetings were held to give members of the public the opportunity to express their views in a public forum. A voting paper and explanatory leaflet was also sent to the electorate. The website has also been used to allow people to record their views.

4. Criteria when undertaking a Review

1. The Council now needs to consider the results of the initial phase of consultation and formulate recommendations ensuring that community governance within the area under review will be
 - Reflective of the identities and interests of the community in that area
 - Effective and convenient

2. Key considerations in meeting the criteria include:
 - The impact of community governance arrangements on community cohesion
 - The size, population and boundaries of a local community or parish
 - Parishes should reflect distinctive and recognisable communities of interest with their own sense of identity
 - The degree to which the proposals offer a sense of place and identity for all residents
 - The ability of the proposed authority's ability to deliver quality services economically and efficiently providing users with a democratic voice
 - The degree to which a parish council would be viable in terms of a unit of local government providing at least some local services that are convenient, easy to reach and accessible to local people.

5. Recommendations and Decisions on the Review Outcome

1. The guidance requires that recommendations must be made with respect to the following:
 - a) Whether a new parish or any new parishes should be constituted
 - b) The name of any new parish
 - c) Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
 - d) What the electoral arrangements for new parishes which are to have parish councils should be
2. These recommendations must have regard to:
 - The need to ensure that community governance reflects the identities and interests of the community in the area and is effective and convenient
 - Any other arrangements that have already been made for the purposes of community representation or engagement
 - Any representations received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.
3. The Review may make a recommendation which is different from that which the petitioners sought. The Review may, for example, conclude that the proposals were not in the interests of the wider local community, or may negatively impact on community cohesion either within the proposed parish or in the wider community. It may, for example, decide that the arrangements for local area working represent the best option for fulfilling the criteria.

6. Electoral Arrangements

The Review must give consideration to the electoral arrangements that should apply in the event that a parish council is established. In particular the following must be considered:

- a) The ordinary year of election – if a parish council was established the first year of election would be 2011
- b) Council size – the number of councillors to be elected to the parish
- c) Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards

In considering whether to recommend that a parish should or should not be warded, the council should consider:

- whether the number or distribution of electors would make a single election of councillors impractical or inconvenient;
- whether it is desirable that any area of the parish should be separately represented on the council

If the council decides to recommend wards – in considering the size and boundaries of the wards and the number of Councillors for the wards it must have regard to the following factors:

- i) the number of electors for the parish
- ii) any change in number / distribution of electors likely to occur in period of 5 years
- iii) desirability of fixing boundaries which will remain easily identifiable
- iv) any local ties which will be broken by the fixing of any particular boundaries

6.1 Council Size

The Local Government Act 1972 Act specifies that each parish council must have at least 5 members; there is no maximum number. There are no rules relating to the allocation of those Councillors between parish wards.

There is a wide variation of council size between parish councils. Research in 1992 has shown this is influenced by population:

Between 2501 and 10,000 population had 9 to 16 councillors
Between 10,001 and 20,000 population had 13 to 37 councillors
Almost all over 20,000 population had between 13 and 31 councillors.

The National Association of Local Councils suggests that the minimum number of councillors for any parish should be 7 and the maximum 25.

Each area should be considered on its own merits, having regard to population, geography and patterns of communities. Principal councils should bear in mind that the conduct of parish business does not usually require a large body of councillors. However, a parish council's budget and planned level of service provision may be important factors in reaching a decision on Council size.

6.2 Parish warding and names of wards

There is likely to be a stronger case for the warding of urban areas. In urban areas community identity tends to focus upon a locality, with its own sense of identity.

In terms of naming parish wards consideration should be given to existing local or historic places, so that these are reflected where appropriate.

6.3 Number and boundaries of parish wards

The Council should take account of community identity and interests and consider whether any ties or linkages would be broken by the drawing of particular ward boundaries.

When considering ward boundaries the Council should consider the desirability of fixing boundaries which will remain easily identifiable.

6.4 Number of Councillors to be elected for parish wards

If the council decides that a parish should be warded, it should give consideration to the levels of representation between each ward.

It is best practice for each person's vote should be of equal weight as far as possible.

7. Grouping of Parish Councils

Section 11 of the LGA 1972 sets out the powers for Parishes to be "Grouped", which means that different Parishes in a particular area may apply to be grouped under a Common Parish Council. Such applicant parishes must not already have their own Parish Council, so they are acting through their Parish Meeting.

Section 91 of the LGPIHA 2007 applies these Section 11 provisions to the Community Governance Review process, so that a CGR may make recommendations for the grouping of any new Parishes which it is proposed to create in the Review area. Such recommendations are subsequently brought into effect through the Reorganisation Order.

However, Section 94(2) of the 2007 Act provides that if a proposed new Parish has 1000 or more Electors, the CGR **must** recommend that the Parish has a Council. As a result it is impossible for a new Parish for the Crewe area to form part of a Group under a Common Parish Council.

Clearly the total Electorate size of approximately 35000 in the unparished area of Crewe means that it would be practically impossible for Parishes of less than 1000 Electors each to be recommended through the CGR. Grouping is not therefore a relevant issue for the Crewe Community Governance Review.

It is also worth noting that a Grouped Parish cannot resolve to confer on itself the status of a Town (Section 245(6) of the LGA 1972). So if Grouping had been possible in Crewe, there could have been a residual issue over the Mayoralty passing from the Charter Trustees.

Paragraph 113 of the statutory Guidance for Community Governance Reviews says "It would be inappropriate for it [Grouping] to be used to build artificially large Units under single Parish Councils.....". The Grouping powers are more directed at areas which contain a number of small Parishes - rather than a large urban area.

8. Charter Trustees

Charter Trustees were established following the local government re-organisations from the 1970's onwards to preserve the historic identity of the former Boroughs. Charter Trustees have the power to carry out ceremonial functions. Charter Trustees have been established for Crewe, following local government re-organisation in Cheshire on 1 April 2009.

Proposals to create a parish council covering all or part of a Charter Trustee area need to be judged against the following considerations:-

- a) The effect on historic cohesiveness of the area
- b) Is there a demonstrable sense of identity encompassing the Charter Trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?

In summary, section 15 of The Local Government (Parishes and Parish Councils) (England) Regulations 2008 provides that:

- 1) The following provisions of this regulation apply where, in consequence of a re-organisation order, a town for which charter trustees have been constituted becomes wholly comprised in a parish or in two or more parishes.

- 2) On the date on which the first parish councillors for the parish or parishes come into office -
 - The charter trustees shall be dissolved
 - The mayor and deputy mayor shall cease to hold office as such
 - All property, rights and liabilities of the charter trustees shall become those of the parish council
- 3) “The Parish Council” in relation to a town which becomes comprised in the area of more than one parish, means the council of such one of those parishes as is specified in the re-organisation order.

Therefore, if more than one parish council was created, the Council would need to determine which parish the Charter Trustee responsibilities would transfer to.

9. Other forms of Community Governance

In conducting the Community Governance Review, the council must consider other forms of community governance as alternatives to establishing parish councils, for example:

1. Area Committees
2. Neighbourhood management
3. Tenant Management Organisations
4. Area/ community forums
5. Residents/ Tennants organizations
6. Community Associations

The Member Group considered a summary of these options at a previous meeting, and attached was the initial evaluation:

OPTION	EVALUATION
<u>Area Committees</u> – formed as part of the structure of principal Councils, often including local councillors. They can be involved in a wide range of service provision and fulfil a number of community governance roles. Their primary role is to contribute to the shaping of Council services and improving local service provision	The Local Area Partnerships do provide a coherent and consistent pattern across the whole of Cheshire East. The approach is premised on coordination of partners in relatively small local area. The Crewe LAP is bigger than the area under review and includes a number of parishes that surround the area. To that extent, although the area is represented by Cheshire East members there can be no representation by democratically elected organisations as there is for those surrounding parished areas. At present there is no intention for

OPTION	EVALUATION
	<p>the LAPs to act as direct service providers but rather to maximise the potential for partnership working. To that extent they do not necessarily provide the means by which at least some local services that are convenient, easy to reach and accessible to local people could be provided.</p>
<p><u>Neighbourhood Management</u></p> <p>– generally aimed at service delivery improvement and implementation at the local level. Often facilitated by a neighbourhood manager rather than advising or making decisions at local level.</p>	<p>As indicated, this option is primarily aimed at service delivery issues at the local level and does not seek to provide democratically elected element to ensuring effective and convenient local governance. At present there are no area management arrangements throughout the area under review. Does not necessarily provide a strong sense of local identity as the emphasis is on delivery on services or specific aspects of service rather than being reflective of local identity and community structure.</p>
<p><u>Tenant Management Organisations</u></p> <p>– usually estate based, largely public/social housing focused.</p>	<p>Parts of the area under review are covered by social housing, provided principally by Wulvern Housing. Tenant representation is a key element for RSLs in particular. However, the principal concerns of such organisations are in respect of housing conditions and tenants representations in terms of the services they receive from their landlords.</p> <p>The area under review is not predominantly made up of social or rented housing and does not therefore provide a democratically elected basis for governance arrangements, nor could it be said to be reflective of the interests or identity of the whole of the area covered by the review.</p>

OPTION	EVALUATION
<p><u>Area/Community Forums</u></p> <p>– often established as a mechanism to give communities a say on principal council matters or local issues and to influence decision making. Membership usually consists of people living or working in a specific area.</p>	<p>Although there are some good examples of area/community forums in parts of the area under review the pattern of such organisations is not uniform across the whole of the area. Their focus is, by definition on matters of concern to people within a relatively small geographic area when compared to the area under review. The key emphasis is on influencing decision making rather than providing a more comprehensive set of governance arrangements across a wider area. They are strong in terms of community identity and convenience. Although this option has some history of operating well in some parts of the area under review; that experience has been not been consistent across the whole of the area. The emphasis has also been on influencing rather than making decision making. Experience suggests that they require a significant degree of support from the local authority to develop the necessary abilities to operate effectively.</p> <p>While reflecting a strong sense of identity and being potentially convenient there is little evidence to suggest that they would be able to provide a range of services efficiently and effectively.</p>

OPTION	EVALUATION
<p><u>Residents' & Tenants' Associations</u> – usually focused on issues affecting neighbourhood or estate. They may be established with or without direct support from the principal council.</p>	<p>As in the case of tenants management organisations there is no consistent and coherent pattern of residents' and tenants' associations throughout the whole of the area under review. Focus tends to be on highly localised areas and issues rather than broader governance or service provision in an area.</p> <p>There are questions about the ability of such organisations to represent effectively all of the interests of the people in a particular area. There is no uniform or consistent pattern across the area under review. Strong in terms of local identity and recognisable local communities but may not be able to deliver quality services economically and efficiently providing users with a democratic voice.</p>
<p><u>Community Associations</u> – democratic model for local residents and community organisations to work together to work together for the benefit of the neighbourhood. The principal council may be represented on the management committee.</p>	<p>Community Associations can, dependent on their structure represent a democratic means of providing a range of services and facilities. By definition, they have a strong sense of community identity and interest. However, there is no consistent pattern of such organisations across the whole of the area under review. There is a potential that some areas would be better organised and motivated than others. The ability in these circumstances, to provide some quality services economically and efficiently and thus providing all users with a democratic voice is open to question.</p>

10. RECOMMENDATION

In summary, in forming a draft recommendation for the Community Governance Review, the Member Group needs to have regard to all representations received, and consider and recommend to the Governance and Constitution Committee:

- b. Forms of community governance as alternatives to establishing parish councils, for example:
 - 1. Area Committees
 - 2. Neighbourhood management
 - 3. Tenant Management Organisations
 - 4. Area/ community forums
 - 5. Residents/ Tenants organisations
 - 6. Community Associations
- c. Whether a new parish or any new parishes should be constituted
- d. The name of any new parish
- e. Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
- f. What the electoral arrangements for new parishes which are to have parish councils should be
- g. The ordinary year of election – if a parish council was established the first year of election would be 2011
- h. Council size – the number of councillors to be elected to the parish
- i. Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards
- j. If more than one parish council was created, the Council would need to determine which parish the Charter Trustee responsibilities would transfer to.

Officer Contact Details

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Email: lindsey.parton@cheshireeast.gov.uk

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CREWE COMMUNITY GOVERNANCE REVIEW – SUMMARY OF VOTING PAPERS RETURNED

8056 were returned out of 34, 960 voting papers issued, representing a response rate of 23%.

The attached spreadsheet shows the number of voting papers received and opened at each opening session. Electors were invited to respond to two questions on the voting paper as follows:-

Question 1 :

1. I want a parish council for my area
2. I want no change to the current arrangements (no parish council)

Question 2: You can still vote for your preference even if you have voted above for no change

- A. A Single Town Council for the whole of the unparished area of Crewe
- B. Four parish councils for the unparished area of Crewe

The total number of voting papers received and counted at each opening session are shown on the attached spreadsheet broken down into the following combinations of responses :-

1 & A
1 & B
1 Only
2 & A
2 & B
2 Only
A Only
B Only
Rejected

The spreadsheet shows the calculations to question 1 as follows:-

3655 electors indicated that they want a Parish Council (calculated by totalling votes for 1&A, 1&B and 1 Only).

4059 electors indicated that they want no change to the current arrangements (no parish council) (calculated by totalling votes for 2&A, 2&B and 2 Only).

