

# Constitution Committee

## Agenda

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<b>Date:</b>	<b>Thursday, 22nd March, 2012</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Committee Suite 1, 2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 26<sup>th</sup> January 2012.

5. **Crewe Community Governance Review** (Pages 7 - 42)

The Committee is asked to:

- (1) consider the recommendations of the Community Governance Review Sub-Committee following the outcome of the Stage 1 consultation; and
- (2) make a recommendation to Council on the formulation of its draft recommendation.

The Community Governance Review Sub-Committee met on 13<sup>th</sup> March 2012 and its recommendations will be reported at the Committee's meeting.

The documents which the Sub-Committee was asked to consider in making its recommendations to the Committee are attached. These comprise:

- (a) a briefing paper on the matters to be taken into consideration in formulating a draft recommendation;
- (b) the results of the consultation with local electors; and
- (c) other representations received.

6. **Outside Organisations Sub-Committee - Revised Terms of Reference** (Pages 43 - 52)

To review the terms of reference of the Outside Organisations Sub-Committee.

7. **Petitions - The Local Democracy, Economic Development and Construction Act 2000, the Local Authorities (Petitions) (England) Order 2010 and the Localism Act 2011** (Pages 53 - 66)

To review the Council's arrangements for dealing with petitions.

8. **Review of the Constitution** (Pages 67 - 70)

To consider the Committee's approach to the review of the Council's Constitution.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Thursday, 26th January, 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, D Newton, A Thwaite, D Topping, G Wait and P Whiteley

**In attendance**

Councillors L Brown and K Edwards

**Officers**

Caroline Elwood, Borough Solicitor  
Brian Reed, Democratic and Registration Services Manager  
Paul Mountford, Democratic Services Officer  
Lisa Quinn, Director of Finance and Business Services  
Diane Moulson, Senior Member Development Officer

**Apologies**

Councillor J P Findlow, Chairman of the Corporate Scrutiny Committee, and  
Councillor D Brickhill, both of whom were unable to attend for the item on  
Cheshire East governance arrangements.

**44 DECLARATIONS OF INTEREST**

All Members declared a personal interest in Item 6, concerning the re-  
appointment of the Independent Remuneration Panel.

**45 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak or ask a question.

**46 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 17<sup>th</sup> November 2011 be approved  
as a correct record.

**47 PROPOSED AMENDMENTS TO THE COUNCIL'S FINANCE AND CONTRACT PROCEDURE RULES**

The Committee considered proposed amendments to the Finance and Contract Procedure Rules, which formed part of the Council's Constitution.

The report sought approval for proposed amendments to the Foreword and Sections A, B, C and D of the Rules. Section E (Contract Procedure Rules) had already been approved and Section F would be considered at a later date.

The amendments sought to reflect the recent changes made to the Officer Scheme of Delegation and to improve the alignment of the Finance and Contract Procedure Rules, in terms of wording and content, with other parts of the Constitution. The amendments also took into account updated national best practice recommendations and changes to the way the Council operated. Finally, the amendments had included clarification of ring-fenced budgets and schemes of financial delegation.

The proposed amendments had been endorsed by the Constitution Task Group at its meeting on 16<sup>th</sup> December 2011. In addition, the Task Group had agreed a number of further amendments, which had been incorporated into the amended Rules.

**RESOLVED**

That the amended Finance and Contract Procedure Rules be recommended to Council and the Constitution be amended accordingly.

**48 RE-APPOINTMENT OF INDEPENDENT REMUNERATION PANEL**

The Committee considered the appointment of five individuals to Cheshire East Council's Independent Remuneration Panel.

The existing Panel, comprising five independent individuals had been appointed by the former Governance and Constitution Committee on 1<sup>st</sup> December 2008 to serve for a period of three years. As the Panel's term of office came to an end in December 2011, arrangements had been put in place to re-appoint the Panel.

Interviews for the five posts had been held on Thursday, 19<sup>th</sup> January 2012 and the names of the preferred candidates were circulated at the Committee's meeting.

