

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 22nd March, 2012 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors G Baxendale, R Cartlidge, P Groves, S Jones, W Livesley,
A Moran, B Murphy, G Wait, D Newton, A Thwaite, D Topping and P Whiteley

Officers

Caroline Elwood, Borough Solicitor
Brian Reed, Democratic and Registration Services Manager
Paul Jones, Democratic Services Team Manager
Paul Mountford, Democratic Services Officer
Rose Hignett, Senior Electoral Services Officer

51 DECLARATIONS OF INTEREST

There were no declarations of interest.

52 PUBLIC SPEAKING TIME/OPEN SESSION

There were no public questions.

53 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 26th January 2012 be approved as a correct record.

54 CREWE COMMUNITY GOVERNANCE REVIEW

The Committee considered the recommendations of the Community Governance Review Sub-Committee following the outcome of the Stage 1 consultation with a view to advising Council on the formulation of its draft recommendation.

The Committee had before it the papers considered by the Sub-Committee at its meeting on 13th March 2012. These comprised:

- a briefing paper based on the statutory guidance issued by the Department for Communities and Local Government which set out the process to be followed in conducting the Community Governance

Review and the matters to be taken into consideration by the Council in formulating a draft recommendation;

- the outcome of the ballot of local electors held in February; and
- other representations received from the public and stakeholders during the first round of consultation.

The initial phase of consultation had included written representations received in response to public notices, specific invitations, a website tool and information leaflets. Two public meetings had been held in September to give members of the public the opportunity to learn more about the review and to express their views in a public forum. Further opportunities had subsequently been provided to provide information at various community events during November and December 2011. The Council's website had also been used as a source of information and as a tool for people to use to record their views. Finally, a voting paper had been sent to electors in Crewe to be returned by 29th February.

The ballot of local electors had taken place throughout the month of February 2012 and the result showed 10,810 electors in favour of a single town council for Crewe and 1,390 against. The vote represented a 32% turnout and the Sub-Committee was satisfied that this was sufficient to represent the views of the electors of Crewe. Other public and stakeholder responses made during the Stage 1 consultation also showed a clear preference for a single town council.

The Sub-Committee had also considered the electoral and warding arrangements for the parish council, including the numbers and disposition of wards, number of parish councillors, date of elections and transitional arrangements, details of which were set out in the minutes of the Sub-Committee's meeting.

The Sub-Committee had recommended as follows:

"That the Constitution Committee be advised that pursuant to Section 87 of the Local Government and Public Involvement in Health Act 2007; and having regard to the provisions of the Department for Communities and Local Government and Electoral Commission Guidance, issued in April 2008, for the conduct of Community Governance Reviews:

1. Having taken into account

- a. the results of the consultation with the electors of the unparished area of Crewe which shows that a majority of those who returned their ballot papers were in favour of a new parish council for their area;
- b. the results of the consultation exercise with stakeholders and the representations from other interested persons;

- c. the outcomes of the public meetings held in Crewe and subsequent publicity and consultation arrangements; and
- d. the information on existing community governance arrangements in the area concerned and the alternative forms of community governance which might have been appropriate for the area in question;

2. Council be advised

- a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a parish council for the unparished area of Crewe and that parish council be advised to consider its designation as a Town Council;
- b. that the parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that the unparished part of Leighton (Polling District 3FJ5) be incorporated into the St Barnabas parish ward, and that each ward should have the same number of parish councillors as Borough Councillors as follows:

| | |
|------------------------------------|----|
| St Barnabas (inc part of Leighton) | 1 |
| Crewe Central | 1 |
| Crewe North | 1 |
| Crewe South | 2 |
| Crewe East | 3 |
| Crewe West | 2 |
| TOTAL | 10 |

- c. that the first year of elections to the new parish council should be 2015;
- d. that in the intervening period, as soon as the community review governance process allows, a temporary parish council be appointed by the Borough Council, to comprise the members of the Crewe Local Service Delivery Committee; and
- e. that these proposals form the basis of a second stage of public consultations and that the Boundary Commission be informed of these proposals.”

In noting the advice of the Sub-Committee, the Committee considered a number of issues:

- 1. whether the electors of the unparished part of Leighton should be asked if they wished to be included in the proposed parish of Crewe or in the existing parish of Leighton;

2. whether the proposed number of 10 parish councillors for Crewe was sufficient for a town of that size, given that a number of smaller towns in Cheshire East, such as Nantwich, Congleton, Alsager and Wilmslow, had a larger number of town councillors; and
3. whether it was appropriate to delay parish elections until 2015 and to appoint a temporary parish council when elections could be held in May 2013.

RESOLVED

That pursuant to Section 87 of the Local Government and Public Involvement in Health Act 2007; and having regard to the provisions of the Department for Communities and Local Government and Electoral Commission Guidance, issued in April 2008, for the conduct of Community Governance Reviews:

1. the Committee having taken into account
 - a. the results of the consultation with the electors of the unparished area of Crewe which shows that a majority of those who returned their ballot papers were in favour of a new parish council for their area;
 - b. the results of the consultation exercise with stakeholders and the representations from other interested persons;
 - c. the outcomes of the public meetings held in Crewe and subsequent publicity and consultation arrangements;
 - d. the information on existing community governance arrangements in the area concerned and the alternative forms of community governance which might have been appropriate for the area in question; and
 - e. the advice of the Community Governance Review Sub-Committee;
2. Council be advised
 - a. that the interests of effective and convenient local government and community identities in the area would be served by the creation of a new parish with a parish council for the unparished area of Crewe and that parish council be advised to consider its designation as a Town Council;
 - b. that the parish should be divided into 6 wards for the purposes of election to the Parish Council, such wards to be coterminous with the existing Borough wards except that, subject to recommendation c. below, the unparished part of Leighton (Polling District 3FJ5) be

incorporated into the St Barnabas parish ward, and that each ward should have the number of parish councillors as follows:

| | |
|---------------|----|
| St Barnabas | 2 |
| Crewe Central | 2 |
| Crewe North | 2 |
| Crewe South | 3 |
| Crewe East | 4 |
| Crewe West | 3 |
| TOTAL | 16 |

