

Wilmslow Community Governance Review Sub-Committee

Agenda

Date: Friday, 19th February, 2010
Time: 11.00 am
Venue: Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

The agenda is divided into two 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**

To appoint a Chairman of the Sub-Committee.

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. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. 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. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide three clear working days' notice, in writing, in order for an informed answer to be given.

Contact: Paul Mountford, Legal and Democratic Services
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5. **Briefing Paper – Wilmslow Community Governance Review** (Pages 1 - 6)

The Sub-Committee is asked to discuss the briefing paper which sets out the proposed procedure for conducting the review, having regard to statutory guidance and criteria.

6. **Briefing Paper – Initial Options Evaluation** (Pages 7 - 8)

The paper sets out the criteria and key considerations for conducting the review. In addition to responding to the proposals contained in the three petitions received, 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 alternative options for discussion.

7. **Wilmslow Community Governance Review Project Plan** (Pages 9 - 12)

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

8. **Future Meetings**

To agree the dates of future meetings as suggested in the project plan.

(There are no Part 2 items)



COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE

Date of meeting: 19th February 2010
Report of: Elections and Registration Team Manager
Title: Briefing Paper – Wilmslow Community Governance Review

1 Introduction

- 1.1 This paper is intended as an initial briefing paper for the Sub Committee. It is intended to provide members with an outline of the process to be followed in conducting this Community Governance 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>

2 Background

- 2.1 On 21st September 2009 the Council received a petition which called for a Community Governance Review and 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.
- 2.1 The recommendations of the petition (3) and (5) above are outside of the scope of any recommendations which can be considered by the Council as part of the review. The petition has been validated as being signed by 10% of the electorate.

2.2 The receipt of the above petition from electors in Handforth was considered by the Governance and Constitution Committee and Council on 15th October 2009. The Governance and Constitution Committee considered that it was expedient to extend the remit of the review to encompass the whole of the unparished area of Wilmslow and this recommendation was made to Council.

2.3 It was also reported at these meetings that a petition had been received on 14th October 2009, calling for a community governance review and 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 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.

2.4 The Committee on 15th October Resolved that:

- 1) for the purposes of Section 80 of the Local Government and Public Involvement in Health Act 2007 the petition from the 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 the petition from the 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).

2.5 The Council on 15th October endorsed the above decision. Whilst the Council decision itself is sufficient to instigate the review, the Council has also sought to validate the petition from the residents of Wilmslow by undertaking a 10% check by random sample. From this check undertaken, the petition is deemed to have been sufficiently validated to confirm that it has been signed by 10% of the electorate.

2.6 On 14th January 2010 the Council received a petition which called for a Community Governance Review and 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 Styal Parish Council

- 3) That the area to which the review is to relate to be defined as shown on the attached map, being a part of the Electoral Wards of Morley and Styal.

2.7 The Governance and Constitution Committee considered receipt of the petition at its meeting held on 21st January 2010 and agreed that the petition be dealt with as part of the Community Governance Review for the whole of the unparished area of Wilmslow. The petition has been validated as comprising the requisite number of signatures.

3 Procedure

3.1 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.

3.2 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.

3.3 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.

3.4 A draft project plan is attached. The Review must be completed by 20 September 2010, i.e. within twelve months of receipt of the first petition from the residents of Handforth.

3.5 The key element of the Review is the consultation process. The Sub Committee needs to agree the list of consultees, the methods of consultation to be used, and the timing of the consultation process.

3.6 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.

3.7 The views of the Electoral Commission on any proposed electoral arrangements must also be sought.

- 3.8 In view of the fact that this review was initiated by three petitions, the organisers of those petitions will also be asked to participate in the consultation process. Any views received as part of the consultation process must be taken into account.
- 3.9 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 also proposed. Consideration will need to be given by the Sub Committee to the format of the ballot paper, and whether a single ballot paper or ballot papers comprising different questions will be required for different parts of the review area. The website will be a key facility, allowing people to find out information and to record their views online.
- 3.10 The Sub Committee will need to determine a list of consultees, based upon the following:-

Local political parties
National Association of Parish Councils
Cheshire Association of Parish Councils
Neighbouring Town and Parish Councils
Cheshire East Borough Councillors
Petition organisers
Central and Eastern Cheshire PCT
Mid Cheshire Hospitals NHS Foundation Trust
Local Area Partnership
Community Groups
Community Forums
Residents Groups
Local Schools
Voluntary organisations

- 3.11 It is suggested that an explanatory leaflet about the review and the options be prepared for distribution to the consultees.