In relation to question 2 the responses were as follows:-

5617 electors expressed a view for a single Town Council for the whole of the unparished area of Crewe (calculated by totalling votes for 1&A, 2&A and A only).

1475 electors expressed a view for four parish councils for the unparished area of Crewe (calculated by totalling votes for 1&B, 2&B and B Only).

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	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Date of Opening	No of voting papers received	1 & A	1 & B	1 Only	2 & A	2 & B	2 Only	A Only	B Only	Rejected	Total	Do totals match?
2	07 September 2009	2577	808	392	32	884	104	261	80	3	13	2577	YES
3	10 September 2009	2012	548	340	41	688	79	238	69	4	5	2012	YES
4	15 September 2009	2044	612	255	27	792	59	200	86	3	10	2044	YES
5	17 September 2009	342	98	47	0	135	12	34	15	0	1	342	YES
6	21 September 2009	324	92	31	5	136	21	29	8	0	2	324	YES
7	25 September 2009	414	115	54	3	172	17	32	21	0	0	414	YES
8	29 September 2009	219	58	27	3	92	7	15	17	0	0	219	YES
9	01 October 2009	124	51	16	0	35	4	13	5	0	0	124	YES
10	TOTALS	8056	2382	1162	111	2934	303	822	301	10	31	8056	YES
11													
12	Want PC	3655		Adds columns c, d, e									
13	No change	4059		Adds columns f, g, h									
14	Expressed a view for 1 TC	5617		Adds columns c, f and i									
15	Expressed a view for 4 PC	1475		Adds columns d, g and j									

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ITEM 6 (c)



Crewe Community Governance Review - Questionnaire Answers

Bearing in mind the information in the attached leaflet we would like to know what you think.

1. Which arrangement do you think would be most appropriate for Crewe?

- | | |
|---|-----------------------------|
| a) A single town council | 17 |
| b) More than one local council | 2 |
| c) Area committees | 0 |
| d) Neighbourhood Management | 0 |
| e) Tenant Management/Residents & Tenants Associations | 0 |
| f) Area/community/neighbourhood forums | 1 (if real power, if not a) |
| g) Community Associations | 0 |
| h) None of the above (please state if you feel there is any other option) | 0 |

i) No opinion

2. If you think that Option a) – a single town council - would be the best alternative, do you think that it would be better for councillors to

- | | |
|---|----|
| a) Represent the people for the whole of the area (unwarded)? | 3 |
| b) Represent the people of part of the area (warded)? | 15 |

3. (a) If you think that Option b, 'more than one local council', would be the best alternative, do you think that four parish councils would be the best option?

- | | |
|-----|---|
| Yes | 2 |
| No | 0 |

3. (b) If not, how many parish councils do you feel would be most appropriate?

3. (c) If you think that Option b – 'more than one local council' - would be the best alternative, do you think that it would be better for councillors for each of the councils to

- | | |
|--|---|
| a) Represent the people for the whole of each of the areas (unwarded)? | 0 |
| b) Represent the people of part of the each of the areas (warded)? | 1 |

If you want to make any further comments regarding this review please do not hesitate to contact Cheshire East Borough Council.

Thank you for your participation. Please complete and return this questionnaire by 30th September 2009. You can email your reply to: communitygovernance@cheshireeast.gov.uk

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Fire and Rescue Service Headquarters
Winsford
Cheshire
CW7 2FQ
Tel: 01606 868700
Fax: 01606 868712

Election and Registration Team Manager,
Cheshire East Council,
Westfields, Sandbach,
Cheshire
CW11 1HZ

Date: 22nd September 2009
Ref: DT/SD
Contact Susan Douglas
: 01606 868810
✉: susan.douglas@cheshirefire.gov.uk

Dear Sir / Madam

Crewe Community Governance Review - Response of Cheshire Fire Authority

Cheshire Fire Authority welcomes the opportunity to feed into the Community Governance Review of the Crewe urban area and supports the work undertaken by Cheshire East Council to provide local people/organisations with an opportunity to consider appropriate structure/s for local representation.

Rather than answer the questionnaire, the Authority, having considered the information provided, wishes to make the following contribution.

Elsewhere, our experience shows that parish government provides organisations such as the Fire and Rescue Service with an effective partner for consultation and a valuable means of raising and addressing a variety of local issues.

Establishing local arrangements in Crewe will put the town in the same position as other urban areas across Cheshire East and Cheshire West and Chester, and provide consistency for fire officers.

The introduction of local arrangements in Crewe will help to develop a greater community identity and provide local fire and rescue personnel with key contacts, whom they can work with to address a wide variety of local issues.

Through our work with parish and town councils elsewhere, we feel that it is important that any new structures are able to effectively represent the needs of a community.

However, while the Authority does not intend to set out what specific arrangements we feel would be most suitable, it is our experience that clear and simple structures are best placed to deliver effective partnerships.

We also want to highlight the work undertaken by Cheshire East Council and its partners in setting up the Crewe Local Area Partnership (LAP) and draw attention to the need for each tier of government or partnership to fit neatly with one another.



On the points relating to councillors, the Fire Authority has always aimed to work constructively with elected representatives from partner local authorities. In most cases our experience has shown that councillors with strong community/ward links have been best placed to deliver outcomes and progress initiatives and partnerships.

Once again, we appreciate the opportunity to feed into the Review and look forward to considering your refined proposals in the autumn.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'D. Topping', with a stylized flourish at the end.

Cllr David Topping
Chair of Cheshire Fire Authority

*Crewe west community group
A form of words*

The Crewe west community group held a meeting about the governance review and decided that we want one town one council, this because we the community coherence do not wish to be run by different councils who do not identify with them or know the problems this may bring.

We would not like the idea of a split between the other areas of Crewe, because of identification problems with four parishes because this would mean less money and funding for our activities, because we don't think the funders them selves would be able to understand why there is a split between neighbour hoods.

Even though different it may differ, we still feel that we are part of Crewe which in our eyes only need one authority to take care of our needs and interests at local level.

This is why we also proposed wardening of this area, and this may also lead to smaller areas with in it and that a champion may emerge with a larger town council.

Even community groups could find members in one parish area but representing in another parish and fighting for the same pot of money.

*Yours truly
Crewe west community group*



Union Street Baptist Church Crewe

Minister:

Revd. Andrew Taylor M.A.
11 Broadacres,
Broomhall, Nantwich.
CW5 8BH
Tel. 01270 781318
e-mail: andrewn.taylor@btinternet.com

Secretary:

Mrs. H.J. Birtles
43 Franklyn Ave
Crewe CW2 7NE
Tel: 01270 560865
e-mail:
helen@birtles6000.freemove.co.uk

8th September, 2009.

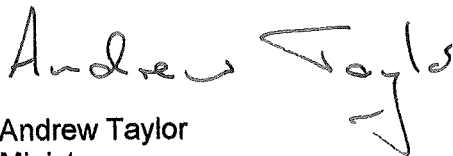
Dear Lindsey Parton,

Mark Thompson, the County Ecumenical Officer, has passed on to me your questionnaire in relation to the Crewe Community Governance Review, and the issues have been discussed within the church's leadership group.

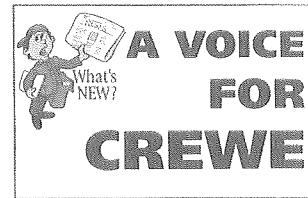
I attach the completed questionnaire, from which you will see that we are strongly of the view that there should be a single town council for Crewe. The concept of community is an important one. Union Street Baptist Church was established over 125 years ago to be at the centre of the community that was developing amongst the workforce of the North Sheds, and that call to serve our community, albeit now a very different one, remains a powerful one for us today. The wider community that is the town of Crewe equally needs to be recognised and served. The churches of the town have recently covenanted together in acknowledgement of that, and a Town Council would also serve that purpose.

We look forward to learning of the outcome of the review.

Yours sincerely,


Andrew Taylor
Minister

Lindsey Parton,
Election and Registration Team Manager
Cheshire East Council
Westfields
Sandbach
Cheshire
CW11 1HZ



ONE TOWN, ONE VOICE

OUR SUBMISSION TO CHESHIRE EAST UNITARY AUTHORITY re : CREWE TOWN COUNCIL / LOCAL GOVERNANCE REVIEW

1. Introduction

This statement is submitted to the Cheshire East unitary council on behalf of the petitioners for a single town council for Crewe. It argues in favour of a single town council for Crewe, and rejects the suggestion that it should be split. It draws on the experience of the past, reviews the current situation, and attempts to suggest how the future might develop.

Where it refers to “guidance”, this is the document issued by the Electoral Commission – “Guidance on community governance reviews”. That guidance sets a context (in para 122) by stating that town and parish councils are “an established and valued form of neighbourhood democracy with an important role to play in both rural, and increasingly urban, areas”.

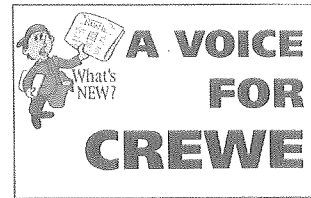
Our petition was presented to the former Crewe and Nantwich Borough Council on Tuesday March 31st. It contained 3672 signatures from eligible electors - well clear of the 10% threshold required by the Local Government and Public Involvement in Health Act 2007 (part 4, sections 79-102). It was conducted over around 6 months and involved events in the town centre and other venues such as Crewe Alexandra Football Club where local people might be found in large numbers. Most signatures, however, were collected on doorsteps.

The campaign was enormously popular, and only a tiny number of the people we asked did not wish to sign. Our challenge was only in physically getting the signatures within a reasonable timescale, not persuading people that a town council is right for Crewe. Of course, many were keen to find out how it would work and we took the time to explain to the best of our ability.

In fact, a great many more signed the petition but, when we checked them against the electoral register, several hundred were found to live in areas which already have a parish council – such as Leighton, Woolstanwood, Wistaston, etc. However, that also shows that there is also a significant amount of goodwill towards the aim of a “Voice for Crewe” from its neighbours.

The campaign was organised on an ad-hoc basis and, whilst it is true that members of the local Labour Party took the initiative and played a leading role, it was clear from the outset that it should be cross-party. It would be wrong for a matter of constitutional change to be interpreted as a matter for inter-party dispute. So significant activity was undertaken by people from the Liberal Democrats and former councillors who stood as Independents. A number of Conservative members of Cheshire East council informally indicated to us that they supported us, though regrettably they did not feel able to take an active or public role.

Whilst it is not surprising that people with experience of public life should find themselves in leading roles, we were very clear that it should not be misinterpreted as something organised for the benefit of people who have been involved as councillors before. So it was heartening to have many people with no political affiliations volunteering to collect signatures for us. The degree of local pride in the town of Crewe is often understated but should not be underestimated.



We were also very grateful to important organisations like the Chamber of Commerce, MMU Cheshire, Crewe Alexandra Football Club and the Crewe Chronicle, for declaring their support. That too helped us to prove that it has not been a party political issue, as did the statement which we were pleased to see (below) from Edward Timpson MP, following the successful outcome of the petition campaign.

The campaign had no officers, no finances and no wish to maintain an organisation once the petition was presented. However, it became clear subsequently that the consultation process now being undertaken would be best served by having a point of contact with the petitioners. It was therefore agreed that Peter Kent should act and speak on their behalf, having acted as the co-ordinator of the campaign. However, all statements (including this one) are subject to agreement with a consultation group of people who took an active role and wished to be kept informed of the progress of the campaign. As before, they represent a cross-section of political affiliation, and none.

2. The current consultation process

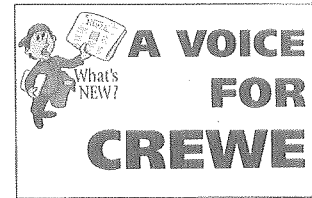
It is appropriate at this point to comment on the way in which the consultation process has been conducted. Officers of Cheshire East, still settling into their new roles, have a difficult situation. This is one of the first local governance reviews conducted since legislation transferred responsibility from the independent Electoral Commission to local councils.

Whilst its intention to devolve powers to local authorities is generally to be welcomed, Government sources have indicated to us that they are now aware that this could be an anomaly in certain circumstances and consideration is being given to introducing second-stage legislation to address it. This is particularly the case where a town or parish may be contested on political party lines and produce a council with different allegiances from its “parent” authority. Many people feel that this could be the case for Crewe. For that reason, the approach taken by Cheshire East will be the subject of some scrutiny and clearly it would be helpful to all concerned if its conduct of the review can be seen to be above criticism and non-partisan.

It is therefore with regret that we have to indicate a number of shortcomings in the process which cause us concern. For all the support given to the broad principle of “A Voice for Crewe” by the people of Crewe, most people are (perhaps regrettably) not familiar with the workings or the jargon of local government. It must therefore be the responsibility of the elected council to ensure that the process is clear and unambiguous, rather than to ignore those difficulties, or to insist that electors ought to take steps to improve their own knowledge.

A ballot has been held of all electors in the town. But it has been done at short notice, and therefore with inadequate opportunity for different views to be expressed and explained. It has been well expressed as “the only occasion when the vote has preceded the campaign” !

The first question asks if the elector supports a “parish council” for Crewe. This has caused a great deal of confusion since the campaign has been phrased as requesting a “town council” and it has not been made clear that for this purpose the words are virtually identical. Many people, including some who are involved in the life of a community on either a professional or voluntary basis, have told us that they answered “no” to this question on the basis that they support a town council and not a parish council. It is now too late for them to change their vote in the light of information given to them subsequently.



