

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Governance & Constitution Committee**
held on Thursday, 15th October, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Vice-Chairman) (in the Chair)

Councillors D Cannon, R Cartlidge, S Jones, G Merry, A Moran, D Topping,
R West, P Whiteley and W Livesley

In attendance

Councillors T Beard, D Flude and R Westwood

Apologies

Councillors A Ranfield, M Asquith, R Menlove and R Parker

Officers present

Chris Chapman, Borough Solicitor
Brian Reed, Democratic Services Manager
Mike Flynn
Lindsey Parton, Elections and Registration Team Manager
Paul Mountford, Democratic Services
Russ Glennon, Head of Policy and Performance
Juliet Blackburn, Chief Executive's and Partnerships Manager

138 **DECLARATIONS OF INTEREST**

Councillor A Moran declared a personal interest as a member of Nantwich Town Council, a consultee on the Crewe Community Governance Review.

Councillor D Cannon declared a personal interest as a Crewe Charter Trustee.

Councillor R Cartlidge declared a personal interest as a local Member for Crewe and Crewe Charter Trustee.

Councillors B Livesley, G Merry and D Topping declared personal interests as members of Cheshire Fire Authority, a consultee on the Crewe Community Governance Review.

Councillor P Whiteley declared a personal interest as a local member for Wilmslow, which could be affected by any Community Governance Review carried out in response to a petition from residents of Handforth.

The Vice-Chairman also invited Members to declare any pre-determined views in respect of the matters on the agenda. No such declarations were made.

139 **PUBLIC SPEAKING TIME/OPEN SESSION**

Mr Peter Kent stated that he had sought clarification from the Borough Solicitor about the provisions of Section 94 sub-section 2 of the Local Government and Public Involvement in Health Act 2007.

He also expressed the view that the results of the first stage consultation on the Crewe Community Governance Review had proved inconclusive, due in part to public confusion over the consultation ballot questions and to the failure to take account of some key stakeholders who he said were known to support the idea of a town council for Crewe. He called on the Council to carry out a telephone poll to clarify voters' intentions.

In reply, the Vice-Chairman refuted any suggestion that the questionnaire had been confusing.

Councillor R Westwood expressed concern about undertaking further consultation of those who had already responded without reference to the wider electorate. He felt there was a need for a 'cooling down' period of about two years before revisiting the process. He was reluctant to support any proposal which ignored a clear majority of those who had responded and rejected any notion of change at this time.

140 **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 30 September 2009 be approved as a correct record.

141 **MEMBERSHIPS OF COMMITTEES**

The Conservative Group had notified the following changes to committee places:

Health and Adult Social Care Scrutiny Committee

Councillor Rachel Bailey to fill vacancy

Corporate Scrutiny Committee

Councillor Rachel Bailey to fill vacancy

Cheshire East/Cheshire West and Chester/Wirral Scrutiny Committee

Councillor Rachel Bailey to fill vacancy

Governance and Constitution Committee

Councillor Harold Davenport to replace Councillor Tony Ranfield

Northern Planning Committee

Councillor Olivia Hunter to replace Councillor Harold Davenport

Southern Planning Committee

Councillor Robert Parker to fill vacancy

RESOLVED

That

- (1) the changes to committee places be noted; and
- (2) the Committee places on record its thanks and appreciation to Councillor T Ranfield for his contribution as Chairman of the Committee.

142 CREWE COMMUNITY GOVERNANCE REVIEW

The Committee considered the recommendations of the Community Governance Review Sub-Committee in relation to the Crewe Community Governance Review.

The Sub-Committee had been established by the Committee in May to carry out a Community Governance Review in respect of 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, the Review to be completed by 30 March 2010.

The Sub-Committee had met on 5 October to consider:

- (1) A briefing paper on the process to be followed in conducting the governance review; and
- (2) the outcome of the first stage consultation with a view to making recommendations to the Governance and Constitution Committee.

(1) Briefing Paper Formulating the Council's Draft Recommendation

The briefing paper was based on statutory guidance issued by the Department for Communities and Local Government and set out the factors which needed to be taken into consideration in formulating the Council's draft recommendation.

