

## **COMMUNITY GOVERNANCE REVIEW MEMBER GROUP**

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**Date of meeting:** 30 July 2009  
**Report of:** Bill Howie, Democratic Services Officer  
**Title:** Briefing Paper

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### **Introduction**

This paper is intended as an initial briefing paper for the Group. It is intended to provide 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. Members will be supplied with a hard copy of this document. However, it may be viewed online at <http://www.communities.gov.uk/publications/localgovernment/communitygovernancereviews>

### **Background**

On 30<sup>th</sup> March 2009 Crewe & Nantwich Borough Council received a petition which called for a Community Governance Review and identified three recommendations arising from a Review:

- 1) That a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007
- 2) That the new parish should have a council to be known as Crewe Town Council.
- 3) That the area to which the review is to relate is the whole of the Electoral Wards of Coppenhall, Delamere, Grosvenor, Maw Green, St Johns, Valley and Waldron; and those parts of the following Electoral Wards which do not already fall into an existing parish: Alexandra, Leighton, St Barnabas, Wistaston Green.

### **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.
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 Governance & 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. A draft project plan is attached. The intention is to complete the Review by January 2010; the law requires that the completion is within 12 months of the start of the Review. Feedback to the Boundary Committee is required before the end of the Boundary Review consultation period in early February, therefore the Community Governance Review needs to be completed to meet this timescale. It is proposed that the final decision of Council on the outcome of the Review is made on 17 December 2009.
5. The key element of the Review is the consultation process. The Group needs to agree the list of consultees, methods to be used and details of the timing of the consultation process.
6. The consultation process is clearly 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.
7. The views of the Electoral Commission on any proposed electoral arrangements must also be sought.
8. In view of the fact that this review was initiated by petition, the organisers of that petition will also be asked to participate in the consultation process.
9. Any views received as part of the consultation process must be taken into account.
10. The intention is that the initial phase of consultation will be based largely on written representations received in response to public notices and specific invitations. Two public meetings are suggested to give interested parties the opportunity to express their views in a public forum. A postal ballot of the electorate is a further option for the Group to consider. It is also the intention to use the website as a key element in the process by allowing people to record their views online.

## **Criteria when undertaking a Review**

11. In considering the results of the consultation and formulating recommendations Members will be required to ensure 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
12. 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 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.

## **Recommendations and Decisions on the Review Outcome**

13. The guidance requires that recommendations must be made with respect to the following:
  - a) Whether a new parish or parishes should be constituted.
  - b) Whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered.
  - c) What the electoral arrangements for new or existing parishes which are to have parish councils should be.
14. 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 representation received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.
15. The Review may make a recommendation which is different from that which the petitioners sought. The Review may, for example, conclude that the proposals were not in the interests of the wider local community, or may negatively impact on community cohesion either within the proposed parish or in the wider community. It may, for example, decide that the arrangements for local area working represent the best option for fulfilling the criteria.

## **Electoral Arrangements**

16. 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) The ordinary year of election – if a parish council was established the first year of election would be 2011
- b) Council size – the number of councillors

Parish warding – whether the parish should be divided into wards; the number and boundaries of such wards; number of councillors per ward and the names of wards.

## **Baseline Data**

17. The Group will be provided with the following key data, which is currently being collated, in respect of the area under review:

- Current and projected (5year) electorate
- Current and projected (5year) population
- Current and projected (5 year) number of households
- Map showing LAP structure
- Outline Map showing area under review, including parish boundaries.