

# **Community Governance Review Sub-Committee Agenda**

---

**Date:** Thursday, 22nd November, 2012  
**Time:** 11.00 am  
**Venue:** West 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.

---

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

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 4<sup>th</sup> September 2012.

5. **Re-Organisation of Community Governance (Crewe) Order 2012 and Mini Review of Electoral Arrangements for the Parish of Leighton** (Pages 7 - 18)

To review the electoral arrangements for the Parish of Leighton, arising from the proposed boundary change to the Leighton Urban Ward.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the  
**Community Governance Review Sub-Committee**  
held on Tuesday, 4th September, 2012 at East Committee Room - Municipal  
Buildings, Earle Street, Crewe, CW1 2BJ

**PRESENT**

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

Councillors D Bebbington (for Cllr Baxendale), S Hogben (for Cllr Jackson)  
and P Whiteley

**In attendance**

Councillor R Cartlidge

**Officers**

Brian Reed, Democratic and Registration Services Manager  
Mike Flynn, Community Governance Adviser  
Julie Openshaw, Deputy Monitoring Officer  
Paul Mountford, Democratic Services Officer  
James Morley, Democratic Services Officer  
Rose Hignett, Senior Electoral Services Officer

**Apologies**

Councillors G Baxendale, J Jackson and B Murphy

**54 DECLARATIONS OF INTEREST**

Councillors D Bebbington, R Cartlidge and S Hogben declared non-pecuniary interests as Crewe Charter Trustees.

Councillors Cartlidge and Hogben also declared disclosable pecuniary interests as holders of allotments in the unparished part of Crewe and signalled their intention to leave the meeting when the matter of allotments was considered.

**55 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**56 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting of 18<sup>th</sup> July 2012 be approved as a correct record.

**57 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW**

The Sub-Committee considered a revised project plan and timetable for the Macclesfield community governance review.

Councillor Murphy, who had been unable to attend the meeting, had indicated that he had no particular comments to make on the project plan.

**RESOLVED**

That the revised project plan for the Macclesfield community governance review be approved.

**58 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

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.

**59 CREWE COMMUNITY GOVERNANCE REVIEW**

The Sub-Committee considered the further advice of counsel relating specifically to the transfer of assets and services to the proposed Crewe parish council.

The Local Government and Public Involvement in Health Act 2007 gave a principal council the power to include within a reorganisation order provisions for the transfer of assets and functions to a new parish council. However, such powers had to be exercised rationally, taking into account all relevant considerations such as the parish council's ability and willingness to manage an asset or provide a service.

Counsel had also commented in particular on the transfer of allotments and public conveniences. It was counsel's view that Cheshire East Council would be required to transfer any allotments it held to the new parish council and to make provision for their administration in the budget for the new council. The position in relation to the transfer of public conveniences was different and the Council would have to make a decision on whether it would be reasonable to make such a transfer. In so doing, the Council would need to take into account the condition and maintenance costs of conveniences.

Having considered the advice of counsel, the Sub-Committee proceeded to consider the implications for the transfer of assets and in particular public conveniences and allotments.

It was noted that the public conveniences in Lyceum Square, Crewe were fairly new and in a good state of repair. It was suggested that these toilets could be transferred on the basis that Cheshire East Council remained responsible for their management for an initial period of three months.

**RESOLVED**

That it be recommended that the public conveniences in Lyceum Square, Crewe be transferred to the new parish council with effect from 1<sup>st</sup> April 2013 but Cheshire East Council continue to manage the facilities for the first three months; a sum of £30,000 be included in the budget for the first year of the parish council to cover the cost of managing these assets.

At this point, Councillors Cartlidge and Hogben, having declared disclosable pecuniary interests as allotment holders earlier in the meeting, left the meeting.

Members noted the legal advice that allotments must transfer to the new parish council. Members felt however that there was a need to protect the future use of the sites which could be done by transferring the leasehold only.

**RESOLVED**

That it be recommended that the allotments within the unparished part of Crewe be transferred to the new parish council with effect from 1<sup>st</sup> April 2013 on the basis of a 150 year lease; a sum of £30,000 be included in the budget for the first year of the parish council to cover the cost of managing these assets.