The Sub-Committee resolved 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.

(2) Crewe Community Governance Review – First Stage Consultation

Stage 1 of the consultation process had concluded on 30 September 2009. The results and the feedback received from stakeholder organizations were submitted to Members for consideration as follows:

- (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 Borough Solicitor had advised the Sub-Committee that on 15 October 2009, Council would consider any recommendations of the Governance and Constitution Committee.

The Sub-Committee debated the outcome of the consultation process and resolved that:

- (1) 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
- (2) information be garnered on other alternatives for community governance for discussion by the Governance and Constitution Committee.

In considering this matter, Members of the Committee had before them the full set of papers considered by the Sub-Committee on 5 October, including, by way of background information, the report on 'Formulating the Council's Draft Recommendation', and the various papers comprising the outcome of the first stage of consultation. Members had also received a Briefing Note prepared by the Chief Executive's and Partnerships Business Manager on the existing community governance arrangements in Crewe, which sought to satisfy the requirements of the Sub-Committee's resolution (2).

The Committee proceeded to consider the matter in light of the information provided.

Members sought clarification of what would happen in the event that the Council decided not to pursue a proposal to establish a town council for Crewe. The Borough Solicitor advised that in that event, the Council's stance would form the basis of the second stage of consultation and that at

the conclusion of that consultation the matter would be referred back to Council in December for a final decision.

RESOLVED

That

- (1) the resolutions of the Community Governance Review Sub-Committee and the additional Briefing Note circulated by the Chief Executive's and Partnerships Business Manager be noted; and
- (2) Council be recommended to accept the vote from the people of Crewe and to reject the notion of a town council for Crewe at this time.

143 COMMUNITY GOVERNANCE REVIEW – HANDFORTH PETITION

The Committee considered the receipt of a petition calling for a Community Governance review in respect of the unparished area of Handforth.

The petition, which had been received on 21 September 2009, had been signed by at least 10% of local government electors for the area and was therefore judged to be valid. The petition identified the following 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 parish council to be known as Handforth Community Council.
- (3) That members of the Council will not be affiliated to any political party.
- (4) That the area to which the review is to relate be defined as being the electoral ward of Handforth as known in 2007.
- (5) That the Council will not precept the area, only use moneys granted, delegated, awarded or given for the benefit of the area.

It was noted that points (3) and (5) above were outside the scope of any recommendations which could be considered by the Council as part of any community governance review.

Given that the area of Handforth formed part of the wider unparished area of Wilmslow (comprising the former electoral wards of Dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley and Styah), the Committee was asked to consider whether it would be expedient to extend the remit of the Community Governance Review to encompass the whole of the unparished area as specified. This would need to be made as a recommendation to Council.

It was also reported orally at the meeting that a petition had been received on 14 October 2009, calling for a community governance review for the unparished area of Wilmslow. As of the date of the meeting, the petition had not been validated. The petition asked the Council to consider making the following recommendations:

- (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 parish council to be known as Wilmslow and Handforth Town Council.
- (3) That the area to which the review is to relate comprise the Electoral Wards of Dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley & Styal.

The Committee considered the detailed procedure and timetable for conducting the Review, the criteria to be applied and the options to be considered.

RESOLVED

That

- (1) for the purposes of Section 80 of the Local Government and Public Involvement in Health Act 2007 the petition from residents of Handforth be confirmed as valid and this be confirmed to the petition organisers;
- (2) a Community Governance Review be carried out in respect of the whole of the Electoral Ward of Handforth, as known in 2007, to be completed by 20 September 2010;
- (3) the receipt of a petition from residents of Wilmslow be noted and Council be recommended that the Community Governance Review be extended to cover the whole of the unparished area of Wilmslow (i.e. the former Electoral Wards of Dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley and Styal); and
- (4) a Sub-Committee of six Members be established (4 C:1 LD: 1 L: 0 I) to oversee the Review and to make appropriate recommendations to the Governance and Constitution Committee.

The meeting commenced at 11.00 am and concluded at 12.50 pm

Councillor A Kolker (Vice-Chairman)