

Constitution Committee

Agenda

Date: Wednesday, 15th December, 2010
Time: 2.00 pm
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1DX

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. **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 at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 10)

To approve the minutes of the meeting held on 18th November 2010.

5. **Wilmslow Community Governance Review - Outcome of Stage 2 Consultation**
(Pages 11 - 48)

To consider the recommendations of the Wilmslow Community Governance Review Sub-Committee and make a recommendation to Council.

The Sub-Committee will be meeting on 9th December 2010. The report to be considered by the Sub-Committee is attached.

The recommendations of the Sub-Committee will be circulated in due course.

6. **Outcome of Member Consultation: Vehicle Mileage Rates** (Pages 49 - 52)

To consider the views of the Independent Remuneration Panel on the level of allowances currently paid in respect of Member mileage and to make a recommendation to Council.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 18th November, 2010 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors D J Cannon, R Cartlidge, S Jones, W Livesley, A Moran,
D Topping, R West and J Wray

Apologies

Councillors M Asquith, C Beard and P Whiteley

Honorary Alderman Mr S W Hogben, who was present as an observer,
was welcomed to the meeting by the Chairman.

24 DECLARATIONS OF INTEREST

Councillors T Beard, J P Findlow and A Moran declared personal, non-prejudicial interests in relation to an item on the agenda concerning the rights and privileges of Honorary Aldermen and Freeman. They had all been admitted as Honorary Aldermen by their former authorities and would therefore become Honorary Aldermen on their retirement from Cheshire East Council.

Councillors D Flude and D Topping, as members of the Tatton Park Board, declared personal, non-prejudicial interests in relation to the item on Honorary Aldermen and Freeman insofar as it concerned Tatton Park.

Councillors T Beard, D Cannon, R Cartlidge and D Flude, as Crewe Charter Trustees, and Councillors J P Findlow and B Livesley, as Macclesfield Charter Trustees, declared personal, non-prejudicial interests in relation to an item on local service delivery in the unparished areas of Crewe and Macclesfield.

25 PUBLIC SPEAKING TIME/OPEN SESSION

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

26 MINUTES OF PREVIOUS MEETING

On consideration of the minutes, the Chairman announced that following consultation with himself and the Group Whips, the sub-committee to be appointed to consider the Planning Protocol would comprise six members of the Committee with the proportionality of 4:1:1:0. Nominations were

currently being sought and the membership and arrangements for the sub-committee's meeting would be announced shortly.

RESOLVED

That the minutes of the meeting held on 30th September 2010 be approved as a correct record.

27 HONORARY ALDERMEN AND FREEMEN

The Committee considered a report on the rights and privileges to be extended to Honorary Aldermen and Freemen of the Borough.

The Civic Sub-Committee at its meeting on 3rd August 2010 had considered a number of matters on which it made recommendations to this Committee and Council. At the meeting of Council held on 14th October, the majority of recommendations were accepted. Council agreed that a further report be submitted to the next meeting of the Constitution Committee, dealing with the rights and privileges of Honorary Aldermen/Freemen and serving Councillors in relation to attendance at civic functions, including the County Show and RHS Show, and access to Tatton Park, the report to include any resource implications and the rationale for any charges involved.

Further investigations had been carried out to establish the historical position in relation to the County Show and RHS Show and how this had changed since vesting day.

The report set out further details in respect of the RHS Flower Show, the Cheshire County Show, passes for Tatton Park and invitations to civic events.

RESOLVED

That Council be recommended to agree that

(1) the rights and privileges of all Cheshire East Honorary Aldermen and Freemen be extended to include:

- a. Admission tickets to the Cheshire County Show and the RHS Flower Show provided for by the Council;
- b. A life Pass for Tatton Park provided for by the Council;

(2) the rights and privileges of all Cheshire East Members be extended to include:

- a. Admission tickets to the Cheshire County Show and the RHS Flower Show provided for by the Council;

- b. A life Pass for Tatton Park provided for by the Council;
- (3) the organising committee for the Cheshire County Show, with the support of Cheshire East Council, be invited to consider following its past practice of offering tickets to Cheshire East Honorary Aldermen and Freemen, Members or other local dignitaries on the basis that the cost of the tickets would be met by the individuals concerned.

28 LOCAL SERVICE DELIVERY IN UNPARISHED AREAS

The Committee considered a report proposing the appointment of two local service delivery committees for the unparished parts of Crewe and Macclesfield respectively.

It was proposed that the Council create the Local Service Delivery (Crewe) Committee and the Local Service Delivery (Macclesfield) Committee, whose membership in each case would be those members who represented wards in the respective unparished areas. The powers of each committee would be:

“To make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise).”

In considering the matter, Members felt that in due course the proposed committees, which were currently intended as advisory bodies, could be given delegated powers. Given that possibility, it was felt that it would be appropriate for the membership of the committees to reflect the political proportionality of the Council as a whole.

RESOLVED

That it be recommended to Council that

- (1) a Local Service Delivery (Crewe) Committee be constituted on a politically proportionate basis, the size and membership of the committee to be determined by Council;
- (2) a Local Service Delivery (Macclesfield) Committee be similarly constituted;
- (3) the powers of each committee be:

“To make representations to Cabinet and Council about the delivery of local services in the area and to monitor local services where a town or parish council acting under local devolution arrangements would have been expected to do so (but not otherwise).”

29 STANDARDS IN PARTNERSHIPS PROTOCOL

RESOLVED

That the report be deferred for further consideration by the Officers.

30 CALENDAR OF MEETINGS FOR 2011-2012

The Committee considered the draft Calendar of Meetings for Cheshire East Council for 2011-12.

A summary timetable was attached as Appendix 1 to the report.
Explanatory notes had been provided at Appendix 2.

The frequency of meetings had followed the practice adopted in 2010-2011.

Meetings which did not form part of the formal decision-making process would be omitted from the public calendar but would be added to the Members' Diary for convenience.

As for 2010-2011, the Committee Suite at Westfields, Sandbach had been reserved on Monday mornings for Portfolio Holder meetings. However, meetings would as now be arranged at alternative venues where a decision was likely to have a significant impact on a particular locality so that interested parties could attend.

The following had been consulted on the draft calendar and any comments received had been taken into account in producing the draft Calendar.

Corporate Management Team
Cabinet
Committee Chairmen
Group Leaders
Group Whips

With regard to Council meetings, Members noted that the Calendar had, as last year, been prepared on the basis that such meetings would be held at 6.00 pm in the summer and at 2.00 pm in the winter. It was suggested that the new Council elected in May 2011 should be asked to consider a consistent starting time for all Council meetings and that this should be during the working day so that Members and others had sufficient time to take part fully in the proceedings.

RESOLVED

That

- (1) the draft Calendar of Meetings for Cheshire East Council for 2011-2012 be referred to Council for approval;

- (2) Council be recommended to agree that the starting time of Council meetings should be included on the agenda for the first meeting of the new Council in May 2011; and
- (3) Mrs Carol Jones of the Democratic Services Team be commended for her work in preparing the draft Calendar of Meetings.

31 NOTICE OF MOTION

The Committee considered the following Motion which had been proposed by Councillor D Flude and seconded by Councillor T Beard at the Council meeting on 14th October 2010 and had been referred to the Committee for consideration:

“Following the resolution of this Council on 25th January 2010 when it was resolved :-

“To accept the vote from the people of Crewe and to reject a Town Council for Crewe at this time”;

in the light of the passage of time and the proposed Special Expenses Community Charge for the Town Crewe;

will this Council now return to the matters considered on the 25th January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe.”

In considering this matter, Members were conscious that if the Committee were to undertake a further review within a very short timescale of the conclusion of the last review (in January 2010) for the unparished area of Crewe, the Council could receive public criticism for the use of further financial resources for this purpose, particularly in the current financial climate. In addition, given the wording of the Council's previous decision in accepting the vote of the people of Crewe, another review at this time could be seen as ignoring the democratic outcome of the previous, recent review, which may also leave the Council open to criticism.