**RESOLVED**

That

- (1) the following five individuals be appointed to sit on Cheshire East Council's Independent Remuneration Panel for a period of three years:



Mrs Khumi Burton  
Mr Alan Edgeworth  
Mr Robin Lord  
Mrs Janet Rushbrooke  
Mrs Cynthia Speed

- (2) the Committee's thanks be extended to the outgoing members of the Panel (Mr David Routs, Professor Michael Burdekin, Mrs Jan Charles, Mrs Christine Crowe and Mr Peter Foden) for their service to the Council.

#### **49 LOCAL SERVICE DELIVERY COMMITTEES**

The Committee at its meeting on 17<sup>th</sup> November 2011 had considered a report on proposed terms of reference for the Crewe and Macclesfield Local Service Delivery Committees. The Committee had also considered the following Notice of Motion by Councillor D Neilson, which had been referred by Council for consideration:

“In view of the consultative role of the Local Service Delivery Committee for Macclesfield, plus the request from the Cabinet in relation to precepting powers for the Committee and in order to enhance its mandate, to reflect opinion across the town, the Council requests the Constitution Committee to re-consider the Committee's composition, with a view to incorporating into its membership all elected Councillors for the unparished area.”

Having considered both matters, the Committee had resolved as follows:

“That Council be recommended to approve the revised terms of reference for the Local Service Delivery Committees as set out in the Appendix to the report, subject to the addition of the Leighton ward for the Crewe Committee.”

Council at its meeting on 15<sup>th</sup> December 2011, having considered the Committee's recommendation, referred the matter back to the Committee for further consideration, and requested a report back to the next meeting of the Council.

Councillors L Brown and K Edwards attended the meeting for this item and, at the invitation of the Chairman, spoke on the matter.

#### **RESOLVED**

That

- (1) Council be recommended that the memberships of the Local Service Delivery Committees for Macclesfield and Crewe be amended to

comprise those members who represent the wards in the respective unparished areas;

- (2) subject to (3) below, the revised terms of reference for the Local Service Delivery Committees as set out in the Appendix to the report be recommended to Council, subject to the addition of the Leighton ward for the Crewe Committee; and
- (3) the Borough Solicitor be authorised, in consultation with the Chairman and Vice-Chairman, to make such further amendments to the terms of reference as are considered necessary and appropriate, and the amended wording be circulated to all Members of the Committee and the visiting Members prior to submission to full Council for approval.

## **50 CHESHIRE EAST GOVERNANCE ARRANGEMENTS - LOCALISM ACT 2011**

The Committee considered a report on the options available to the Council to review its governance arrangements under the Localism Act 2011.

Council at its meeting held on 15 December 2011, had referred the following Notice of Motion, submitted by Councillor D Brickhill, to the Constitution Committee for consideration:

‘In view of the obvious and continued failure of the Cabinet system, as evidenced by their inability, for a second year running, to manage their budget, letting it overrun by a predicted £16,000,000, with the resultant reductions of reserves to a dangerously low level, this Council instructs its Constitution Committee to prepare the necessary amendments to bring about a proven successful system of governance, similar to the earlier committee systems of the successful predecessor Councils, to begin from the start of the 2012/13 financial year.’

The Localism Act allowed Councils to choose to return to the ‘committee system’ of governance. So far, there had been little additional information released by the Government to guide authorities as to the options likely to be available to return to a committee-based structure or to any variation of hybrid models which would retain some kind of overview and scrutiny function.

In order to change governance arrangements, a local authority would be required to pass a resolution at Council. It was anticipated that arrangements could then only be changed with effect from an Annual Council meeting. The precise details of the process were not yet known and would be contained in regulations to be issued by the Secretary of State.

Although a number of authorities had expressed an interest in exploring alternative arrangements to the Executive/ Scrutiny model, all were

awaiting further advice from government as to how this could be achieved. That advice was not expected to be issued until the spring of 2012.

The Corporate Scrutiny Committee had considered this matter at its meeting on 10<sup>th</sup> January 2012 and had recommended the appointment of a Joint Member Working Group on a 6:2:1:1 basis to investigate in detail all available options to review governance arrangements under the Localism Act 2011. It was proposed that the Group begin to meet on a provisional basis subject to ratification by Council.