In taking this decision, and whilst acknowledging the need to comply with the requirements of the new Member Code of Conduct, the Members present, all being Conservative, expressed concern that the two Labour Members at the meeting had been excluded during the consideration of the allotments and the decision taken thereon.

At the conclusion of the Sub-Committee's consideration of this matter, the Chairman invited Councillors Cartlidge and Hogben to return to the meeting, which they did.

**60 PUBLIC AND PRESS RE-ADMITTED**

**RESOLVED**

That the Sub-Committee return to the remaining business under Part 1 of the agenda and the public and press be readmitted to the meeting.

## 61 CREWE COMMUNITY GOVERNANCE REVIEW

### Draft Budget

The Sub-Committee considered a draft budget for the first year of the proposed parish council.

In considering this matter, Members asked what would happen with the bank account and assets held by the Crewe Charter Trustees. Officers undertook to investigate and report back.

Members also sought clarification of the precepting mechanism. Subject to further advice from Finance officers, the officers present advised that once the precept had been included in the order, Cheshire East Council would issue the bills to households.

### RESOLVED

That

(1) it be recommended that the draft budget be approved subject to the following amendments:

- (a) the deletion of the budget headings for general grant and councillors' allowances;
- (b) the inclusion of the following additional budget headings and amounts:

Christmas Lights	£30,000
Town Centre Management	£36,000
Floral Displays	£25,000
Councillors' Expenses	£500
Community Grants	£13,000

(2) it be noted that the revised budget will also include the provisions for public conveniences and allotments as approved earlier in the meeting.

This would bring the budget total to £342,000. The Chairman urged Opposition Members present to discuss within their Group whether this amount would be sufficient for the first year of the new parish council.

### Draft Order

The Sub-Committee considered a draft reorganisation order for the unparished part of Crewe.

Officers advised that it may be necessary to include in the order reference to the unparished part of Leighton for which separate arrangements were proposed. Officers had arranged a meeting with representatives of

Minshull Vernon and District Parish Council on 12<sup>th</sup> September to discuss the matter. There was some discussion about whether it would be necessary to hold parish elections in Leighton, given that the 400 or so electors to be added to that parish would not have voted in the parish elections but would presumably be paying a parish precept. Some Members considered this unlikely and that in all likelihood the parish council would co-opt if an additional parish councillor for the enlarged parish was considered necessary.

The Council's Legal Officer at the meeting advised that any decision of the Sub-Committee on the draft order would by implication relate to any relevant assets, including the allotments. Councillors Cartlidge and Hogben, having declared disclosable pecuniary interests as allotments holders earlier in the meeting, left the meeting prior to a decision on this matter.

### **RESOLVED**

That the draft order be recommended for approval subject to the inclusion of reference to the arrangements for the unparished part of Leighton.

Councillors Cartlidge and Hogben were invited to return to the meeting.

### **Councillor and Warding Arrangements**

### **RESOLVED**

That the matter of the number of councillors and distribution of wards within the proposed Crewe parish be left for the Constitution Committee to consider and make recommendations to Council.

### **Preparatory Role for Sub-Committee**

### **RESOLVED**

That the Constitution Committee be recommended to extend the terms of reference of the Community Governance Review Sub-Committee to enable the Sub-Committee to take all necessary actions in preparation for the new Crewe parish council.

The meeting commenced at 2.00 pm and concluded at 3.56 pm

Councillor D Marren (Chairman)

This page is intentionally left blank



## CHESHIRE EAST COUNCIL

### Community Governance Review Sub-Committee

---

<b>Date of Meeting:</b>	22 <sup>nd</sup> November 2012
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Re-Organisation of Community Governance (Crewe) Order 2012 and Mini Review of Electoral Arrangements for the Parish of Leighton
<b>Portfolio Holder:</b>	Councillor P Findlow

