

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 18<sup>th</sup> November 2010  
**Report of:** Democratic Services Manager  
**Subject/Title:** Notice of Motion

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### 1.0 Report Summary

- 1.1 At the Council meeting held on 14<sup>th</sup> October 2010, consideration was given to the following Notice of Motion, submitted by Cllr D Flude :-

*“Following the resolution of this Council on 25<sup>th</sup> 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 25<sup>th</sup> January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe”.*

- 1.2 Having considered the above notice of motion, the Council resolved “That the motion stands referred to the Constitution Committee for consideration”.

### 2.0 Recommendation

- 2.1 That the Constitution Committee consider the notice of motion set out above and resolve whether or not to undertake a further Community Governance Review for Crewe.

### 3.0 Wards Affected

- 3.1 All the Wards in the unparished areas of Crewe

### 4.0 Local Ward Members

- 4.1 As above

### 5.0 Policy Implications

- 5.1 None

## **6.0 Financial Implications**

- 6.1 The cost of conducting a further Community Governance Review for the unparished area of Crewe would be approximately £12,000 and would need to be met from within existing budget resources.

## **7.0 Legal Implications**

- 7.1 Community Governance Reviews are conducted under the provisions of the Local Government and Public Involvement in Health Act 2007. With effect from 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 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.
- 7.2 The Guidance on Community Governance Reviews, published jointly by the Government and the Electoral Commission, indicates that where a review has been conducted within the last two years, the principal council still has the power to undertake another review if it so wishes. The duty for the Council to undertake a community governance review in response to the receipt of a petition, however, does not apply if the council has conducted a review within the last two years.
- 7.3 The 2007 Act provides for a principal council to conduct a Community Governance Review at any time. It is suggested good practice for principal authorities to consider conducting a review every 10-15 years.

## **8.0 Risk Management**

- 8.1 Should the Committee determine 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 may receive public criticism for the use of further financial resources for this purpose, particularly in the current financial climate. Also, 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.
- 8.2 Should the Committee decide that a further review is merited at this time, then careful consideration would 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. For example, significant staff resources are already committed to the conduct of the May 2011 elections; the anticipated Government 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 is also still ongoing and may not conclude until February 2011, due to the implications of the Cheshire East Boundary Review.

It is sensible to conduct only one review at a time, which allows for the most efficient use of resources and allows time to incorporate lessons learnt and experience gained into future reviews. The Committee also needs to bear in mind that if a further petition was received in the near future (say from electors in Macclesfield) 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.

## **9.0 Background**

- 9.1 On 30<sup>th</sup> March 2009, Crewe and Nantwich Borough Council received a petition which called for a Community Governance Review and identified recommendations arising from a Review (i.e. that a new parish be constituted and that the new parish should have a council to be known as Crewe Town Council). Following receipt of the petition, the Council had a duty to conduct and complete a Community Governance Review for the area within a period of 12 months from receipt of the petition. The Government Guidance was followed in terms of the conduct of the review, and the final decision was made by Council on 25<sup>th</sup> January, when it was resolved :- “To accept the vote from the people of Crewe and to reject a Town Council for Crewe at this time”.
- 9.2 Rather than conducting Community Governance Reviews in a piecemeal fashion, the Committee may wish to take a more holistic approach by considering the needs of the Borough as a whole. The main areas of the Borough which are unparished ( i.e. the central areas of Crewe, Wilmslow and Macclesfield) may be considered by members as the areas which would perhaps benefit the most from the conduct of a Community Governance Review. A Community Governance Review for Crewe has already been conducted, following the receipt of a petition; and a Community Governance review for Wilmslow is currently being undertaken following receipt of three separate petitions. The Council could determine to conduct a Macclesfield Community Governance Review if it so wished; or could instead respond, under its duty to conduct a review, should a valid petition from electors in Macclesfield be submitted at some point in the future. In summary, it may be helpful for members to consider and prioritise those areas where they feel that community Governance Reviews are required. It may also be helpful to formulate a view on what would constitute a reasonable time period for any Community Governance Review to be repeated in a particular area, should a petition or member request be received. The only reference in the relevant legislation which may help with deliberations is that there is no duty on the Council to conduct a community governance review upon receipt of a petition if the principal council has concluded a previous Community Governance Review within a two year period.

## **10.0 Access to Information**

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

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