

Community Governance Review Sub-Committee Agenda

Date: Tuesday, 4th September, 2012
Time: 2.00 pm
Venue: East Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary 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 or person presiding 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 - 6)

To approve the minutes of the meeting held on 18th July 2012.

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

5. **Crewe Community Governance Review** (Pages 7 - 12)

The Sub-Committee is asked:

1. to consider the draft budget and precept for the first year of the parish council (attached);
2. to consider the draft order (attached);
3. to determine its final recommendations to the Constitution Committee, including the composition and warding of the new parish council and the position with the unparished part of Leighton; and
4. to seek authority for the Sub-Committee to undertake all necessary actions in preparation for the new parish council.

6. **Macclesfield Community Governance Review** (Pages 13 - 14)

The Sub-Committee is asked to consider a revised project plan for Stage 1 of the review (attached).

7. **Exclusion of the Press and Public**

The report relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

8. **Crewe Community Governance Review** (Pages 15 - 24)

The Sub-Committee is asked to consider the latest legal advice received from Counsel and its implications (attached).

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Community Governance Review Sub-Committee
held on Wednesday, 18th July, 2012 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor D Marren (Chairman)
Councillor P Groves (Vice-Chairman)

Councillors J Jackson, B Murphy and P Whiteley

Absent

Councillor G Baxendale

In attendance

Councillor M Grant

Officers

Lindsey Parton, Registration Service and Business Manager
Mike Flynn, Community Governance Advisor
Chris Allman, Corporate Improvement Project Advisor
Rose Hignett, Senior Electoral Services Officer
Jamie Oliver, Communications Officer
James Morley, Democratic Services Officer

45 DECLARATIONS OF INTEREST

Councillor Janet Jackson declared a personal interest as a Member of the Macclesfield Charter Trustees.

Councillor Brendan Murphy declared a personal interest as a Member of the Macclesfield Charter Trustees.

46 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public who wished to address the Committee.

47 MINUTES OF PREVIOUS MEETING**RESOLVED**

- (1) That the minutes of the meeting on the 27th April be approved as a correct record.

- (2) That Councillor J Jackson's abstention from voting on the minutes of the previous meeting be noted.

48 CREWE COMMUNITY GOVERNANCE REVIEW - OUTCOME OF CONSULTATION

The Sub-Committee gave consideration to a report on the outcomes of the third stage of consultation for the Crewe Community Governance Review including the result of the ballot of electors in the unparished part of the Borough ward of Leighton.

The Registration Service and Business Manager presented the report. The report set out the review process so far including the results from the second stage of consultation and draft recommendations proposed by Council on 16th May 2012. Consultation was carried out on these proposals as well as a ballot of electors in the unparished part of Leighton Borough ward who were asked whether they wished to be part of the existing Minshull Vernon & District Parish Council or the new Crewe town council. The Sub-Committee received 8 responses to the third stage of consultation. The results of the ballot and copies of the representations received were appended to the report.

The results of the ballot of electors in unparished part of Leighton showed that 85% of respondents were in favour of being part of Minshull Vernon and District Parish Council.

The Sub-Committee gave consideration to the responses received. The majority of responses commented on the proposed wards for the parish and the number of councillors that would be elected to the parish council. The Sub-Committee agreed that a recommendation to Council on the warding arrangements and number of councillors should be made by the Constitution Committee.

The next phase of the review was to draft a formal Order for the establishment of a parish council for Crewe based on the recommendations of the review. The Order was to be formally made by Council in October 2012. Officers were asked to give consideration to a draft of the Order and present it to the Sub-Committee at a future meeting.

RESOLVED

- (1) That the report and responses to stage 3 consultation of the Crewe Community Governance Review be noted.
- (2) That, having considered the results of the ballot of electors in the unparished part of the Borough ward of Leighton, the Sub-Committee recommend to the Constitution Committee that the unparished part of the Borough ward of Leighton be included as part of the Leighton Urban ward of Minshull Vernon & District Parish

Council.