**RESOLVED**

That subject to ratification by Council, and in concurrence with the recommendations of the Corporate Scrutiny Committee

- (1) a Joint Member Working Group be appointed consisting of 10 Members on a 6:2:1:1 basis, to comprise Members of the Corporate Scrutiny Committee and the Constitution Committee, at least one Member representing the Council's Regulatory Committees and one Member of the Cabinet, with a view to investigating in detail all available options to review governance arrangements under the Localism Act 2011;
- (2) the Joint Member Working Group meet initially on a provisional basis;
- (3) appointments to the Joint Member Working Group be pursued through the group whips; and
- (4) the Chairman and Vice-Chairman of the Joint Member Working Group be appointed at its first meeting.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor A Martin (Chairman)

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## CHESHIRE EAST COUNCIL

### COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE

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<b>Date of Meeting:</b>	13 March 2012
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Crewe Community Governance Review – Formulating The Council's Draft Recommendation

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#### 1. Report Summary

1. This paper provides members with an outline of the process to be followed in conducting this review. It is based on the statutory guidance in respect of the process for creating a new local council 'Guidance on community governance reviews' issued by the Department for Communities and Local Government and the Electoral Commission.

#### 2. Procedure

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 Council.
2. 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.
3. In broad terms the process will follow a number of phases outlined below:
  - Determine viable options for community governance in the area under review.
  - Draw up a Consultation Plan focused on consulting on those viable options.
  - Stage 1 Consultation on the options.
  - Evaluation and analysis of responses.
  - Draft recommendation for the Constitution Committee to consider for recommendation to Council.
  - Draft Proposal advertised
  - Stage 2 Consultation on the Draft Proposal
  - Council decides Outcome of the review.

4. The key element of the Review is the consultation process. The Sub Committee agreed the list of consultees, method of consultation and the timing of the consultation process.
5. The consultation process is central to the Review and must include:
  - Local government electors in the area under review
  - Local businesses, local public and voluntary organisations, schools, health bodies
  - Residents and community groups
  - Area working arrangements.
6. The initial phase of consultation has been based largely on written representations received in response to public notices, specific invitations, a website tool and information leaflets. Two public meetings were 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. As these were poorly attended, further opportunities were subsequently provided to provide information at various community events during November and December 2011. An exhibition display was also located on various days at the Crewe Market, Crewe Library and Delamere House. A communications plan was also developed to support the consultation which comprised of seven press releases, an article in the partnership newsletter, an advert in the programme for a fixture at the Crewe Alexandra Football ground and information on the plasma screens at the customer centre. A voting paper was also sent to electors in Crewe which were required to be returned by 29 February. The website has also been used as a source of information and as a tool for people to use to record their views. A link has been included on the front page of the website during the course of the consultation period.

### **3. Criteria when undertaking a Review**

1. The Council now needs to consider the results of the initial phase of consultation and formulate recommendations ensuring 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
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 town/ 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.

#### **4. Recommendations and Decisions on the Review Outcome**

1. The guidance requires that recommendations must be made with respect to the following:
  - a) Whether a new parish or any new parishes should be constituted
  - b) The name of any new parish
  - c) Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
  - d) What the electoral arrangements for new parishes which are to have parish councils should be
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 representations received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria.
3. It should be noted that Cheshire East Council can only establish a parish council, but could recommend that it should be given the title of a Town Council. The decision whether to be called a Town Council or not would be one for any new parish council established to consider and determine.

#### **5. Electoral Arrangements**

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 single parish council were established, the elections would take place every four years. The next scheduled parish council elections are in May 2015. Should a decision be made to establish a parish council before that date, Councillors would be elected on the same basis as a by-election i.e. their term of office would expire in May 2015, rather than being in office for a full four year term.

