

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 20<sup>th</sup> September 2012  
**Report of:** Borough Solicitor  
**Subject/Title:** Crewe Community Governance Review – Final Outcome  
**Portfolio Holder:** Councillor L Gilbert

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### 1.0 Report Summary

- 1.1 The draft recommendation of the Council for the outcome of the review, as agreed at the Council meeting held on 16<sup>th</sup> May 2012, was as follows:

***“RESOLVED***

1. 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 (see map below) 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:*

<i>St Barnabas</i>	<i>2</i>
<i>Crewe Central</i>	<i>2</i>
<i>Crewe North</i>	<i>2</i>
<i>Crewe South</i>	<i>3</i>
<i>Crewe East</i>	<i>4</i>
<i>Crewe West</i>	<i>3</i>
<i>TOTAL</i>	<i>16</i>

- c. *that the electors of the unparished part of the Borough ward of Leighton 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 final stage of the 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:*

<i>28<sup>th</sup> May 2012</i>	<i>Publish Notice of final stage of consultations</i>
<i>11<sup>th</sup> June – 2<sup>nd</sup> July 2012</i>	<i>Final stage of public consultations</i>
	<i>Postal Ballot in unparished part of Leighton Borough Ward</i>
<i>20<sup>th</sup> September 2012</i>	<i>Constitution Committee</i>
<i>11<sup>th</sup> October 2012</i>	<i>Council makes final decision and approves Order</i>
<i>1<sup>st</sup> April 2013</i>	<i>Order comes into effect</i>
<i>4<sup>th</sup> April 2013</i>	<i>Elections to new parish council</i>

- 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.”*

- 1.2 Further to the above decision of Council, the Sub Committee carried out consultation on these proposals and conducted a ballot of electors in the unparished part of the Leighton Borough Ward, where electors were asked whether they wished to be part of the existing Minshull Vernon and District Parish Council or the new Crewe Town Council.
- 1.3 Nine responses were received to the third stage of consultation, which were noted – but the Sub Committee agreed that a decision on the warding arrangements and the number of parish councillors for Crewe be deferred to the Constitution Committee. A copy of the representations received and the result of the ballot, considered by the Sub Committee on 18 July, are attached

as **Appendix A**. The result of the ballot showed that 85% of respondents were in favour of being part of Minshull Vernon and District Parish Council.

- 1.4 A re-organisation Order is required to be approved by the Council to bring any new arrangements into effect, following the final outcome of the Review. Within this Order, for the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, a sum must be included, which is the budget for the first year of operation of the new Town Council, which cannot be exceeded. The Sub Committee has therefore done further work on preparing a draft budget. A copy of the draft re-organisation Order and the draft budget are attached as **Appendices B and C** to this report for consideration. In developing the budget figure, consideration has been given to the transfer of assets to the new Town Council, having taken into consideration advice from Counsel. As such, the Sub Committee proposes that Allotments and Public Conveniences in Lyceum Square are assets which should transfer as part of the re-organisation order.
- 1.5 The minutes of the meetings of the Sub Committee held on 18<sup>th</sup> July 2012 and 4<sup>th</sup> September 2012 are attached as **Appendices D and E** to this report.

## **2.0 Recommendations**

### **2.1 To recommend to Council**

- 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) To confirm, or amend, the draft recommendation on the warding arrangements and number of parish councillors for Crewe, taking into account representations received.
- c) That, having considered the results of the ballot of electors in the unparished part of the Borough ward of Leighton, to agree the sub- Committee's recommendation that the unparished part of the Borough ward of Leighton be included as part of the Leighton Urban ward of Minshull Vernon and District Parish Council.
- d) That elections to the Crewe Parish Council be held on 4<sup>th</sup> April 2013.
- e) That the public conveniences in Lyceum Square 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.
- f) 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.

g) That the draft budget be approved, as attached to the report, totalling £342,000.

h) That the draft re-organisation order be approved, as attached to the report and the above sum be added to paragraph 11.

## 2.2 To resolve

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

## 3.0 Reasons for Recommendations

3.1 The Sub Committee has conducted the review in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and the Government's guidance on conducting community governance reviews.

3.2 In considering the results of the consultation and formulating recommendations, Members have ensured that the proposed community governance arrangements within the area under review are reflective of the identities and interests of the community in that area; and are effective and convenient.

3.3 Key considerations taken into account in conducting the review include:

- The impact of community governance arrangements on community cohesion
- The size, population and boundaries of local communities or parishes
- The proposed arrangements reflecting the distinctive and recognisable communities of interest with their own sense of identity
- The degree to which the proposals offer a sense of place and identify for residents
- The ability of the proposed Crewe Town council to deliver quality services economically and efficiently whilst providing users with a democratic voice
- The degree to which the proposed Crewe Town Council would be viable in terms of a unit of local government providing some local services that are convenient and accessible to local people

3.4 In accordance with the Government Guidance, the review has also considered and reviewed other options (such as maintaining existing arrangements, multiple parish councils, Neighbourhood management, Community Forums, Residents and tenant's associations , Community

Associations/ community development trusts) for community governance, and determined, following public consultation, that they did not represent better options in terms of addressing the criteria.

#### **4.0 Wards Affected**

4.1 Wards covering the unparished area of Crewe.

#### **5.0 Local Ward Members**

5.1 As Above

#### **6.0 Policy Implications**

6.1 None

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

7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Review.

7.2 For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, a sum must be identified for inclusion in the Re-organisation Order. This is sum, for the first year of operation of the new Town Council, which cannot be exceeded.

7.3 The Council's policy is for the cost of any parish elections, which do not fall on an ordinary day of election for which other elections are being administered, are met by the parish councils concerned. This has been taken into account in determining the sum for inclusion in the re-organisation order.

#### **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:

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