

Constitution Committee

Agenda

Date: Monday, 12th July, 2010
Time: 4.00 pm
Venue: East Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

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. **Apologies for Absence**

2. **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

3. **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.

4. **Minutes of Previous meeting** (Pages 1 - 12)

To approve the minutes of the meeting held on 24th June 2010.

Contact: Paul Mountford, Democratic Services
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Wilmslow Community Governance Review - Parish and Warding Arrangements** (Pages 13 - 26)

To receive and consider the advice of the Wilmslow Community Governance Review Sub-Committee with a view to making recommendations to Council on the following:

- a. the number of councillors to serve on each of the new parish councils; and
- b. the ward names and boundaries, and the number of councillors for each ward in the Wilmslow parish, bearing in mind the need to achieve overall electoral equality (ie. the number of electors per councillor) as far as possible.

The Wilmslow Community Governance Review Sub-Committee will be meeting on 5th July to consider this matter and the Sub-Committee's recommendations will be reported at the Committee's meeting.

To assist the Committee, the briefing paper on Formulating the Council's Draft Recommendation as considered at the previous meeting is attached.

The Officers are also preparing a paper on warding arrangements for Wilmslow parish and this will be available at the meeting.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 24th June, 2010 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor J P Findlow (Chairman)
Councillor D Brickhill (Vice-Chairman)

Councillors D Cannon, R Cartlidge, S Jones, A Moran, R Parker, R West,
P Whiteley, J Wray and A Thwaite (for Cllr M Asquith)

Apologies

Councillor M Asquith

Officers

Brian Reed, Democratic Services Manager
Andrew Leadbetter, Legal Services Manager
Mike Flynn, Review Team Officer
Paul Mountford, Democratic Services
Carol Jones, Democratic Services
Mark Nedderman, Democratic Services

Mr Ian Jones, Development Officer for the Cheshire Association of Local Councils, attended the meeting in an observer capacity and was welcomed by the Chairman.

1 DECLARATIONS OF INTEREST

No interests were declared.

2 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public wishing to speak or ask a question.

3 MINUTES OF GOVERNANCE AND CONSTITUTION COMMITTEE**RESOLVED**

That the minutes of the meeting of the Governance and Constitution Committee held on 27th May 2010 be approved as a correct record.

4 WILMSLOW COMMUNITY GOVERNANCE REVIEW

The Committee considered the recommendations of the Wilmslow Community Governance Review Sub-Committee following the outcome of the Stage 1 consultation with a view to advising Council on the formulation of its draft recommendation.

The Committee had before it the papers considered by the Sub-Committee at its meeting earlier in the day. These comprised a briefing paper on formulating the Council's draft strategy, together with the following:

- (a) Valid petition requesting a Wilmslow and Handforth Town Council
- (b) Valid petition requesting a Handforth Community Council
- (c) Valid petition requesting a Parish Council for Styal
- (d) Results of the consultation with electors
- (e) Other representations received
- (f) Notes of three public meetings held on 26th, 28th and 29th April 2010

Three ballots had been conducted, one for the area covered by the Handforth petition, one for Styal and one for Wilmslow. In each case, the voter was asked to indicate whether they wanted a parish council and, if so, whether this should be for their area alone or for the whole of the unparished area comprising Wilmslow, Handforth and Styal. A clear majority of respondents in each area wanted to have a parish council, and of those, a clear majority wanted a separate parish council for their area.

In considering the results of the Stage 1 consultation and formulating its recommendations, the Sub-Committee had had regard to the need to ensure that community governance within the area under review would be:

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

The Sub-Committee had also had regard to the historical and traditional identities within the area and in this respect had felt that Polling District 8EE1, which had been included in the Handforth petition, should be included in any future parish for Wilmslow, given that the River Dean, which formed the northern boundary of the polling district, was the natural geographic, as well as historical, boundary between Wilmslow and Handforth. The Sub-Committee had asked that a map be prepared for the meeting of the Constitution Committee, showing the areas of the three proposed parishes but with the inclusion of Polling District 8EE1 within the Wilmslow parish.

