

# CHESHIRE EAST COUNCIL

## Community Governance Review Member Group

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**Date of Meeting:** 19<sup>th</sup> January 2010  
**Report of:** Borough Solicitor  
**Subject/Title:** Crewe Community Governance Review

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### **1.0 Report Summary**

- 1.1 This report provides the background in relation to the Crewe Community Governance Review under the provisions of the Local Government and Public Involvement in Health Act 2007, following receipt of a valid petition from electors in Crewe on 30<sup>th</sup> March 2009. The report provides details of the outcome of stage two of the public consultation on the Council's draft recommendation for the review, as made by the Council on 15<sup>th</sup> October 2009.

### **2.0 Recommendation**

- 2.1 To consider the responses from the Stage 2 consultation and to recommend to the Governance and Constitution Committee on 21<sup>st</sup> January 2010 that it make an appropriate recommendation to Council, having regard to the results of consultation on the draft proposal formulated by Council on 15<sup>th</sup> October 2009.

### **3.0 Reasons for Recommendations**

- 3.1 The second stage of Consultation for the Crewe Community Governance review took place from 30 November 2009 to 8 January 2010 and following this meeting the results will be considered by the Governance and Constitution Committee on 21<sup>st</sup> January 2010. The recommendation of the Governance and Constitution Committee for the final outcome of the Review will then be reported to the Special Council meeting for approval on 25<sup>th</sup> January 2010.

### **4.0 Wards Affected**

- 4.1 All the Wards in the unparished areas of Crewe

### **5.0 Local Ward Members**

- 5.1 As above

### **6.0 Policy Implications including - Climate change - Health**

- 6.1 None

## **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 A bid has been made to the Borough Treasurer for transitional funding to meet the costs of the conduct of the review.

## **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 In the event that a Town Council was established there would be costs associated with the administration of elections which would fall to the Council when these were held at the same time as elections for Cheshire East Councillors. The cost of any by-elections would be met by the Town Council.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 With effect from April 2008 the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Rating Act 1997 to local authorities under Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

## **10.0 Risk Management**

- 10.1 The Council has followed the Guidance on Community Governance Reviews published by the Electoral Commission and the Department of Communities and Local Government. There are no other risk management issues.

## **11.0 Background**

- 11.1 The Local Government and Public Involvement in Health Act 2007 permits the Council to undertake a community governance review of the whole or part of the Borough Council area.

### **11.2 The Review**

Cheshire East Council in accordance with Section 83(2) of the Act has undertaken a community governance review following receipt of a valid petition on 30 March 2009 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.

In conducting the Review, the Council has responded to the proposal contained in the petition, but in accordance with the guidance, has also considered other viable options for other forms of community governance including Area committees, Neighbourhood Management, Tenant Management organisations, Area/ Community forums, Residents and Tenants Associations, Community Associations and whether people would prefer four Parish councils to be created.

An explanatory leaflet about the community governance review was prepared and used as a basis for the first phase of consultation which ran from 1 - 30 September 2009.

This community governance review has provided the Council with an opportunity to examine and review existing community governance arrangements and to consider whether or not new arrangements were required to best meet the needs of local people.

The first stage of consultation sought views from all electors by way of a voting paper delivered to each elector with an explanatory leaflet. A questionnaire and similar explanatory leaflet about the review was sent to various stakeholders including local public and voluntary organisations, schools, health bodies and resident and community groups. Two public meetings were held on 1 September 2009. The website was also used to allow people to record their views online.

Consideration was given to the comments and representations received from the first phase of consultation and on the basis of those representations the Council's draft recommendation was published on 30<sup>th</sup> November 2009.

### 11.3 Criteria and aim of the Review

Section 93 of the Local Government and Public Involvement in Health Act 2007 requires councils to ensure that community governance in the area under review will be reflective of the identities and interests of the community in that area and is effective and convenient. In considering this criteria the Council is required to take account of a number of influential factors including the impact of community governance arrangements on community cohesion.

The Guidance on community governance reviews published by the Department of Communities and Local Government in April 2008 sets out in detail the factors for consideration to help inform the Council's judgement against the statutory criteria.

#### 11.4 Previously Unparished Areas

The Council is required by law to consider other forms of community governance as alternatives or as stages towards establishing parish councils. The Council has noted the existing arrangements in place in the area for community representation and community engagement, including the Crewe Local Area Partnership, Neighbourhood Management, Tenant Management organisations, Area/ Community forums, Residents and Tenants Associations and Community Associations and the extent to which they are already creating opportunities for engagement, empowerment and co-ordination in local communities. The Crewe Local Area Partnership was formed following the creation of the new Cheshire East Council on 1 April 2009 and these arrangements are still in their infancy and continually developing; further time being required to see these arrangements develop to their full potential.