Careful consideration would also need to be given to the staff resources required and the timing of such a review, so that no risk was introduced to the efficient conduct of other key democratic processes such as the May 2011 elections; the anticipated Alternative Vote referendum; the implementation of significant ward boundary changes as a result of the pending outcome of the Cheshire East Boundary Review by the Boundary Commission; and the statutory review of all Polling Places by November 2011.

The Wilmslow Community Governance Review was also still ongoing and may not conclude until February 2011, due to the implications of the Cheshire East Boundary Review. It was considered sensible to conduct

only one review at a time, which allowed for the most efficient use of resources and allowed time to incorporate lessons learnt and experience gained.

The Committee also needed to bear in mind that if a further petition were received in the near future, then the Council would be under a duty to conduct and complete a Community Governance Review within a timescale of 12 months. This would be very difficult to manage if the Council was mid-way through another review at that time.

Rather than conducting Community Governance Reviews in a piecemeal fashion, it was suggested that the Committee may wish to take a more holistic approach by considering the needs of the Borough as a whole.

RESOLVED

That Council be recommended to defer any further consideration of the subject matter of the Motion until after the May 2011 elections, at which time Council also be asked urgently to consider undertaking a holistic Borough-wide review of community governance arrangements in Cheshire East.

32 NEW EXECUTIVE ARRANGEMENTS

The Committee considered the outcome of a public consultation exercise on options for future executive arrangements for Cheshire East Council.

The Local Government and Public Involvement in Health Act 2007 required local authorities to choose one of two new models of executive leadership: either a directly-elected Mayor with a Cabinet, or a strong Leader and Cabinet. The period of office of either a Mayor or a Leader was to be for four years. The change in executive arrangements had to come into effect from May 2011, and the Council had to pass a resolution giving effect to the change by 31st December 2010.

Guidance had recently been issued in the form of a letter from the Minister for Housing and Local Government. This indicated that whilst the statutory requirement to follow the consultation process had to be adhered to, Councils were encouraged not to incur any significant expenditure in doing so.

At the last meeting, the Committee resolved that a public consultation exercise be undertaken between 1st October and 12th November 2010, by way of an article and press release via the Council's website, on the options for future executive arrangements for Cheshire East Council, the consultation to make reference to the advice received from the Minister for Housing and Local Government. The result of the consultation exercise would be reported to the Constitution Committee on 18th November 2010 with a view to making a recommendation to Council on 16th December 2010.

The results of the Consultation were set out in Appendix 3 to the report. There was no clear outcome in favour of either option with responses weighted against a directly-elected Mayor.

Members were advised that the legislation was likely to be repealed through the Localism Bill, but not before the Council was required to make an appropriate resolution. Communities Minister Andrew Stunell had announced that under the Localism Bill the Government would let councils decide, in consultation with local people, what system was best for their community, whether that be a Mayor or Leader and Cabinet or a Committee system.

RESOLVED

That

- (1) the outcome of the public consultation exercise undertaken between 1st October and 12th November 2010 on the options for future executive arrangements for Cheshire East Council be noted;
- (2) Council be recommended to adopt the new Strong Leader and Cabinet model of governance, to be brought into effect at the beginning of the next municipal year subject to any subsequent amending legislation;
- (3) Council be asked to authorise the Borough Solicitor to amend the Constitution as necessary to give effect to the decision of Council; and
- (4) those who had responded to the public consultation exercise be notified of the Council's decision at the appropriate time.

33 REVIEW OF THE CONSTITUTION

The Committee considered the next stage of the review of the Council's Constitution, with particular regard to executive arrangements.

Democratic Services Officers had identified the following issues for consideration as part of any review of executive arrangements:

1. The Constitution contained both Executive Procedure Rules and Cabinet Procedure Rules. Both contained similar or duplicate information and it was recommended that a single consolidated set of Executive Procedure Rules be produced for consultation initially with the Cabinet.
2. All decisions considered to be Key Decisions had to be published in the Forward Plan. However the Overview and Scrutiny Chairmen had commented that the Forward Plan did not provide the level of detail required to assist them and the public in understanding the decisions to

be made. The Council may wish to review the Forward Plan in consultation with the Cabinet to determine:

- the form and presentation of the Forward Plan.
 - Whether a monetary threshold should be used to define the financial aspect of 'significance' in the statutory definition of a Key Decision.
 - Whether the role of the Forward Plan should be expanded to include all items coming forward, and not simply key decisions.
3. The Constitution provided for all decision-making by individual Portfolio Holders to be undertaken in public. It was suggested that research should be undertaken with neighbouring Councils on the procedures used by them for decision-making by individual Cabinet Members in order to determine the adequacy and appropriateness of the current arrangements in Cheshire East.

Members were reminded that the next stage of the Constitutional review would be a review of the Finance and Contract Procedure Rules. An Officer Working Group had been established to commence this work.

RESOLVED

That the Cabinet and all Members of the Council be consulted upon issues relating to the Council's executive arrangements, including those matters specifically identified in the report, and the Chairman and Vice-Chairman be consulted upon the form and content of the consultation.

34 E PETITIONS - THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 AND THE LOCAL AUTHORITIES (PETITIONS) (ENGLAND) ORDER 2010

The Committee considered a proposed revision to the scheme for dealing with petitions to include provision for e-petitions.

The Local Democracy, Economic Development and Construction Act 2009 required all principal local authorities in England to establish a scheme for handling petitions made to the authority. Under the Local Authorities (Petitions) (England) Order 2010 and in accordance with the Statutory Guidance the Council had approved its Petition Scheme on 27th May 2010 and had requested that the Borough Solicitor report to the Constitution Committee on the development of an on-line petition facility.

The Order required the authority to develop an On-Line Petition Facility, to be available from 15th December 2010. In the absence of any further guidance the Council's Modern.gov agenda management system had been upgraded at no extra cost with an e-Petitions module. The system met the necessary legislative requirements and allowed the Petitions

Officer to moderate petitions and decide if a petition should be rejected before it was published.

The Council's Petition Scheme needed to be revised to reflect e-petitioning. A proposal was set out in Appendix A to the report.

RESOLVED

That

- (1) Council be recommended that the Petitions Scheme be amended to include the additional section dealing with e-petitions as set out in Appendix A to the report and the Constitution be amended accordingly; and
- (2) the proposed online e-petition facility be launched with effect from 1st December 2010.

The meeting commenced at 2.00 pm and concluded at 3.45 pm

Councillor J P Findlow (Chairman)

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CHESHIRE EAST COUNCIL

Wilmslow Community Governance Review Sub-Committee

Date of Meeting: 9th December 2010
Report of: Borough Solicitor
Subject/Title: Wilmslow Community Governance Review - Outcome of Stage 2 Consultation

1.0 Report Summary

- 1.1 The report attached as Appendix 1, considered by this Sub-Committee on 27 September 2010, details the outcomes of the second stage of public consultations, based on the Council's draft recommendations for the Wilmslow Community Governance Review. The issues have also been further considered by the Sub-Committee on 21 October, together with the detail of the draft Order which would be required, should the Council finally determine to implement its previous recommendations. This report summarises the conclusions reached by the Sub-Committee, makes recommendations for consideration by the Constitution Committee on 15 December and by Council on 16 December, and includes the proposed Order which would be required to bring these recommendations into effect.

