

Community Governance Review Sub-Committee Corporate Policy Committee Council

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| Dates of Meetings: | 4 April 2022 14 April 2022 27 April 2022 |
| Report Title: | Community Governance Review of Town and Parish Council Governance |
| Report of: | Monitoring Officer |
| Wards Affected: | All Wards |

1. Purpose of Report

1.1. To secure a resolution of Council which will finalise the governance arrangements of the town and parish councils within Cheshire East Borough.

2. Executive Summary

2.1. This report seeks resolutions of the Community Governance Review Sub Committee, Corporate Policy Committee, and finally Council, following a Community Governance Review (CGR) of Town and Parish Council Governance.

2.2. The CGR project has been in progress for over three years. Engagement with the public, town and parish councils and other stakeholders has been central to the project. There has been an informal pre-consultation survey, as well as a formal consultation process which secured over 5000 responses. This approach to engagement aligns with the Council's "Open and Enabling Organisation" Corporate Plan Priority in:

- ensuring that there is transparency in all aspects of Council decision making;
- listening, learning and responding to our residents; and in
- promoting and developing the services of the Council through regular communication and engagement with all residents.

- 2.3. This report marks the last stage of the CGR process which will culminate in Council formally determining the final governance arrangements of the Borough's town and parish councils, taking into account those matters which arose during the consultation, together with a range of other considerations.

3. Recommendations

Proposed to the Community Governance Review Sub-Committee

1. The Sub-Committee is recommended to propose to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1,2 and 3 to the report will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient.

Proposed to the Corporate Policy Committee

2. The Committee is recommended to propose to Council that the recommendations made in the review of Community Governance, contained in Appendices 1,2 and 3 to the report will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient.

and

That Council should resolve to give effect to the recommendations.

Proposed to Council

3. Council is recommended to resolve that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient.

and

Council resolves, by order, to give effect to the recommendations.

(NB: If the Community Governance Review Sub-Committee and/or the Corporate Policy Committee make recommendations to change the town and parish council governance proposals contained in the appendices to this report, the appendices will be updated and the proposed changes will be shown by way of "Track-Changes")

4. Reasons for Recommendations

- 4.1** Changes in population and local development have caused the Council, as principal Council within the meaning of the Local Government and Involvement in Public Health Act 2007 (the 2007 Act), to undertake a borough wide review of community governance to ensure that the town and parish council governance arrangements continue to reflect the identities and interests of the community and is effective and convenient:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=487&Mid=7087&Ver=4>

- 4.2** The Council has in accordance with the 2007 Act, consulted with the local government electors and other interested persons, had regard to guidance issued under that Act and had regard to its Terms of Reference adopted by the Council's Constitution Committee on 22 November 2018.

5. Other options considered

- 5.1** To continue with the current Community Governance arrangements within the Borough and accept the risk that it no longer complies with the statutory requirement to reflect the identities and interests of the community and be effective and convenient.

6. Background

- 6.1** At its meeting on 20 September 2018, the Constitution Committee resolved:

That:

- 1 A Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;
- 2 a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and
- 3 the sub-committee comprise representatives of all of the Council's political groups, on the basis of relevant proportionality drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.

- 6.2** Following that meeting, the Community Governance Review Sub Committee was established, with agreed terms of reference. These can be found, together with the report to the Constitution Committee, which met on 22 November 2018, here: <http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=487&MID=7088#AI43589>