#### 11.5 Consultation

The Council, in reaching its draft recommendation in this review on 15<sup>th</sup> October 2009, took into account of the representations received from the Stage 1 of consultation, having regard to the criteria in the Local Government and Public Improvement in Health Act 2007.

#### 11.6 Result of Stage 1 consultation with electors

Just under 35,000 voting papers were issued and 8056 were returned (23%). Electors were invited to respond to two questions on the voting paper and the results were as follows:-

<b>Question 1</b>
1. I want a parish council for my area
2. I want no change to the current arrangements (no parish council)
<b>Question 2: You can still vote for your preference even if you have voted above for no change</b>
A. A single Town Council for the whole of the unparished area of Crewe
B. Four parish councils for the unparished area of Crewe

In relation to Question 1 – the results were:

3655 electors indicated that they wanted a parish council.  
4059 electors indicated that they wanted no change to the current arrangements (no parish council).

In relation to Question 2 – the results were:

5617 electors expressed a view for a single town council for the whole of the unparished area of Crewe

1475 electors expressed a view for four parish councils for the unparished area of Crewe.

#### 11.7 Submissions received to Stage 1 consultation

The Council received 41 representations in total. These comprised:

Form of Representation	Number received	Views expressed
Questionnaires Returned	20	17 preferred a single town council  2 preferred more than one local council  1 preferred area/ community/ neighbourhood forums with real powers
Letters/ emails	21	11 were in favour of a single town council  4 expressed no clear view (1 felt that the form was poorly written)  4 supported no change ( 1 felt that the voting paper was ambiguous and bias towards setting up a Town or Parish Council)  1 was in favour of 4 parish councils  1 was in favour of local representation, but no view expressed as to whether 1 single town council or 4 Parish councils should be created.
Form of Representation	Number received	Views expressed
Charter Trustees (where not included in results above)	6	3 supported a Single Town Council  1 supported no change  1 supported the outcome of the consultation exercise  1 supported whatever the people of Crewe wanted

#### 11.8 Stage 2 consultation

The Second Stage of Consultation ran from 30<sup>th</sup> November 2009 to 8 January 2010 and sought views on the Council's draft recommendation "To accept the vote from the people of Crewe and to reject the notion of a town council for Crewe at this time." Representations were invited from all interested persons,

organisations, stakeholders and the public. Interested parties were encouraged to submit their views, together with any relevant supporting evidence, in writing, by email or via a feedback form on the Council's website.

#### 11.9 Summary of Submissions received to Stage 2 consultation

<b>Those who agree with the Council's Draft Recommendation "To accept the vote from the people of Crewe and to reject the notion of a town council for Crewe at this time"</b>	
Councillors	5 (+ 1 spouse)
Individuals	8
<b>Total</b>	<b>14</b>
<b>Those who disagree with the Council's Draft Recommendation "To accept the vote from the people of Crewe and to reject the notion of a town council for Crewe at this time"</b>	
Councillors	8
Individuals	25
Organisations	13
<b>Total</b>	<b>46</b>
<b>Those who have made other representations</b>	
Edward Timpson MP	1
Northern Pensioners Association	1

Copies of all responses received to the Second Stage of consultation are attached as an Appendix to this report.

#### 11.10 Key Issues

In making its final decision on the outcome of the Community Governance Review for Crewe, the Council must take into account representations received. The Council is also required to have regard to the need to ensure that community governance within the area reflects the identities and interests of the community and is effective and convenient.

As soon as practical after the Council has decided to what extent it will give effect to the recommendation made in the review, it must publish the decision and the reasons for making that decision. The Council must also take steps to ensure that people who are interested in the review are informed.

### 12.0 **Overview of Year One and Term One Issues**

- 12.1 Should the decision be taken to establish a Town Council for Crewe, electoral arrangements would need be put in place and a formal Order made to give effect to the new arrangements which would then enable elections to take place in May 2011.

### **13.0 Background Documents**

The background papers relating to this report are listed below and can be inspected by contacting the report writer:

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- Guidance on Community Governance Reviews published by the Electoral Commission and the DCLG
- Explanatory Leaflet and Notice of Publication for the first stage of consultation
- Notice of Publication of Draft Recommendations arising from the first stage of consultation

#### **Appendices**

Representations received from the Stage 2 consultation ending on 8 January 2010.