2.0 Recommendation

- 2.1 The Sub-Committee is asked to RESOLVE:

That having taken into account all responses made during the Second Stage of consultation, and having regard to the need to ensure that Community Governance within the area reflects the identities and interests of the Community, and is effective and convenient, the Constitution Committee be asked to recommend to Council to affirm its recommendations made on 22 July and that:

1) having regard to comparator information for Parish Councils in Cheshire East, and having regard to electoral equality, three new parishes be created and the number of Councillors to serve on each of each of the new Parish Councils be as follows:

- a. Handforth: 7 Councillors
- b. Styal: 7 Councillors
- c. Wilmslow: 15 Councillors

(2) four wards be created for the Wilmslow Parish and named as follows, to provide as far as possible coterminous boundaries for electoral purposes:

- i. Wilmslow West (comprising 5 Councillors: polling districts 8FH1, 8FJ1, 8FG1, 8FC1, 8FA1(part), 8FB1(part), 8FD1(part);
- ii. Lacey Green (comprising 2 Councillors: polling districts 8EK1, 8EA1(part), 8FD1(part);
- iii. Dean Row (comprising 4 Councillors: polling districts 8EA1(part), 8EB1, 8EC1, 8ED1, 8EE1); and
- iv .Wilmslow East (comprising 4 Councillors: polling districts 8FD1(part), 8FA1(part), 8FB1(part), 8FE1, 8FF1)

(3) three wards be created for the Handforth Parish and named as follows:

- i. Handforth West (comprising 3 Councillors: polling districts 8EG1, 8EJ1)
- ii. Handforth East (comprising 2 Councillors: polling district 8EH1); and
- iii. Handforth South (comprising 2 Councillors: polling district 8EF1)

(4) accordingly, the detailed provisions of the draft Cheshire East Borough Council (Re-organisation of Community Governance) Order 2010, as submitted to the meeting be approved and that the Borough Solicitor be authorised to issue the Order and to make any necessary technical and detailed amendments as may be required; and

(5) in accordance with Section 96 of the Local Government and Public Improvement in Health Act 2007, the Borough Solicitor be authorised to make the necessary arrangements to publicise the outcome of the Community Governance Review.

3.0 Reasons for Recommendations

- 3.1 To enable the Constitution Committee and the Council finally to determine the outcome of the Community Governance Reviews of Wilmslow, Handforth and Styal and to make the legal Order required to give effect to such decisions.

4.0 Wards Affected

- 4.1 Wards covering the areas of Wilmslow, Handforth and Styal.

5.0 Local Ward Members

- 5.1 As above

**6.0 Policy Implications including - Climate change
- Health**

6.1 None

7.0 Financial Implications (Authorised by the Borough Treasurer)

7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Reviews. These costs will be met as far as possible from within existing budget provision.

7.2 In the event that parish councils are established, there will be costs associated with the administration of the elections, which will be met by the Borough Council, as they are proposed to be held on the same day as elections for Cheshire East Councillors on 5th May 2011. The cost of any future by-elections would be met by the Parish Councils.

7.3 Parish precepts will need to be raised for any new Parish Councils created, to cover the administration costs for the municipal year 2011/12.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 With effect from April 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act 1997 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

9.0 Risk Management

9.1 The Council has followed the Guidance on Community Governance Reviews published by the Electoral Commission and the Department of Communities and Local Government. There are no other risk management issues.

10.0 Background

10.1 The Sub-Committee has given detailed consideration to the outcomes of the second stage of public consultations, which have raised a number of issues which need to be addressed and provided for in the recommendations to Council. Attached as Appendix 2 is the proposed final draft of the "Cheshire East Borough Council (Reorganisation of Community Governance) Order". It is based on the Council's previous draft recommendations, but also deals with the implications of the Boundary Commission's Review of the Cheshire East Electoral Arrangements; the need to make provision for the 2011/12 budget requirement; Options for Transitional Arrangements before the elections to new Parish Councils; and other more detailed references in the draft.

- 10.2 The Boundary Commission's final recommendations for electoral arrangements for the whole of Cheshire East were laid in Parliament on 11 October in the form of a draft Order. Under the relevant procedures, the draft Order is approved provided it is not debated and rejected by Parliament within a period of 40 days. Although the Cheshire East Order was "prayed against" it has not been debated and, the 40 days having expired on 19 November, it can now be made. The Boundary Commission has indicated that it will issue the final Order early in the new year.
- 10.3 Accordingly it is now clear that the borough ward boundaries in the Wilmslow area will be those as determined by the Commission. The Sub-Committee has previously considered a pattern of warding for new parishes in Wilmslow and Handforth which will broadly conform to the new borough wards, in that, with one exception, none of the proposed parish wards is split by a borough ward boundary. The exception occurs in the case of the Wilmslow parish ward of Dean Row, part of which will be in the borough ward of Handforth. The Sub-Committee has previously been of the view that the proposed parish ward boundaries for Dean Row better reflect in particular the community identities of the area. Members are asked to give further consideration to this issue and make appropriate recommendations to the Council.
- 10.4 The proposed parish ward boundaries and ward names are shown in detail on the attached map, which will form part of the CGR Order. The name for the Hough parish ward has been changed to Wilmslow East, and in Article 7 the number of Styal Parish Councillors is set at 7 in accordance with the Sub-Committee's previous decisions. The warding arrangements are prescribed in Article 8, but no longer by reference to polling district numbers, as these may be subject to review across the whole Borough and may therefore change in the future.
- 10.5 The Sub-Committee has previously considered the need to set an appropriate budget and for the levying of a precept in each of the new parish areas if created. The amounts involved will be required to cover the estimated administration costs in the year 2011 – 12. Following their election the new Parish Councils will subsequently consider the level of the precept for future years. In coming to their conclusions, the Sub-Committee had regard to the balance between providing adequate resources to new parishes in their first year, and setting reasonable limits to precepts in the current financial situation. The Sub-Committee's recommended precepts are set out in Article 10, and an appropriate sentence has been added to the "Explanatory Note" attached to the Order. In accordance with the wishes expressed by the Sub-Committee at the last meeting, Jackie Weaver, Chief Officer Cheshire Association of Local Councils (Chalc), has been invited to attend the meeting to provide additional detailed information to support the proposed budgets for the three proposed parish Councils for 2011/12.

- 10.6 At the last meeting, Members considered whether transitional provisions should be included in the draft Order. Such provisions would cover the period between the making of the Order, and the election of councillors to new parishes. They would enable some preparatory work to be undertaken in the “shadow” period to help the new bodies to assume their responsibilities effectively once elected. It was, however, noted that the “shadow” period between January and May was relatively short.
- 10.7 Members considered the alternatives of either the current 6 Borough Councillors for the area representing the interests of the 3 parishes, or of the Sub-Committee itself carrying out this role. The extended terms of reference for the Sub-Committee agreed by Constitution Committee and reported to the last meeting would enable this Sub-Committee to deal with the necessary transitional arrangements. If Members conclude that this as the preferred option there would be no need to make provisions in the Order itself. The attached Order as drafted does not specify “Transitional Provisions” but if the Sub-Committee recommends the alternative option [of the 6 local Borough Councillors] a suitable form of words can readily be drafted.
- 10.8 The recommendations of the Sub-Committee and the Constitution Committee will be presented to Council on 16 December, where the final outcome of the Community Governance Review will be decided. If Council decides to constitute new parish councils, it should also approve the Order which, once signed and sealed by the Borough Solicitor, will bring the new arrangements into legal effect. It is also recommended that appropriate publicity is given to the final outcome of the Review, and that all those who responded to the consultations should be informed.

11.0 Access to Information

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

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

- Guidance on Community Governance Reviews published by the Electoral Commission and the DCLG
- Explanatory Leaflet and Notice of Publication for the first stage of consultation
- Notice of Publication of Draft Recommendations arising from the first stage of consultation

Appendices

1. Sub-Committee report of 27th September 2010 - “Wilmslow Community Governance Review – Background and Outcome of Stage 2 Consultation”
2. Proposed Final Draft of the “Cheshire East Borough Council (Re-Organisation of Community Governance) Order

CHESHIRE EAST COUNCIL

Wilmslow Community Governance Review Sub Committee

Date of Meeting: 27th September 2010
Report of: Borough Solicitor
Subject/Title: Wilmslow Community Governance Review

1.0 Report Summary

- 1.1 This report provides the background in relation to the Wilmslow Community Governance Review under the provisions of the Local Government and Public Involvement in Health Act 2007, following receipt of three valid petitions from electors in Wilmslow, Handforth and Styal calling for a review to be undertaken. The report provides details of the outcome of stage two of the public consultation on the Council's draft recommendation for the review, as made by the Council on 22nd July 2010.