---

#### 1.0 Report Summary

- 1.1 Council at its meeting held on 11<sup>th</sup> October 2012 agreed that the draft re-organisation of Community Governance (Crewe) Order 2012 be updated as required and submitted to Council on 13<sup>th</sup> December for approval, following a mini-review of the electoral arrangements for the Parish of Leighton, arising from the proposed boundary change to the Leighton Urban Ward.
- 1.2 Members are asked to give consideration to when elections in the affected ward of the parish should take place and to consider whether the current number of parish Councillors for that ward should be amended.
- 1.3 A copy of the draft re-organisation Order is attached as an appendix. Paragraph 10 of the Order relates to the area of Leighton parish and states:  
  
*"The area of the Leighton parish shall be varied to include within the Leighton Urban Ward of that parish the unparished part of the borough ward of Leighton (polling district 1FJ4) as indicated by the red line on the map."*
- 1.4 The Sub- Committee is asked to give consideration to advice obtained from the Boundary Commission which indicates that it is usual practice, when parish boundary lines are altered, that it is done to co-incide with the parish council elections. In the case of Leighton Parish, 407 electors will be added to the Leighton Urban Ward as a result of the re-organisation order. This means that these electors would be required to pay a parish precept for two years, without having had a vote on who is representing them, as the next ordinary elections are not scheduled until May 2015.
- 1.5 The options are:
  - i) To include paragraph 10 in the re-organisation order as currently worded i.e. that the boundary change be made as stated and elections would not then be held until the ordinary year of election in May 2015;
  - ii) To delete paragraph 10 from the re-organisation order; and defer any boundary changes to the Leighton Parish until 2015, when the ordinary

elections are scheduled. This would require a separate re-organisation to be made in early 2015 to bring this change into effect.

- iii) To insert a new paragraph after paragraph 10 as follows:

**“11. Elections for Leighton Urban Ward of Leighton Parish**

- (1) *elections for all parish councillors for the Leighton Urban Ward (Leighton Parish) shall be held on 4 April 2013;*
- (2) *The term of office of every parish councillor elected on 4 April 2013 for the Leighton Urban Ward of Leighton Parish shall be two years until 2015 and thereafter co-incide with the ordinary day of election of parish councillors every four years in accordance with s16(3) of the Local Government Act 1972.”*

- 1.6 There are 8 seats for the Leighton Urban Ward (Leighton Parish) only 3 of which were filled by election on 5 May 2011. There are 4 seats currently vacant. The Grouped Parish Council has 22 seats in total. The current electoral arrangements for the Minshull Vernon and District Parish Council are as follows:

Parish	Electorate	No of Seats	Elector to Councillor Ratio
Leighton Urban Ward (Leighton Parish)	3677	8	460
Leighton Rural Ward (Leighton Parish)	79	3	26
Minshull Vernon	195	7	28
Woolstanwood	596	4	149

- 1.7 The table below shows the addition of the 107 electors on the Leighton Urban ward and the effect on the elector to councillor ratio which increases from 460 to 510. The table also shows the effect if an additional councillor was added for the Leighton Urban Ward, which would reduce the elector ratio to 453. Research by the Ashton Business School indicates that for an electorate of upto 10,000 between 9 -16 parish councillors would be the norm.

Parish	Electorate	No of Seats	Elector to Councillor Ratio
Leighton Urban Ward (Leighton Parish)	New electorate 4084	If 8 seats	510
Leighton Urban Ward (Leighton Parish)	New electorate 4084	If 9 seats	453