The Sub-Committee had agreed that for the parishes of Handforth and Styal, the election of parish councillors should be from the area of the parish as a whole whereas Wilmslow, being significantly larger, should be divided into wards. The Sub-Committee had agreed to consider the detailed arrangements further at its next meeting on 5th July. It would be

necessary to hold a special meeting of the Constitution Committee to consider the Sub-Committee's advice in order to submit any further recommendations to Council on 22nd July.

The map requested by the Sub-Committee was circulated at the Committee's meeting. This showed the areas of the three proposed parishes, with polling district 8EE1 being included in the proposed Wilmslow parish.

The Committee considered the detailed advice of the Sub-Committee with which it concurred.

RESOLVED

That

(1) pursuant to Section 87 of the Local Government and Public Involvement in Health Act 2007; and having regard to the provisions of the Department for Communities and Local Government and Electoral Commission Guidance, issued in April 2008, for the conduct of Community Governance Reviews; and having received three valid petitions signed by the required number of electors calling for the constitution of new parishes for the three areas of (1) Handforth; (2) Wilmslow and Handforth; (3) Styal which triggered the Community Governance Review process:

1. Having taken into account

- a. the petitions;
- b. the results of the consultation with the electors in each of the areas concerned which show in each case that a majority of those who returned their ballot papers were in favour of a new parish council for their area;
- c. the results of the consultation exercise with stakeholders and the representations from other interested persons;
- d. the outcomes of the public meetings held in each of the review areas; and
- e. the information on existing community governance arrangements in the areas concerned and the alternative forms of community governance which might have been appropriate for the areas in question;

2. Council be advised

- a. that the interests of effective and convenient local government and community identities in these areas would be served by the

creation of new parishes with a parish council for each of Handforth (not including polling district 8EE1 so as to recognise historic and traditional boundaries in the area), Wilmslow (including polling district 8EE1) and Styal, all as shown on the map appended to these minutes, with each parish comprising the polling districts indicated below; such parish councils to be called: Handforth Parish Council, Wilmslow Parish Council and Styal Parish Council respectively, and that Wilmslow Parish Council be advised to consider its designation as a Town Council;

Handforth Parish

Polling districts: 8EF1, 8EG1, 8EH1, 8EJ1

Wilmslow Parish

Polling districts: 8EA1, 8EB1, 8EC1, 8ED1, 8EE1, 8EK1, 8FA1, 8FB1, 8FC1, 8FD1, 8FE1, 8FF1, 8FG1, 8FH1, 8FJ1

Styal Parish

Polling district: 8FK1

- b. that in Handforth the election of parish councillors should be from the area of the parish as a whole;
 - c. that in Styal the election of parish councillors should be from the area of the parish as a whole;
 - d. that given the substantial size of the proposed Wilmslow parish and in order to reflect longstanding community identities, the parish should be divided into wards for the purposes of election to the Parish Council;
 - e. that the first year of elections to the new parish councils should be 2011; and
 - f. that these proposals form the basis of a second stage of public consultations and that the Boundary Commission be informed of these proposals;
- (2) a special meeting of the Committee be held on 12th July 2010 at 4.00 pm at the Municipal Buildings, Crewe to consider the advice of the Wilmslow Community Governance Review Sub-Committee and make further recommendations to Council in relation to:
- a. the number of councillors to serve on each of the new parish councils; and
 - b. the ward names and boundaries, and the number of councillors for each ward in the Wilmslow parish, bearing in mind the need to

achieve overall electoral equality (ie. the number of electors per councillor) as far as possible.

5 OUTSIDE ORGANISATIONS

The Committee considered a report inviting the re-appointment of the Task Group (Appointments to Outside Organisations); dealing with a number of specific appointments which had arisen recently; and outlining progress on the monitoring of the effectiveness and appropriateness of representation on outside organisations.

The retention of the Task Group (Outside Organisations) as a standing body, to meet as and when required, would enable it to address other issues associated with outside organisations which may emerge during the course of the year. Members felt that it would be appropriate for the Task Group to become a standing sub-committee of the Constitution Committee; this would require an adjustment to the membership to reflect political proportionalities.

The Committee considered proposals in relation to the Council's representation on the Board of Trustees of Sir John Deane's College, Northwich; the School Governing body for Sandbach School; and the Greater Manchester Integrated Transport Authority. It also considered a number of proposed changes to Category 2 organisations as detailed in paragraph 10.7 of the report.

