CHESHIRE EAST COUNCIL

COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE

Date of Meeting:	13 March 2012
Report of:	Borough Solicitor
Subject/Title:	Crewe Community Governance Review – Formulating The Council's Draft Recommendation

1. Report Summary

1. This paper provides members with an outline of the process to be followed in conducting this review. It is based on the statutory guidance in respect of the process for creating a new local council 'Guidance on community governance reviews' issued by the Department for Communities and Local Government and the Electoral Commission.

2. Procedure

1. Since February 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements has been devolved from the Secretary of State and the Electoral Commission to principal Councils such as Cheshire East Council.

2. Cheshire East Council can, therefore, decide whether to give effect to the recommendations made arising from the Community Governance Review, provided it takes the views of local people into account.

3. In broad terms the process will follow a number of phases outlined below:
   - Determine viable options for community governance in the area under review.
   - Draw up a Consultation Plan focused on consulting on those viable options.
   - Stage 1 Consultation on the options.
   - Evaluation and analysis of responses.
   - Draft recommendation for the Constitution Committee to consider for recommendation to Council.
   - Draft Proposal advertised
   - Stage 2 Consultation on the Draft Proposal
   - Council decides Outcome of the review.

4.   The key element of the Review is the consultation process. The Sub Committee agreed the list of consultees, method of consultation and the timing of the consultation process.

5.   The consultation process is central to the Review and must include:
   −   Local government electors in the area under review
   −   Local businesses, local public and voluntary organisations, schools, health bodies
   −   Residents and community groups
   −   Area working arrangements.

6.   The initial phase of consultation has been based largely on written representations received in response to public notices, specific invitations, a website tool and information leaflets. Two public meetings were held in September to give members of the public the opportunity to learn more about the review and to express their views in a public forum. As these were poorly attended, further opportunities were subsequently provided to provide information at various community events during November and December 2011. An exhibition display was also located on various days at the Crewe Market, Crewe Library and Delamere House. A communications plan was also developed to support the consultation which comprised of seven press releases, an article in the partnership newsletter, an advert in the programme for a fixture at the Crewe Alexandra Football ground and information on the plasma screens at the customer centre.   A voting paper was also sent to electors in Crewe which were required to be returned by 29 February. The website has also been used as a source of information and as a tool for people to use to record their views. A link has been included on the front page of the website during the course of the consultation period.

3.   Criteria when undertaking a Review

1.   The Council now needs to consider the results of the initial phase of consultation and formulate recommendations ensuring that community governance within the area under review will be
   −   Reflective of the identities and interests of the community in that area
   −   Effective and convenient

2.   Key considerations in meeting the criteria include:
   −   The impact of community governance arrangements on community cohesion
   −   The size, population and boundaries of a local community or parish
   −   Parishes should reflect distinctive and recognisable communities of interest with their own sense of identity
   −   The degree to which the proposals offer a sense of place and identity for all residents
   −   The ability of the proposed authority's ability to deliver quality services economically and efficiently providing users with a democratic voice

– The degree to which a town/ parish council would be viable in terms of a unit of local government providing at least some local services that are convenient, easy to reach and accessible to local people.

4. Recommendations and Decisions on the Review Outcome

1. The guidance requires that recommendations must be made with respect to the following:

   a) Whether a new parish or any new parishes should be constituted

   b) The name of any new parish

   c) Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)

   d) What the electoral arrangements for new parishes which are to have parish councils should be

2. These recommendations must have regard to:
   – The need to ensure that community governance reflects the identities and interests of the community in the area and is effective and convenient
   – Any other arrangements that have already been made for the purposes of community representation or engagement
   – Any representations received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.

3. It should be noted that Cheshire East Council can only establish a parish council, but could recommend that it should be given the title of a Town Council. The decision whether to be called a Town Council or not would be one for any new parish council established to consider and determine.