- (3) That a decision on recommendations to Council on the warding arrangements and number of parish councillors for Crewe be deferred to the Constitution Committee.
- (4) That officers be commissioned to carry out work on the drafting of a Reorganisation Order.

49 CREWE COMMUNITY GOVERNANCE REVIEW - DEVELOPING A BUDGET AND TRANSFER OF ASSETS

The Sub-Committee discussed the work required from the Sub-Committee in determining the budget for the parish council's first year of operation. Part of the Reorganisation Order made by Council for the formation of a town council for Crewe would need to include a budget for the first year of operation and precept to be paid by residents of the parish. The Order would also include any assets to be transferred to the parish council from the Borough Council (Cheshire East Council).

The Sub-Committee agreed that the budget needed by the parish council would depend on the level of activity expected and the value and cost of assets to be transferred to the parish council. Consideration was given to the types of assets that may be transferred to the parish council such as public toilets and allotments which are assets which have typically been transferred to town and parish councils in other parts of the Borough. Consideration was also given to the possibility of transferring specific assets relevant to Crewe such as the Market Hall, Lyceum Theatre and Queens Park.

A Special Expenses Levy was a charge made by the Borough Council to residents in an area who benefit from a particular asset (e.g. leisure centre/park) provided by the Borough Council. The purpose of this was to ensure that local people benefiting from an asset were paying for it as opposed to all residents of a Borough covering the cost as part of Council Tax. It was suggested that if a special expenses levy was going to be applied by the Borough Council to an asset then it may be beneficial to residents for the local parish council to receive the asset from the Borough Council and charge a precept to residents to fund the asset. In this case the local residents would still be covering the cost however would have more say in the operation of the asset at a local level.

It was unclear what types of assets could be included in a reorganisation order and which would require negotiation with the parish council once formed and handed over to elected parish councillors. The Sub-Committee required officers to give legal and financial advice on plans and proposals regarding assets.

There seemed to be a consensus that £50-£60 as a precept seemed reasonable when compared to precepts in existing parish councils and

considering the potential needs of the Crewe town council. The Sub-Committee agreed that once a budget and precept is proposed by Cheshire East Council it will be necessary to communicate this to residents effectively to explain the reasons for the budget and precept chosen.

RESOLVED

That officers be requested to consider what assets could be transferred to the new town council including the implications on budget requirement so that a budget and precept for 2013/14 can be identified for inclusion in the draft Reorganisation Order. Consideration would need to be given to the effect special expense levies would have on council tax bills for residents of Crewe.

50 COMMUNITY TRUSTS

Item 8 on Community Trusts was moved to Item 6 of the Agenda.

There had been confusion among Councillors, members of the public and Officers about the possibility of a community trust being set up to receive assets and deliver services particularly as part of the options for the Macclesfield Community Governance Review. Clarification had been sought by Councillors from Officers about any powers under legislation that Cheshire East Council had in setting up such a Trust.

Officers confirmed that legal advice had been sought and would report their findings to the Sub-Committee in due course.

51 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

The Sub-Committee gave consideration to the proposed project plan for Stage 1 of the consultation for the Macclesfield Community Governance Review including proposed arrangements for public meetings to be held.

A decision had originally been made to fast track the review for Macclesfield to complete the review and produce an Order in time for the February 2013 meeting of Full Council so that if a Parish Council for Macclesfield was recommended it could be created in April 2013. Public meetings for the review had been planned for August during school summer holidays. The Sub-Committee believed that the Council may receive criticism for this due to many members of the public taking vacations during August and being unable to attend the meetings.

This was now considered to be an unrealistic timescale and in order to complete a robust and comprehensive review it was agreed that a new project plan would be needed. The Sub-Committee agreed that lessons needed to be learned and absorbed from the Crewe Community Governance Review and put into practice during the Macclesfield Review.

Officers would be given more time to develop the literature for Stage 1 of the review and public meetings could be held once the school summer holidays had ended.