The Committee also considered updates on: the issuing of monitoring forms to determine the effectiveness and appropriateness of representation on outside organisations; the production of a list of Officers who attended meetings of outside organisations; and arrangements for a number of training sessions for Members in relation to the new guidance on outside organisations, the first of such sessions having now been arranged for 17th September.

RESOLVED

That

(1) the Task Group (Outside Organisations):

- (a) be re-constituted as a standing sub-committee of the Constitution Committee with the title 'Outside Organisations Sub-Committee';
- (b) meet on an *ad hoc* basis;
- (c) comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour);
- (d) comprise Councillors R Cartlidge, S Jones, P Whiteley, J P Findlow, D Brickhill and J Wray;

- (e) oversee appointments to Category 2-4 outside organisations, in general, and address any issues emerging in respect of those appointments;
 - (f) continue with its review of appointments to establish the effectiveness and appropriateness of representation; and
 - (g) report back to the Constitution Committee as and when it considers appropriate;
- (2) Councillor Paul Edwards be nominated as the Council's representative on the Board of Trustees of Sir John Deane's College, Northwich;
- (3) representation on the School Governing body for Sandbach School be reduced from four Councillors to two with immediate effect;
- (4) Councillors G Merry and B Moran be nominated as the Council's representatives on Sandbach School Governing body;
- (5) Councillor Harold Davenport be nominated as the Council's representative to attend meetings of the Greater Manchester Integrated Transport Authority, in an observer capacity;
- (6) the progress of the Task Group in monitoring the effectiveness and appropriateness of representation, together with the preparation of a list of support officers, be noted;
- (7) the changes to the Council's representation on the following Category 2 outside organisations be confirmed:
- (a) Macclesfield Chamber of Commerce and Business Link: Councillor W Fitzgerald to replace Councillor J Macrae;
 - (b) South Cheshire Chamber of Commerce and Industry: Councillor J Macrae to replace Councillor D Brickhill;
 - (c) Wilmslow Trust: Councillor J Crockatt to replace Councillor R Menlove; and
- (8) it be noted that the first of a number of training sessions for Members to offer advice and guidance on their role and responsibilities when appointed to outside organisations would be held on 17th September 2010.

6 OVERVIEW AND SCRUTINY WORKING ARRANGEMENTS

The Committee considered a report seeking amendments to the Constitution to:

- (1) reflect the realignment of the overview and scrutiny committees with the new portfolio responsibilities reported at Council on 13th May 2010; and

- (2) make appropriate reference to the role of the Scrutiny Chairmen's Group.

Councillor Howard Murray attended for this item and was welcomed to the meeting.

It had become apparent over the last twelve months that the existing remits of the overview and scrutiny committees needed refining as some Portfolio Holders were being asked to attend meetings of more than one committee. The recent changes to Cabinet portfolios announced by the Leader of the Council had provided an opportunity to review the committees' remits. Revised remits were now proposed which would enable seven of the nine portfolios to be aligned to a single overview and scrutiny committee, the responsibilities of the two remaining portfolios, Health and Wellbeing and Performance and Capacity, each being aligned to two committees.

The role of the Scrutiny Chairmen's Group was to oversee and co-ordinate the work of the Overview and Scrutiny function. The Group had a key role in deciding on which committee should take the lead on cross-cutting issues. The Group also acted as a sounding board on matters of common interest across all overview and scrutiny committees, including new legislation and best practice. It also monitored progress with work programmes and reviewed workloads. It was appropriate to acknowledge the Group's role formally within the Council's Constitution.

RESOLVED

That

- (1) the report be noted;
- (2) Council be advised to approve the new overview and scrutiny remits as set out in paragraph 9.2 of the report, subject to the Performance and Capacity portfolio being added to the list of portfolios for the Corporate Scrutiny Committee in relation to the corporate plan and risk management responsibilities of that portfolio, and to authorise the Borough Solicitor to make any necessary amendments to the Constitution; and
- (3) the role of the Scrutiny Chairmen's Group in resolving cross-cutting issues and reviewing work programmes and workloads be recognised and Council be recommended to authorise the Borough Solicitor to make appropriate reference to the Group's role in the Constitution.