- b) The Council can also consider whether to put a “temporary parish council” in place for a period of time before elections are held. The authority can choose anybody it wants to sit on the body and usually it will appoint at least one ward councillor. Temporary parish councils have all the legal powers of an elected parish council, so they can appoint a clerk or other staff, exercise powers and provide services. In the case of a decision being made to hold elections relatively quickly, councils would not normally deem it necessary to put such temporary arrangements in place.
- c) Council size – the number of councillors to be elected to the parish
- d) Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards. In considering whether to recommend that a parish should or should not be warded, the council should consider:-
  - whether the number or distribution of electors would make a single election of councillors impractical or inconvenient;
  - whether it is desirable that any area of the parish should be separately represented on the council

If the Council decides to recommend wards – in considering the size and boundaries of the wards and the number of Councillors for the wards it must have regard to the following factors:

- i) the number of electors for the parish
- ii) any change in number / distribution of electors likely to occur in period of 5 years
- iii) desirability of fixing boundaries which will remain easily identifiable
- iv) any local ties which will be broken by the fixing of any particular boundaries

## **6. Council Size**

1. The Local Government Act 1972 Act specifies that each parish council must have at least 5 members; there is no maximum number. There are no rules relating to the allocation of those Councillors between parish wards.
2. There is a wide variation of council size between parish councils. Research in 1992 has shown this is influenced by population:
  - Between 2501 and 10,000 population had 9 to 16 councillors
  - Between 10,001 and 20,000 population had 13 to 37 councillors
  - Almost all over 20,000 population had between 13 and 31 councillors.
3. The National Association of Local Councils suggests that the minimum number of councillors for any parish should be 7 and the maximum 25.



4. Each area should be considered on its own merits, having regard to population, geography and patterns of communities. Principal councils should bear in mind that the conduct of parish business does not usually require a large body of councillors. However, a parish council's budget and planned level of service provision may be important factors in reaching a decision on Council size.

## **7. Parish warding and names of wards**

1. There is likely to be a stronger case for the warding of urban areas. In urban areas community identity tends to focus upon a locality, with its own sense of identity. In terms of naming parish wards consideration should be given to existing local or historic places, so that these are reflected where appropriate. The Council should take account of community identity and interests and consider whether any ties or linkages would be broken by the drawing of particular ward boundaries.  
Also, when considering ward boundaries the Council should consider the desirability of fixing boundaries which will remain easily identifiable.

## **8. Number of Councillors to be elected for parish wards**

1. If the council decides that a parish should be warded, it should give consideration to the levels of representation between each ward. It is best practice for each persons vote should be of equal weight as far as possible.

## **9. Other forms of Community Governance**

1. In conducting the Community Governance Review, the Council must consider other forms of community governance as alternatives to establishing parish councils, for example:
  1. Area Committees
  2. Neighbourhood management
  3. Tenant Management Organisations
  4. Area/ community forums
  5. Residents/ Tenants organisations
  6. Community Associations

The Sub Committee has included these options as part of the consultation process and no support has been demonstrated for any of these alternative options. The Sub Committee also received a report from the LAP Manager in September 2011 on existing community governance arrangements in Crewe.

## **10. RECOMMENDATION**

In summary, in forming a draft recommendation for the Community Governance Review, the Sub Committee needs to have regard to all representations received, and consider and recommend to the Constitution Committee:

- a. Any forms of community governance as alternatives to establishing parish councils, for example:
- Area Committees
  - Neighbourhood management
  - Tenant Management Organisations
  - Area/ community forums
  - Residents/ Tenants organisations
  - Community Associations
- b. Whether a new parish or any new parishes should be constituted
- c. The name of any new parish or parishes
- d. Whether or not the new parish should have a parish council (if the parish has more than 1000 electors, the review must recommend that the parish should have a parish council)
- e. Whether the parish should have an alternative Style e.g. Community, Neighbourhood, or Village; or whether the status of Town Council should be recommended
- f. What the electoral arrangements for new parishes which are to have parish councils should be
- g. The ordinary year of election
- h. Council size – the number of councillors to be elected to the parish
- i. Parish warding – whether the parish should be divided into wards; this includes the number and boundaries of such wards; number of councillors per ward and the names of wards.