- 6.3** The terms of reference for the Community Governance Review required the Council to publish a plan for consultation during the review, which would provide for the consideration of consultation responses as part of the process for preparation of draft proposals.
- 6.4** A pre-consultation survey commenced in October 2019, and invited any person or body interested in the review to provide a response. The survey was “live” for a period of 14 weeks. The survey closed on the 31 January 2020, by which time the Council received submissions from 276 individuals/town and parish councils etc.
- 6.5** A number of informal Member workshops were then arranged to develop draft proposals for the formal consultation stage, taking into consideration those matters raised in response to the pre-consultation survey, and a range of other factors.
- 6.6** Following consideration by the Community Governance Review Sub Committee, and the Constitution Committee, the draft proposals were agreed by Council on 22 June 2021. Item 22 of the following agenda refers: [Agenda for Council on Tuesday, 22nd June, 2021, 11.00 am | Cheshire East Council](#)
- 6.7** Council resolved, as follows:
“That the recommendations of the Community Governance Review Sub Committee on 26 February 2021 be the format of consultation for the Community Governance Review”.
- 6.8** The following issues were taken into account by Members when they agreed the draft proposals for consultation:
- i.** Electorate numbers taken from the 2019 electoral register;
 - ii.** The number of councillor seats representing each ward;
 - iii.** Wards where the respective town/parish council have requested a review within the last 2 years or so;
 - iv.** Electorate growth forecasts up to 2025 (the period advised by the Local Government Boundary Commission for England);
 - v.** Pre-consultation survey submissions;
 - vi.** Known concerns expressed by parishes;
 - vii.** Wards with significant variances to the average population density and/or councillor ratios;
 - viii.** Local plan developments;
 - ix.** Known built-environment changes.
- 6.9** The effect of the Council resolution on 22 June 2021 was to formally approve the consultation proposals which were agreed by the CGR Sub-Committee, on 26 February 2021, and to agree that they be consulted-upon for a 12-week period to this report:
<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CIId=569&MID=7944#A154901>

6.10 The formal consultation was concluded on 28 November 2021, with around 4800 consultation responses having been submitted.

7 Recommendations relating to town and parish council governance

7.1 The consultation responses were analysed between December 2021 and February 2022, taking into account all relevant considerations. Recommendations were then considered by informal workshops comprising members of the Community Governance Review Sub Committee.

7.2 These informal recommendations are now presented to the Community Governance Review Sub-Committee in order for them to be formally considered and for a recommendation to be made to the Corporate Policy Committee, which will be asked to make recommendations to Full Council. The recommendations relating to each town and parish council are set out in the appendices to this report.

7.3 In order for Members to be clear as to the recommendations which are before them for consideration, where the Community Governance Review Sub-Committee and/or the Corporate Policy Committee make recommendations to change the town and parish council governance proposals contained in the appendices to this report, the appendices will be updated and the proposed changes will be shown by way of “Track-Changes”.

8 Next stages of the review

8.1 Subject to Council resolution, a number of practical measures must be taken in order to give effect to the wishes of Council, including:

8.1.1 A Community Governance Order must be made, published, and sent to the Secretary of State.

8.1.2 Town and parish councils must be notified of the Council decision.

8.1.3 Electoral register details must be changed, where town, parish or parish ward boundaries change.

8.1.4 Council tax records must be changed where town or parish boundaries change, where this would result in residences being “taken into” a different town or parish with a different precept. Any consequent changes to Council Tax precepts must be taken into account as part of the Council Tax precepting and billing process, which commences in September 2022.

8.1.5 Other consequential issues must be managed, for example, matters affecting town and parish council physical and financial assets, and staffing arrangements, which might be impacted by the outcomes of the review.

8.2 It is clear that our ongoing engagement with town and parish councils will be of key importance as part of the process which will lead to the changes, arising from

the review, taking effect in 2023. Whilst, from a purely legal perspective, the responsibility for dealing with such matters rests with the town and parish councils themselves, some degree of support to our town and parish council partners should be provided by this Council.

- 8.3** Throughout the CGR process, there has been significant collaboration between the officers of this Council, and the Cheshire Association of Local Councils (CHALC). CHALC has already provided valuable inputs in respect of the process followed so far and has been a partner in facilitating important engagement with town and parish council members and officers.
- 8.4** Further work will take place, in partnership with CHALC, to ensure clear communication with our town and parish council partners. Initial discussions have taken place with CHALC which are expected to lead to CHALC providing comprehensive support to all affected town and parish councils (not just those which are members of CHALC). In this way, the expertise and practical experience of CHALC can be drawn-upon, for the benefit of all town and parish councils within the Borough.