7 NOTICE OF MOTION - FREEDOM OF THE BOROUGH

The Committee considered the following Notice of Motion which had been submitted by the Mayor and referred to the Committee by the Council at its meeting on 27th May 2010:

“That Council approve, in principle, a homecoming parade for the 1st Battalion Mercian Regiment (Cheshire) and that the Chief Executive be authorised to make the necessary arrangements, in conjunction with the officer commanding the Rear Operations Group, for the Freedom of the Borough to be awarded and the Homecoming Parade, in November 2010.”

The 1st Battalion The Mercian Regiment (Cheshire) had recently deployed to Helmand Province in Afghanistan for a six month active service tour. At the conclusion of the Tour, the Regiment were planning a series of homecoming parades and had asked the Council, through the Mayor, for permission to undertake at least one parade in Cheshire East. The Mayor, Councillor Baxendale, had been in contact with the officer commanding the Rear Operations Group and the Regimental Secretary from the 1st Battalion Mercian Regiment and they had indicated that the Regiment would be delighted to accept the offer of Freedom of the Borough.

A special meeting of the Council, immediately prior to a scheduled meeting, would be required to pass the necessary formal resolution.

RESOLVED

That the Officers work up detailed proposals for the proposed homecoming parade and Freedom of the Borough award for The 1st Battalion, The Mercian Regiment (Cheshire) and report back to the Committee.

8 CIVIC SUB-COMMITTEE UPDATE

The Committee received an update on the work of the Civic Sub-Committee.

The Civic Sub-Committee on 9th February 2010 had asked the Democratic Services Manager to write to all Members of the Council with a view to confirming the accuracy of the list of honorary aldermen and freemen; and to consult all Members on what rights and privileges should be granted to honorary aldermen and freemen in Cheshire East. Members had been consulted and a further report would be presented to the Sub-Committee in due course.

At the same meeting, the Sub-Committee had agreed arrangements for the election of the Mayor and appointment of the Deputy Mayor, and had agreed a draft Mayoralty Code of Practice subject to certain amendments. The agreed arrangements and protocol as amended were subsequently

submitted to the Governance and Constitution Committee and Council where they were approved and adopted. The adopted process for the election of the Mayor and appointment of the Deputy Mayor was followed for the 2010 municipal year.

Future areas of work for the Sub-Committee included the design of the Civic Regalia and the development of a flag flying policy.

RESOLVED

That the report be noted.

9 PROPOSED REVIEW OF THE CONSTITUTION

The Committee considered a proposed programme of work for reviewing the Council's Constitution.

Whilst Members acknowledged that it would be neither appropriate, nor necessary, to review the whole of the Constitution, there were certain key areas of the document which they felt would merit attention. A proposed work programme and timetable was set out as an Appendix to the report.