- 1.8 Minshull Vernon and District Parish Council has been consulted on the proposed boundary change and at a meeting on 12 September 2012 agreed its support of the proposal that the unparished area comprising polling district 1FJ4 form part of the existing Leighton Parish (Leighton Urban ward). In addition on 24<sup>th</sup> September the Parish Council considered the current level of elector representation and the potential impact of 407 additional electors being added as part of the Crewe Community Governance Review. The Grouped Parish Council was of the view that no additional representation, over and above the current 22 parish councillors, was required. Members of the Grouped Parish Council also discussed the possibility of elections in the Leighton Urban Ward in April 2013 and asked the parish clerk to convey their hope that the cost of such an election would not be passed on to the Parish Council, on the basis that the governance review was an initiative by Cheshire East Council and, therefore, it should be the Borough Council which ought to bear the cost. The Parish Council has asked that if the Borough Council is minded to insist that the cost be borne by the Parish Council, the clerk would need to know by the end of December 2012, so that this can be factored into their budget proposals for 2013-2014.
- 1.9 Based on the feedback from the Parish Council, and given the relatively high levels of electoral representation it is proposed that no increase in the number of parish councillors is required.
- 1.10 In respect of the cost of elections, the Council's policy is for Cheshire East Council to fund the cost of parish elections when these are held at the same time as the Ordinary Borough elections. In the case of all other parish elections, the cost is recharged to the parish council concerned. The new Crewe Parish Council will therefore be required to stand the cost of the parish elections on 4 April 2013. The same arrangement would need to apply for Minshull Vernon and District Council if an election was held for the Leighton Urban ward on 4 April 2013. However, the cost is expected to be low, given that it is very unlikely that 8 or more nominations would be received, thereby necessitating a full election. If 8 or less nominations were received, then the candidates would be elected unopposed and polling would not take place.

## **2.0 Recommendations**

- 2.1 The Sub-Committee is asked to recommend to the Constitution Committee the proposed wording of the Re-Organisation order including any amendments deemed necessary for:
- (a) the timing of elections to the Leighton Urban Ward of Leighton Parish; and
  - (b) any changes required to the number of parish councillors for the Leighton Urban Ward of Leighton Parish.

## **3.0 Reasons for Recommendations**

- 3.1 As set out in the report above.

**4.0 Wards Affected**

- 4.1 Wards covering the unparished area of Crewe and the Borough Ward of Leighton.

**5.0 Local Ward Members**

- 5.1 As Above

**6.0 Policy Implications**

- 6.1 The Council's policy is for the cost of parish by elections to be met by the parish councils concerned.

**7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

- 7.1 Financial implications of the community governance review for Crewe have previously been considered by Council on 11 October 2012.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 The review has been conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007

**9.0 Risk Management**

- 9.1 The review has been conducted with due regard to the Government's Guidance on the conduct of Community Governance Reviews.

**10.0 Background and Options**

- 10.1 The background to the review and options are detailed earlier in the report.

**11.0 Access to Information**

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

Name: Mrs Lindsey Parton

Designation: Registration Service and Business Manager

Tel No: 01270 686477

Email: [Lindsey.parton@cheshireeast.gov.uk](mailto:Lindsey.parton@cheshireeast.gov.uk)

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

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

*Made [ ....December 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 11, and
  - (c) Article 13 – 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) (Crewe) 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 in yellow and shaded green 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 “Crewe Parish Council”.

### **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 20.

### **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. Variation to the area of Leighton Parish**

The area of the Leighton parish shall be varied to include within the Leighton Urban ward of that parish the unparished part of the borough ward of Leighton (polling district 1FJ4) as indicated by the red line on the map.

**11. 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 £442,000.

**12. 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.

**13. 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.

**14. 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 [December 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
Crewe 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	4
Crewe East	The whole of the borough ward of Crewe East as shown on the map	6
Crewe West	The whole of the borough ward of Crewe West as shown on the map	4

**SCHEDULE 2 (ARTICLE 12)****LAND AND PROPERTY TO BE TRANSFERRED**

Column 1	Column 2
Land and property to be transferred	Date
Public Conveniences at Lyceum Square, Crewe	1 April 2013
Allotments holdings on the basis of 150 year leases situated at: Alton Street; Brookhouse Drive; Claughton Avenue; Electricity Street; Ford Lane; Henry Street; Hungerford Road; Hulme Street; Manor Way; Ruskin Road; and Walker Street	1 April 2013

**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 provides for a consequential amendment to the area of the Leighton Urban ward of Leighton Parish.