#### Officer Contact Details

Name: Lindsey Parton  
Designation: Registration Service and Business Support Manager  
Tel No: 01270 686477  
Email: lindsey.parton@cheshireeast.gov.uk

## Daily Returns

Date	Crewe (Without Leighton)		37,344		Leighton (1F14)		406		Total		37,750	
	Daily	Total	Turnout		Daily	Total	Turnout		Daily	Total	Turnout	
Friday 03/02/12	9	9	0.02%		0	0	0.00%		9	9	0.02%	
Monday 06/02/12	4,933	4,942	13.23%		2	2	0.49%		4,935	4,944	13.10%	
Tuesday 07/02/12	52	4,994	13.37%		0	2	0.49%		52	4,996	13.23%	
Wednesday 08/02/12	1,873	6,867	18.39%		23	25	6.16%		1,896	6,892	18.26%	
Thursday 09/02/12	914	7,781	20.84%		12	37	9.11%		926	7,818	20.71%	
Friday 10/02/12	976	8,757	23.45%		9	46	11.33%		985	8,803	23.32%	
Monday 13/02/12	1,143	9,900	26.51%		12	58	14.29%		1,155	9,958	26.38%	
Tuesday 14/02/12	10	9,910	26.54%		0	58	14.29%		10	9,968	26.41%	
Wednesday 15/02/12	502	10,412	27.88%		3	61	15.02%		505	10,473	27.74%	
Thursday 16/02/12	260	10,672	28.58%		2	63	15.52%		262	10,735	28.44%	
Friday 17/02/12	332	11,004	29.47%		4	67	16.50%		336	11,071	29.33%	
Monday 20/02/12	229	11,233	30.08%		2	69	17.00%		231	11,302	29.94%	
Tuesday 21/02/12	124	11,357	30.41%		1	70	17.24%		125	11,427	30.27%	
Wednesday 22/02/12	83	11,440	30.63%		1	71	17.49%		84	11,511	30.49%	
Thursday 23/02/12	218	11,658	31.22%		2	73	17.98%		220	11,731	31.08%	
Friday 24/02/12	24	11,682	31.28%		0	73	17.98%		24	11,755	31.14%	
Monday 27/02/12	233	11,915	31.91%		4	77	18.97%		237	11,992	31.77%	
Tuesday 28/02/12	98	12,013	32.17%		1	78	19.21%		99	12,091	32.03%	
Wednesday 29/02/12	122	12,135	32.50%		0	78	19.21%		122	12,213	32.35%	

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## Final Results

Area	No of voting papers received	Yes	No	Rejected	Total	Do totals match?
Crewe	12,135	10,741	1,381	13	12,135	YES
Leighton (1FJ4)	78	69	9	0	78	YES
<b>TOTALS</b>	<b>12,213</b>	<b>10,810</b>	<b>1,390</b>	<b>13</b>	<b>12,213</b>	<b>YES</b>

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**Crewe Community Governance Review Sub Committee**  
**13 March 2012**

**Summary of Representations Received**

1. The following feedback was received in response to the Stage 1 consultation undertaken between 14 November and 16 December and was reported to the Sub Committee at its meeting on 20 December, together with a copy of each representation received.

	<b>Responses received by Registration Service and Business Manager (as at Monday 19 December 2011)</b>	<b>Hardcopy responses received by LAP Manager at consultation events (as at Tuesday 20 December 2011)</b>	<b>Totals</b>
Town / Parish Council	<b>37</b>	<b>15</b>	<b>52</b>
Town /Parish Council and Community Association	<b>1</b>	-	<b>1</b>
Parish Council and Community Forum	<b>1</b>	-	<b>1</b>
Town / Parish Council and Neighbourhood Management	-	<b>1</b>	<b>1</b>
Supports concept of subsidiarity	<b>1</b>	-	<b>1</b>
No change	<b>1</b>	-	<b>1</b>
No preference expressed	<b>4</b>	<b>1</b>	<b>5</b>
<b>Total</b>	<b>45</b>	<b>17</b>	<b>62</b>

**87%** of respondents support a Town / Parish Council as their highest preference.

2. The following representations in support of and against a Single Town Council for Crewe have been received since 16th December, copies of which are attached. 10 further communications were received which have not been included in the summary as they are seeking further information before completing and returning their ballot paper. Further correspondence was also received from some people indicating that they had not received their ballot paper. In many cases this was because people were residents of an area of Crewe which was already parished, and would not therefore have been sent a ballot paper. In

those cases where a ballot paper should clearly have been received, people were encouraged to submit their views by letter or by email.