It was originally proposed that two public meetings would be held at Macclesfield Town Hall. It was suggested that several meetings should be held in various locations around the unparished area to improve publicity and coverage of the review.

It was noted that, unlike the Crewe Community Governance Review, there was no requirement for the Macclesfield Community Governance Review to be completed within a period of 12 months as the 12 month deadline only applied to reviews that had been carried out as a result of a petition.

RESOLVED

That the proposed project plan illustrated in the Agenda be rejected and officers be requested to return to the Sub-Committee with a revised longer term project plan for stage 1 of the review at the next meeting.

52 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - STAGE 1 CONSULTATION

The Item on Macclesfield Community Governance Review – Stage 1 Consultation was deferred to a later meeting due to the rejection of the project plan for the Macclesfield Community Governance Review during the previous item.

53 DATE OF NEXT MEETING

The Sub-Committee discussed possible dates for the next meeting.

RESOLVED

- (1) That the next meeting of the Sub-Committee be held on Wednesday 8th August 2012 at 9am.
- (2) That a tentative date of Wednesday 29th August at 9am be held for the subsequent meeting of the Sub-Committee.

The meeting commenced at 10.04 am and concluded at 11.35 am

Councillor D Marren (Chairman)

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Draft Budget Year 1 - Crewe Town Council (v.3)

Budget Head	Detail	Amount	Remarks
Staff	Salary (Town Clerk)	£41,616	Full time, Profile of LC3 (SCP 49), depending on qualifications and experience
	Salary (Deputy TC/Ops Offr)	£13,755	Need for this post and hours/week depend on tasks generated by devolved assets/services (assume 20 hours), Profile LC2 (SCP 30 (£25,472 pro rata) depending on qualifications and exp'ce
	Salary (Bookkeeping)	£4,638	Part-time 10 hours/week SCP 18
	Salary (Admin/Mayor's Sec'y)	£16,830	Full time, SCP 17
	Pension	£13,062	If the council wish to offer participation in the Local Government Pension scheme to four staff, this is based on approximately 17% of salaries. Amount calculated using above figures
	Advertising & recruitment	£1,000	Likely to be required for first year only
	Stationery etc.	£4,000	This is to cover the costs of stationery, printing, photocopying and postage, eg. printing & distribution of Newsletters, but also includes books that provide necessary information for running a local council, eg. <i>Local Council Administration by C. Arnold-Baker @ £70.00</i> , hence is likely to be lower in future years
Office costs	Rent, rates	£7,000	An office will be required to accommodate both the Clerk and administration
	Energy costs	£2,000	Includes a first year budget for purchasing equipment if necessary (the premises may already have central heating installed, hence this could be less)
	Telephone incl Broadband	£1,000	This includes equipment and initial setup costs and is likely to be lower in future years
	Furniture	£3,000	Amount will increase as more staff are employed.
	PC/Printers	£6,000	Desktop PCs are required for the office and a laptop for the clerk, plus a photocopier/printer capable of producing quality documents. Costs are likely to be lower in future years.
Statutory	Insurance	£3,000	Public/Employer Liability and Fidelity. Plus assets when devolved.
	Audit Fee	£2,500	Internal & External auditor costs
Council costs	Meeting room hire	£2,600	Based upon £100 per meeting [current cost to another CEC Town Council] and 26 meetings (12 full council and three committees - Planning meeting 6 times per year, Finance and one other meeting four times per year). It should be noted that it is possible for Local Councils to meet in schools at cost, ie. heat, light, caretaker wages. However the council is likely to wish to establish its own identity as soon as possible.
	Training	£2,000	Training will be required for both staff and councillors and is available from the ChALC County Training Partnership
	Chairman/Mayor's allowance	£2,500	There are additional costs associated with representing the council and this is usually recognised in a small allowance. This figure excludes mileage or other transport costs.
	ChALC Affiliation Fee	£1,225	Fee 2012/13
Miscellaneous	General grant	£100,000	Includes provision for the council to spend money to exercise all/any of its powers to benefit the community. Crewe TC may wish to qualify to exercise the General Power of Competence (Localism Act 2011) after having recruited a suitably qualified clerk. Most Local Councils also provide a Grants Scheme for community groups. LGA72 s.137 permits a council to spend money to benefit its community (or part of it) if the council has no other existing power. Size of expenditure must be commensurate with resulting benefit. The s.137 formula to determine the max. expenditure under this section per year = Tariff (for 2012/13 £6.80) x Electorate = £6.80 x 37705 = £256,394.00. As the council will spend time in Year 1 setting itself up, including establishment of requisite procedures, eg. Standing Orders, Financial Regulations, its total expenditure in Year 1 may be unrealistically low compared with its needs in Years 2 onwards. **see below
	Councillors' allowances	£4,500	Based on Independent County Remuneration Panel
Elections 2013		£50,000	As this is not a year of ordinary elections
Services	Devolution & local delivery	?	To be determined. Could include cost of TUPE transferred staff, delivery hardware, ie. equipment needed to do the job, delivery software and management overhead, eg. invoicing, contract supervision
Assets	Capital Investment	?	To be determined
Assets	Annual Maintenance	?	To be determined. Could include cost of TUPE transferred staff, eg. reception/ cleaning staff, management overhead, eg. invoicing, taking bookings, but some cost may be defrayed by income, eg. hire of hall to other groups
Total			