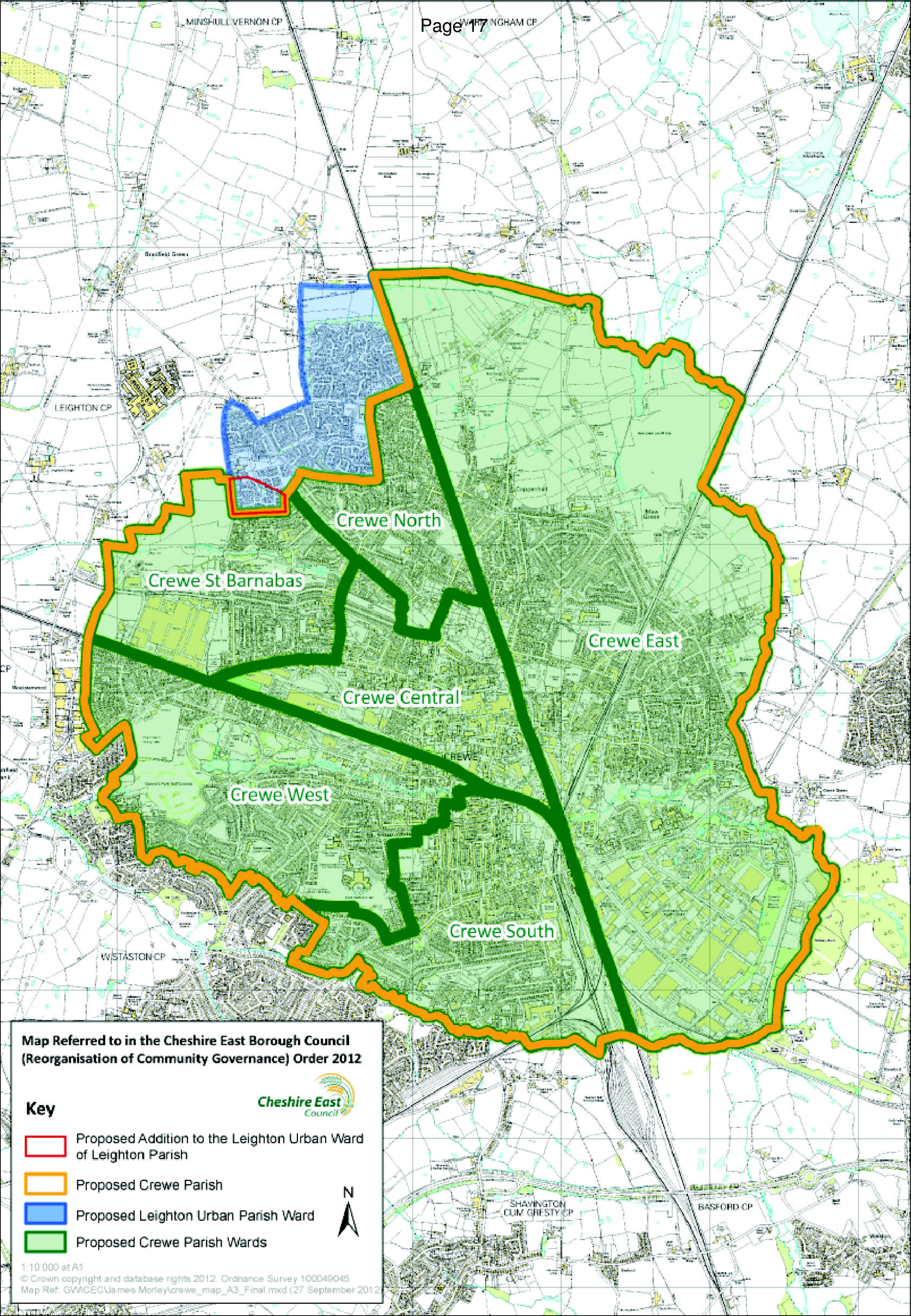
Article 11 specifies the amount of the initial precept for the new parish to be applied in the 2013 – 14 financial year.

Article 13 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, together with the change to the area of the Leighton Urban Ward of the Leighton parish. It is available for inspection, at all reasonable times, at the offices of Cheshire East Borough Council.

This page is intentionally left blank





Map Referred to in the Cheshire East Borough Council  
(Reorganisation of Community Governance) Order 2012



### Key

- Proposed Addition to the Leighton Urban Ward of Leighton Parish
- Proposed Crewe Parish
- Proposed Leighton Urban Parish Ward
- Proposed Crewe Parish Wards





This page is intentionally left blank