

# CHESHIRE EAST COUNCIL

## Governance and Constitution Committee

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**Date of meeting:** 15 October 2009  
**Report of:** Borough Solicitor  
**Title:** Community Governance Review – Handforth Petition

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### 1.0 Purpose of Report

- 1.1 To consider the receipt of a petition calling for a Community Governance review in respect of the unparished area of Handforth.

### 2.0 Recommendations

2.1 That

- (1) for the purposes of Section 80 of the Local Government and Public Involvement in Health Act 2007 the petition be confirmed as valid or otherwise;
- (2) if the petition is confirmed as valid, confirmation of such be given to the petition organisers;
- (3) a Community Governance Review be carried out in respect of the whole of the Electoral Ward of Handforth, as known in 2007, to be completed by 20<sup>th</sup> September 2010;
- (4) consideration be given to recommending to Council that the Community Governance Review be extended to cover the whole of the unparished area of Wilmslow (i.e. the former Electoral Wards of Dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley and Styal); and
- (5) a Sub Committee of six Members be established (4 C:1 LD: 1 L: 0 I) to oversee the Review and to make appropriate recommendations to the Governance and Constitution Committee.

### 3.0 Background

- 3.1 On 21<sup>st</sup> September 2009 the Council received a petition which called for a Community Governance Review and identified the following 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 parish council to be known as Handforth Community Council.
  3. That members of the Council will not be affiliated to any political party.
  4. That the area to which the review is to relate be defined as being the electoral ward of Handforth as known in 2007.
  5. That the Council will not precept the area, only use moneys granted, delegated, awarded or given for the benefit of the area.
- 3.2 The petition also included a map outlining the area to be reviewed.
- 3.3 Given that the area of Handforth forms part of the wider unparished area of Wilmslow (comprising the former electoral wards of Dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley and Styal), the Committee may consider it expedient to extend the remit of the Community Governance Review to encompass the whole of the unparished area as specified. This would need to be made as a recommendation to Council.

#### **4.0 Validation**

- 4.1 In order for a Community Governance Review to be initiated the petition has to be signed by at least 10% of local government electors in the area (648). The petition is currently being checked and verified and the number of valid signatures will be reported at the meeting.
- 4.2 The Committee is asked to note that the recommendations of the petition numbered (3) and (5) above are outside of the scope of any recommendations which can be considered by the Council as part of a Community Governance Review. However, this is not a valid reason to declare the petition as invalid.
- 4.3 Accordingly, if the petition is deemed to contain the requisite number of signatures, and given that recommendations numbered (1), (2) and (4) could be considered as part of the Review, the Council would be required to carry out a Community Governance Review.

#### **5.0 Procedure**

- 5.1 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. 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.

- 5.2 The Review must be completed within 12 months of receiving the petition (i.e. 20<sup>th</sup> September 2010). Any electoral arrangements required to give effect to the Review recommendations would be by means of elections in 2011.
- 5.3 A rigorous consultation process is central to the Review and must include the local government electors for the area under review and any other person or body which appears to the Council to have an interest in the review. The Government guidance recommends the inclusion of local businesses, local public and voluntary organisations, schools, health bodies, residents and community groups in the consultation process.
- 5.4 The views of the Electoral Commission on any proposed electoral arrangements must also be sought.
- 5.5 Any views received as part of the consultation process must be taken into account.

## **6.0 Criteria when undertaking a Review**

- 6.1 Cheshire East Council is 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
- 6.2 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 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.

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

- 7.1 Cheshire East Council must make recommendations 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.

7.2 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 representation received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.

7.3 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.

## **8.0 Electoral Arrangements**

8.1 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) 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.
- c) 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.

8.2 The Boundary Committee has recently embarked on a review of electoral arrangements for this council and their proposals should have regard to the proposals for warding any new parish and vice versa.

## **9.0 Options**

The Review must consider a range of options which may differ from the proposals contained in the petition in the light of the representations which are received and the evidence collected. These options may be viewed as alternatives or as stages towards the establishment of a parish council. In considering all options, regard may be had to this council's agenda for local working and community involvement, based on Local Area Partnerships.

Some options include:

Area Committees – formed as part of the structure of principal Councils, often including local councillors. They can be involved in a wide range of service provision and fulfil a number of community governance roles. Their primary role is to contribute to the shaping of Council services and improving local service provision.

Neighbourhood Management – generally aimed at service delivery improvement and implementation at the local level. Often facilitated by a neighbourhood manager rather than advising or making decisions at local level.

Tenant Management Organisations – usually estate-based, largely public/social housing focused.

Area/Community Forums – often established as a mechanism to give communities a say on principal council matters or local issues and to influence decision making. Membership usually consists of people living or working in a specific area.

Residents' & Tenants' Associations – usually focused on issues affecting neighbourhood or estate. They may be established with or without direct support from the principal council.

Community Associations – democratic model for local residents and community organisations to work together for the benefit of the neighbourhood. The principal council may be represented on the management committee.

Multiple Parish Councils – the review may decide that the area/population involved is too large or lacks the community cohesion that are key criteria. The presence of geographic boundaries, for example, may limit the formation of natural communities.

## **10.0 Implementation**

- 10.1 The Council must publish its recommendations and take sufficient steps to ensure that those who may have an interest are informed of the outcome of the Review. The reasons that underpin the recommendations must also be published.
- 10.2 A reorganisation order must be drafted to give effect to the recommendations and should include a map showing the effect in detail. An accompanying document setting out the reasons for the decision must also be prepared. These documents must be placed on deposit at the main offices of the Council and made available for public inspection.
- 10.3 The Review must be completed by 20<sup>th</sup> September 2010 and the first elections would be in May 2011 as part of the normal cycle of parish council elections.

## **11.0 Legal Implications**

- 11.1 Under the terms of Part IV of the Local Government and Public Involvement In Health Act 2007 the Council is under a duty to carry out a Community Governance Review on receipt of a valid petition.

## **12.0 Risk Assessment**

- 12.1 The Council must ensure that an effective and convenient form of community governance is in place and meet its legal obligations.

### ***For further information:***

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### ***Background Documents:***

*Guidance on community governance reviews – Communities & Local Government/Electoral Commission*

*Documents are available for inspection at: Westfields, Middlewich Road, Sandbach CW11 1HZ*