***Example: Out of a Year 1 budget of £244,275 Wilmslow Town Council spent c. £85,000 of which c. £25K was staff costs and c. £60K all other expenditure. Source: WTC website. **However**, any unspent precept (budget) carried forward from Yr 1 to Yr 2 helps offset any artificially high rise in the Yr 2 precept. "Artificially" high because of the (often) significant gap in expenditure between the Yr 1 'setting-up' and Yr 2 'fully functioning' Council which does not occur again in the Council's life.

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire East Borough Council (Reorganisation of Community Governance) (Crewe) Order 2012

Made [.... October 2012]

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 after having made recommendations on 16 May 2012 and having undertaken the processes described below, has made a decision dated 11 October 2012 to which this Order gives effect.

In accordance with section 93 of the 2007 Act, the Council 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 and of all other powers enabling it in that behalf.

1. Citation and commencement

- (1) This Order may be cited as the Cheshire East Borough Council (Reorganisation of Community Governance) (Crewe) Order 2012.
- (2) Subject to paragraphs (3) and (4) below, this Order comes into force on the 1st April 2013
- (3) Article 8 and Schedule 1 shall come into force on 4 April 2013
- (4) For the purposes of:
 - (a) this Article
 - (b) Article 10, and
 - (c) Article 12 – and all proceedings preliminary or relating to the election of parish councillors for the parish of Crewe to be held on 4 April 2013,this Order shall come into force on the day after that on which it is made.

2. Interpretation

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 2012” 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 parish” means the parish 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.

3. Effect of Order

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.

4. Constitution of new parish

- (1) With effect from 1 April 2013, a new parish, comprising the area outlined on the map, shall be constituted within the borough.
- (2) The name of the new parish shall be Crewe.

5. Parish Council

- (1) There shall be a parish council for the parish of Crewe.
- (2) The name of that council shall be “The Parish Council of Crewe”.

6. Elections for the parish of Crewe

- (1) Elections of all parish councillors for the parish of Crewe shall be held on 4 April 2013.
- (2) The term of office of every parish councillor elected on 4 April 2013 for the parish of Crewe shall be two 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.

7. Number of parish councillors

The number of councillors to be elected for the new parish Council shall be 16.

8. Wards of the new parish of Crewe and numbers of parish councillors

- (1) The Parish of Crewe shall be divided into six wards which shall be named as set out in column (1) of Schedule 1.
- (2) Each parish ward shall comprise the area of the borough ward in Crewe specified in respect of each ward in column (2) of Schedule 1 and 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 shall be the number specified in column (3) of Schedule 1.

