

CHESHIRE EAST COUNCIL

Community Governance Review Sub Committee

Date of Meeting: 17 October 2016
Report of: Head of Governance and Democratic Services
Subject/Title: Parish Councils – Community Governance Reviews

1.0 Report Summary

- 1.1 The Constitution Committee at its meeting in February 2016 agreed that the Community Governance Review Sub Committee be convened to undertake a review of governance arrangements in respect of a small number of parishes (Minshull Vernon and District; Bulkeley and Ridley; Hassall and Betchton; Lyme Handley; Doddington and District; and Burland Parish Council). The Committee also gave the Community Governance Review Sub-Committee delegated authority to extend the remit of the review, should other parish matters of importance arise.
- 1.2 The Constitution Committee in July 2016 also agreed that the remit of the Community Governance Review in relation to the parishes listed above be confined to matters concerning the governance arrangements of the parish councils (i.e the number of Councillors and electoral arrangements) and not be extended to include boundary reviews in response to concerns over recent and planned housing development.
- 1.3 Since the Committee meeting in February, a further request has been received from Hulme Walfield and Somerford Booths Parish Council for the Sub Committee to review and increase their number of parish councillors.
- 1.4 Further information has recently been received from the Clerk of Burland Parish Council and the Clerk of Doddington and District Parish Council to indicate that a review for their Parish Councils is no longer required as the number of vacancies was no longer an issue. The Clerk of Betchton Parish Council has also provided information to indicate that a decision was taken by the parish meeting of Hassall not to proceed with a common parish council for Betchton and Hassall.

2.0 Recommendation

- 2.1 The Sub Committee is asked to **RESOLVE:**
- (a) That Community Governance Reviews be commenced for Minshull Vernon and District; Bulkeley and Ridley; Lyme Handley and Hulme Walfield and Somerford Booth Parish Councils;

- (b) That the terms of reference for these reviews be as defined as follows:

Minshull Vernon and District - to consider the reduction in the number of parish councillors from 22 to 18.

Bulkeley and Ridley – to consider the merging of Bulkeley and Ridley Parishes into one parish.

Lyme Handley – to consider options for alternative parishing arrangements

Hulme Walfield and Somerford Booth Parish Council – to consider an increase in the number of parish councillors for the Somerford Booths Ward from 3 to 5.

- (c) That electors in the Parishes of Minshull Vernon and District; Bulkeley and Ridley and Hulme Walfield and Somerford Booth Parish Councils be consulted by letter (one letter per property) on the proposal put forward by each Parish Council and that any alternative views be sought.
- (d) That electors in the Parish of Lyme Handley and the respective Parish Councils be consulted on the options of:
- (i) Becoming a Parish meeting
 - (ii) Forming a joint parish with Kettleshulme
 - (iii) Forming a joint parish with Pott Shrigley
- (e) That the relevant Borough Ward Councillors be included in the consultation.
- (f) That a review be not undertaken for Burland Parish Council given that all of the vacancies have now been filled.
- (g) That a review not be undertaken for Doddington and District Parish given that the majority of seats have now been filled.
- (h) That a review not be undertaken for Hassall and Betchton Parish Councils given the wish of the parish meeting of Hassall not to proceed with a common parish council.
- (i) That a further meeting of the Sub Committee be convened to consider the feedback received from the consultation together with any views expressed by ChALC.
- (j) That the Head of Governance and Democratic Services be given authority to agree the final wording for the letters of consultation, in consultation with the Chairman; following each sub committee member having had the prior opportunity to comment.

3.0 Reasons for Recommendations

- 3.1 The Council has received requests from Minshull Vernon and District Parish Council, Bulkeley and Ridley Parish Council and Hulme Walfield and

Somerford Booths Parish Council to review their governance arrangements. Betchton Parish Council was interested in creating a common parish council with a reduced number of seats (due to being inquorate at past meetings) but this view was not echoed by Hassall Parish Council. In addition the Council was aware of three further Parishes, which as at May 2015 had insufficient Councillors elected to be able to operate. However the Clerks to two of these Parish Councils (Burland and Doddington and District) have now confirmed that these problems have been rectified and that the majority of vacant seats have now been filled. We understand that a review is still required for Lyme Handley Parish Council which has all seats vacant and does not have a Parish Clerk.

- 3.2 Under the provisions of the Local Government and Public Involvement in Health Act 2007 responsibility for Community Governance Reviews falls to the Principal Council. Cheshire East Council has a duty to keep parish arrangements under review.

4.0 Wards Affected

- 4.1 Bunbury, Brereton Rural, Leighton, Poynton East and Pott Shrigley, Wistaston Wrenbury and Wybunbury.

5.0 Local Ward Members

- 5.1 As above.

6.0 Policy Implications

- 6.1 No policy implications have been identified.

7.0 Financial Implications

- 7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Review. The main cost will be in relation to any consultation carried out with electors and others with an interest in the review.

8.0 Legal Implications

- 8.1 The review would be conducted under the provisions of the Local Government and Public Involvement in Health Act 2007 and the Government's guidance on conducting community governance reviews.

9.0 Risk Management

- 9.1 No risks have been identified.

