

Community Governance Review Member Group Agenda

Date: Thursday, 30th July, 2009
Time: 10.00 am
Venue: East Committee Room - Municipal Buildings, Earle Steet,
Crewe, CW1 2BJ

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. Appointment of Chairman

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. Briefing Paper (Pages 1 - 4)

On 30 March 2009 a petition was received which called for a Community Governance Review and identified three recommendations arising from a Review specific to creating a new Parish Council to be known as Crewe Town Council. The Group is asked to discuss the briefing paper which sets out the proposed procedure for conducting the review, having regard to statutory guidance and criteria.

5. Briefing Paper - Initial Options Evaluation (Pages 5 - 10)

The paper sets out the criteria and key considerations for conducting the review. In addition to responding to the proposal contained in the Petition, the statutory guidance also indicates that as part of the review other viable options should be considered to determine if they represent a better option in terms of addressing the criteria. The briefing paper sets out an evaluation of alternative options for discussion.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

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6. **Community Governance Review - Project Plan and Timeline** (Pages 11 - 16)

The Group is asked to discuss and agree a project plan and timeline for the conduct of the review.

7. **List of Consultees** (Pages 17 - 18)

The Group is asked to consider and agree a list of consultees for the Community Governance Review.

8. **Date of Next Meeting**

To agree the date of the next meeting.



COMMUNITY GOVERNANCE REVIEW MEMBER GROUP

Date of meeting: 30 July 2009
Report of: Bill Howie, Democratic Services Officer
Title: Briefing Paper

Introduction

This paper is intended as an initial briefing paper for the Group. It is intended to provide 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. Members will be supplied with a hard copy of this document. However, it may be viewed online at <http://www.communities.gov.uk/publications/localgovernment/communitygovernancereviews>

Background

On 30th March 2009 Crewe & Nantwich Borough Council received a petition which called for a Community Governance Review 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.

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. A draft project plan is attached. The intention is to complete the Review by January 2010; the law requires that the completion is within 12 months of the start of the Review. Feedback to the Boundary Committee is required before the end of the Boundary Review consultation period in early February, therefore the Community Governance Review needs to be completed to meet this timescale. It is proposed that the final decision of Council on the outcome of the Review is made on 17 December 2009.
5. The key element of the Review is the consultation process. The Group needs to agreed the list of consultees, methods to be used and details of the timing of the consultation process.
6. The consultation process is clearly 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.
7. The views of the Electoral Commission on any proposed electoral arrangements must also be sought.
8. In view of the fact that this review was initiated by petition, the organisers of that petition will also be asked to participate in the consultation process.
9. Any views received as part of the consultation process must be taken into account.
10. The intention is that the initial phase of consultation will be based largely on written representations received in response to public notices and specific invitations. Two public meetings are suggested to give interested parties the opportunity to express their views in a public forum. A postal ballot of the electorate is a further option for the Group to consider. It is also the intention to use the website as a key element in the process by allowing people to record their views online.

Criteria when undertaking a Review

11. In considering the results of the consultation and formulating recommendations Members will be required to ensure 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
12. 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.

Recommendations and Decisions on the Review Outcome

13. The guidance requires that recommendations must be made with respect to the following:
 - a) Whether a new parish or parishes should be constituted.
 - b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered.
 - c) What the electoral arrangements for new or existing parishes which are to have parish councils should be.
14. 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 representation received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.
15. 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.

Electoral Arrangements

16. 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

Parish warding – whether the parish should be divided into wards; the number and boundaries of such wards; number of councillors per ward and the names of wards.

Baseline Data

17. The Group will be provided with the following key data, which is currently being collated, in respect of the area under review:

- Current and projected (5year) electorate
- Current and projected (5year) population
- Current and projected (5 year) number of households
- Map showing LAP structure
- Outline Map showing area under review, including parish boundaries.



COMMUNITY GOVERNANCE REVIEW MEMBER GROUP

Date of meeting: 30 July 2009
Report of: Bill Howie, Democratic Services Officer
Title: Briefing Paper – Initial Options Evaluation

The petition 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.

It must be borne in mind in conducting this Review that Cheshire East Council is obliged to respond to the proposal contained in the petition. The petition and the proposal that it contains must be assessed in terms of the criteria and the key considerations set out in the guidance. They are as follows:

Criteria

Community governance in the areas must be

- Reflective of the identities and interests of the community in that area
- Effective and convenient

Key considerations

- 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 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

Options

However, the guidance also indicates that as part of the review other viable options should be considered to determine if they represent a better option in terms of addressing the criteria. The table below attempts to make an initial evaluation of what options are best suited for further consideration and consultation.

OPTION	EVALUATION
<p><u>Area Committees</u></p> <p>– 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</p>	<p>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 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</p> <p>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>

Area/Community Forums

– 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.

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.

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><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>

Multiple Parish Councils

– the review may decide that the area/population involved is too large or lacks the community cohesion that are key criteria. The presence of geographic boundaries, for example, may limit the formation of natural communities.

The review was triggered by the desire to establish a single town council for the whole of the area under review. That option presumes that a single authority would be best able to fulfil the criteria of reflecting the identity and interests of the community throughout the whole of the area under review, in addition to addressing the other key considerations. It may be that the proposed area is considered to be too large to meet these needs or be reflective of the identity and interest of the whole community in the area.

An alternative may be to consider if the issues identity and interest operate a smaller level than that proposed by the original petition. Further consideration would need to be given to assess whether there is any strength of feeling that several parish councils could operate more effectively and efficiently than a single authority. A key issue is also an assessment of whether multiple parish councils present more viable units of local government.