RESOLVED

That

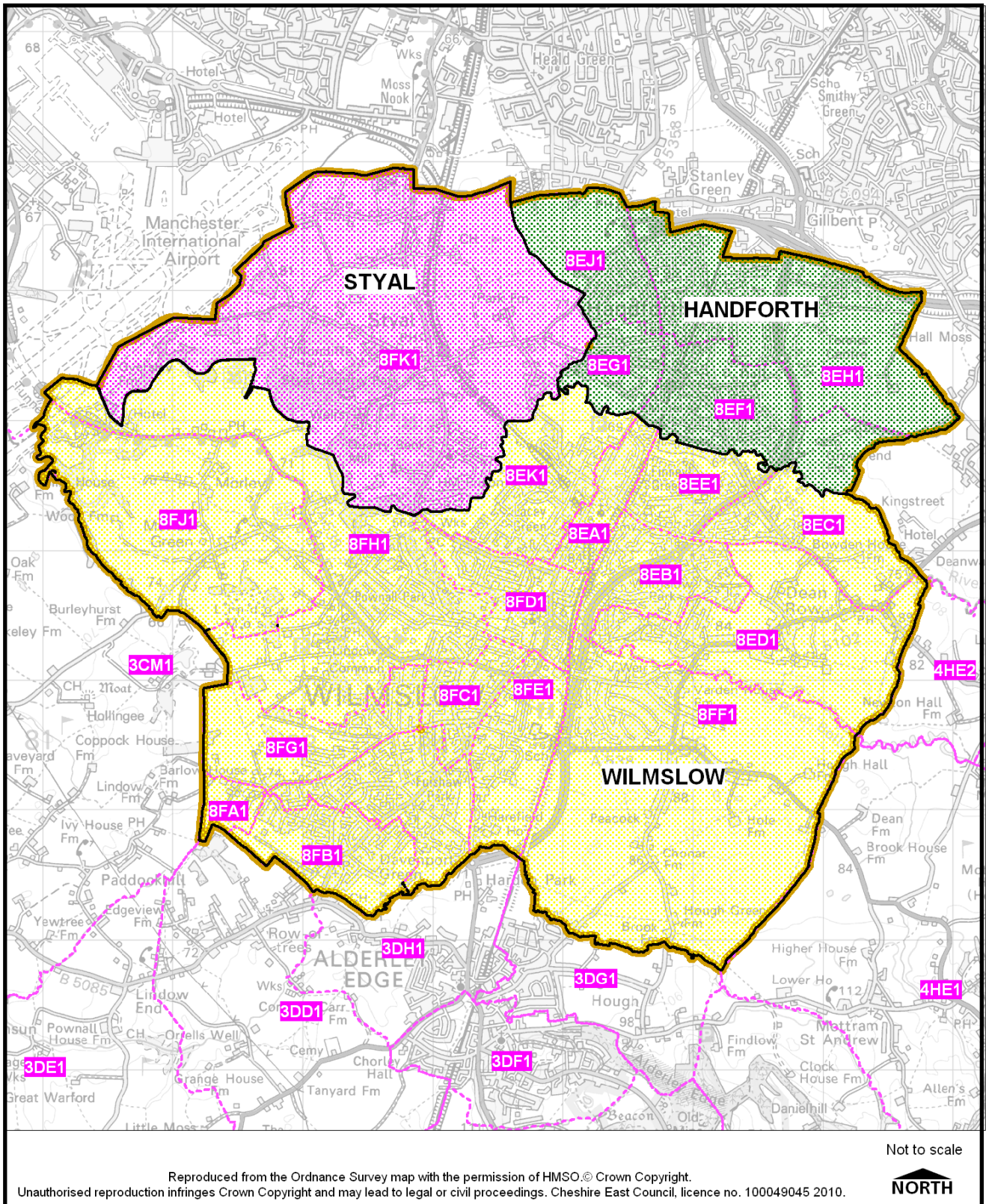
- (1) the report be noted; and
- (2) the programme of work and timetable for the review of the Constitution as set out in the Appendix be approved subject to the correction of the dates therein and to the inclusion of a review of the provisions relating to Local Area Partnerships.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor J P Findlow (Chairman)

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WILMSLOW COMMUNITY GOVERNANCE REVIEW



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CHESHIRE EAST COUNCIL

Wilmslow Community Governance Review Sub-Committee

Date of Meeting:	24 th June 2010
Report of:	Borough Solicitor
Subject/Title:	Wilmslow Community Governance Review: Formulating the Council's Draft Recommendation

1. 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. Petitions

On 21st September 2009 the Council received a valid 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.

Recommendations (3) and (5) were deemed to be outside the scope of any recommendations which could be considered by the Council as part of the review.

A valid petition was also received on 14th October 2009, calling for a community governance review and identifying 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.

The Council agreed to extend the Community Governance Review 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).

On 14th January 2010 the Council received a valid 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.

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 Council.
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 the 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 Sub Committee 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. The initial phase of consultation has been based largely on written representations received in response to public notices and specific invitations. Three public meetings were held to give members of the public the opportunity to learn more about the review and to express their views in a public forum. Tailored voting papers and an explanatory leaflet were also sent to the electorate of Styal, Wilmslow and Handforth. 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 single parish council or multiple parish councils were 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 persons 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 Community Governance Review **must** recommend that the Parish has a Parish Council. This would apply in terms of the number of electors for Handforth and for Wilmslow, but not for Styal.

Grouping would only be a relevant issue for this Review if parishes of less than 1000 electors were created.

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).

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. 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 organisations
6. Community Associations

The Sub Committee considered a summary of these options at its meeting held on 19th February 2010, followed by an overview report of existing arrangements at its meeting held on 23rd March 2010. These reports are appended for information (appendices A and B).