The obvious question for the ballot paper would surely have been “Do you support a town council for Crewe” with an option for people to vote Yes or No. However, for reasons which have been inadequately explained, a further option for more than one parish council has been included. Our objections to the principle of this option are included elsewhere. In terms of the process, however, it has served to make the ballot unnecessarily complicated and there is a feeling that this was deliberately included to confuse.

At the time of writing, this proposal has yet to draw a public expression of support from a single resident of Crewe. We therefore believe that the process has been significantly flawed when it has been given equal status on the ballot to a proposal for a single town council supported by a petition of over 10% of the electors, not to mention other leading local figures and stakeholder organisations.

Some information accompanies the ballot paper. Notably it includes some examples of costs, but the selection of parish and town councils used as an example is bizarre. In particular, the highest cost quoted is for Wootton Bassett, which is 131 miles distant from Crewe, not similar in size or demography and probably unknown to the majority of Crewe residents. When asked about this at the members group meeting, the only response from a member was to refer to the recent publicity for Wootton Bassett in relation to the return of casualties from the war in Afghanistan. It is difficult to see what relevance this has to the question about why it was chosen as an example of costs in Crewe !

A member working group was set up by Cheshire East to oversee the process of the ballot. This should have included final approval of the format and wording of the ballot paper but two of its members, the only ones not from the controlling group on Cheshire East council, have said that they would not have supported the final version of the document had it been presented to them.

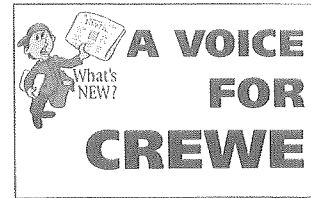
For these reasons, we are advised that there is a strong case to be made for the argument that the consultation process has been flawed and subjected to undue political direction.

3. History

Crewe does not have the long history of many towns in Cheshire. As everyone knows, its origins lie in the railway industry. Before 1860, the only local representation for Crewe was via Crewe representatives on the Nantwich Rural Sanitary Authority and the Nantwich Highway Board.

On 25th January 1860, the first members were elected to the newly formed Crewe Local Board. Then on June 30th 1877, the first elections took place for the Crewe Municipal Borough Council. With some boundary changes to reflect the rapid growth of the town, this council administered the affairs of the town until 31st March 1974. At this point, as a result of the reorganisation of local government, it was absorbed into Crewe and Nantwich Borough Council.

At that time, there was debate about whether or not there should be a separate Town Council for Crewe, as there was for Nantwich. However, the general view was that as Crewe had around 50% of the electors, and hence the elected representatives, its interests could generally be expected to be looked after by the successor authority. Although never quite unanimous, that was the reasoning that held sway throughout the life of C&NBC.



4. Current situation

The situation is of course now considerably different. With 12 councillors out of 81, it would be unreasonable to expect that any special interests for Crewe would consistently attract priority for the attention and consideration of Cheshire East council. That is not a criticism of the new authority, since it is in its early formative months, but more a mathematical fact.

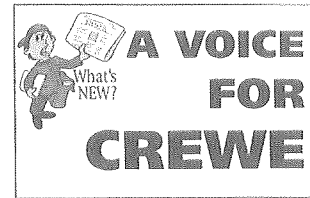
Crewe does indeed have special interests. Every piece of statistical analysis, every category used by the Office of National Statistics, shows that Crewe has distinctive characteristics and different issues of concern to the rest of Cheshire East. Their results show what might be expected in a town which has several areas of deprivation. Many relate to the former Borough of Crewe and Nantwich, or the area of the Crewe LAP (Local Area Partnership), so they include the surrounding parishes and therefore do not fully convey the degree to which the town of Crewe is different – nor, in some cases, the depth of its problems. This is well documented in many reports, to Cheshire East and its predecessor authorities. It seems unnecessary to list them all as a lengthy comprehensive statement of evidence. But, to give a flavour, a recent report to Cheshire East council on the Crewe LAP area showed significant differences between Crewe and the rest of the council's area in :

- Unemployment rates
- Average household income
- Proportions of people claiming benefits
- Educational attainment
- Teenage pregnancy rates
- Recorded crime incidents
- Life expectancy

The evidence from our petition clearly shows the degree of support that the creation of a town council enjoys, and the broad agreement that a town council would reflect the identities and interests of that local community, as required in guidance (paras 8b, 33 and 51). Signatures were analysed geographically and we also draw attention to the fact that they came from all parts of the town. Indeed, the 10% threshold was passed not only for the area as whole, but for each of the 4 current wards within it. With more time and resources we have no doubt whatsoever that we could have obtained the support of a majority of electors in every part of the town. That kind of analysis in depth will not be available from the ballot.

As further evidence of the desire for change, one of our supporters commissioned and paid for a reputable independent polling company to carry out research via telephone polling. From a trial group of 1995 people. 663 responses were obtained – a response rate of 33% which is considered to be a better response rate than the norm. 61% were in favour of one Town Council, 13% in favour of 4 parish councils, and 26% no change. At a time when people would normally have been expected to be reluctant to undergo further changes in local government, it is remarkable that 74% were found to be in favour of change, with support for a single council running at 4½ times that for four councils.

The 2007 Act and its associated guidance (paras 52-3 and 65-75) refer to “community cohesion” as a reason for creating town or parish councils, and states that this concept is linked strongly to the identity and interests of local communities (para 73). The evidence above demonstrates the feeling of common identity. Put simply, if someone from the area is asked where they live they will invariably reply “Crewe” and not “Crewe and Nantwich”, “Crewe East” or even “Cheshire East”.



The interests of the area may be demonstrated by the many local voluntary organisations and businesses serving the town. For example, several hundred local people are actively engaged in the various local history groups in the town. These are people who have the interests of the town of Crewe and its distinctive culture at heart, and want to preserve and enhance them. They have a strong sense of identity with the town and want to see its municipal traditions maintained in a Crewe Town Council and a Crewe Mayor with access to the Municipal Buildings and the regalia belonging to Crewe.

The guidance (para 73 again) goes on to discuss reasons why a principal council should decline to set up a town or parish council and can only suggest that it would be where the effect would be likely to damage community cohesion. Paras 94 and 95 expand on this and make clear that this refers to damage caused by dividing communities along ethnic, religious or cultural lines. Clearly this is not applicable for a Crewe Town Council.

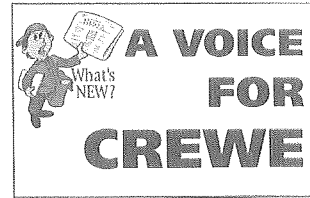
For the moment, the 12 councillors representing Crewe wards are operating in lieu of a Town Council as Charter Trustees, albeit with responsibility for ceremonial matters only (Guidance, para 133). Even this, however, can only be an interim arrangement. Councillors elected to Cheshire East council will have a degree of responsibility to the area as a whole, especially those who find themselves in a position of Cheshire-East-wide responsibility such as portfolio holders, scrutiny committee chairs, etc. They may sometimes be subject to Group discipline and thus inhibited from considering the interests of Crewe alone.

Three of the 4 wards covering Crewe also cover areas outside the town boundary. It is not inconceivable that future ward boundary changes could involve a small area of Crewe being warded with a larger area outside the town. This could lead to a councillor with only a very small vested interest in Crewe being a Charter Trustee, presumably with equal voting rights to another whose remit includes several thousand voters.

Boundaries may be reviewed at the time when Cheshire East begins its review of all parishes in the area. There are clear examples of out of date boundaries around the edges of the town and we would not expect that the Town Council would regard its currently proposed boundaries as inviolate, since our principle is that people should have "A Voice".

So far as electoral arrangements for the town council are concerned, we have no strong views on detail. There is no need for town ward boundaries which bear no relationship to Cheshire East's warding arrangements. So, far from being a further level of complexity, discussions about boundaries should not be complicated by imagining that there are two substantially different exercises - indeed that principle should make it much simpler. We would expect that for each Cheshire East ward, the number of representatives on the Town Council would be double the number of unitary authority councillors. Where a Cheshire East ward extends beyond Crewe, then the number of town councillors should be adjusted accordingly to maintain a reasonable equality of representation.

Based on the number of electors per councillor likely to emerge from the current boundary review, the number of Cheshire East councillors allocated to the unparished area of Crewe alone (i.e. excluding those areas such as Woolstanwood which are parished but associated with Crewe-based wards), would be 10. Given that unitary councillors would wish to have clear lines of communication with the town council, we therefore suggest that there should be 20. Some people have suggested that there should be 30 i.e. 3 town councillors per Cheshire East councillor. We would raise no strong objection to that, but it seems a little unwieldy.



5. The “four-parish” plan

We turn now to the alternative that has emerged during the consultation process. The proposal is for there to be four parish councils covering the presently unparished area of Crewe. However, there is no attempt to precisely define the areas to be covered by each of these parishes. Instead, there is an assumption that the forthcoming reorganisation of ward boundaries for Cheshire East will produce four wards covering the area, and the boundaries of the four parishes will match them. There are many flaws in that argument :

- a) The outcome of the ward boundary reorganisation is not known. There are a great many possible permutations and there may or may not be four wards covering Crewe.
- b) Ward boundaries are required to represent electoral equality, as well as a reasonable degree of community. For that reason, they change as a result of population shift. Parish boundaries represent less transient communities and, although boundaries would no doubt change from time to time, they would not be expected to change as frequently or, in some cases, as dramatically as ward boundaries.
- c) The guidance refers (para 16) to “strong, clearly-defined boundaries, tied to firm ground features”. When a proposal is put forward that does not even make a firm proposal on boundaries, it is clearly facile.

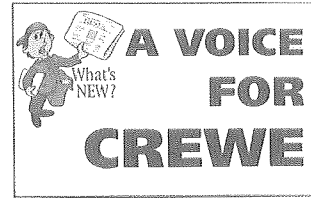
The guidance document refers in several places, para 57 being an example, to the sense of identity for an area. As evidence on this point, we draw attention to the business listings section of the local BT phone book. This includes 36 items with a title beginning with “Crewe”, ranging from Crewe Alexandra to Crewe Youth Centre. There are 7 others referring to “Crewe & Nantwich”, not including the former Borough Council, whose entries are discounted. In the interests of accuracy we record that there is indeed one other which refers to a part of Crewe. That is Crewe North Ward Workingmen’s Club, which is sadly no longer in existence, but was located in the present Crewe East Ward.

There are also complications regarding ceremonial matters. It appears that, under this option, then just one of the parishes will inherit the mayoralty and the mayoral regalia. Also, that parish will be chosen not by the retiring Trustees but by Cheshire East Council as a whole. We feel sure that this would outrage all those many local residents with a sense of local history, and the many more who simply have pride in their town.

It has been suggested that Crewe would be too big for a single council. Yet the guidance document (paras 48 and 152) points out that town councils exist with populations up to a current maximum of 70,000 (Weston-super-Mare). Furthermore, one of the many towns with its own council is Shrewsbury (used as an example in Cheshire East’s own information document) which also has a population of 70,000. The electorate of Crewe is just over 35,000 and the population no more than 50,000.

Guidance para 81 specifically discusses this and accepts that larger parishes would best suit local needs where “the division of a cohesive area such as a Charter Trustee town (see paragraphs 133 to 134), would not reflect the sense of community that needs to be lie behind all parishes”.

Although costs will be a matter for the council when elected, it is also suggested that four parish councils would be cheaper than one. Yet the arguments for unitary local government, now enjoyed by residents of Cheshire East, are precisely the opposite. Four parish councils would need four sets of overheads such as staffing, accommodation, etc., Given the certain financial pressures this cannot be justified.



Similarly, although functions are also a matter for elected representatives to agree and negotiate with Cheshire East, then if the principal authority wishes to devolve certain basic services on an agency basis to town and parish councils, it has a much better opportunity to do so with local councils with the size and resources to manage them properly.

Parishes are supposed to represent cohesive and coherent communities - and Crewe is that entity, without question. It is simply good governance to ensure that such a whole and complete community is given its voice.

6. Hopes for the future

There is a continuing theme in the 2007 Act to encourage the establishment of town and parish councils (see guidance paras 12, 23, 39, 44 and 54-6). A Crewe Town Council could fulfil a number of roles, and our campaign does not seek to pre-empt any of them. This will be a matter for local people to decide when candidates come before them with their views.

Cost is of course regarded rightly as a key issue, but the outcome will depend on who is elected and what support the parent authority is prepared to give to it. It may well be that both parties reach agreement for Crewe Town Council to run some local functions on a devolved basis. In his statement, Edward Timpson MP said "I'm delighted to see so many people taking part in local democracy and petitioning for a town council in Crewe. Their message will be helpful in my discussions with the new Cheshire East authority about town councils as real service providers." Although we are unaware of the outcome of these discussions, it is clear that service provision is a distinct possibility. However, it could be on an agency basis, simply running a service within a delegated budget from the principal authority, or the town council could decide to top up provision from its own resources.