9. Annual meeting of parish council

The annual meeting of the new parish council in 2013 shall be convened by the Chief Executive of Cheshire East Borough Council. The meeting for the new parish council shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

10. Calculation of Budget Requirement

For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, there is specified in relation to the parish of Crewe the sum of £xxxxxx.

11. Transfer of property, rights and liabilities

The land, property, rights and liabilities described in Schedule 2 shall transfer from the borough to the new parish council on the date specified in column (2) of that Schedule.

12. Electoral register

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.

13. Order date

1st April 2013 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 [October 2012].

Borough Solicitor

SCHEDULE 1 (ARTICLE 8)

WARDS OF THE PARISH OF CREWE

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

Column 1 Name of parish Ward	Column 2 Area of Ward	Column 3 Number of parish councillors
St Barnabas	The whole of the borough ward of St Barnabas as shown on the map	2
Crewe Central	The whole of the borough ward of Crewe Central as shown on the map	2
Crewe North	The whole of the borough ward of Crewe North as shown on the map	2
Crewe South	The whole of the borough ward of Crewe South, except for Gresty Brook (Polling District 1GM2), as shown on the map	3
Crewe East	The whole of the borough ward of Crewe East as shown on the map	4
Crewe West	The whole of the borough ward of Crewe West as shown on the map	3

SCHEDULE 2 (ARTICLE 11)

LAND AND PROPERTY TO BE TRANSFERRED

Column 1	Column 2
Land and property to be transferred	Date
????????????????????	??????????

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a decision made by Cheshire East Borough Council for the creation of a new parish and a parish council for Crewe within the borough of Cheshire East.

The new parish will be created with effect from 1 April 2013. The electoral arrangements for the parish council apply in respect of parish elections to be held on 4 April 2013.

Article 6 provides for the first parish elections in the parish of Crewe in 2013, and then in 2015 and every four years thereafter according to the established system of parish elections.

Article 7 specifies the number of parish councillors for the new parish of Crewe.

Article 8 and Schedule 1 establish the names and areas of the wards of the new parish of Crewe (as indicated on the map) and the numbers of councillors for each ward.

Article 10 specifies the amount of the initial precept for the new parish to be applied in the 2013 – 14 financial year.

Article 12 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 area comprising the new parish of Crewe and the wards of the new parish. It is available for inspection, at all reasonable times, at the offices of Cheshire East Borough Council.

MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision-making process	Date
Officer Project Team	Officer Responsible	Community Governance Review Sub Committee meetings	w/c 7 January 2013
Guidance summary Project Plan Map of Review Area Electorate figures Options appraisal (As per Crewe CGR) Prepare consultation leaflet Update Website Electoral arrangements - initial views size/warding Consultation – Full list of consultees and contact details 2 x Public notices prepared for public meetings and for commencement of the Review Arrange public meetings Arrange printing for postal ballot		Consider summary of CGR guidance Approve Review Process / project plan Agree consultation methods Agree list of consultees Identify and evaluate options for the review Formulate Leaflet to consultees and electors Agree arrangements for public meetings	
		Constitution Committee	24 January 2013
Publish Public Notice giving details of public meetings			21/1/2013 – Media Release 28/1/2013 – Public Notice in press <i>(commencing 2 weeks before public meetings held)</i>

MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - PROJECT PLAN

Task/activity		Decision-making process	Date
Public Meetings		Series of meetings held across Unparished Area	w/c 11 February 2013
Further public engagement / publicity co-ordinated with assistance from Communications Team and LSP Manager			February 2012
Publicity for 1 st stage consultation with stakeholders Publish Notice			25/2/2013 <i>(Two weeks before consultation starts)</i>
Comments / submissions invited from interested parties on Options (4 week consultation period)		Consultation Period (stage 1)	11/3/2013 – 1/4/2013
All submissions / comments considered and evaluated. Collate representations			Monday 1/4/2013
		Community Governance Review Sub Committee meeting Consider outcomes from stage 1 consultation Agree Stage 2 Consultation	w/c 15/4/2013

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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