9. RECOMMENDATION

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

- a. Any forms of community governance as alternatives to establishing parish councils, for example:
 - Area Committees
 - Neighbourhood management
 - Tenant Management Organisations
 - Area/ community forums
 - Residents/ Tenants organisations
 - Community Associations
- b. Whether a new parish or any new parishes should be constituted
- c. The name of any new parish or parishes
- d. 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)
- e. Whether the parish should have an alternative Style e.g. Community, Neighbourhood, or Village; or whether the status of Town Council should be given
- 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.

Officer Contact Details

Name: Lindsey Parton
Designation: Elections and Registration Team Manager
Tel No: 01270 686477
Email: lindsey.parton@cheshireeast.gov.uk



COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE

Date of meeting: 19 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.

APPENDIX B

EXISTING WILMSLOW COMMUNITY GOVERNANCE ARRANGEMENTS

Overview prepared by the Chief Executive's and Partnership Unit

Introduction

Community engagement was at the heart of the business case for Local Government Re-organisation, seeking to ensure that services delivered by the new councils are tailored to reflect local circumstances and need.

In Cheshire East the new approach to community engagement is centred around 7 Local Areas which, between them, cover the whole Cheshire East area. As set out in the LGR business case, the new approach to community engagement includes town and parish councils as well as community and neighbourhood groups. Area partnership groups have been established in each of the 7 areas and their purpose is explained in the following section. Clearly these new arrangements are still evolving and will be developed further, reflecting local circumstances.

Wilmslow Local Area Partnership (LAP)

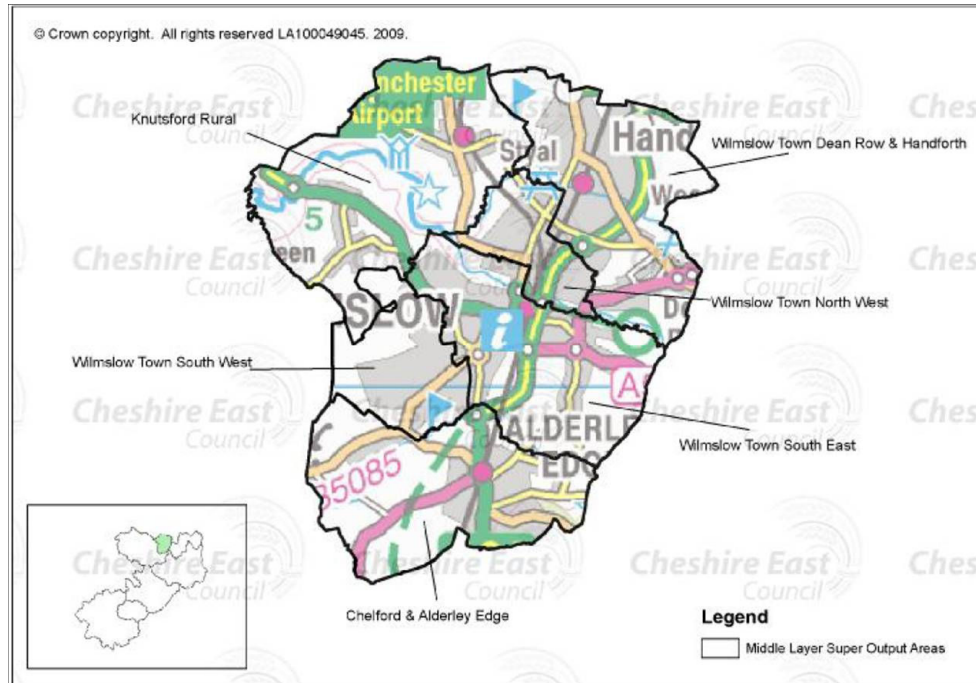
Local Area Partnerships (LAPs) have been established across Cheshire East, to achieve the following outcomes:

- A more effective, co-ordinated approach to tackling local needs and priorities.
- More responsive local management of services.
- Improved engagement with citizens.
- Actual empowerment of citizens.
- Greater citizen satisfaction.
- Enhanced community governance.
- Increased voter turnout.
- Enhanced community leadership role for elected councillors.
- Value for money.