Several parts of the guidance such as paras 51, 53 and 61-64 refer to arrangements which are "effective and convenient". This is partly linked to the sense of identity and local pride, but also to the possibilities of service provision. Service provision could be done singly, or for some functions it could be in partnership with neighbouring authorities. Town and parish councils tend to have less restrictions on their activities and might thus be able to take initiatives which would be difficult for those at a higher level of local government. Although we repeat that the campaign does not seek to prescribe any views on how the council would operate, there are nonetheless many exciting possibilities which can be developed with goodwill on both sides.

Currently, the approach taken by some members of Cheshire East council might be seen as harmful to this. Nonetheless, we hope that this will pass and that all sides will be prepared to work together. Political differences may well be expressed from time to time, and that is to be welcomed as a sign of a mature and intelligent democracy. But if local government generally can work well with national government in such a context, then surely we in Cheshire East can do likewise. We believe that the ball is now in the court of Cheshire East's councillors to demonstrate that they put the interests of local people at the forefront of their principles.

-----Original Message-----

From: Avril Devaney [mailto:Avril.Devaney@cwp.nhs.uk]

Sent: 29 September 2009 18:41

To: HAWTHORNTHWAITE, Gaynor

Subject: RE: Crewe Community Governance Review - consultation

Hi Gaynor,

The response on behalf of Cheshire And Wirral Partnership Foundation Trust is as follows.

We believe that having one town council is in the best interest of our Trust and the people we serve. As a large organisation providing mental health, drug and alcohol and learning disabilities services across Cheshire including Crewe, it would be inefficient use of our time to need to work with four different parish councils.

Regards,
Avril

Avril Devaney
Director Of Nursing, Therapies and Patient Partnership
CWP NHS Foundation Trust
Tel: 01244 364345
Email: avril.devaney@cwp.nhs.uk

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From: Paul Colman [mailto:paul.colman@sccci.co.uk]
Sent: 30 September 2009 12:13
To: Parton, Lindsey
Subject: Community Governance Review

Dear Lindsey

I am writing on behalf of the South Cheshire Chamber of Commerce with regards to the Community Governance Review for Crewe.

Our Board have discussed the issue at our last meeting and we want to support local representation and the formation of a town council.

Regards

Paul

Paul Colman
Chamber Manager

South Cheshire Chamber of Commerce and Industry
Enterprise House
Wistaston Road Business Centre
Crewe
Cheshire
CW2 7RP

Tel: 01270 504700
Fax: 01270 504701

South Cheshire Chamber of Commerce & Industry Limited, Enterprise House Wistaston Road Business Centre, Wistaston Road, Crewe, Cheshire, CW2 7RP
Registered Company 2853340. Vat Number 625 3476 38

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COMMUNITY GOVERNANCE REVIEW

From: Bason, Ralph [Ralph.Bason@cheshireeast.gov.uk]
Sent: 15 September 2009 10:42
To: COMMUNITY GOVERNANCE REVIEW
Subject: FW: Crewe CGR Consultation

Ralph Bason
Elections and Electoral Registration
Cheshire East Council
ralph.bason@cheshireeast.gov.uk
Tel: 01270 529671

www.cheshireeast.gov.uk

From: Joan Adams [mailto:jadamshp@yahoo.co.uk]
Sent: 15 September 2009 09:42
To: Bason, Ralph
Cc: Joan Adams
Subject: Crewe CGR Consultation

Hello Ralph

Thank you for your e-mail which I placed before the last meeting of the Parish Council.

Councillors instructed me to inform you that they support the residents of Crewe.

Joan Adams
Clerk-Haslington Parish Council

Wistaston Parish Council



Clerk:

Mrs. Andrea Cross,
4 Arundel Close,
Wistaston,
Crewe.
Cheshire.
CW2 8EY.

Tel/Fax 01270- 652098
email:wistastonpc@tiscali.co.uk

Elections and Registration Team Manager,
Cheshire East Council,
Westfields,
Sandbach.
Cheshire.
CW11 1HZ.

18th September, 2009.

Dear Sir,

Please find enclosed Wistaston Parish Council's views on the Community Governance Review.

Wistaston Parish Council support more than one local Council be established to represent the people of Crewe and they do not have a view on the remainder of the consultation.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. L. Cross'.

Mrs. A. L. Cross.
Clerk to the Council.



HOUSE OF COMMONS
LONDON SW1A 0AA

Lindsey Parton
Elections & Registration Team Manager
Democratic Services
Westfields
Sandbach CW11 1HZ

25 September 2009

Dear Lindsey,

CREWE LOCAL GOVERNANCE CONSULTATION

Thank you for your email of 26 August, and for asking me to contribute to this consultation.

The way that I have approached this exercise has been to take feedback I have received from constituents, and my observations of the consultation process, and give you an overview of that in this letter.

I simply have not taken a personal stance on this issue myself. It is for the people of Crewe to put their view and for the local government representatives they elected to make a final decision.

The last couple of months have seen a lot of activity in Crewe around the issue of first tier local government in Crewe. We have seen a lot of coverage in local media, public meetings, and political parties putting across their own views.

Clearly, prior to that, there was the drive to collect signatures for the petition that started this process.

That petition and subsequent feedback has shown me that there are indeed people who would like to see a form of first tier local government for the presently unparished areas of Crewe. A number of people have written to me, and called into my Crewe office, to say so.

However, the petition only represented 10% of those able to put their view, and other positive feedback I have seen and heard has been limited in number.

EDWARD TIMPSON
MEMBER OF PARLIAMENT FOR CREWE & NANTWICH
www.edwardtimpsonmp.com

I am also aware from the local media of an “independent” telephone survey conducted on the matter, the results of which stated the majority of Crewe residents were in favour of local governance reform. However, such a survey would be given very short shrift in Parliament were it ever discussed there, as it could not genuinely be described as independent. It was commissioned by a single-interest group and fronted by a Parliamentary Candidate for a political party.

This is unfortunate, as such a survey might otherwise have been of some use in assessing opinion.

I think it also worth pointing out that the majority of those who have taken part in this flurry of activity (on both sides of the argument) are those who have been close to or are currently close to the civic life of the town. They are not people one could genuinely describe as ‘ordinary residents’. An example of this would be at a recent well-advertised public meeting where 21 of the 26 people present to discuss the issue were councillors, ex-councillors, or council officers.

There are of course, too, those who do not wish to see a parish council or councils for Crewe.

A number of councillors have stated this view, but also many residents, with the amount of feedback I have received of this nature easily equalling (if not exceeding) the amount I have received for such an arrangement.

Their concerns seem mainly to focus on an increase in their council tax through the levying of a precept higher than that currently charged by the town’s Chartered Trustees, and also on the fact that there is no guarantee such a council or councils would provide substantive essential services that would add value to their lives as residents.

The backdrop of recession and shortage of money and work is normally referenced in such feedback.

To summarise, there are clearly people both for and against local government reform in Crewe.

However, when consulting on the imposition of fiscal change, as this consultation effectively is, those who have remained indifferent through a lack of understanding of the options or disillusionment with local government must also be taken into account.

This seems rather, in Crewe, to be the very large majority, and it would clearly be ill-advised to bring about any form of change without a clear mandate for such change. This is a point that the Cheshire East Council must debate.

Equally, if a legitimate majority of the population of Crewe state the same wish, this must be acted upon.

I hope this letter is of some assistance to the consultation process.

Yours sincerely,

A handwritten signature in black ink that reads "Edward Timpson". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Edward Timpson

**Response to the Cheshire East Council Questionnaire
as part of the Crewe Community Governance Review
from David Williams
Labour's Parliamentary Candidate for Crewe and Nantwich**

Background

I welcome the opportunity to respond to the Crewe Community Governance Review following the submission of a petition for a town council signed by over 10% of Crewe's electorate.

I am an ardent supporter of the establishment of a town council and have been since the *Voice For Crewe Campaign* was launched.

I am proud to have been an active participant in the campaign, which is supported by Labour, Liberal Democrat and politically independent people. I was responsible for the collection of approximately one-quarter of the signatures on the petition.

I have personally spoken to around 1,000 voters in Crewe about the town council proposal, mainly by visiting to people at their home, on stalls in the town centre and at the Carnival and at various meetings with Crewe residents.

This background means that I am well qualified to comment on the governance of Crewe and that the views expressed in my response are representative of a large proportion of the people of Crewe.

One Town Council for Crewe

Crewe needs one town council to provide a strong voice in the new Cheshire East Authority. When the former Crewe & Nantwich Borough Council (C&NBC) was abolished, the relationship of Crewe Town with its council fundamentally changed. In C&NBC, Crewe provided 36 of the 57 councillors. In Cheshire East, the town has only 12 of the 81 councillors.

This local government reorganisation has left a democratic deficit in Crewe, which Cheshire East Council now has the opportunity and duty to rectify. By comparison, other towns in Cheshire East are much better represented than Crewe:

Town	Estimated Population	Town and Borough Councillors
Nantwich	13,880	15
Congleton	25,750	26
Knutsford	19,607 (2001 census)	18
Middlewich	13,390	15
Sandbach	17,630 (2001 census)	24

A crucial part of democratic systems is the link between voters and their elected representatives. The towns listed above have the balance about right, which means Crewe's 50,000 residents are grossly under represented with a mere 12 councillors.

Opposition to a town council for Crewe

In all the conversations I have had with Crewe people very few opposed the idea of a town council for Crewe. I cannot accurately quantify the opposition I experienced, but I would estimate that less than 20% refused to sign the petition and many of those simply were not interested in local government arrangements and had no view.

I can however very accurately quantify the number of people who suggested that there should be more than one parish council for Crewe. Nobody told me that they wanted Crewe carved up.

Therefore I was amazed to see a proposal for four parish councils in Cheshire East Council's consultation paper. More than 10% of Crewe voters called for one town council. Cheshire East Council should tell us how many Crewe voters signed a petition for the four parish option. If it was less than 10%, they should explain why different thresholds applied to the two proposals.

The mysterious addition of this four parish option has merely served to confuse the consultation and the way that the ballot questions are worded confuses further. I have spoken to many Crewe residents who are absolutely committed to one town council for Crewe, yet were unsure about how to vote to support their view.

There are serious questions about the arrangements of the consultation that will cast a shadow over its validity and impartiality, which may lead to referrals to the Local Government Ombudsman, the Audit Commission or even a Judicial Review.

Cost of a town council

I was amazed to see this question raised in a consultation about the governance of Crewe. This is a question that will be answered by voters at the election of councillors to serve on the new Town Council.

Under current arrangements the residents of Crewe have practically no say in the level of the parish precept that is levied on them. There is virtually no democratic accountability for the £1.93 they currently pay or for the way that money is spent.

I was also shocked at the biased way in which the costs were presented in the consultation document. There was no mention of the 6 parishes in Cheshire East that levy a zero parish precept. There was no mention of the 39 parishes in Cheshire East that levy a precept lower than Knutsford. Yet the document highlights 17 examples of parish councils, two-thirds of which are not in Cheshire East, half of them are not even in Cheshire and two the parishes are over 100 miles away. What was the motivation for selecting these examples?

Again I state: There are serious questions about the arrangements of the consultation that will cast a shadow over its validity and impartiality, which may lead to referrals to

the Local Government Ombudsman, the Audit Commission or even a Judicial Review.

Conclusion

Crewe needs one town council. That is the overwhelming response I have received from extension discussions with residents of Crewe. They are telling me that the Town needs a strong voice in the new Cheshire East and they want their views to be heard. Crewe people want what many other towns in Cheshire East have.

I very much share their view. Crewe is currently grossly under-represented compared to other towns in Cheshire East. Crewe has suffered more than most Cheshire towns from last year's local government reorganisation and we now have an opportunity to rectify it. To give Crewe the voice it deserves.

If this unjust situation is allowed to continue, Crewe and its residents will suffer. Crewe has a long history of dealing well with dramatically changing circumstances. The current democratic deficit weakens the Town's ability to fight back. For the sake of jobs, inward investment and public services Crewe needs a voice.

This is not a time for party politics, this is a time to stand up for the people of Crewe and I hope all who share an aspiration in a thriving and prosperous Crewe will join the *One Town – One Voice* campaign.

David Williams
Labour's Parliamentary Candidate
for Crewe and Nantwich

16 September 2009

COMMUNITY GOVERNANCE REVIEW

From: Russell Greenwood [rpgreenwood@hotmail.co.uk]
Sent: 28 August 2009 10:51
To: COMMUNITY GOVERNANCE REVIEW
Subject: Crewe council

Hello

The proposed Crewe Council does not include Wistaston, Leighton and the area where Crewe Hall is situated. If these areas are not part of Crewe which I have always assumed to be so, what area or town do they fall under? I feel the proposed Crewe Council border should be extended to include Wistaston, Leighton, and the area where Crewe Hall is situated.

Regards

Russell Greenwood

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COMMUNITY GOVERNANCE REVIEW

From: D Brookshaw [d.brookshaw@sky.com]
Sent: 02 September 2009 17:06
To: COMMUNITY GOVERNANCE REVIEW
Subject: Town Council for Crewe

Having just received my ballot paper re parish council/town council I felt I had to email my disgust at the waste of time paper and money all this has cost. My understanding was we became Cheshire East and therefore were saving money. How can you save money by having a Town Council in Crewe. I and I feel a lot of people are quite capable of making our own points of view and also sorting our own problems. The local councillors before we became Cheshire East did nothing for my friends and I locally and I live in one of the areas that does not have a parish council. In fact we never knew who they were until election time and then did not see them personally. I expect that is how it would be again. I am not prepared to pay extra on my Council Tax so that people who do not know what to do with themselves now we are Cheshire East and they no longer attend meetings and get their expenses. There are plenty of voluntary organisations that would be grateful for their help!! We are Cheshire East now and therefore have to accept their ways and decisions not elect a few people who will not have much power but will cost the Council Tax payer more money. Progress always has casualties we just have to live with it my advice to the "old councillors" move on your job is done.!!!