2.0 Recommendation

- 2.1 To consider the responses from the Stage 2 consultation and to recommend to the Constitution Committee that it makes an appropriate recommendation to Council, having regard to the results of consultation on the draft proposal formulated by Council on 22nd July 2010.

3.0 Reasons for Recommendations

- 3.1 The second stage of Consultation for the Wilmslow Community Governance review took place from 11th August to 15th September 2010 and following this meeting the results will be considered by the Constitution Committee on 30th September 2010. The recommendation of the Constitution Committee for the final outcome of the Review will then be reported to the Council meeting for approval, including approval of any Reorganisation Order required for the formation of new parishes as may be determined. The date of the Council meeting is yet to be confirmed, as the final outcome of the current Cheshire East Boundary Review has not yet been determined, and this will have an impact upon the Council's final decision for the outcome of the Wimslow Community Governance Review, in particular the detail of warding arrangements for the Wilmslow area.

4.0 Wards Affected

- 4.1 Wards covering the areas of Wilmslow, Handforth and Styal.

5.0 Local Ward Members

5.1 As above

**6.0 Policy Implications including - Climate change
- Health**

6.1 None

7.0 Financial Implications (Authorised by the Borough Treasurer)

7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Review. These costs will be met as far as possible from within existing budget provision.

7.2 In the event that parish councils are established, there will be costs associated with the administration of the elections, which will be met by the Borough Council, as they are proposed to be held on the same day as elections for Cheshire East Councillors on 5th May 2011. The cost of any future by-elections would be met by the Parish Councils.

7.3 Parish precepts will need to be raised for any new Parish Councils created, to cover the administration costs for the municipal year 2011/12.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 With effect from April 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act 1997 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

9.0 Risk Management

9.1 The Council has followed the Guidance on Community Governance Reviews published by the Electoral Commission and the Department of Communities and Local Government. There are no other risk management issues.

10.0 Background

10.1 The Local Government and Public Involvement in Health Act 2007 permits the Council to undertake a community governance review of the whole or part of the Borough Council area.

10.2 The Review

Cheshire East Council in accordance with Section 83(2) of the Act is undertaking a community governance review following receipt of three valid petitions which called for community governance reviews and for the creation of parishes and parish councils in the areas of Wilmslow, Handforth and Styal.

In conducting the Review, the Council has responded to the proposals contained in the petitions, but in accordance with the guidance, has also considered other viable options for other forms of community governance including Area committees, Neighbourhood Management, Tenant Management organisations, Area/ Community forums, Residents and Tenants Associations, Community Associations and whether people would prefer a single parish Council for Wilmslow, Handforth and Styal or separate parish councils for these three areas to be created.

An explanatory leaflet about the community governance review was prepared and used as a basis for the first phase of consultation which ran from 10 May to 4 June 2010.

This community governance review has provided the Council with an opportunity to examine and review existing community governance arrangements and to consider whether or not new arrangements were required to best meet the needs of local people.

The first stage of consultation sought views from all electors by way of a voting paper delivered to each elector with the explanatory leaflet. A letter and explanatory leaflet about the review was sent to various stakeholders including local public and voluntary organisations, schools, health bodies and resident and community groups. Three public meetings were held in April 2010 at venues in Wilmslow, Handforth and Styal. The Cheshire East Council website was also used to allow people to record their views online.

Consideration was given to the comments and representations received from this first phase of consultation and on the basis of those representations the Council's draft recommendation was published on 11th August 2010.

10.3 Criteria and aim of the Review

Section 93 of the Local Government and Public Involvement in Health Act 2007 requires councils to ensure that community governance in the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient. In considering this criteria the Council is required to take account of a number of influential factors including the impact of community governance arrangements on community cohesion.

The Guidance on community governance reviews published by the Department of Communities and Local Government in April 2008 sets out in detail the factors for consideration to help inform the Council's judgement against the statutory criteria.

10.4 Previously Unparished Areas

The Council is required by law to consider other forms of community governance as alternatives or as stages towards establishing parish councils. The Council has noted the existing arrangements in place in the area for community representation and community engagement, including the Wilmslow Local Area Partnership, the Colshaw Community Development Group, Community Groups and Working Groups and the extent to which they were creating opportunities for engagement, empowerment and co-ordination in local communities.

10.5 Consultation

In reaching its draft recommendation in this review, the Council took into account the representations received having regard to the criteria in the Local Government and Public Improvement in Health Act 2007.

10.6 Result of consultation with electors

Just over 25, 000 voting papers were issued and 6876 were returned (27.48%). Electors were invited to respond to two questions on the voting paper and the results were as follows:-

For Wilmslow Residents

Question 1
1. Do you want a parish council? Yes/ No
Question 2: If yes, please tick the option you agree with below
A. I want a single parish council for Wilmslow, Handforth and Styal
B. I want a separate parish council for Wilmslow

In relation to Question 1 – the results were:

2894 electors indicated that they want a parish council.

2144 electors indicated that they did not want a parish council

In relation to Question 2 – the results were:

1090 electors expressed a view for a single parish council for Wilmslow, Handforth and Styal

1846 electors expressed a view for a separate parish council for Wilmslow

For Handforth Residents

Question 1
1. Do you want a parish council? Yes/ No
Question 2: If yes, please tick the option you agree with below
A. I want a single parish council for Wilmslow, Handforth and Styal
B. I want a separate parish council for Handforth

In relation to Question 1 – the results were:

1023 electors indicated that they want a parish council.
534 electors indicated that they did not want a parish council

In relation to Question 2 – the results were:

415 electors expressed a view for a single parish council for Wilmslow, Handforth and Styal

619 electors expressed a view for a separate parish council for Handforth

For Styal Residents

Question 1
1. Do you want a parish council? Yes/ No
Question 2: If yes, please tick the option you agree with below
A. I want a single parish council for Wilmslow, Handforth and Styal
B. I want a separate parish council for Styal

In relation to Question 1 – the results were:

219 electors indicated that they want a parish council.
23 electors indicated that they did not want a parish council

In relation to Question 2 – the results were:

25 electors expressed a view for a single parish council for Wilmslow, Handforth and Styal

201 electors expressed a view for a separate parish council for Styal

10.7 Submissions received to Stage 1 consultation

In addition to the responses to the voting paper, the Council received a further 40 representations.

10.8 Draft Recommendation

The second stage of consultation ran from 11 August 2010 to 15th September 2010 and sought views on the Council's draft recommendation. There were two proposed options for warding arrangements for Wilmslow which were

dependant upon the outcome of the current boundary review of Cheshire East Council wards by the Boundary Commission.