<b>34x Representations Received since 16 December 2011 in Support of a Single Town Council for Crewe</b>	
A1	Jack Wimpenny, Chair of Governors, St Mary's Primary School
A2	Mrs Stephenson
A3	Andrew Brown
A4	Lenka MolCanova & Jason Bennett
A5	Mr C Nicholson
A6	Malcolm Riley, Deacon of Union Street Baptist Church
A7	Mr & Mrs Corbett
A8	Andrew Dixon
A9	Andrew Taylor, Minister of Union Street Baptist Church
A10	David Elliott
A11	D Harrison
A12	P A Harrison
A13	Unsigned letter of support
A14	Petition signed by 14 residents of Coleridge Way, Crewe
A15	Ballot paper received and not included in the summary of voting papers returned
A16	Ballot paper received and not included in the summary of voting papers returned
A17	Unofficial ballot paper received and not included in the summary of voting papers returned
A18	Ballot paper received and not included in the summary of voting papers returned
A19	Ballot paper received and not included in the summary of voting papers returned
A20	Nigel Parton

<b>4 x Representations Received since 16 December 2011 against a Single Town Council for Crewe</b>	
B1	Hassall
B2	P & M Eustance
B3	T J Stubbs

<b>1x Representations Received since 16 December 2011 concerning the consultation process</b>	
C1	David Perry



**PARTON, Lindsey**

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**From:** Jack Wimpenny [jack.wimpenny@tiscali.co.uk]  
**Sent:** 19 December 2011 20:33  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Crewe Community Governance Review

Dear Sir,

Thank you for asking me to take part in this consultation and I apologise for my late submission.

I welcome the clear description of the various options for Crewe. After considering these, my view is that Crewe should have its own, elected Town Council.

The cabinet system of governance adopted by Cheshire East can result in few, if any, of Crewe Councillors being in a position to represent their town at the highest level of decision making. As funding for Local Government tightens, the allocation of money for Crewe's local needs may thus be compromised.

Things important to Crewe residents are likely to be of little significance to those of other towns. I can think of Crewe Park as an example. Funding shortages appear to have left the park without sufficient daily supervision, compromising the benefits of the recent renovation work. Crewe residents might consider this an area in which they would like to invest more resources.

Responsibility goes hand-in-hand with authority. Of the options suggested in your consultation document, the elected Town Council is the only structure that links responsibility for service delivery with authority mandated to them by the local electorate. In your own words, 'Parish/Town Councils are arguably the most local form of government'. All the other options lack either a true mandate from the local electorate and/or the ability to raise money independently.

I feel that 'fairness' is lacking in the present arrangements. Towns fortunate to have a Town/Parish Council at the time of Cheshire East's formation have benefitted from almost three years in which their local agenda has been able to move forward. As far as I am aware, this has been achieved alongside and at no detriment to the progress of Cheshire East's plans or policies.

At St Mary's Primary School, we teach that everyone should have a voice and that voice has a right to be heard. An elected Town Council for Crewe would give residents more of a voice in the services that affect their lives locally and the means to put ideas into action.

Yours faithfully,

Jack Wimpenny,

Chair of Governors,

St Mary's primary School, Crewe.

Friend,

MRS. L. STEPHENSON.  
FLAT 8, ELM COURT,  
ON, ELM DRIVE,  
CREWE, CHESHIRE.

Dear Sir,

Yes, I would like to know  
what a difference it will make  
to have a Single Town Council  
here in Crewe?

Our town has gone down so much  
we wonder if it will ever be put  
profit? Because it has really gone  
down these days.

I am pleased to say that the Quebec  
East Council have been very good  
& helpful with me, of which I am  
very grateful. At 90 yrs of age, and  
and I had my 2 falls at home at  
times, they & many others have

all really been a great help to me,  
to get me back to life again.  
So good luck & let hope we have

P107

a Crewe Town to be proud of  
again in the future?

So, you a yes!

Yours Hopfully  
Leah Stephenson.

My family have been brought  
up & lived here for many years,  
we, call themselves, real Creweites  
So.

