

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:

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- 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"