4 Criteria when undertaking a Review

- 4.1 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
- 4.2 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

5.1 The guidance requires that recommendations must be made with respect to the following:

- 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

5.2 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

6.1 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
- c) 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.

7 Baseline Data

7.1 The Sub Committee will be provided with the current and projected (5year) electorate and an outline map showing the area under review. Additional information can be provided to assist members as required.

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COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE

Date of meeting: 19th February 2010
Report of: Elections and Registration Team Manager
Title: Briefing Paper – Initial Options Evaluation

1. In conducting this Review, the Council must consider how to respond to the proposals contained in the three separate petitions. In summary, the petitions and the proposals that they contain must be assessed in terms of the following criteria and the key considerations set out in the guidance:

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

2. 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 Sub Committee will need to gather further information to make an initial evaluation of the options in the table below:

Area Committees

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.

Neighbourhood Management

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.

Tenant Management Organisations

Usually estate based, largely public/social housing focused.

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.

Residents' & Tenants' Associations

Usually focused on issues affecting neighbourhood or estate. They may be established with or without direct support from the principal council.

Community Associations

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.

Multiple Parish Councils

The review may decide that multiple parish councils may best meet the community cohesion requirements that are key criteria. The presence of geographic boundaries may need to be considered, for example they may form natural communities.

WILMSLOW COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting
Officer Project Team	Officer Responsible	Community Governance Review Sub Committee - 1st and 2nd meetings	19/02/2010 10/3/ 2010 tbc
Guidance summary	LP	Consider summary of guidance	
Project Plan	LP		
Map of Review Area – including former MBC boundaries, adjacent parishes	MG	Approve terms of reference Approve Review Process / project plan Agree consultation methods	
electorate: current/future	MG	Agree a composite list of consultees Identify and evaluate options for the review	
Options appraisal	KH/JB	Formulate Leaflet to consultees and electors Agree arrangements for public meetings	
Prepare consultation leaflet	JR/ KH/ DN	Agree and signoff format of ballot paper(s)	
Electoral arrangements - initial views size/warding	MF/ LP		
Consultation – Full list of consultees and contact details	JB/ KH		
Draft Public notice prepared	LP / DN		
Arrange public meetings			
Arrange printing for postal ballot			
Publish Public Notices for 1 st stage consultation			28/4/2010 <i>(Two weeks before consultation starts)</i>
Comments / submissions invited from		Consultation Period (stage 1)	10 /05/2010 – 4 /6/2010

WILMSLOW COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting
interested parties on Options (4 week consultation period)			
Public Meetings held			
Count of ballot ballots returned			
Collate representations and prepare committee report		Community Governance Review Sub Committee - 3rd meeting	15/6/2010 tbc
All submissions / comments considered and evaluated.			
Report / draft recommendation prepared for consideration by Gov and Constitution Committee (<i>agenda dispatched on 16 June</i>)			
		Governance & Constitution Committee	24/6/2010
Preparation of report to Council on draft final recommendation (including any warding arrangements) (<i>agenda dispatched on 12 July</i>)	LP	Formulate draft final recommendation to Council	
		Council	22/7/2010
		Approval of final draft recommendation for consultation	
		Agree public notice for stage 2 consultation	

WILMSLOW COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting
Publish Notice	LP/ DN		28/7/2010 Two weeks before consultation starts
Implement Consultation (3 weeks)	LP/ MF/CC	Consultation Period (stage 2)	11/8/2010 – 1/9/2010
		Community Governance Review Member Group - 4th meeting	13/9/2010 – AM tbc
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 recommendation for approval by Council	LP/BR/MF	Approval of final recommendation and Implementation Plan for consideration by Council	
		SPECIAL MEETING Governance & Constitution Committee	13/9/2010 -PM tbc
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 SPECIAL COUNCIL MEETING Including Approval of reorganisation order and Implementation Plan	15/9/2010 tbc

WILMSLOW COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision making process	Date of Meeting
Council Publishes Reorganisation Order			By 20/9/2010
Implementation of any changes in electoral arrangements			Thereafter

Key to Officers:-

LP	-	Lindsey Parton	JB	-	Juliet Blackburn
MF	-	Mike Flynn	JR	-	James Rounce
KH	-	Kirstie Hercules	MG	-	Mike Garritty
DT	-	Diane Todd			