The LAPs are part of the Cheshire East Partnerships Framework and clearly link and work with the Thematic Groups and Local Strategic Partnership (LSP) Executive. The LAPs are working with neighbourhood and community groups in their area, to engage with local people and address very local issues.

Wilmslow LAP brings together people who have an interest and responsibility for delivering improvements in the area. It is an action group, working together to make a difference. It holds regular meetings which are a touchpoint, where LAP members discuss issues and progress on their work in public. The LAP tackles issues through 'task and finish' groups, and currently has a number of such groups in place. Wilmslow LAP has agreed its initial work programme based on evidence and issues identified by LAP members and the local community.

Wilmslow LAP boundary



Wilmslow LAP membership

Membership includes:

- Cheshire East local councillors (and officers representing the People, Places and Policy and Performance directorates of Cheshire East Council)
- Alderley Edge Town Council
- Chorley Parish Council
- Wilmslow Trust
- Wilmslow Business Group
- Citizens Advice Bureau (representing CE Third Sector Congress)
- Cheshire Police
- Cheshire Fire and Rescue
- Central and Eastern Cheshire Primary Care Trust

- Equity Housing Group
- Wilmslow Education Improvement Partnership
- Job Centre Plus

Other organisations represented at LAP meetings include:

- Cycle Wilmslow group
- Wilmslow 'Living Streets'
- Wilmslow community website

Neighbourhood Features

- In 2007, the population of the Wilmslow Local Area Partnership (LAP) was 35,200¹.
- This represented a tenth (10%) of the population of Cheshire East.
- Wilmslow LAP area contains 6 Middle Layer Super Output Areas (MSOAs), 2 of which it shares with Knutsford, and 22 Lower Layer Super Output Areas (LSOAs). These are based on population characteristics rather than administrative boundaries and form basic units for understanding local information.
- Wilmslow Town has a population of 30,070.

Within the LAP area, there are 3 pockets of disadvantage, the Colshaw and Lacey Green Estates in Wilmslow and the Spath Lane Estate in Handforth. There is some degree of neighbourhood management in these areas, facilitated by the relevant registered social landlords and supported by Cheshire East Council and local partners, acknowledging that these areas have complex needs and require an intensive approach to involve communities to improve outcomes for local people.

The Colshaw Estate

The Colshaw Community Development Group is working to join up local services and develop agreements with service providers to jointly plan and deliver service differently in these areas.

The group includes officers from the Cheshire East Council, Riverside Housing Association, Police and Fire services, Groundwork Cheshire and Connexions.

A recent 'Not in My Neighbourhood' event, coordinated by the Police and Fire Services, in partnership with other agencies, targeted the community of the Colshaw Estate and set up a range of activities addressing issues of anti social behaviour and community safety and awareness. This project was identified as a catalyst for further

¹ Cheshire County Council population estimates 2007.

targeted work in the area and was established as part of a wider remit addressing anti social area across the LAP area as an ongoing subgroup.

Community Groups

There is a range of voluntary and community groups within the Wilmslow area. The purpose of community engagement work is to build the capacity of our communities to lead partnership working in their area. The Cheshire East LSP and the Wilmslow LAP are committed to supporting both existing and new community led partnerships. These neighbourhood partnerships will contribute to the Local Area Delivery Plan for the LAP.

Community Activities

There is a wide range of community activities in Wilmslow, delivered through local partnerships and community groups. These include environmental and heritage preservation projects, business support programmes, sports initiatives, community events and a community website.

LAP projects / working groups

Since the first meeting in May 2009, the Wilmslow LAP has identified and is progressing the following projects –

- The Carrs Country Park, Wilmslow – demolition of a derelict building to diffuse issues of anti-social behaviour (completed) and further investigation to explore the creation of a multi use accessible path to serve pedestrians and cyclists (ongoing)
- Meriton Road Park, Handforth – bringing back a disused pavilion into community use, including accommodating a model railway club (ongoing)
- Exploring the creation of an motor cross site to engage young people in a controlled environment using an area of waste land (ongoing)
- Identifying and addressing potential improvements to the forecourt and access of Wilmslow Railway station, with improved signage in the town (ongoing)
- ‘Not in My Neighbourhod’ event – a multi agency approach to promote safety on the Colshaw Farm Estate and to address anti social behaviour (ongoing working group)