- c. that the electors of the unparished part of the Borough ward of Leighton should be asked whether they would prefer to be included within the proposed parish of Crewe or within the existing parish of Leighton;
- d. that elections to the Crewe parish council should be held as soon as is practicably possible, thereafter to be synchronised with the ordinary date of parish council elections; and
- e. that these proposals form the basis of a second stage of public consultation and that the Boundary Commission be informed of the proposals.

55 OUTSIDE ORGANISATIONS SUB-COMMITTEE - REVISED TERMS OF REFERENCE

At its meeting on 24th June 2010 the Constitution Committee had reconstituted the then Outside Organisations Task Group as a Standing Sub-Committee of the Constitution Committee.

The Sub-Committee had now reviewed its terms of reference in relation to the procedure for considering new appointments and the criteria to be used when making appointments to outside organisations. The following revised terms of reference were recommended to the Constitution Committee for approval:

“REVISED TERMS OF REFERENCE

The Sub-Committee will comprise six Members on the basis previously agreed (3 Conservative; 1 Labour; 1 Independent: 1 Liberal Democrat).

The Sub-Committee, which will meet on an *ad hoc* basis, will be responsible for the following:

- (a) Managing its own programme of work;
- (b) Making recommendations, as and when appropriate to the Constitution Committee;

- (c) Overseeing all appointments to Category 2 outside organisations, addressing any issues emerging in respect of those appointments;
- (d) Reviewing representation to inform the appointments process for the next round of appointments [which take effect from the new Council in 2015];
- (e) Considering new requests for representation, and assessing the appropriateness of including those organisations onto the schedule of approved organisations;
- (f) Subject to the outcome of (e) above, make recommendations to the Cabinet in respect of any outside organisation deemed to be a Category 1; and make recommendations to the Constitution Committee in respect of Category 2 organisations;
- (g) Reviewing, as and when appropriate, the Legal Guidance for Members Appointed to Outside Organisations;
- (h) Conduct comprehensive reviews of representation, as and when appropriate, to establish the appropriateness of representation;
- (i) Make recommendations to the Senior Member Development Officer in respect of training for Members representing the Council on outside organisations.”

RESOLVED

That the revised terms of reference for the Outside Organisations Sub-Committee be approved and the Borough Solicitor be asked to exercise her delegated powers to make any consequential amendments to the Constitution.

56 PETITIONS - THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2000, THE LOCAL AUTHORITIES (PETITIONS) (ENGLAND) ORDER 2010 AND THE LOCALISM ACT 2011

Section 46 of Chapter 10 of the Localism Act 2011 repealed the provisions governing how local authorities received and dealt with petitions and e petitions. In the light of these changes the Committee was asked to review the Council’s scheme for dealing with petitions.

The Council’s Petitions Scheme provided that if a petitioner so requested, an overview and scrutiny committee could review the steps taken or action proposed to be taken by the Council in respect of “ordinary petitions”.

The majority of petitions were ‘ordinary petitions’ and usually had a low number of signatures, generally fewer than 1,000. These were dealt with

by Portfolio Holders and Heads of Service, and Local Ward Members were notified of progress.

The Council would normally attempt to resolve the petitioners' request direct, through the relevant Portfolio Holder or Officer taking appropriate action. Where this was done, the Petitions Officer would ask the petition organiser whether he or she considered that the matter was resolved. In this regard the Council's Petition Scheme had operated successfully.

However there was no evidence to suggest that "Petitions for Debate" and "Petitions to hold an Officer to Account" made a significant difference to the way in which the Council dealt with Petitions and therefore it was proposed that these aspects of the Scheme should be abandoned and replaced with an alternative provision.

It was further proposed that if a petition had in excess of 3,000 signatories, and a petitioner so requested, an overview and scrutiny committee could debate the matter before it was referred to the appropriate decision-maker for determination.

Finally, it was proposed suggested that the right of a petitioner to request an overview and scrutiny committee to review the steps taken or action proposed to be taken by the Council should also be removed.

A revised Petitions Scheme was attached as an Appendix to the report.

RESOLVED

That the views of the Corporate Management Team and the Cabinet be sought on the proposed amendments to the Council's petitions scheme and the matter be considered further in due course.

57 REVIEW OF THE CONSTITUTION

The Committee considered a report on the deferred items in its programme for reviewing the Council's Constitution.

At its meeting held on 17th November 2011, the Committee had appointed a Constitution Task Group to consider and make recommendations on detailed changes to the Constitution. At the same time it had resolved that with the exception of the Finance Procedure Rules, the remaining review of the Constitution should be suspended until the Corporate Scrutiny Committee had concluded its review of the Council's governance arrangements.

Council had since appointed a Joint Member Working Group to review the Council's governance arrangements and that Group's work was well underway. In the meantime, it was now necessary to consider amendments to the Council's Budget and Policy Framework. It was also considered opportune to begin a review of the size and layout of the

Constitution as a whole with a view to producing a more coherent and user-friendly document.

RESOLVED

That the Constitution Task Group be asked to consider proposed amendments to the Budget and Policy Framework and changes to the size and layout of the Constitution.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor A Martin (Chairman)