**PARTON, Lindsey**

**From:** Centre, Call  
**Sent:** 30 January 2012 09:08  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Cc:** PARTON, Lindsey  
**Subject:** Crewe Consultation Options Feedback

[Submitted by Anonymous User]

## Crewe Community Governance Review

Name:	Andrew Brown
Address:	1 Brown Lees Close Crewe CW2 6AT
Do you represent a particular local group?	No
<p>If you would like to add any further brief comments, please do so in the box below</p> <p>Crewe needs a Town Council as the current arrangement whereby non-Crewe councillors are deciding the fate of the town is completely wrong. It is completely undemocratic that the wishes of the people of this great town are being overridden by those councillors elected by small numbers of voters in leafy villages at the other end of the county.</p>	

### Preferred Option(s)

The preferred option(s) would be:

**Parish or Town Councils.** 16 points out of 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	3
Parish or Town Councils	16
Neighbourhood Management	13
Community forum	3
Residents' or tenants' association	3

**PARTON, Lindsey**

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**From:** lenka molcanova [pepeliskka@gmx.co.uk]  
**Sent:** 02 February 2012 13:42  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** single Crewe town council

Hi There,  
Lenka Molcanova and Jason Bennett 30 Rolls Avenue Crewe CW13GE we are voting for single crewe town council we wote for YES.  
thank you

**PARTON, Lindsey**

**From:** Centre, Call  
**Sent:** 10 February 2012 10:46  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Cc:** PARTON, Lindsey  
**Subject:** Crewe Consultation Options Feedback

[Submitted by Anonymous User]

## Crewe Community Governance Review

Name:	Mr.C.Nicholson
Address:	19 Danebank Avenue Crewe CW2 8AE
Do you represent a particular local group?	No
<p>If you would like to add any further brief comments, please do so in the box below</p> <p>I thought that the original idea of splitting Cheshire into two parts and do away with the Crewe and Nantwich Council was to save money. However, since most other areas in Cheshire East have now got their own local councils, it seems we in Crewe have no alternative but to have our own.          So; here we are going back to our original state before the split up of Cheshire into two parts and having spent a great deal of money in the process.</p>	

### Preferred Option(s)

The preferred option(s) would be:

**Parish or Town Councils.** 21 points out of 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	11
Parish or Town Councils	21
Neighbourhood Management	13
Community forum	9
Residents' or tenants' association	9

**PARTON, Lindsey**

---

**From:** Malcolm Riley [msriley@btinternet.com]  
**Sent:** 18 February 2012 14:55  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Cc:** Andrew Taylor  
**Subject:** Crewe Town Council - current vote

Whilst I am not resident within the town of Crewe, I believe I am able to support the current vote process in supporting a 'yes' vote for Crewe to have a Town Council, in view of Councillor Fitzgerald's comment on your website i.e '...those who have an interest in the town'.

I am a deacon and property steward of Union Street Baptist Church, Crewe which owes its beginnings in 1882 to Mr Richard Pedley JP who was an Alderman and Mayor of Crewe. He led the small group of people who first met in an upper room in Station Street, towards the building of the church in 1883-4. Mr Pedley was, like myself, a resident of Winterley, also a cheese factor in the town, having a warehouse in South Street. He was most influential in the early years of Crewe, and it would be good for these beginnings to be recognised again, in Civic terms, with Crewe having the dignity of a Town Council.

Apart from his name being recorded on the Council Chamber's board, we also have the physical presence in the town of the baptist church in Union Street which he helped create, and which still continues in its original use today as an important link with Crewe's early years, and appropriately so is now Grade II listed.

Apart from these historical points, I believe that the creation of Town Council status will assist Crewe's continued success as a significant centre of business and commerce in south Cheshire.

I would be pleased therefore if my name could be added to those voting 'yes' to the creation of 'Crewe Town Council'.

Thank you

Malcolm Riley, 26 Pool Lane, Winterley, Sandbach CW11 4RY

3 Leighton View,  
 Crewe,  
 Cheshire,  
 CW1. 3YT.  
 Tel: 01270 580630  
 19/2/12.

Ref: Votes in favour of a Town Council in Crewe.  
 (DO YOU WANT A SINGLE TOWN COUNCIL)  
 MR. S. CORBETT.  
 MR. E. A. CORBETT.

Dear, Ms. Parton,

We have not received any ballot papers for this issue. We have been advised by Cheshire East Council to write directly to you to express a preference for or against.

YES WE ARE IN FAVOUR OF A CREWE TOWN COUNCIL.