The draft recommendation of the Council for the outcome of the review, as agreed at the Council meeting held on 22 July 2010 was as follows:-

RESOLVED

1. 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:

Having taken into account

- the petitions;**
- 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;**
- the results of the consultation exercise with stakeholders and the representations from other interested persons;**
- the outcomes of the public meetings held in each of the review areas; and**
- 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 :-**
 - 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 the minutes of the Constitution Committee held on 24 June 2010, 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 Styal the election of parish councillors should be from the area of the parish as a whole;**
- c. 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;**
- d. that the first year of elections to the new parish councils should be 2011; and**
- e. that these proposals form the basis of a second stage of public consultations and that the Boundary Commission be informed of these proposals;**

2. That :-

(1) having regard to comparator information for Parish Councils in Cheshire East, and having regard to electoral equality, the number of Councillors to serve on each of the new Parish Councils should be as follows:

- a. Handforth: 7 Councillors**
- b. Styal: 5 Councillors**
- c. Wilmslow: 15 Councillors**

(2) dependent upon the outcome of the Boundary Review, and bearing in mind the need to achieve overall electoral equality (i.e. the number of electors per councillor) as far as possible:

- a. if no changes are made to the current Cheshire East Council Ward boundaries, five wards should be created for the Wilmslow Parish and named as follows:**

- i. Morley (comprising 3 Councillors: polling districts 8FH1, 8FJ1, 8FG1);
 - ii. Lacey Green (comprising 2 Councillors: polling district 8EK1);
 - iii. Dean Row (comprising 4 Councillors: polling districts 8EA1, 8EB1, 8EC1, 8ED1, 8EE1);
 - iv. Hough (comprising 3 Councillors: polling districts 8FC1, 8FD1, 8FE1, 8FF1); and
 - v. Fulshaw (comprising 3 Councillors: polling districts 8FA1, 8FB1)
- b. if the anticipated final recommendations of the Boundary Committee in respect of Cheshire East Council boundaries are implemented, four wards should be created for the Wilmslow Parish and named as follows, to provide coterminous boundaries for electoral purposes:
 - i. Wilmslow West (comprising 5 Councillors: polling districts 8FH1, 8FJ1, 8FG1, 8FC1, 8FA1(part), 8FB1(part), 8FD1(part);
 - ii. Lacey Green (comprising 2 Councillors: polling districts 8EK1, 8EA1(part), 8FD1(part);
 - iii. Dean Row (comprising 4 Councillors: polling districts 8EA1(part), 8EB1, 8EC1, 8ED1, 8EE1); and
 - iv. Hough (comprising 4 Councillors: polling districts 8FD1(part), 8FA1(part), 8FB1(part), 8FE1, 8FF1)

(3) three wards should be created for the Handforth Parish and named as follows:

- i. Handforth West (comprising 3 Councillors: polling districts 8EG1, 8EJ1)
- ii. Handforth East (comprising 2 Councillors: polling district 8EH1); and
- iii. Handforth South (comprising 2 Councillors: polling district 8EF1)

and accordingly, the previous recommendation by the Sub-Committee and the Constitution Committee in relation to this matter should be disregarded; and

- (4) subject to consultation initially with the Chairman of the Wilmslow Community Governance Review Sub-Committee, the Borough Solicitor be authorised, in consultation with the Leader of the Council, to make any amendments required to electorate figures, polling district boundaries, or the proposed Wilmslow Parish ward boundaries, should this be required as a result of the final outcome of the Boundary review.**

Representations were invited from all interested persons, organisations, stakeholders and the public. Interested parties were encouraged to submit their views, together with any relevant supporting information, in writing, by email, or via a feedback form on the Council's website.

10.9 Submissions received to Stage 2 Consultation

Copies of all responses received to the Second stage of consultation are attached as an appendix to this report.

10.10 Key Issues

In making its final decision on the outcome of the Community Governance Review for Wilmslow, the Council must take into account representations received. The Council is also required to have regard to the need to ensure that community governance within the area reflects the identities and interests of the community and is effective and convenient.

As soon as practical after the Council has decided to what extent it will give effect to the recommendation made in the review, it must publish the decision and the reasons for making that decision. The Council must also take steps to ensure that people who are interested in the review are informed.

Should the decision be taken to establish Parish Councils, electoral arrangements would need be put in place and a formal Order made to give effect to the new arrangements which would then enable elections to take place in May 2011. The final outcome of the current Cheshire East Boundary Review has not yet been determined, and this could have an impact upon the Council's final decision for the outcome of the Wimslow Community Governance Review, in particular the consideration of the detail of warding arrangements for any parishes ultimately proposed.

12.0 Access to Information

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

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

- Guidance on Community Governance Reviews published by the Electoral Commission and the DCLG
- Explanatory Leaflet and Notice of Publication for the first stage of consultation
- Notice of Publication of Draft Recommendations arising from the first stage of consultation

Appendices - Representations received from the Stage 2 consultation ending on 15th September 2010.

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**WILMSLOW COMMUNITY
GOVERNANCE REVIEW**

**REPRESENTATIONS RECEIVED IN
RESPONSE TO STAGE 2
CONSULTATION**

BASON, Ralph

From: rkacton@talktalk.net
Sent: 06 August 2010 10:19
To: COMMUNITY GOVERNANCE REVIEW
Subject: Stage 2 Consultation

Dear Sir I am very surprised that no copy of the Review Stage 2 is available in Wilmslow. Many people do not have computers and wish to see what is in the document. Do you expect them to go somewhere well outside Wilmslow in order to see what is being proposed for them? Could you place a copy in Wilmslow Library and announce you have done so in the local press? Thank you Ray Acton 1 Westgate Fulshaw Park Wilmslow 01625 527198

PARTON, Lindsey

From: Centre, Call
Sent: 06 August 2010 10:59
To: COMMUNITY GOVERNANCE REVIEW
Subject: Wilmslow Community Governance Review

[Submitted by Anonymous User]

Wilmslow Community Governance Review Feedback Form

Name

Ian Livingston

Address

18 Vale Rd
Wilmslow

Feedback

1. The majority either voted against or did not vote. Those for the change were a clear minority.
2. No one has said precisely what the extra cost gives us. What powers does a parish council have?
3. It is just another level of bureaucracy at a cost we can ill afford.

If you require a copy of this form for your records, please print using your web browser print button before submitting.

PARTON, Lindsey

From: wally.bell [wally.bell@tesco.net]
Sent: 09 August 2010 11:44
To: COMMUNITY GOVERNANCE REVIEW
Subject: Town councils in Wilmslow, Handforth & Styal

The Elections and Registration Team Manager

I am writing to object to the plans for local town councils in Wilmslow, Handforth & Styal with 15 councillors for Wilmslow, 7 for Handforth and 5 for Styal.

OF the ballot papers issued only 28% responded. EVEN IF all those had voted in favour of town councils there is still an overwhelming majority who elected for a status-quo. Clearly 100% in favour is an impossibility. Note that I did vote (against) and did return my ballot!

In these days, when the country, according to all three major parties (Labour, Conservative, Liberal Democrat), is in dire straits, there is absolutely no need to create further bureaucracy in the public sector.

Cease your profligate empire-building now. We, national taxpayers & local community charge payers alike, cannot afford it.

W M BELL
5 Pownall Court
Wilmslow
SK9 5QE

PARTON, Lindsey

From: Centre, Call
Sent: 11 August 2010 17:38
To: COMMUNITY GOVERNANCE REVIEW
Subject: Wilmslow Community Governance Review

[Submitted by Anonymous User]

Wilmslow Community Governance Review Feedback Form

Name

Patrick Tyrrell

Address

35 Handforth Road
Wilmslow
Cheshire
SK9 2LX

Feedback

The maps of the proposed boundaries are practically unreadable.
They must be replaced by ones that are readable.

If you require a copy of this form for your records, please print using your web browser print button before submitting.

PARTON, Lindsey

From: Centre, Call
Sent: 12 August 2010 14:42
To: COMMUNITY GOVERNANCE REVIEW
Subject: Wilmslow Community Governance Review

[Submitted by Anonymous User]

Wilmslow Community Governance Review Feedback Form

Name

David Allen

Address

8, Bollin Court,
Wilmslow SK9 2AP

Feedback

I find the idea of voting in 3 Councillors per ward anti democratic. If we are to have 15 councillors then each councillor should represent one group of electors. If you only have 4 or 5 wards then we only need a council of 4 or 5 members. Lets us put a stop to party political jiggery pockery and give local residents, i.e. resident in the area they represent, a chance to make their mark on local issues.