①
 - To whom it may
 Concern.
 or who ever gets in
 To Look after CREWE
 and its peoples,
 I live where there is
 a playing Field at the
 Back of our Gardens,
 Kids Playing Football + Playing
 Folks taking there Pets for
 a walk on the Field.
 that is as it should be;
 not kind on motorbikes,
 Broken Glass, Grown men with
 motorized cars, Toy cars
 that are louder than ~~some~~ ^{some}
 Bikes; you Tell them off
 and get a foul mouth + spat
 at or a Fraud your car
 or home will be Broken into.
 Kids rule the Town this has to
 Be stopped.

P.T.O.

(2)

more Jobs To Be Found.
 parents. Taunt how To look
 after there children
 all you hear is
 mum + dads swearing at
 there kids, there is no
 respect any more to parents or
 parents To kids.

Needs doing Bus station -
 Park.

play areas for kids +
 places for young adults,
 To go To there is no
 cash about so they must
 be cheap kid + young adults
 Drinking Day + night.
 they need more empty properties
 allocated to them money put
 in to it - Find things for
 people to do,

P.T.O.

(3).

Folks must Be Taught To Look
 after and care for their pets.
 Help with nutureg all animals,,
 more care and respect,
 For our creatures in this
 town and worcswide.
 when is our park.
 Goinq To Be FinisHER?
 it is a lovely Place To
 Visit Trees + Plants, seeing Birds
 Folks, kids, - dog, walkers,
 all enjoyng there lives
 there is enough folk out
 a work To help keep this
 Town chean, Give Free
 Ticket To cinema or Bowls
 swiming ~~less~~ lessons.
 no smacked wrists any more.
 Give more lesson on ~~how~~ how To
 behave To others + pets The Town.
~~creche~~
 creche

TO CHESHIRE EAST
COUNCIL

259 ALTON ST
CW 2 7 PU

02-09-09

DEAR SIRS M^{RS} D^S

I WILL BE 92 IN NOVEMBER.. DUE TO INDUSTRIAL INJURIES, BADLY IMPAIRED VISION, AND NOISE DAMAGED HEARING, DISTORTION (NOT DEAFNESS) I AM UNABLE TO USE TELEPHONES, COMPUTER CONTROLLED COMMUNICATIONS ETC, I HAVE TO CONFINE MY CORRESPONDENCE TO THE WRITTEN WORD.. NOW YOU WILL NOTE I WRITE IN "UPPER CASE" OR CAPITAL PRINT. I REALISED SOME YEARS AGO, THAT IT WAS A GOOD EXCUSE FROM VARIOUS OFFICES (AND I QUOTE) WE CANNOT READ THESE OLD PEOPLE'S ARCHAIC HAND WRITING. WELL I SUPPOSE THAT IS TRUE IN MOST CASES, BUT NOT IN MINE. NOW FROM WHAT DEALINGS I HAVE HAD WITH CHESHIRE EAST. SO FAR I AM QUITE HAPPY I AND OTHERS I HAVE SPOKEN TOO HAVE AGREED THAT, IN THIS CASE A CHANGE HAS BEEN FOR THE BETTER... IT IS TO BE HOPE'D THAT THIS TREND CONTINUES.

DUE TO THE FACT THAT I OWN MY HOUSE, AND I MEAN OWN IT, I BOUGHT IT FOR CASH IN 1957 NO MORTGAGE NO DEBTS. FULL STOP. I WORKED TILL I WAS APPROACHING 80 SO

⑦ I RECEIVING PENSIONS, WHICH TILL RECENTLY
 I WAS ABLE TO LIVE ON, AND KEEP MY
 GRAND-DAUGHTER AND MY TWO DOGS, WHICH
 ARE MY EYES AND EARS, I PAY COUNCIL
 TAX, WHICH WAS MODIFIED RECENTLY TO
 FIT MY CIRCUMSTANCES. SO I HAVE NEVER
 HAD TO GO TO THE GOVERNMENT WITH
 THE OLD "BEGGING BOWL" AS SO MANY
 OLD UNFORTUNATES HAVE HAD TOO..
 TO BE PLAIN, ANYTHING THAT WOULD
 INCREASE COUNCIL TAX IS NOT ON. AGAIN
 FULL STOP. CHESHIRE EAST COUNCIL AND
 OTHERS, WERE CREATED TO ELIMINATE
 "DEAD WOOD". DON'T LET US CREATE
 ANOTHER BUNCH OF "TOOTHLESS TIGERS"
 AND PAY THEM GOOD MONEY... (OUR MONEY)
 NOW WHILE WRITING, THERE IS ANOTHER
 MATTER I WOULD LIKE AN ANSWER TO
 REGARDING THE FORMER CHESHIRE CO.
 COUNCIL. ? THIS OF COURSE APPLIES TO
 MANY OTHER COUNCILS AS WELL, THAT IS
 WHAT HAS BEEN DONE, IF ANYTHING

③ ABOUT THE DISCLOSURES LAST YEAR,
 AND I AM ONLY REFERRING TO THE OLD
 CO. COUNCIL, ABOUT THE £8 MILLION
 OR SO THAT SOMEONE IN AUTHORITY
 "INVESTED" WITH OUR MONEY INTO THIS
 "PHONY" OR SHOULD I SAY "DODGY"
 BANK IN ICELAND OF ALL PLACES..
 I RECENTLY READ IN THE PRESS THAT
 THEY HAVE NO HOPE OF RECOVERING IT..
 IF THOSE RESPONSIBLE WERE COUNCILLORS
 ARE THEY STILL COUNCILLORS?
 HAS ANY INQUIRY EVER BEEN MADE?
 HAS ANY ONE BEEN "REPRIMANDED"
 "DISCIPLINED" ETC. PEOPLE ARE STILL CURIOUS..
 NOW, ABOUT THOSE "MODUS" PEOPLE
 THOSE "WEALTHY" PEOPLE WHO WERE
 GOING TO DO ALL THOSE "WONDERFUL"
 "HEATH ROBINSON" THINGS TO "REVITALISE"
 CROWE, CREATE A "DISNEYLAND" IN THE
 TOWN CENTRE, NOW WE FIND THEY WERE
 JUST LIKE ALL THE OTHER "DEVELOPERS"
 OPERATING ON BORROWED MONEY WHEN
 THE BANKS WENT BUST, SO DID THEY...

④ VERY FUNNY YOU SAY WELL PERHAPS
MANY PEOPLE HAVE NOT REALISED HOW
CLOSE WE WERE TO HAVING LARGE
AREAS OF THE TOWN CENTRE KNOCKED
DOWN AND WE WOULD HAVE BEEN
LEFT WITH PILES OF BROKEN BRICKS ETC
BELIEVING IT WAS ONLY THE DELAY
CAUSED BY THE MEMORIAL DISPUTE
THAT AVOIDED THIS, FULL STOP.

CNGWG IS ALL RIGHT AS IT IS, IT
WAS OK AS IT WAS BEFORE 1960'S
IT IS ONLY AN OLD RAILWAY TOWN
WHAT PEOPLE SHOULD BE INTERESTED IN
OR PROUD OF, IS THOSE OLD RAILWAYMEN
WHO BUILT THE PLACE, WHERE IS THERE
ANY MENTION OF EVEN THE MAN
WHO FOUNDED CNGWG JOSEPH LOCKE
I'VE SPOKE TO SCHOOL LADS 14 TO 15 YEAR
OLD WHO HAVE NEVER HEARD OF HIM...
I EVEN SPOKE TO ONE OF THEIR TEACHERS
RECENTLY HE DIDNT KNOW..

~~Harry Fortuna~~ ALSO KNOWN AS F.H. TWISS
HARRY FORTUNA
F.H. Twiss

WHY SHOULD PENSIONERS
BE EXPECTED TO PAY MORE
COUNCIL TAX FOR THIS
ADDITIONAL LAYER OF
GOVERNMENT (OR THIS CASE
NON - GOVERNMENT) ?

HAS THIS BEEN PROPOSED IN
ORDER TO RE-INFLATE THE
EGOS OF FORMER COUNCILLORS ?

NOT TO MENTION EXPENSES

From: KENNETH JONES [mailto:kejones@btinternet.com]
Sent: 04 September 2009 07:51
To: Parton, Lindsey
Subject: Local governance in Crewe

--- On Fri, 4/9/09, KENNETH JONES <kejones@btinternet.com> wrote:

From: KENNETH JONES <kejones@btinternet.com>
Subject: Local governance in Crewe
To: lindsey.parton@cheshireeast.gov.uky
Date: Friday, 4 September, 2009, 7:48 AM

Dear Ms Parton

I understand that you are the person to whom representations should be made about the public consultation on local governance for Crewe. I hope that an email is acceptable (if not I will willingly write) and that I have your email address correct.

As a former long-serving member and Chairman of Shavington-cum-Gresty Parish Council, I can assert the advantages to the people of a homogeneous area of having one voice to represent their views. With the greatest respect to your authority, there will be times when there is no common interest binding, let us say Prestbury, with Crewe. Crewe has a very distinct and homogenous identity. It has a common economic and cultural interest, and one that is very distinct from most of the Cheshire East council area. With only 12 councillors to represent it out of over 80, there is an overwhelming and - I would have thought - very obvious need for it to have a democratically accountable organisation whose remit is solely restricted to Crewe alone.

Despite having lived and worked away from the area for some years, I still take an interest in local matters through family and friends and I'm sure that the adjacent parished areas will want to support this and work with a Crewe Town Council.

Yours sincerely,

Ken Jones

Please forward to the office
who passed this form for use.

Mary Gill

345 Alton St.,

Crewe

CW2 7RS

4th Sept 09

Dear Sir/Madam

I would like to say
I felt this form was very
poorly put together.

I actually had to ring
for guidance in forwarding
my genuine wish.

I am sure I am not the
only person that felt like
this.

Sincerely
Mary Gill

COMMUNITY GOVERNANCE REVIEW

From: Pete [midgley@midgleypr.freemove.co.uk]
Sent: 06 September 2009 17:47
To: COMMUNITY GOVERNANCE REVIEW
Subject: Crewe community governance review

Hello Reviewers,

Thanks for your

I'm Peter Midgley of 32 James Atkinson Way; these are some thoughts on the subject, there may be others to follow:

1. A point about boundaries:

It makes no sense to mark the boundary in Leighton halfway through the 'Oakley Fields' (old Rolls Royce playing fields) estate, excluding Farmleigh and the new houses north of Bradfield Rd, Parkers Rd. Can't they be included? they all use the same services so it would be a lot more realistic. I think the same point applies regarding Wells Green and Berkeley Towers.

It appears from your website that Cheshire East have the devolved power to alter the boundary to reflect developments.

2. My neighbours and I wonder what value would be added to justify the extra expense, of having a Town Council. Can anyone answer that?

3. If there is no Town Council at present, how are the Allotments, bus shelters, local crime prevention etc being handled and how effectively?

4. If a Town Council also had judicial powers they could bring in local justice such as the stocks which would doubtless curb anti-social behaviour! This might seem a bit old-fashioned but you must admit it might take some radical thinking to re-engage 21st century urban dwellers into thinking they are actually part of a community.

sincerely

Peter Midgley.

Mrs J Parton,
Elections and Registration Manager,
East Cheshire Council,

Mr Peter Slackton,
37 Jennyson Ave,
Crewe,
Cheshire,
12-09-09,

Dear Madam
Subject: Crewe Community Governance Review.

The first I knew about the above, was when the voting forms arrived through my letter box on Saturday 29th of August, having read the voting papers, it appeared to be ambiguous and at the very least, to have a bias in favour of selecting either a new Crewe Town Council or a Parish Council.

I noted that of the four choices on the voting paper, three of those choices, would involve the Crewe rate-payers in paying an additional cost over and above the present Council Tax bill each year.

I have been given to believe a sum of £20 plus to £100 plus P.A for the most expensive option - a new Crewe Town Council.

Having recently voted for a change, from Crewe Town Council to our present Cheshire East Council, I find it a costly and backward move to now ask Crewe ratepayers to fund a new Crewe Town Council, since they have no purpose or no accurate costing.

Cheshire East Council now provide all Crewe's services, previously provided by the now disbanded Crewe Town Council.

Chestine East councilers are accountable for all the wards within the Crewe boundaries, any person can seek advice or discuss any concerns they may have.

I have received a Labour propaganda leaflet, posted through my letter box this week (please see enclosed). you will note that it fails to put the facts of the situation fairly, neglecting to point out the cost implication for the Crewe rate-payers, if the new Crewe Town Council were successful in its bid.

If the ex Crewe Town councilers think they have a valuable contribution to make to the people of Crewe, I suggest they stand for the position of councilor for Chestine East at the next opportunity.

If in the passing of time, the Chestine East Council choose in favour of setting up a new, and in my view unnecessary new Crewe Town Council, and in doing so passes this additional cost onto the Crewe rate-payers. I feel there will be great dissatisfaction and anger, not only with the ex Crewe Town Councilers, but also with the Chestine East Council.