Both aspects would need to form key elements in the consultation process.

COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting	Mgt Team	Cabinet Briefing	Notes
Officer Project Team	Officer Responsible	Community Governance Review Member Group - 1st meeting	30/07/2009	n/a	n/a	
Guidance summary	BH	To consider:				
Process map/timeline	BH	Summary of guidance				
Prepare consultation methods/materials	BH/JR/KH	To approve:				
Baseline Data		Process				
- electorate: current/future	JR/RB/RP	Consultation methods				
- population: current/future		Identification & evaluation of options				
- households: current/future		Baseline data				
Electoral arrangements - initial views – size/warding	LP/RB/WH	Maps				
Options appraisal	BR/KH/BH					
Consultation - initial views methods & consultees	BH/KH/JR					
Maps of area - including CNBC ward boundaries, adjacent parishes	RB/MG					
Final list of consultees	BH/KH	Agree terms of reference for the review				
Consultation Plan – including methods, time scale	BH/KH	Formulate list of consultees				
Formulate final options for consultation	BR/BH	Formulate Options Paper on which to consult (first stage)				
		Formulate final list of consultees & methods				
		Publish Terms of Reference (1st stage consultation)	10/08/2009			
Comments / submissions invited from interested parties on Options (4 week consultation period)			10/08/2009 – 4/09/2009			
		Community Governance Review	Wk cmg 7/09/2009			

COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting	Mgt Team	Cabinet Briefing	Notes
		Member Group - 2nd meeting				
All submissions / comments considered and evaluated. Report / draft recommendation prepared for consideration by Gov and Constitution Committee	LP/ BR/MF					
		Governance & Constitution Committee	28/09/2009	18/08/2009	8/09/2009	
Preparation of report to Council on draft final recommendation	LP/BR/MF	Formulate recommendation on draft final recommendation to Council				
		Council	15/10/2009	15/09/2009	22/09/2009	
		Approval of final draft recommendation for consultation				
Implement Consultation (4 weeks) (from 19/10/2009 to 13/11/2009)	LP/ BR/ MF		19/10/2009 – 13/11/2009			
		Community Governance Review Member Group - 3rd meeting	Wk cmg 9/11/2009			
Preparation of analysis/evaluation of consultation outcome Develop final recommendations – to include Implementation Plan, interim arrangements and election arrangements	LP/JR/BR/MF	Analysis of consultation outcome Formulation of final recommendation and Implementation Plan for consideration by G & C				
Preparation of report to G & C detailing final	LP/BR/MF	Approval of final recommendation and				

COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting	Mgt Team	Cabinet Briefing	Notes
recommendation for approval by Council		Implementation Plan for consideration by Council				
		Governance & Constitution Committee	19/11/2009			
Preparation of final recommendation and report to Council Implementation arrangements Draft Order and associated documents including maps Implementation Plan including interim arrangements	LP/BR/MF					
		Final Decision by Council Approval of reorganisation order and Implementation Plan	17/12/2009			
		Feedback to the Boundary Committee on the outcome of the Review	By 31/12/2009			
Council Publishes Reorganisation Order			By 31/1/2010			
Implementation of any changes in electoral arrangements			Thereafter			

COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Key to Officers:-

LP	-	Lindsey Parton
BH	-	Bill Howie
RB	-	Ralph Bason
MF	-	Mike Flynn
JR	-	James Rounce
KH	-	Kirstie Hurcules
BR	-	Brian Reed

COMMUNITY GOVERNANCE REVIEW - TIMELINE

	2009																								2010																									
	JUN					JUL					AUG					SEP					OCT					NOV					DEC					JAN					FEB					MAR				
WEEK COMMENCING	1	8	15	22	29	6	13	20	27	3	10	17	24	31	7	14	21	28	5	12	19	26	2	9	16	23	30	7	14	21	28	4	11	18	25	1	8	15	22	1	8	15	22	29						
CGR Member Group - meeting 1									30																																									
Publish Terms of Reference and Options											10																																							
Consultation Period (stage 1)											consultation																																							
CGR Member Group - meeting 2															?																																			
Governance & Constitution Cttee																28																																		
Council																				15																														
Consultation Period (stage 2)																				consultation																														
CGR Member Group - meeting 3																								?																										
Governance & Constitution Cttee																										19																								
Council - Final Decision																													17																					
Feedback to the Boundary Committee																														31																				
Publish Re-Organisation Order																																																		
NOTES																																																		

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COMMUNITY GOVERNANCE REVIEW MEMBER GROUP

Date of meeting: 30 July 2009
Report of: Bill Howie, Democratic Services Officer
Title: Proposed Consultees

Local political parties
 National Association of Parish Councils
 Cheshire Association of Parish Councils
 Nantwich Town Council
 Leighton Parish Council
 Warmingham Parish Council
 Haslington Parish Council
 Crewe Green Parish Council
 Weston Parish Council
 Basford Parish Council
 Rope Parish Council
 Shavington cum Gresty Parish Council
 Wistaston Parish Council
 Cheshire East Borough Councillors for wards affected
 Petition organisers
 Central and Eastern Cheshire PCT
 Mid Cheshire Hospitals NHS Foundation Trust
 Crewe LAP
 Community Groups tba
 Community Forums tba
 Residents Groups tba
 Local Schools tba
 Appropriate voluntary organisations tba
 South East Cheshire Enterprise Ltd
 South Cheshire Chamber of Commerce in Crewe
 Manchester Metropolitan University
 South Cheshire College
 Churches Together in Crewe

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