We should also ensure that Wilmslow, being a larger parish and therefore more efficient, should have one of the lowest precepts. All new councillors should be volunteers i.e. NO PERSONAL EXPENSES

If you require a copy of this form for your records, please print using your web browser print button before submitting.

ELECTIONS OFFICE

12 AUG 2010

RECEIVED

Elections & Registration

Team Manager
Cheshire East Council
Westfields
Sandbach
Cheshire CW11 1BZ

29 Arlington Crescent
Wilmslow
Cheshire
SK9 6BH

10 August 2010

Dear Sir

Proposed New Town Councils. Wilmslow, Handforth, Styal

As an elector I wish to express my views on the CEC recommendations for the formation of the above.

In the first case although the ballot produced a response this response of only 27.48% return of the ballot papers cannot be regarded as conclusive. What about the remaining 72.52% who did not return their papers? Had they voted and there must be a good valid reason why they did not vote, the result "for or against" could have been quite different and this needs to be taken into account before coming to any decision.

One further point which needs to be taken into account. It would appear that not all electors understand that new parish councils will mean yet more taxation. There has been but scant reference made to the amount of the precept which would be levied. To many of the electorate the amount of money having to be found to pay the existing crippling council tax makes it necessary to make not inconsiderable sacrifices in their family budgets and to impose yet a further tax could have dire results. The question must be asked to what avail?

At this present time when the economy is in such a fragile state with cuts and redundancies surrounding us the council should take a realistic and responsible view of this proposal and place any decisions in abeyance until such time as it can be afforded.

Yours faithfully

Edgar Curry

P.S. Does Wilmslow really need 15 councillors!!?

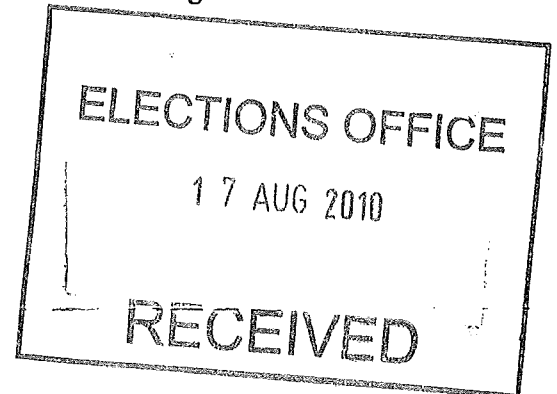
C

Tel: 01625 532435

7 Viewlands Drive
Handforth
Wilmslow
SK9 3BR

14 August 2010

The Elections & Registration Team Manager
Cheshire East Council
Westfields
Sandbach
Cheshire
CW11 1HZ



Dear Sirs

Wilmslow, Handforth & Styal Governance Review

I'm at a loss as to how you think you can proceed with these new town councils - in my view a total vote of 28% does not give you a mandate to proceed - the election criteria was flawed, it should have had a minimum voting return of at least 67% of the total eligible voting population to proceed.

Also, in the current economic climate and the Government's squeeze on public sector spending to even contemplate spending money unnecessarily on such a frivolous project like this is a disgrace.

We do not need an extra tier of local government - it will make not a scrap of difference to any services received, it's just a means of lining a few councillors pockets with exorbitant expenses claims.

Just for the record, I was one of the 28% who did return the voting form, but I certainly did not vote for this proposal.

Yours faithfully



Elaine Davies

cc George Osborne, MP

PARTON, Lindsey

From: Marion Duff [duff415@btinternet.com]
Sent: 18 August 2010 11:53
To: COMMUNITY GOVERNANCE REVIEW
Subject: community team manager sandbach

THE ELECTIONS AND REGISTRATION TEAM MANAGER, CHESHIRE EAST.

As you asked for suggestions for how CEC should use our taxes to create a fairer run society I have sent a short attachment on just that

How new Town Councils organise themselves using our money.

Local paper request

Suggestions

1. Many community halls are in a bad state and need to be modernised, through reducing the greed of Chief executives massive salary.
2. Trees are needed in new housing development, in scrubland, street ends etc (oak, ash, pine, beech etc) to ensure we live with nature, not outside nature. Too little nature develops as N.D.D (NATURE DEFICIT DISORDER) when lots of psychological problems such as depression, anger, short temper, fear and self-harm develop. Create small woodland for children's education, and recreation.
3. Work to integrate the various aspects of community, which at present is fragmented.
 - a. Introduce a volunteer scheme pulling the generations together
 - b. Reduce noise pollution...road use i.e. excessive traffic, poor planning regulations with buildings too close, too big, reducing our personal space...need green cover as a barrier to excessive noise.
4. Councils need to look at how they waste our community taxes money in stupid schemes, expenses, lack of communication between departments etc. We can have a road dug up two three times in one year for water, gas, or anything else when co-ordination of maintenance would be wiser.
5. Litter needs serious consideration. All unemployed people fit and able need to contribute something to the community, young offenders, and the 16-18 age group need to respect and understand how social harmony works.
6. We need a work force, not excessive managers with talk and no action. We need on the beat police, care workers for elderly hospital/school cleaners, nurses, and those key workers going into schools to teach the children about how community works.

We need less red tape putting people off doing anything. We need common sense, practicality, trained skilled trades men, and fairness.

Hope this helps

PARTON, Lindsey

From: JOHN GORDON [johnmoyragordon@btinternet.com]
Sent: 26 August 2010 16:07
To: COMMUNITY GOVERNANCE REVIEW
Subject: wilmslow parish council

Only 1846 votes were cast for a WILMSLOW Town Council !

Who are these potential Town Councillors who can provide a better service ?

I have been retired for 15 years on a fixed pension. I accept inevitably costs rise but to inflict extra expense, in this economic climate, without any assurance there will be a major improvement in services, would be totally unjust especially when the vast majority of residents have not voted for it. I trust Cheshire East will reject this proposal.

John Gordon

PARTON, Lindsey

From: Centre, Call
Sent: 03 September 2010 12:02
To: COMMUNITY GOVERNANCE REVIEW
Subject: Wilmslow Community Governance Review

[Submitted by Anonymous User]

Wilmslow Community Governance Review Feedback Form

Name

Mr M J Beanland

Address

Lacey Green Primary School
Barlow Road
Wilmslow
Cheshire
SK9 4DP

Feedback

The establishment of a Parish Council receives my full support and wish to register this interest.

M J Beanland
Bursar

If you require a copy of this form for your records, please print using your web browser print button before submitting.

PARTON, Lindsey

From: Stuart Redgard [stuart.redgard@mac.com]
Sent: 09 September 2010 01:37
To: COMMUNITY GOVERNANCE REVIEW
Subject: Re: Wilmslow Governance Review Stage 2 - Inadequate Information

Dear Ralph

When can I expect the map

Mr Stuart Redgard

On 27 Aug 2010, at 14:23, COMMUNITY GOVERNANCE REVIEW wrote:

> Dear Mr Redgard
>
> Thank you for your email. Please accept my apologies for the degree
> of detail provided about the review. I appreciate that a more
> detailed map would be useful as you suggest. I have now arranged for
> one to be produced and made available for inspection at Wilmslow
> Library and Macclesfield Town Hall. We will also post one to you.
>
> Any questions please call me on the direct line below
>
> Yours sincerely
>
>
> Ralph Bason
>
> Elections and Electoral Registration
>
> Cheshire East Council
>
> Westfields, Middlewich Road, Sandbach CW11 1HZ
>
> ralph.bason@cheshireeast.gov.uk
>
>
> Tel: 01270 686479
>
>
> www.cheshireeast.gov.uk
>
> -----Original Message-----
> From: Stuart Redgard [mailto:stuart.redgard@mac.com]
> Sent: 26 August 2010 22:40
> To: COMMUNITY GOVERNANCE REVIEW
> Cc: MENLOVE, Rod (Councillor); BARTON, Gary (Councillor); FITZGERALD, Wesley
> (Councillor)
> Subject: Wilmslow Governance Review Stage 2 - Inadequate Information
>
> To whom it may concern.
>
> I wish to lodge a complaint regarding the level of detail provided for
> stage 2 of the the Wilmslow, Handforth and Styal Community Governance
> Review.
>
> Having viewed the information online and finding it inadequate I have
> today made a trip to the Council Offices at Macclesfield Town Hall.
> This trip turned out to be a waste of time as the Customer Services
> Centre were unable to find any more detailed information available and
> were unable to make contact with the "elections and registrations
> department".
>

Highfield
Station Road
Styal
SK9 4JP

10th September 2010

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

Dear Ms Parton

Wilmslow Community Governance Review – 2nd Stage Consultation

On behalf of Styal Village Association, I am writing to you with our input to the 2nd Stage Consultation for the Wilmslow Community Governance Review.