In closing, I would say to the Chestine East Council, so far I have found the services provided by yourselves to be excellent, please continue with the good work.

Please do not add cost to an already costly Council tax bill, particularly at a time when we are all having to tighten our belts, with the current financial conditions within our Country at this time

Yours Respectfully
P. Stockton

COMMUNITY GOVERNANCE REVIEW

From: Parton, Lindsey [lindsey.parton@cheshireeast.gov.uk]
Sent: 28 September 2009 10:28
To: COMMUNITY GOVERNANCE REVIEW
Cc: Bason, Ralph
Subject: FW: Community Governance Review Crewe

From: FLUDE, Dorothy (Councillor)
Sent: 28 September 2009 10:01
To: Parton, Lindsey
Subject: Community Governance Review Crewe

Hello Lindsey

Please include in the submission my full support for One Town Council for the at present un-parished part of the town of Crewe.

Dorothy Flude
Councillor Crewe South
Leader of the Labour Group Cheshire East Borough Council

6 Tynedale Ave
Crewe
CW2 7NY
01270664121

From: Conquest, Steve Cllr (Cheshireeast)

Sent: 27 September 2009 16:43

To: HAWTHORNTHWAITE, Gaynor; Parton, Lindsey

Subject: RE: Crewe Community Governance Review

Dear Gaynor

I would like to confirm my belief that the creation of a single Town Council would constitute the best outcome for the people of Crewe.

I set out my views in more detail at the extraordinary meeting of Crewe Charter Trustees on 24 September and trust that the minutes of this public meeting will be made available to you and included in the consultation process.

Kind regards

Steve

From: HAWTHORNTHWAITE, Gaynor

Sent: 26 August 2009 13:03

To: Cheshire East Members

Subject: Crewe Community Governance Review

Dear Member

Cheshire East Council is conducting a review of Community Governance arrangements in response to a petition received from members of the public calling for a single Town Council for the unparished parts of the town.

The Council would welcome your views on community governance arrangements for Crewe and whether you feel that a single town council, multiple parish councils, or some other form of community governance should be created.

The Council is consulting electors, stakeholders and local organisations in the Crewe area throughout September and is seeking your views on this important issue. Your views will be taken into account in reaching any decisions.

Following this initial period of consultation, a draft recommendation will then be formed by the Council in October, following which there will be a second round of more limited consultation in the Autumn.

Any new arrangements would take effect from the date of the next local elections in May 2011, when elections to any new Town Council created would take place.

CHESHIRE EAST COUNCIL

ITEM 6 (e)

Record of a public meeting for **Crewe Community Governance Review** held
in the Council Chamber, Municipal Buildings, Earle Street, Crewe
on 1st September 2009 at 2.30pm

Chairman:	Councillor Andrew Kolker
Legal Adviser:	Mr Chris Chapman, Borough Solicitor
Presenters:	Mr Mike Flynn, Review Team Officer Mrs Lindsey Parton, Elections and Registration Manager
Clerk to the Meeting:	Ms Diane Moulson, Democratic Services Officer

List of Those Present:

Honorary Alderman Ray Stafford

Councillor Terry Beard	Crewe Charter Trustee
Councillor David Cannon	Cheshire East Council
Councillor Roy Cartlidge	Rep. Crewe West Community Group
Councillor Dorothy Flude	Ward Councillor, Crewe South
Councillor Peggy Martin	Cheshire East Council
Councillor Robert Parker	Cheshire East Council
Councillor Ray Westwood	Cheshire East Council
Mr P Kent	A Voice for Crewe Campaign
Mr S Roberts	A Voice for Crewe Campaign
Mrs J Roberts	A Voice for Crewe Campaign
Mr S Hogben	Parish Councillor, Shavington-Cum-Gresty Parish Council
Mrs P Minshull	Crewe Historical Society/Valley CAP
Mr C White	Cheshire Association of Local Councils
Ms P Southgate	Resident

1. Introduction

The Chairman began by welcoming those present to the meeting and introducing the Officers in attendance. He briefly outlined the programme for the afternoon before inviting the Borough Solicitor, Mr Chapman to address the meeting.

2. Background

On 30 March 2009, Cheshire East Council had received a petition signed by over 3500 of the electorate of the urban area of Crewe asking that a Town

Council be set up, an action which had triggered the Community Governance Review.

Mr Chapman explained that previously, petitions of this type would have been determined by the Secretary of State in conjunction with the Electoral Commission but in accordance with new legislation, namely Section 87 of the Local Government and Public Involvement in Health Act 2007, responsibility for determining such petitions now fell to principal authorities; in this instance Cheshire East Borough Council.

The Community Governance Review, which would be the first of its kind conducted under the new legislation, would, due to the timing of the submission, be carried out in tandem with the Boundary Committee's review of ward boundaries within Cheshire East. Discussions had been on-going with the Boundary Committee to inform the work of both parties but the timeline within which the Community Governance Review had to be completed had been influenced by the deadlines set by the Boundary Committee, leaving little room for slippage.

3. Presentation

The Chairman then invited the Elections and Registration Manager and Review Team Officer to explain the procedure in more detail.

As the submission had been received on 30 March 2009, the review had to be concluded within a twelve month period i.e. 30 March 2010. However, as the outcome would have an impact on the work of the Boundary Committee, it would, in reality need to be completed by January 2010 for the findings to be submitted to the Boundary Committee during its public consultation period (February 2010).

A copy of the presentation had been made available to the public and it was to this that Mrs Parton & Mr Flynn spoke; expanding on a number of points as follows –

- The two public meetings being held today were intended to 'kick start' the process and provide an opportunity to answer any questions arising from the public following issue of the voting packs
- Information packs were to be sent to a range of stakeholders; to contain a slightly revised information leaflet form than that provided to electors and a questionnaire, in place of a voting form
- Whilst a number of alternatives had been put forward for governance arrangements in Crewe, the option selected would be a democratically elected voice for the town and would, therefore need to met the criteria set down by legislation i.e. the body would be expected to
 - promote community cohesion
 - be of adequate size for its purpose
 - possess a sense of place and identity
 - have the capability/capacity to deliver services

- Consultees were encouraged, where appropriate to provide evidence for their views to add weight to and strengthen the arguments put forward
- Responses received from the exercise would be submitted to the Governance and Constitution Sub Committee in October, the views expressed to form the initial recommendations submitted to Council in October. The public would be invited to comment on the decision emanating from the meeting as part of the second stage consultation process to be held in October/November 2009
- At this point in the process, consideration would be given to
 - whether a single or multiple Parish Councils should be constituted
 - what the electoral arrangements should be and the number of Councillors to be elected
 - how the mayoralty would operate
- Recommendations would be considered by the Governance and Constitution Sub Committee prior to the final report being taken to Council for decision in December 2009

Having completed their resume, the Chairman thanked the Officers for their presentation. He then invited questions and comments from the floor.

Questions

- Q. Why had the voting papers been issued before the commencement of the consultation period (1 September) and before information was available for people to read?
- A. Due to logistical demands (printing, posting etc) it was considered preferable for some households to receive their packs prior to 1 September rather than after the process had commenced. The need to respond to the Boundary Committee during its public consultation period had also driven the timeline for the exercise
- Q. What form would the next phase of the consultation take?
- A. The second phase of the consultation would not be as extensive as the first but details of the draft recommendations would be made available via different media formats, including the Council's website
- Q. When would questionnaires be issued to stakeholder organisations?
- A. A number of packs had already been despatched and it was anticipated that the reminder would be sent out by the end of the week.
- Q. The questionnaires received by some stakeholder organisations had not made it clear to who it was addressed so it was difficult to know who should be responding on the organisation's behalf.
- A. Officers had been made aware of this matter and steps had been taken to ensure that the remaining letters clearly stated to whom the questionnaire was being sent.

- Q. Although the public meetings had been arranged at the beginning of the consultation period, in view of the turnout, it could be argued that awareness of the meetings amongst residents was low. The timing was also questionable as many individuals would not yet have received their voting packs. Were there any plans to hold more meetings during September to enable people to ask questions?
- A. No plans at present but if there was sufficient demand, it would be considered.
- Q. What weight would be given to representations if respondents did not provide the evidence required? Would their opinions be disregarded by the Committee and would this requirement affect the weight given to the petition?
- A. Responses would have more credence if accompanied with a few lines of explanation. The number of signatories on the petition alone meant that it would carry significant weight but that decision would be for the Committee as the report prepared by the Officers would contain only details of the representations and evidence received.
- Q. Will the results of the vote be announced and would it be possible to break it down into wards?
- A. The information would be made publically available but as the voting paper did not identify the voter's ward, the latter would not be possible.
- Q. Did respondents have to complete both parts of the voting paper or was it possible to fill in just one part?
- A. As this was not a ballot, respondents' views would not be invalidated if both parts were not completed but it would reduce the amount of evidence upon which a reasoned conclusion could be drawn.

Comments

The four parish option on the voting paper had not been proposed by the 'One Voice for Crewe' campaign and questions were raised as to the origin of the proposal. In response, it was confirmed that the proposal had been raised and discussed at a meeting of the Governance and Constitution Sub Committee, and had been supported as a valid alternative for inclusion on the voting paper.

A view was expressed by some individuals that the wishes of the electorate seeking a single Town Council for the urban area of Crewe had been disregarded. No justification or evidence has been supplied with the papers to provide a rationale for the four parish proposal and because of this the subsequent wording of the voting paper was ambiguous and unclear. This, in the opinion of the member of the public concerned, had lead to confusion in answering the questions when, in his view, there should have been a straight yes or no answer required to the question "Do you want a Town Council for Crewe?"

There was concern about the timing of the voting paper despatch as it had occurred prior to the start of the consultation period and before any information had been released. Because the terms 'Town' and 'Parish' had been used in both sections of the form it had generated a great deal of confusion. A request was made for a press release to be issued to clarify the wording on the ballot paper in light of the comments made.

As the Community Governance Review was being conducted in accordance with new legislation, it was inevitable that the Council would be scrutinised over its handling of the matter. As there was no longer only one proposal under consideration a view could be taken that the process had become politically biased. The exercise needed to be carried out in a spirit of mutual respect and co-operation and if not handled correctly, could cause animosity between the Town Council(s) and Cheshire East for years to come.

A representative from a stakeholder organisation referred to the fact that many of the organisations which were being consulted did not meet on a regular basis and may not have received notification about the public meetings. It was possible that this, rather than a lack of interest, which could be attributed to the low turn.

The accompanying leaflet provided a list of precepts levied by Town Councils but was considered by many of those present to be flawed as the locations selected were not local to Crewe. It was stated that only examples from Crewe and Nantwich parishes should have been used.

An argument was put forward that, if the four parish model was adopted, the cost to the public would be four times greater but with reduced efficiencies. This view was not supported by others, as; potentially each parish could decide to levy no precept. However it was accepted that there would be four times the associated costs e.g. clerks, premises etc.

The four parish option suggested that the boundaries would match the existing ward areas but, following the conclusion of the Boundary Committee review, it was possible that this might change. Given the level of uncertainty, the validity of the proposal was questioned. If, however there was to be one Town Council for Crewe, it was not considered unreasonable to have four wards of Crewe North, Crewe South, Crewe East and Crewe West to reflect current arrangements.

The statement that the timeline had been affected by the Boundary Committee was challenged from the floor and the Council was criticised for not anticipating the time required to complete the exercise given that the petition had been received whilst the authority was still in shadow form.

4. Summing Up

The Chairman thanked everyone for their attendance and their contribution to the meeting, stating that the record of the meeting would be made available in due course to all those who had left contact details with the Clerk.

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CHESHIRE EAST COUNCIL ITEM 6 (e)

Record of a public meeting for **Crewe Community Governance Review** held
in the Council Chamber, Municipal Buildings, Earle Street, Crewe
on 1st September 2009 at 7.00pm

Chairman:	Councillor Andrew Kolker
Legal Adviser:	Mr Chris Chapman, Borough Solicitor
Presenters:	Mr Mike Flynn, Review Team Officer
	Mrs Lindsey Parton, Elections and Registration Manager
Clerk to the Meeting:	Ms Diane Moulson, Democratic Services Officer

List of Those Present:

Councillor Margaret Simon	The Worshipful the Mayor, Cheshire East Council
Councillor Terry Beard	Crewe Charter Trustee
Councillor Derek Bebbington	Cheshire East Council
Councillor David Cannon	Cheshire East Council
Councillor Roy Cartlidge	Rep. Crewe West Community Group
Councillor Steve Conquest	Cheshire East Council
Councillor Dorothy Flude	Ward Councillor, Crewe South
Councillor John Jones	Cheshire East Council
Councillor Robert Parker	Cheshire East Council
Councillor Ray Westwood	Cheshire East Council
Mr P Kent	A Voice for Crewe Campaign
Mrs H Armonies	Resident
Mrs S Crum	Resident
Mr B Hughes	Resident
Mrs M Grant	Resident
Mr A Wood	Resident

1. Introduction

The Chairman began by welcoming those present to the meeting and introducing the Officers in attendance. He briefly outlined the programme for the evening before inviting the Borough Solicitor, Mr Chapman to address the meeting.