5. Electoral Arrangements

1. The Review must give consideration to the electoral arrangements that should apply in the event that a parish council is established. In particular the following must be considered:

   a) <u>The ordinary year of election</u> – if a single parish council were established, the elections would take place every four years. The next scheduled parish council elections are in May 2015. Should a decision be made to establish a parish council before that date, Councillors would be elected on the same basis as a by-election i.e. their term of office would expire in May 2015, rather than being in office for a full four year term.

b) The Council can also consider whether to put a "temporary parish council" in place for a period of time before elections are held. The authority can choose anybody it wants to sit on the body and   usually   it will appoint at least one ward councillor. Temporary parish councils have all the legal powers of an elected parish council, so they can appoint a clerk or other staff, exercise powers and provide services. In the case of a decision being made to hold elections relatively quickly, councils would not normally deem it necessary to put such temporary arrangements in place.

c) <u>Council size</u> – the number of councillors to be elected to the parish

d) <u>Parish warding</u> – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards. In considering whether to recommend that a parish should or should not be warded, the council should consider:-

- whether the number or distribution of electors would make a single election of councillors impractical or inconvenient;
- whether it is desirable that any area of the parish should be separately represented on the council

If the Council decides to recommend wards – in considering the size and boundaries of the wards and the number of Councillors for the wards it must have regard to the following factors:

i) the number of electors for the parish
ii) any change in number / distribution of electors likely to occur in period of 5 years
iii) desirability of fixing boundaries which will remain easily identifiable
iv) any local ties which will be broken by the fixing of any particular boundaries

6. Council Size

1. The Local Government Act 1972 Act specifies that each parish council must have at least 5 members; there is no maximum number. There are no rules relating to the allocation of those Councillors between parish wards.

2. There is a wide variation of council size between parish councils. Research in 1992 has shown this is influenced by population:

   - Between 2501 and 10,000 population had 9 to 16 councillors
   - Between 10,001 and 20,000 population had 13 to 37 councillors
   - Almost all over 20,000 population had between 13 and 31 councillors.

3. The National Association of Local Councils suggests that the minimum number of councillors for any parish should be 7 and the maximum 25.

4.   Each area should be considered on its own merits, having regard to population, geography and patterns of communities. Principal councils should bear in mind that the conduct of parish business does not usually require a large body of councillors. However, a parish council's budget and planned level of service provision may be important factors in reaching a decision on Council size.

7.   Parish warding and names of wards

1.   There is likely to be a stronger case for the warding of urban areas. In urban areas community identity tends to focus upon a locality, with its own sense of identity. In terms of naming parish wards consideration should be given to existing local or historic places, so that these are reflected where appropriate. The Council should take account of community identity and interests and consider whether any ties or linkages would be broken by the drawing of particular ward boundaries.
Also, when considering ward boundaries the Council should consider the desirability of fixing boundaries which will remain easily identifiable.

8.   Number of Councillors to be elected for parish wards

1.   If the council decides that a parish should be warded, it should give consideration to the levels of representation between each ward. It is best practice for each persons vote should be of equal weight as far as possible.

9.   Other forms of Community Governance

1.   In conducting the Community Governance Review, the Council must consider other forms of community governance as alternatives to establishing parish councils, for example:

1. Area Committees
2. Neighbourhood management
3. Tenant Management Organisations
4. Area/ community forums
5. Residents/ Tenants organisations
6. Community Associations

The Sub Committee has included these options as part of the consultation process and no support has been demonstrated for any of these alternative options. The Sub Committee also received a report from the LAP Manager in September 2011 on existing community governance arrangements in Crewe.

10.   RECOMMENDATION

In summary, in forming a draft recommendation for the Community Governance Review, the Sub Committee needs to have regard to all representations received, and consider and recommend to the Constitution Committee:

a. Any forms of community governance as alternatives to establishing parish councils, for example:

- Area Committees
- Neighbourhood management
- Tenant Management Organisations
- Area/ community forums
- Residents/ Tenants organisations
- Community Associations

b. Whether a new parish or any new parishes should be constituted
c. The name of any new parish or parishes
d. Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
e. Whether the parish should have an alternative Style e.g. Community, Neighbourhood, or Village; or whether the status of Town Council should be recommended
f. What the electoral arrangements for new parishes which are to have parish councils should be
g. The ordinary year of election
h. Council size – the number of councillors to be elected to the parish
i. Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards.

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