The Committee of SVA is unanimously pleased with the progress so far with the Community Governance Review, and in particular with the decision, agreed by Council in July 2010, that Styal should have its own Parish Council. We are particularly pleased that the democratic wishes of the majority of voters in Styal have been able to be heard so clearly, and we are grateful to you, your team and the Sub-Committee for the way in which the review has been performed.

We have only one comment that we would like to be considered in the second stage consultation, and that is regarding the number of Councillors proposed for Styal Parish Council.

The recommendations of the review we believe indicated that Styal should have 5 Councillors, Handforth 7 Councillors, and Wilmslow 15 Councillors. There would appear to be some logic here in terms of proportionality given the relative size of each Parish area.

However, we are very concerned that this may be very difficult in practical terms for Styal. With only five Councillors, it would not take very much for two to be unable to attend for business or personal reasons and one to be unwell, leaving the council presumably inquorate. Whilst we accept that it is not of direct relevance, if we look at the makeup of Styal Village Association, the majority of elected members are not retired and have many other demands on their time.

We also note that whilst five Councillors is the legal minimum under the Local Government Act 1972, the National Association of Local Councils (NALC) recommend that the minimum number of Councillors for any parish should be seven, presumably for some of the reasons we have outlined.

It would be a great pity if, after following a new process so carefully as part of this Community Governance Review, we end up with a solution which those with the greatest experience in this area would recognise as sub-optimal.

We therefore would like to strongly request that the Committee reconsider the number of Councillors that Styal Parish Council will have, and follow the NALC guidance to allow Styal to have seven Councillors. We would like to think that such a decision would have little impact outside of Styal, could make quite a difference to the initial workings of the embryonic Parish Council, and has the advantage of being in line with current best practice.

We hope the Committee is able to take this request into account.

Yours sincerely

Steve Dempsey
Styal Village Association

Cc: Ian Jones Styal Village Association Chairman

BASON, Ralph

From: Jon.Bottomley@manairport.co.uk
Sent: 15 September 2010 10:44
To: COMMUNITY GOVERNANCE REVIEW
Subject: WILMSLOW COMMUNITY GOVERNANCE REVIEW

Thank you for updating us on progress with the review of governance arrangements in Wilmslow, Handforth and Styal.

We responded to your earlier consultation and we have nothing further to add to our letter of 2 June 2010.

Jon Bottomley
Group Planning Manager
The Manchester Airport Group

(t) 0161 489 3751
(f) 0161 489 3812
jon.bottomley@manairport.co.uk
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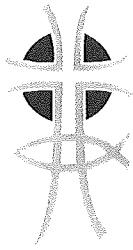
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The Church In Wilmslow



Wilmslow United Reformed Church

in covenant with
Wilmslow Methodist Church

September 10th 2010

Dear Mrs Parton

Wilmslow Community Governance Review

I am responding on behalf of the Trustees and Elders of Wilmslow United Reformed Church as part of the Stage 2 Consultation on the Wilmslow Community Governance Review.

We note the results of the Stage 1 Consultation and the detailed proposals which have emerged to establish parish councils to represent Wilmslow, Handforth and Styal. We remain of the opinion that a single council would be the better arrangement and less bureaucratic but recognize that the electors have expressed the opposite view.

We were surprised to learn that individual households were not to be circulated with information on Stage 2 but reliant on notices in the local press – our experience is that this is not an effective method of communication (although it is obviously less expensive than a mail-drop).

We will support the council when it is established but trust that the nomination process encourages local representation and is not weighted in favour of the major political parties.

Please keep us informed of further developments in this process.

Yours sincerely

M H Williams
Elder

Mrs Lindsey Parton
Elections and Registrations Team Manager
Cheshire East Council
Sandbach
Cheshire CW11 1HZ

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010

Made [December 2010]

Coming into force in accordance with article 1(2).

Cheshire East Borough Council ("the Council"), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has undertaken a community governance review and made recommendations dated December 2010.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010.

(2) Subject to paragraph (3) below, this Order comes into force on 1st April 2011.

(3) Articles 6, 7 and 8 shall come into force on the ordinary day of election of councillors in 2011.

Interpretation

2. In this Order—

"borough" means the borough of Cheshire East

"existing" means existing on the date this Order is made;

"map" means the map marked "Map referred to in the Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010" and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number

"new parishes" means the parishes constituted by article 4

"ordinary day of election of councillors" has the meaning given by section 37 of the Representation of the People Act 1983 and

"electoral registration officer" means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of new parishes

- 4.(1) Three new parishes, comprising the areas outlined on the map, shall be constituted within the borough.
- (2) The names of the new parishes shall be:
- Wilmslow (area shaded grey on the map)
 - Handforth (area shaded blue on the map)
 - Styal (area shaded red on the map)

Parish Councils

5. (1) There shall be a parish council for each of the parishes of Wilmslow, Handforth and Styal.
- (2) The name of those councils shall be “The Parish Council of Wilmslow”, “The Parish Council of Handforth” and “The Parish Council of Styal” respectively.

Election for the parishes of Wilmslow, Handforth and Styal

6. (1) The election of all parish councillors for the parishes of Wilmslow, Handforth and Styal shall be held simultaneously on the ordinary day of election of councillors in 2011.
- (2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2011 for the parishes of Wilmslow, Handforth and Styal shall be four years until 2015 and thereafter coincide with the ordinary day of election of parish councillors every four years in accordance with s.16 (3) of the Local Government Act 1972.

Number of parish councillors

7. The number of councillors to be elected for each of the new parish Councils shall be as follows:
- (1) Wilmslow – 15
 - (2) Handforth – 7
 - (3) Styal - 7

Wards of the new parishes of Wilmslow and Handforth and numbers of parish councillors

8. (1) The Parish of Wilmslow shall be divided into four wards which shall be named: Wilmslow West Parish Ward; Lacey Green Parish Ward; Dean Row Parish Ward and Wilmslow East Parish Ward.
- (2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by green lines.
- (3) The number of councillors to be elected for each ward is as follows:
- Wilmslow West Parish Ward shall be 5
 - Lacey Green Parish Ward shall be 2
 - Dean Row Parish Ward shall be 4
 - Wilmslow East Parish Ward shall be 4

- (4) The Parish of Handforth shall be divided into three wards which shall be named:
Handforth West Parish Ward; Handforth East Parish Ward and Handforth South Parish Ward.
- (5) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by yellow lines.
- (6) The number of councillors to be elected for each ward is as follows:
- Handforth West Parish Ward shall be 3
 - Handforth East Parish Ward shall be 2
 - Handforth South Parish Ward shall be 2

Annual meeting of parish councils

9. The annual meeting of the new parish councils in 2011 shall be convened by the Chief Executive of Cheshire East Borough Council. The meeting for each of the new parish councils shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Calculation of Budget Requirement

10. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, the following sums are specified for each of the new parishes:

- (1) Wilmslow - £375,000
- (2) Handforth - £85,000
- (3) Styal - £6000

Electoral register

11. The Electoral Registration Officer for the borough shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Order date

12. 1st April 2011 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the [] day of [December 2010].