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- Consultees were encouraged, where appropriate to provide evidence for their views to add weight to and strengthen the arguments put forward
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 - what the electoral arrangements should be and the number of Councillors to be elected
 - how the mayoralty would operate
- Recommendations would be considered by the Governance and Constitution Sub Committee prior to the final report being taken to Council for decision in December 2009

Having completed their resume, the Chairman thanked the Officers for their presentation. He then invited questions and comments from the floor.

Questions

- Q. It was an affront that eighty one Councillors could take a view on what the residents of Crewe and, in particular those who signed the petition, wanted for the Town which was not to split it into four.
- A. The petition reflected the opinion of 10% of the electorate for the area which was why, in accordance with the legislation, all those affected by the proposal were now being asked for their views.
- Q. The amount of advertising for the public meetings had been poor; people did not understand the voting paper and there was a lack of awareness that there would be a second opportunity to comment on the proposals.
- A. The event had been advertised as widely as possible in the time allowed. Although the second consultation phase would not be as comprehensive as the first, draft proposals would be provided to all those attending the public meetings who had left contact details and would be circulated via the Council's website, notice boards and Ward Councillors.

- Q. Would there be any record as to who had voted for which option?
- A. Not individually but the responses received would be recorded to provide an audit trail showing the representations/evidence Council had taken into consideration in reaching its final decision.
- Q. The accompanying leaflet provided a list of precepts levied by Town Councils. This meant that the process was flawed as the examples selected were not local to Crewe.
- A. The examples selected were intended to be for comparison purposes only as a means of illustrating the wide variety of precepts which could be levied.
- Q. Irrespective of whether the final outcome was for one or four Parish Councils, would there be any difference in the responsibilities they would have? As the Council Tax was payable directly to Cheshire East Council, would any of that be transferred to the Parish Council(s) if it/they took over responsibility for some services?
- A. Parish Councils could exercise some powers but the level to which this was done was a matter of local choice. If the Parish Council(s) decided it/they wished to provide services over and above those provided by the Borough Council, then the cost would be raised via the levying of a precept.
- Q. What would happen if the Parish Council(s) wanted to take over a Borough function such as maintenance of pavements?
- A. The Borough Council would need to give its consent and would have to enter into an agreement with the Parish Council(s) to carry out the works on its behalf.
- Q. There was a lot of ambiguity associated with the voting paper which could be proved by the low turn out at the meeting and there was concern that this could be perceived as a lack of interest in the formation of a Town Council.
- A. Cheshire East would be cognisant of all the views expressed and a low response would not necessarily be considered to be a lack of public interest.
- Q. What weight would be given to representations if respondents did not provide the evidence required? Would their opinions be disregarded by the Committee and would this affect the weight given to the petition?
- A. Responses would have more credence if accompanied with a few lines of explanation. The number of signatories on the petition alone meant that it would carry significant weight but that decision would be for the Committee as the report prepared by the Officers would contain only details of the representations and evidence received.

- Q. If the proposal for one Town Council was supported, would there then need to be a decision made as to whether the Councillors elected would represent the whole area or a single ward?
- A. That decision would be taken by Cheshire East Council. However the decision would take into account the size of the area and the number of Councillors required to adequately represent the electorate; the public being able to comment on the proposals as part of stage two of the process.
- Q. Did respondents have to complete both parts of the voting paper or was it possible to fill in just one part?
- A. As this was not a ballot, respondents' views would not be invalidated if both parts were not completed but it would reduce the amount of evidence upon which a reasoned conclusion could be drawn.

Comments

On the assumption that a Town Council for Crewe was set up, it needed to have a good relationship with Cheshire East Council. Therefore, the exercise had to be carried out in a spirit of mutual respect and co-operation to ensure that a culture of mistrust was not created. The phrase 'natural community' had been referred to in the presentation. There was no doubt in the speaker's mind that in this instance, the natural community which should form the Parish Council was the town of Crewe and this was in danger of becoming irrelevant to Cheshire East Council.

As the four parishes option had not been proposed by the 'One Voice for Crewe' campaign, questions continued to be raised by those present as to the origin of the proposal. In response, it was confirmed that the proposal had been put forward at a meeting of the Governance and Constitution Sub Committee. It had been supported as a valid alternative for inclusion on the voting paper as it reflected the four existing wards of Crewe South, Crewe North, Crewe East and Crewe West.

Notwithstanding the comments made at the meeting, some of those present considered that clarification had still not been provided to their satisfaction, regarding the rationale for the four parish option. The more arguments put forward in favour of this option, the more the situation became factious. It was the opinion of some that there should have just been a straight yes or no answer required to the question "Do you want a Town Council for Crewe?" as the introduction of this unsupported option had confused the issue. It should not have been included given that it seemed to be the opinion of one individual.

A resident, who was also an ex- Crewe and Nantwich Borough Councillor, spoke of her experiences during her time on the Council in developing community cohesion, the overarching aim of the review. In her opinion, because the Town had areas which were both affluent and disadvantaged, people worked together for their mutual benefit and this would be under threat if the Town was split into four.

4. Summing Up

The Chairman thanked everyone for their attendance and their contribution to the meeting, stating that the record of the meeting would be made available in due course to all those who had left contact details with the Clerk.

**Minutes of an extraordinary meeting of the Charter Trustees
for Crewe
24th September 2009**

Present: The Mayor, Councillor D Flude
Councillors T Beard, R Cartlidge, S Conquest, E Howell, M Martin, J Jones, M Martin and C Thorley

Officers Present:

Bill Howie, Democratic Services, Cheshire East Borough Council

17. Apologies

Apologies for absence were received from Councillors D Bebbington, D Cannon and J Weatherill

18. Declaration of Interest

All Charter Trustees present declared a personal interest in the agenda item as Members of Cheshire East Borough Council.

19. Public Speaking

The Mayor, invited the members of the public present to make any comments. Honorary Alderman made a short statement regarding the role of the Charter Trustees and the need to secure a permanent body to reflect the views of the people of Crewe

20. Community Governance Review for the un-parished areas of Crewe

The Charter Trustees were informed that the in response to a number of queries regarding the powers and duties of the Charter Trustees regarding their involvement in the consultation being carried out by Cheshire East Borough Council, legal advice had been sought.

The advice given to the Charter Trustees indicated that there no legal reason that prevented the Charter Trustees from responding to the consultation.

Councillor Jones made a statement to the meeting that, in his opinion, the meeting of the Charter Trustees was not legal on the grounds that the Charter Trustees were acting in a political situation which he considered to be contrary to the Charter Trustee Regulations 2009 (SI 467/2009). Councillor Jones stated that, in his opinion, the legal advice provided to the Charter Trustees was incorrect. Having made this statement declined to participate further in the meeting and left the room (time 6:12pm).

It was noted that Charter Trustees who were unable to attend the meeting had been invited to submit any views or comments, in writing, to the meeting. Councillor Cannon had submitted comments in the form of an e-mail circulated to the Charter Trustees. Councillor Jones, prior to his departure

from the meeting had submitted a letter (unsigned) from Councillor Bebbington. The contents of the email and letter were read to the meeting.

Councillor Cannon – in summary Councillor Cannon felt unable to support the Four Parish option; if the Charter Trustees felt unable to support this option it should be actively opposed. He raised issues concerning the sustainability of the Charter Trustees to operate effectively in the long term. In his view a single town council would be able to draw potential members from a larger pool than the 12 Charter Trustees and would be able to devote more time to civic activities. Councillor Cannon supported the option of a single town council for Crewe.

Councillor Bebbington – it was his view that it was neither appropriate nor legal for the Charter Trustees to meet to consider this matter. The meeting, if it went ahead should be chaired by an officer who did not represent either a political party or any group actively campaigning in this matter. The view was also expressed that the meeting had been called to gain political support and influence public opinion. The final comments related to Councillor Cannon's views and the validity of any collective view expressed on behalf of the Charter Trustees without the full support of all Charter Trustees.

After hearing these comments the Mayor invited each of the Charter Trustees present to make a short statement on their individual views on the consultation.

Councillor Howell – stated that she had not made any public statement on this matter prior to the submission of the petition. However, it was her view that the Four Parish option was not viable. In principle, the idea of a single was a good idea but in the current economic climate the addition of an additional precept on the Council Tax would be an unnecessary burden on the people of Crewe. She also stated that it seemed unlikely that Cheshire East Borough Council would devolve any of its powers or functions to a town council thus reducing its role to that of a 'talking shop'. Councillor Howell was not in favour of either a single town council or four parish councils.

Councillor Cartlidge – stated that the notion of more than one town council would be potentially damaging to community cohesion. One town council, although adding to the Council Tax burden could lead to improved service delivery that addressed local priorities such as dealing with footway repairs and maintenance. Councillor Cartlidge was in favour of one town council.

Councillor Beard – stated that the petition related to a single town council and that there was no evidence of support for the four parish option. At the outset this issue had not been political but had been turned into one. With regard to the cost a precept would be levied by the Charter Trustees to meet the cost of their activities and the cost to the majority of the households would not be as high as had been asserted by others. Councillor Beard expressed support for one town council as providing a voice for Crewe within Cheshire East; particularly as Crewe provided the economic heart of Cheshire East.

Councillor Conquest – stated that the Charter Trustees had, at the very least, a moral obligation to put their views forward. A single town council represented an opportunity to have a single, democratically elected body to represent the people of Crewe. A single town council also provided a chance to provide the unity of purpose to help drive Crewe forward. The Four Parish option was a purely political move to dissipate power and marginalise the people of Crewe. Councillor Conquest supported a single town council.

Councillor Martin – stated that a single town council represented an opportunity for the people of Crewe to have a voice within Cheshire East. Her support was behind whatever the people of Crewe voted for in the consultation exercise.

Councillor Thorley – Stated that he would, as ever, support whatever the people of Crewe wanted.

The Mayor, noted that no motion had been put to the meeting. In addition although it would be possible for the Charter Trustees present would be able to take a view it could be characterised as a political vote representing the views of only the Labour Group and would not be representative of the Charter Trustees as a whole.

In view of this the Mayor moved that

Because of the lack of consensus among the Chartered Trustees as a body, each individual Charter Trustee make their own, separate views known to Cheshire East Borough Council in response to the Community Governance Review consultation. .

The motion was seconded by Councillor Beard. The motion being put to the vote it was

Resolved unanimously: That Cheshire East be informed that because of the lack of consensus among the Chartered Trustees as a body, each individual Charter Trustee make their own, separate views known to Cheshire East Borough Council in response to the Community Governance Review consultation.

* * * * *

The meeting concluded at 7:05pm

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CHESHIRE EAST COUNCIL

REPORT TO: COUNCIL

Date of Meeting: 15th October 2009
Report of: Borough Treasurer and Head of Assets
Subject/Title: Supplementary Estimate Approvals
Portfolio Holder: Councillor Frank Keegan

1.0 Report Summary

- 1.1 This report requests formal approval to Supplementary Estimates which have been contained in reports submitted to, and approved by Cabinet during the year. These items require the approval of Full Council in accordance with Finance Procedure Rules. Details of each item are contained in Section 11 of the report.

2.0 Decision Requested

- 2.1 At its meeting on 11 August 2009, Cabinet resolved that Council be requested to approve the following items contained within the Quarter 1 Financial Update report:-
- (i) a Supplementary Capital Estimate of £1,150,000 for the Modernisation Grant 09/10 (para.11.1.1)
 - (ii) Supplementary Capital Estimate of £2,227,195 for the Devolved Formula Capital Grant in Advance (para.11.1.2)
 - (iii) that Cheshire East Borough Council enters into a partnership with Cheshire West & Chester Borough Council and Warrington Council to deliver a sub regional Future Jobs fund programme and a Supplementary Revenue Estimate of £1.440m be approved. (para.11.1.3 – 11.1.5)
- 2.2 Council is requested to approve the following Supplementary Revenue Estimates to be funded by calls on general reserves as approved by the Cabinet:-
- (i) £137,966 for match funding from April 2009 – December 2010 in support of the People into Jobs bid, together with contributions from other partners, equal to the amount from the European Regional Development Fund, as approved by Cabinet on 3 February 2009. (para 11.2.1 – 11.2.4)

- (ii) £331,000 for additional investment linked to the proposals outlined in the Recession Mitigation Action Plan, as approved by Cabinet on 19 May 2009. (para 11.2.5 – 11.2.9)
- (iii) up to £3.8m (originating from unspent Social Care specific grants) as part of the funding package to deliver Adult Social Care redesign implementation, insofar as these costs cannot be contained within the outturn position of the People Directorate. (para 11.2.10 – 11.2.12)
- (iv) up to £125,000, if required, to support the Crewe Masterplanning project, as approved by Cabinet on 14 July 2009. (para 11.2.13 – 11.2.14)

2.3 Council is asked to approve the following Supplementary Capital Estimates, as approved by Cabinet

- (i) a Supplementary Capital Estimate of £1m for the development of Lincoln House in 2009/10, funded from prudential borrowing charged direct to the revenue budget of the Adults service, as approved by Cabinet on 16 June 2009. (para 11.3.1 – 11.3.3)
- (ii) a Supplementary Capital Estimate of £2.2m to acquire land, build and establish a suitable football facility in Sandbach fully funded via a variety of sources, including a grant from the Football Foundation, a contribution from the external football Club and either capital receipt on the sale of existing land owned or internal transfer of existing capital funds from Adults service within Cheshire East, as approved by Cabinet on 11 August 2009. (para 11.3.4 – 11.3.8)

3.0 Reasons for Recommendations

3.1 Finance Procedure Rules require the approval of Council to requests for supplementary estimates in excess of £1m, or which require funding from general reserves, or which have significant financial implications for future years' budgets.