10.0 Background and Options

10.1 Minshull Vernon and District Parish Council have made a request to Cheshire East Council that consideration be given to reducing their number of Councillors from 22 to 18, following being unable to elect Councillors to vacant seats in the May 2015 elections. The Parish Council currently has 8 members returned out of 22. They are just quorate with 8 Members elected, but two of the wards within the parish have no elected members. The Parish Council proposes that reductions be made to the four wards which comprise the Parish Council as follows:

Leighton Rural	from 3 seats to 2
Leighton Urban	from 8 seats to 7
Minshull Vernon	from 7 seats to 6
Woolstanwood	from 4 seats to 3

10.2 Bulkeley and Ridley are two separate parishes which operate as one Parish Council with one Chairman and Clerk. The Parish Council has made a request to Cheshire East Council for consideration to be given to merging the two parishes into one single ward parish under the name of Bulkeley and Ridley Parish Council, as they feel that this would cause less confusion for electors.

10.3 Betchton Parish Council was interested in creating a common parish council with Hassall with a reduced number of seats (due to being inquorate at past meetings). Their suggestion was that Betchton would have 8 seats and Hassall 5 seats and that it should be known as Betchton and Hassall Parish Council. However, Hassall Parish Council and a decision at a parish meeting has not supported this option.

10.4 Lyme Handley Parish Council - has 5 seats all of which are vacant and is therefore unable to operate.

10.5 Doddington and District Parish Council – As at May 2015, 3 of the 6 wards of the parish had all their seats vacant (Blakenhall – 3 seats; Doddington - 1 seat; Lea - 1 seat). We have been advised by the clerk that all seats except for two in Bridgemere have now been filled and that arrangements are working well.

10.6 Burland Parish Council – 7 out of 9 seats were vacant as at May 2015. However, the Clerk to the Parish Council has since confirmed that all seats have now been filled and that a review is therefore no longer required.

10.5 Hulme Walfield and Somerford Booth Parish Council has asked the council to consider an increase in the number of parish councillor seats in Somerford Booths from 3 to 5 which would enable their parish council to have 7 Councillors in total. The Parish Council abandoned in 2008 and was reformed in 2014. After careful consideration the present Councillors feel that having 5 seats in total does not fulfil the demands of the parish. They feel that the increase in seats will give the Council a better representation of parish views, particularly given the planned increase in houses due to the Congleton Link

Road. The Sub Committee may wish to seek views from ChALC given that the Parish Council has only recently been re-established and the number of parish councillors was deliberately set at a lower level to ensure that it did not become moribund, as had happened in the past.

- 10.6 It is suggested that electors in Lyme Handley be consulted on the options of moving to arrangements for a parish meeting (a meeting of all electors of the parish annually between 1 March and 1 June) or joining with an adjacent parish such as Kettlethulme or Pott Shrigley. The adjacent parish councils of Kettlethulme and Pott Shrigley would also need to be consulted.
- 10.7 There are no specific legal requirements in terms of the size of parish councils, other than they must have a minimum of 5 Members (there is no maximum number). Guidance from NALC and the Aston Business School suggests that the following levels may be appropriate as a guide:

Electors	Councillors	Electors	Councillors
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	over 23000	25
9,000	16		

- 10.8 The review will be conducted under the provisions of the Local Government and Public Involvement in Health Act 2007 and the Government's guidance on conducting community governance reviews. Members will be required to ensure that the community governance within the area under review will be reflective of the identities and interests of the community in that area; and be effective and convenient.
- 10.9 Key considerations for the Sub-Committee to identify if the review meets the criteria include:
- The impact of community governance arrangements on community cohesion
 - The size, population and boundaries of local communities or parishes
 - 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 identify for all residents
 - The ability of the proposed authority to deliver quality services economically and efficiently whilst 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 some local services that are convenient and accessible to local people

10.10 Since February 2008 the decision-making power 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 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.

10.11 A proposed process for the review is set out below:

- Determine the viable options for community governance in the area under review
- Consult electors and anyone else with an interest in the review on the options
- Evaluate and analyse responses
- Draft recommendation for the Constitution Committee to consider
- Publish / inform people of the recommendations
- Council to make final decision (unless delegation sought)
- Publish outcome of the review

10.12 Any views received as part of the consultation process must be taken into account.

11.0 Electoral Recommendations: General Considerations

11.1 In considering what changes should be made to electoral arrangements Members need to ask whether the number or distribution of local government electors would make a single election of councillors impractical and whether it is desirable that any areas of the parish should be separately represented on the council. If warding is recommended then the size of the wards and the number of councillors to be elected for each ward would need to be determined. Members may wish to take into account the number of local government electors in the parish and any change to the number or distribution which is likely to occur in the next five years.

11.2 Parishes can be “grouped” under a common parish council by the creation of an order. This is common in many parts of the country in rural areas. This arrangement permits the parish to survive as a separate entity with its own parish meeting and is quite distinct to a warding arrangement in a parish. Parishes cannot be grouped without the consent of the parish meetings of each of the parishes.

11.3 Consideration will need to be given to the timing of the implementation of any new arrangements agreed from the outcome of the review. Where the number of members is increased or decreased it is normal practice for the Re-Organisation Order and any changes to be effective from the date of the next scheduled Parish Elections (i.e. May 2019). However, the effective date could be made earlier in cases where there was deemed to be a degree of urgency. This would then involve the arranging of earlier elections for the parishes concerned.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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