Borough Solicitor

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Cheshire East Borough council for the creation of a council for each of the parishes of Wilmslow, Handforth and Styal within the borough of Cheshire East.

The three new parishes will be created with effect from 1 April 2011. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2011.

Article 6 provides for parish elections in the parishes of Wilmslow, Handforth and Styal in 2011, and then to continue according to the established system of parish elections every four years.

Article 7 specifies the numbers of parish councillors for each of the new parishes.

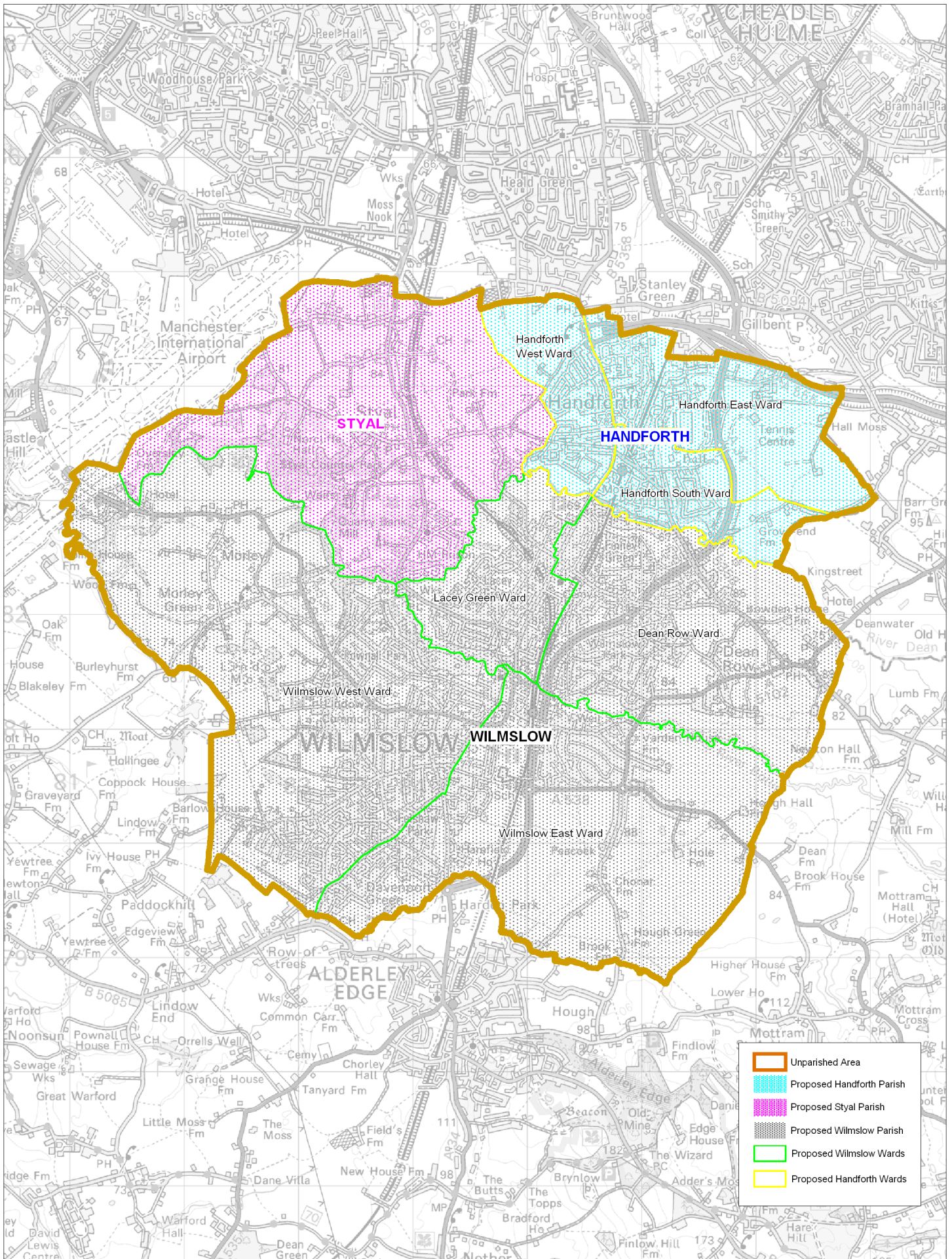
Article 8 and the map establish the names and areas of the wards of the new parishes of Wilmslow and Handforth and the numbers of councillors for each ward. The new parish of Styal is not warded.

Article 10 specifies the amount of the initial precept for each of the new parishes to be applied in the 2011 – 12 financial year.

Article 11 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the areas comprising the three new parishes of Wilmslow, Handforth and Styal and the wards of the parishes of Wilmslow and Handforth. It is available for inspection, at all reasonable times, at the offices of Cheshire East Borough Council.

Map referred to in the Cheshire East Borough Council (Reorganisation of Community Governance) Order 2010



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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 15th December 2010
Report of: Democratic Services Manager
Subject/Title: Outcome of Member Consultation: Vehicle Mileage Rates

1.0 Report Summary

- 1.1 The Independent Remuneration Panel had been asked to consider making a recommendation to Council upon the level of allowances currently paid in respect of Member mileage. This report outlines the conclusion of the Panel based on comments received following a consultation exercise with Members of Cheshire East Council.

2.0 Recommendation

- 2.1 The Constitution Committee is invited to make a recommendation to Council in response to the views of the Panel.

3.0 Reasons for Recommendations

- 3.1 The Panel has given consideration to the request, but is reluctant to reach a firm conclusion upon the appropriate level of mileage allowance for Members for the purpose of fulfilling the Council's budgetary objectives.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 An agreement to amend the rate of Allowances payable to Members will require an alteration to be made to the Cheshire East Council's Scheme of Members' Allowances 2010/2011.

7.0 Financial Implications

- 7.1 A recommendation to reduce the mileage rates currently payable to elected Members would bring about budgetary savings. The changes proposed therefore, would not incur any additional cost to the budget.

8.0 Legal Implications

- 8.1 The Council is empowered to pay a range of Allowances to its Members in respect of their roles and responsibilities but must, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, appoint an Independent Remuneration Panel to offer advice and make recommendations on the Members' Allowances Scheme to Council. The report contains the advice from the Panel.

9.0 Risk Management

- 9.1 Consideration of the report enables the Council to comply with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003.

10.0 Background

- 10.1 To inform its 2010 review of Cheshire East Council's Scheme of Members' Allowances, the Independent Remuneration Panel ('the Panel') commissioned an online survey of Councillors to establish how much time elected Members were spending on Council business.
- 10.2 The Survey, which was launched on 2 November 2010, ran until 30 November 2010, the results from which are to be submitted to the Panel for consideration. Notwithstanding this, the Panel was asked to consider one element of the Scheme urgently in light of the need to identify potential savings across the authority.
- 10.3 On Monday 1st November 2010, the elected Members of Cheshire East Council were consulted on the following suggestion; that there should be one flat-rate mileage allowance payable to Members of the Council whilst undertaking Council business. The rate proposed was 40p per mile for the use of cars, irrespective of the engine capacity of the vehicle in question. There was no suggestion that any changes should be made to the Allowances Scheme in respect of other modes of transport.

11.0 Conclusion

- 11.1 The Panel has given consideration to the request, but is reluctant to reach a firm conclusion upon the appropriate level of mileage allowance for Members, solely to fulfil the Council's budgetary objectives.

- 11.2 However, after considering the responses received from elected Members, the Panel does not have any strong objection to the proposal of a flat mileage rate of 40 pence per mile in respect of travel by car on official Council business, provided there is a mechanism for exceptions for disabled persons or other special situations where higher costs can be justified.

12.0 Access to Information

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

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