

## **ANNUAL COUNCIL MEETING – 16<sup>TH</sup> MAY 2012**

### **Extract from the Minutes of the Constitution Committee Meeting on 11<sup>th</sup> May 2012**

#### **62. COMMUNITY GOVERNANCE REVIEWS**

##### **1. Crewe**

At its meeting on 22<sup>nd</sup> March 2012, the Committee had recommended to Council that:

- a Crewe Parish Council should be created;
- there should be 16 members representing 6 wards mirroring the Borough Wards;
- the electors from the unparished part of Leighton Borough Ward should be asked whether they would prefer to be included in the proposed parish of Crewe or the existing parish of Leighton; and
- elections should take place as soon as practicably possible.

Council at its meeting on 19<sup>th</sup> April 2012 had deferred consideration of the recommendations of the Constitution Committee on the draft recommendation for the Crewe Community Governance Review in order that advice received from Counsel on some aspects of the Review could be taken into consideration.

The matter was considered further by the Community Governance Review Sub-Committee on 27<sup>th</sup> April 2012 in the light of advice received from Counsel which in summary was as follows:

1. Any reorganisation order should take effect on 1<sup>st</sup> April in any year, including 1<sup>st</sup> April 2013. The Order should ideally be made by 15<sup>th</sup> October 2012 but no later than 39 days before the election.
2. The Parish Council itself would not come into being until elections following the taking effect of the Order.
3. There was no such legal entity as a “temporary parish council”.
4. There was no power to set up a transitional body for a long period of time, exercising significant powers and taking decisions which would bind the new parish council.
5. Combining parish council elections with Police and Crime Commissioner elections would seem to be administratively complex.

Having considered the advice of Counsel, the Sub-Committee confirmed its support for the original recommendations of the Constitution Committee to Council but asked that further consideration be given to budgetary and

precepting arrangements and to the transitional arrangements for the period leading up to parish elections.

Since the Sub-Committee's meeting, further advice had been sought and received from Counsel, which was briefly summarised as follows:

1. Cheshire East Borough Council would calculate the budget for the new Parish Council, not a transitional body. The Council would specify a ceiling in respect of the sum which the Parish Council would receive.
2. This sum would be identified in the Establishment Order.
3. The new parish would come into effect from the date of the Order (1<sup>st</sup> April 2013).
4. Elections could then be held as early as 4<sup>th</sup> April 2013.
5. The Parish Council would fix its precept at some point prior to October 2013; this could not exceed the sum specified in the Order.
6. The Council Tax payers of the unparished area of Crewe would then receive bills in respect of the Parish Council's precept.
7. Although any transitional body would have the task of "laying the ground" for a new Parish Council, as the new Parish Council could be elected on 4<sup>th</sup> April, there would be little point in formally appointing a transitional body under the Order.

As part of the debate, discussion took place on the proposed number of parish councillors.

The Committee was advised that further consideration would need to be given to the detailed arrangements for dealing with the first year budget and precept for the parish council, as well as the transfer of any assets to the new council.

## **RESOLVED**

That the resolutions of the Community Governance Review Sub-Committee be received and supported, and Council be advised:

That

- (1) having considered the matter further in light of the advice received from Counsel, the Committee reaffirms the recommendations previously made to Council on 19<sup>th</sup> April 2012, namely:
  - "a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a parish council for the unparished area of Crewe and

that parish council be advised to consider its designation as a Town Council;

- b. that the parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that, subject to recommendation c. below, the unparished part of Leighton (Polling District 1FJ4) be incorporated into the St Barnabas parish ward, and that each ward should have the number of parish councillors as follows:

St Barnabas	2
Crewe Central	2
Crewe North	2
Crewe South	3
Crewe East	4
Crewe West	3
TOTAL	16

- c. that the electors of the unparished part of the Borough ward of Leighton should be asked whether they would prefer to be included within the proposed parish of Crewe or within the existing parish of Leighton;
- d. that elections to the Crewe parish council should be held as soon as is practicably possible, and should thereafter be synchronised with the ordinary date of parish council elections; and
- e. that these proposals form the basis of a second stage of public consultation and that the Boundary Commission be informed of the proposals.”
- (2) the proposed arrangements for the Stage 2 consultation process as set out in paragraph 4.2 of the report to the Community Governance Review Sub-Committee on 27<sup>th</sup> April 2012 be approved subject to the dates being altered in line with paragraph 4 below;
- (3) the proposed consultation with the electors for the unparished part of Leighton be conducted by means of a formal ballot;
- (4) the indicative timetable proposed by the Sub-Committee for the latter stages of the Review be approved as follows and the project plan be amended accordingly:

28 <sup>th</sup> May 2012	Publish Notice of Stage 2 consultations
11 <sup>th</sup> June – 2 <sup>nd</sup> July 2012	Stage 2 public consultations
	Postal Ballot in unparished part of Leighton Borough Ward
20 <sup>th</sup> September 2012	Constitution Committee
11 <sup>th</sup> October 2012	Council makes final decision and approves Order
1 <sup>st</sup> April 2013	Order comes into effect

- (5) it be noted that Gresty Brook (Polling District 1GM2) in the Crewe South Borough Ward is already located within the parish of Shavington and accordingly does not form part of this Review; and
- (6) the Community Governance Review Sub-Committee be asked to consider the detailed arrangements for setting a budget and precepting, and the extent and timing of the transfer of assets to the new parish council, to enable the relevant provisions to be included in the Order.

## **2. Macclesfield**

The Community Governance Review Sub-Committee, in considering the process for conducting the Macclesfield Community Governance Review, acknowledged the need to review its membership so that Members with appropriate knowledge and experience could participate. Any review of the Sub-Committee's membership would need to balance the need for local knowledge with the experience already gained by existing Members and the continuity that this provided. It was recognised that there were alternative approaches to involving local members in the Review process.

The Sub-Committee had been appointed on a politically-proportionate basis and each constituent Group had the right to review its own representation on the Sub-Committee through its Group Whip. The normal substitution arrangements also applied for individual meetings. As with the Wilmslow and Crewe Reviews, Members for the unparished area of Macclesfield would be able to attend and participate in meetings of the Sub-Committee or to feed back their comments during the course of the Review.

## **RESOLVED**

That any changes to the membership of the Community Governance Review Sub-Committee be a matter for each constituent Group, subject to written notification to the Democratic and Registration Services Manager.