4.0 Wards Affected

4.1 Not applicable.

5.0 Local Ward Members

5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

6.1 None.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 As covered in the report.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 There are no specific legal implications related to the issues raised in this report.

10.0 Risk Management

10.1 Financial risks are assessed on a regular basis and will be reported to members quarterly. Remedial action will be taken if and when required.

11.0 Background to Items for Approval

11.1 At the Quarter 1 Financial Update, Cabinet resolved to request Council to approve the following items:

Modernisation Grant

11.1.1 This grant is allocated annually to Children & Families. Its purpose is the upgrading and building of new schools and facilities in line with priorities within the local asset management plan. Previously, allocations have been used to implement the Transforming Learning Communities (TLC) programme, and the majority of this year's allocation is also used to fund TLC expenditure, reducing the amount of Prudential Borrowing required. Revenue savings, (from closed/amalgamated schools) over and above what have been used to finance Prudential Borrowing costs (for TLC schemes) have been made and Schools Forum have agreed that £114,000 can be released to fund additional Prudential Borrowing of £1.688m. This would 'free up' an identical amount of Modernisation grant which could then be used to fund a number of improvement schemes within schools. A Supplementary Capital Estimate (SCE) is therefore requested, fully funded from ringfenced borrowing approvals for £1.150m, as Members have previously approved an SCE for Gorsey Bank, using £538,000 of this funding.

Devolved Formula Capital (DFC) – Drawdown in Advance

- 11.1.2 Each year, schools have an amount of DFC devolved directly to them. The allocation can be used for smaller schemes, or 'saved' towards funding larger schemes at the school site. Schools have 3 years and 5 months to spend each years allocation. Central Government have announced an early drawdown of 2010-11 DFC, encouraging schools to commit to construction projects during the recession. An SCE of £2.227m fully funded from grant is requested.

Future Jobs Programme

- 11.1.3 A draw down of £1.3million of external funding from the Department of Work and Pensions (DWP) is requested to deliver a Future Jobs fund programme in the Cheshire East area. The Future Jobs Fund is a new £1.2 billion Government initiative to help generate jobs for young people who are approaching 12 months unemployment or live in areas of high unemployment. The maximum contribution available is £6,500 per job created and must cover the costs of 6 months employment for a minimum of 25 hours per week at a national minimum wage or more plus any material and supervision costs required to undertake the job. This can be supplemented by funding from other sources.
- 11.1.4 Working with local partners, the Regeneration Service of Cheshire East Council will deliver 200 new jobs over 17 months starting in October 2009. The thrust of these jobs will be to provide young people with a practical work experience supplemented by training and mentoring support to lead to a permanent position. The Council will also work in partnership with Cheshire West & Chester Council and Warrington Council to deliver a sub regional Future Jobs Fund programme.
- 11.1.5 £1.3 million of Future Jobs Funding will be made available to Cheshire East to support 200 jobs for six months (£6,500 per job created). The nature of the Cheshire East bid is unique in that it includes 20 jobs within the engineering industry. Due to the complex nature of these jobs, the employers feel that the placements should be extended to 12 months. As the DWP fund can only cover 6 months of employment, an approach has been made to the Northwest Development Agency for £100,000 of additional funding to top up the Future Jobs Fund allocation. The Recession Task Group has already approved £40,000 from its budget to be allocated to the programme.
- 11.2 Council is requested to approve the following Supplementary Revenue Estimates to be funded by calls on general reserves as approved by the Cabinet.

People into Jobs

- 11.2.1 A bid for European Regional Development funding had been submitted by the Cheshire and Warrington Alliance on behalf of the Cheshire Districts and Warrington Borough Council and had been approved subject to match funding and contract arrangements by the North West Development Agency.
- 11.2.2 The total amount of match funding required from Cheshire East Council for April 2009 – December 2010 is £137,966. The partners may also be given the opportunity to bid for a further 3 years ERDF funding for the period January 2011 to December 2013 to continue the project. The funding would require matching in the region of £90,000 per calendar year. This match funding may be requested from Cheshire East Council. If however the project did not continue beyond December 2010, there would be no further implications.
- 11.2.3 The project is a joint proposal from Cheshire West & Chester, Warrington and Cheshire East unitary authorities working in partnership with other public, private voluntary organisations to complement existing provision aimed at moving workless people back into employment and /or training. Warrington Borough Council will become the accountable body for the project, with Groundwork Cheshire having a service level agreement to deliver the project on behalf of the partners in Cheshire East.
- 11.2.4 The project aims to complement Jobcentre Plus/ Learning & Skills Council and other agency approaches to getting the long term unemployed back into work and/or training, by focusing on employers rather than individuals. There are all sorts of barriers put up by employers, often inadvertently, to employing people on benefits - lone parents, people with disabilities, ex-offenders, etc. This project aims to employ two suitably qualified people to approach several hundred employers in the area. They will provide one to one advice and support to break down those barriers and encourage employers to consider interviewing / recruiting people from the priority target groups and to participate in other initiatives such as Local Employment Partnerships with Jobcentre Plus. In addition they will also provide them with advice on the development of their HR policies and procedures.

Recession Mitigation Action Plan

- 11.2.5 At its meeting on 19 May 2009, Cabinet endorsed the Recession Mitigation Action Plan, which contained a programme of activities which will mitigate the impact of the recession on trading businesses and local communities. The Action Plan contains a number of proposals designed to address the impact of the recession in terms of our local economy and unemployment statistics.
- 11.2.6 The proposals have been developed specifically to address recession mitigation and are therefore short-term by nature. All new investment

will be delivered by end March 2010, and have also been developed to ensure there are no on-going revenue implications for future years.

11.2.7 The Task Group will also actively seek investment from other sources to match the Council's commitment including accessing the funding to support empty premises in town centres recently announced by the Department for Communities and Local Government. The approach of NWDA will also seek to draw in additional investment.

11.2.8 The investment proposals include:

- Recession Busting Information Campaign– use of web portals and local information centres to provide signposting advice and top tips to businesses and vulnerable groups. Will provide a one stop shop linked to the main Cheshire East website.
- Think Local – an information/PR campaign which targets businesses and residents to shop/buy/supply locally.
- Supporting our Town Centres – a package of support to spruce up our town centres to make them a more enticing environment for retail customers. This will include seeking new uses for empty shops as well as floral campaigns linked to the Tatton Flower Show.
- Business Support – provision of additional business advice for high – risk businesses.
- Boost to the Cheshire East Visitor Economy – a package of events and I – guides/ website developments to support local visitor attractions under the Discover Cheshire umbrella.

11.2.9 The Cabinet approved additional investment of £331,000 linked to the proposals outlined in the Action Plan, and delegated authority for the individual investment decisions arising from the Action Plan is given to the Portfolio Holder for Prosperity in consultation with other relevant Cabinet Members.

Adult Social Care Redesign

11.2.10 At its meeting on 16 June 2009, Cabinet approved the implementation of a new model of Social Care services for Adults which involves the development and establishment of locality teams across East Cheshire by March 2010, and the phased introduction of a Resource Allocation System.

This model is based on nationally-driven principles of personalisation for Adult Services, as well as the adoption of prevention approaches, lean systems and more customer focused processes.

The Adult Services budget was set at £72m for 2009-10, and incorporates a reduction of £4.1m (6%). The budget contains an underlying overspend against adults under the age of 65, and an underspend against adults over 65. There are emerging growth pressures across the board.

11.2.11 Central Government has provided Local Authorities with Social Care Reform Grant for three years from 2008-09 in recognition of the magnitude of changes required to move away from traditional models of care and in order to drive through those changes. The Department of Health has made it clear that social care services (in the widest sense) must transform as outlined in Local Authority Circulars 2008 (1) and 2009 (1).

11.2.12 Cheshire East has been allocated £1.2m Social Care Reform Grant in 2009-10, which will have to be repaid if not spent as intended. In addition, there is a sum of £3.8m (in general reserves) which emanates from unspent Social Care specific grant monies carried forward from the County Council's Community Services budget, and £1.9m one-off budget allocated to transform social care from previous budget settlements. Cabinet approved that Social Care Reform Grant and other carried forward Social Care specific resources up to a maximum of £6.9m be earmarked to deliver the changes required, insofar as these costs can not be contained within the People Directorate's outturn position.

The use of these resources will provide essential pump priming and transitional support in order to deliver the new model of social care within the challenging budget set and against the backdrop of growth. Target savings are unachievable without this phased funding, and will put services at risk.

Crewe Masterplanning

11.2.13 At its meeting on 14 July 2009, Cabinet approved the overall approach to a masterplanning process for regeneration in Crewe. Members were informed that the Northwest region is currently debating future spatial, economic and transport priorities. Crewe currently features on the fringe of regional discussions largely due to the lack of clarity and awareness on the true economic and connectivity potential of this key gateway.

11.2.14 The total cost of the masterplanning process including the additional staffing resource could be up to £200k during 2009/10. £75k has already been agreed in principle by NWDA. Every effort will be made to accommodate the remainder of the budget up to £125k through current budgets within the Places Directorate. However, Cabinet agreed to underwrite up to £125k from balances, if required, to support this project in order that it can be progressed in accordance with the ambitious timetable outlined in the report.

11.3 Council is asked to approve the following Supplementary Capital Estimates:

Lincoln House

- 11.3.1 At its meeting on 16 June 2009, Cabinet considered a report on the Council's response to the National Dementia Strategy, and agreed that commissioning the Council's Community Support Centres is fundamental to its implementation of that strategy.
- 11.3.2 The Cabinet agreed that the development of new and enhanced services at Lincoln House in Crewe and Hollins View in Macclesfield should constitute the first phase of the Council's implementation plan, with services currently provided at Santune House being transferred to Lincoln House.
- 11.3.3 Cabinet approved a Supplementary Capital Estimate of £3m for the development of Lincoln House (£1m) in 2009/10 funded from prudential borrowing charged direct to the revenue budget of the Adults service. The residual £2m will form part of the later years of the Council's MTFS process and will be agreed at the relevant point in time.

Sandbach Football

- 11.3.4 At its meeting on 11 August 2009, Members considered a report detailing the partnership working which has taken place between Cheshire East Council, Sandbach United Football Club and the Football Foundation to develop football facilities within the Sandbach area, and seeking a decision to take forward the opportunity to secure both leisure provision and Extra Care Housing for older people.
- 11.3.5 Directly linked to the projects are a series of options for the funding sources, including grant funding and the use of Council owned land or capital receipt. As part of the partnership working the Council will realise either a capital receipt on the disposal of surplus land or alternatively the reuse of the land in support of one of the Council's key corporate priorities. Marrying that with a grant from the Football Foundation can create an important asset for the community. The Council will retain ownership of a new site at Hindheath Road and any buildings erected, thus increasing the overall asset value for the Council by approximately £1m.
- 11.3.6 The progression of the project by the Council will ensure that the sale or transfer of the Newhall Avenue site can proceed by fulfilling the planning requirement for an alternate pitch provision.
- 11.3.7 The project will enable the Extra Care Housing Round 5 PFI Outline Business Case to proceed for Treasury consideration and approval,

resulting in £60m PFI credits to be shared in partnership with Cheshire West and Chester Council.

- 11.3.8 The projected total cost of the scheme is just under £2.2 million. This will be funded from a number of sources. The grant from the Football Foundation will be up to £1m. Sandbach United Football Club has raised £100,000. The residual £1.1m will, if both schemes proceed, be vired from existing capital programme within Adults. This value reflects both the anticipated capital receipt, but also reflecting the additional element of cost that would inevitably be incurred by the Council in sourcing and scoping an alternative site within the borough within the timescale available.

For further information:

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Background Documents

Documents are available for inspection at:

Quarter 1 Financial Update report

[http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002480/AI00005800/\\$07FinancialUpdatereport.doc.pdf](http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002480/AI00005800/$07FinancialUpdatereport.doc.pdf)

People into Jobs

<http://moderngov.cheshireeast.gov.uk/ecminutes/mgConvert2PDF.asp?ID=2294>

Recession Mitigation Action Plan

[http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002476/AI00004882/\\$RecessionMitigationTaskGroup2Cabinet190509.docA.ps.pdf](http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002476/AI00004882/$RecessionMitigationTaskGroup2Cabinet190509.docA.ps.pdf)

Adult Social Care redesign

<http://moderngov.cheshireeast.gov.uk/ecminutes/mgConvert2PDF.asp?ID=3256>

Crewe Masterplanning

[http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002479/AI00005502/\\$CreweMasterplanningJuly2009.docA.ps.pdf](http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002479/AI00005502/$CreweMasterplanningJuly2009.docA.ps.pdf)

Lincoln House - National Dementia Strategy

[http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002477/AI00005272/\\$03NationalDementiaStrategyreport.docA.ps.pdf](http://moderngov.cheshireeast.gov.uk/ecminutes/Published/C00000241/M00002477/AI00005272/$03NationalDementiaStrategyreport.docA.ps.pdf)

Sandbach Football - this report is restricted. Item 82 Minutes available on:
[Cheshire East Council - Agenda for Cabinet on Aug 11 2009 2:00PM](#)

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