9 Consultation and Engagement

- 9.1** The consultation and engagement elements of the CGR are considered in the “Background” section to this report. Consultation and engagement have been critical factors in this review process. The consultation and engagement exercises are considered to have been very successful, having resulted in over 5,000 responses being submitted. There has been significant engagement with town and parish council colleagues, with regular information having been provided to them, and via the provision of face-to-face engagement opportunities.
- 9.2** In total, there were over 5,000 consultation responses, and decision-making Members may seek access to these by contacting Brian Reed: Brian.reed@cheshireeast.gov.uk

10. Implications

10.1 Legal Implications

- 10.1.1** The general powers of Cheshire East Borough Council as a principal council to conduct a Community Governance Review (CGR) of its area are contained in Section 82 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). Section 86(2) of the 2007 Act states that the principal council may, by order, give effect to the recommendations made in the review.
- 10.1.2** Section 93 of the 2007 Act sets out the duties with which the principal council must comply when undertaking a CGR, including the duty to consult electors and others during the CGR process. The cornerstone principles of the CGR are contained in Section 93(4) and require the

principal council to have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area and is effective and convenient.

10.1.3 Section 100 of the 2007 Act requires principal councils to have regard to guidance issued by the Secretary of State for Housing, Communities and Local Government (formerly the Department for Communities and Local Government) and the Local Government Boundary Commission for England.

10.1.4 Section 81 of the 2007 Act requires the principal council to draw up and publish the terms of reference for the review which are attached at [Community Governance Review ToR - report final.pdf \(cheshireeast.gov.uk\)](http://cheshireeast.gov.uk/Community_Governance_Review_ToR_-_report_final.pdf)

10.1.5 Sections 87 to 91 of the 2007 Act set out the recommendations arising from the CGR.

10.1.6 The principal council is **required** to make recommendations as to:

- whether a new parish or parishes should be constituted;
- whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered; or
- what the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

10.1.7 In addition, the principal council has a **discretion** to also make recommendations about:

- the grouping or degrouping of parishes;
- adding parishes to an existing group of parishes; or
- making related alterations to the boundaries of a principal councils' electoral areas.

10.1.8 Section 96 of the 2007 Act requires a principal council, as soon as practicable after it has decided to what extent it will give effect to the recommendations made in a community governance review, to publish its decision and the council's reasons for making that decision and thereafter, to take sufficient steps to inform interested persons of its decision and reasons

10.2 Finance Implications

10.2.1 There would appear to be no significant direct financial implications for this Council, which can be identified at this stage. There will be financial implications for town and parish councils, which they will consider when making representations in response to the formal consultation.

10.2.2 There will be a cost to this Council to the provision of support by CHALC to all affected town and parish councils within the Borough. This is expected to be no more than £5,000.

10.3 Policy Implications

10.3.1 There are no direct policy implications.

10.4 Equality Implications

10.4.1 There would appear to be no direct equality implications for this Council which can be identified.

10.5 Human Resources Implications

10.5.1 There are no direct HR implications for Cheshire East Council, although some human resources issues might arise for town and parish councils.

10.6 Risk Management Implications

10.6.1 The CGR project will result in changes to the governance arrangements of our town and parish councils. These governance arrangements have not been reviewed for very many years and the outcome of the review will bring improvements, which will minimise risk to this Council, and to the town and parish councils themselves.

10.7 Rural Communities Implications

10.7.1 Rural community implications have been taken into account as part of the consultation and review process.

10.8 Implications for Children & Young People/Cared for Children

10.8.1 There are no direct implications for children and young people.

10.9 Public Health Implications

10.9.1 There are no direct implications for public health.

10.10 Climate Change Implications

10.10.1 There are no direct implications for climate change.

| Access to Information | |
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| Contact Officer: | Brian Reed: Head of Democratic Services and Governance Brian.reed@cheshireeast.gov.uk Tel: 07973754722 |
| Appendices: | 1. Appendix 1 - Final Recommendations Summary Report 2. Appendix 2 - Final Recommendations Maps Report 3. Appendix 3 - Final Recommendations Assessment Report |
| Background Papers: | As hyperlinked above |