2 Votes: ~~S. Corbett~~ YES  
 S. Corbett YES

Yours Sincerely

~~S. Corbett~~  
 S. Corbett

**PARTON, Lindsey**

---

**From:** andrew dixon [dicko601@hotmail.co.uk]  
**Sent:** 22 February 2012 18:19  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Re: Crewe ballot

Hi lindsey

Thanks for the reply, I live in parkfield off parkers road, and I would like to express my view, If given the choice I would like Crewe to have its own council, thanks for offering to forward my views. Regards Andrew Dixon

Sent from my iPhone

On 22 Feb 2012, at 15:11, "COMMUNITY GOVERNANCE REVIEW"  
 <CommunityGovernance@cheshireeast.gov.uk> wrote:

>  
 > Hello  
 >  
 > Do you not mention your address in your message, but only those  
 > residents who live in the area of Crewe which is currently unparished  
 > have been sent a voting paper which could explain why you have not  
 > received a voting pack. The unparished area covers the Cheshire East  
 > Wards of Crewe Central, Crewe East, Crewe North, Crewe South, Crewe St  
 > Barnabas, Crewe West and a small part of Leighton.  
 >  
 > However, you are still welcome to express your views, which you can do  
 > by responding to my email by 5pm on Wednesday 29th February. I will  
 > ensure that your comments are put forward for consideration by the  
 > Council as part of the Review process.  
 >  
 > Kind regards  
 > Lindsey  
 >  
 > Lindsey Parton  
 > Registration Service and Business Manager  
 > Cheshire East Council  
 > Westfields, Sandbach  
 >  
 > Tel: 01270 686477  
 >  
 >  
 > -----Original Message-----  
 > From: andrew dixon [mailto:dicko601@hotmail.co.uk]  
 > Sent: 17 February 2012 16:47  
 > To: COMMUNITY GOVERNANCE REVIEW  
 > Subject: Crewe ballot  
 >  
 >  
 > I have just read in the Crewe Guardian newspaper an article about the  
 > vote for Crewe's own council, I have never received a ballot paper  
 > regarding this vote. Is there anyway I can vote before the closing  
 > date ? Regards A Dixon  
 >  
 > Sent from my iPhone  
 > \*\*\*\*\*  
 > \*\*  
 > Confidentiality: This email and its contents and any attachments are intended only  
 > for the above named. As the email may contain confidential or legally privileged  
 > information, if you are not the above named person or responsible for delivery to the  
 > above named, or suspect that you are not an intended recipient please delete or  
 > destroy the email and any attachments immediately.  
 >  
 > Security and Viruses: This note confirms that this email message has  
 > been swept for the presence of computer viruses. We cannot accept any  
 > responsibility for any damage or loss caused by software viruses.  
 >



**PARTON, Lindsey**

---

**From:** Andrew Taylor [andrewn.taylor@btinternet.com]  
**Sent:** 23 February 2012 17:45  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Cc:** David Cannon; Malcolm and Sandra Riley  
**Subject:** Crewe Town Council

Dear Lindsey Parton,

I write as the Minister of Union Street Baptist Church, in which capacity I responded to the earlier consultation in the matter in 2009. However, unusually for a local minister, I live outside the area currently being polled, though my professional concerns are entirely within it. I am obviously unable to cast a vote in the matter but I hope my views, sent on behalf of the church might be included in the process.

We are strongly of the view that there should be a single town council for Crewe. The concept of community is an important one. Union Street Baptist Church was established over 125 years ago to be at the centre of the community that was developing amongst the workforce of the North Sheds, and that call to serve our community, albeit now a very different one, remains a powerful one for us today. The wider community that is the town of Crewe equally needs to be recognised, identified and served.

The churches of the town, including our own, have in recent years covenanted together in acknowledgement of the fact that although distributed around the town we still serve the town as a whole. Collective endeavours, such as the Christmas Day lunch, the successful hustings meeting held just before the last General Election, and the provision of night shelter accommodation during this winter's cold snap, have been prompted by a concern for the community of Crewe as a whole, and would not have been feasible on a lesser scale. We believe that on a yet broader range of issues a Town Council for Crewe would also serve that purpose.

I hope these views might be taken into account.

With sincere thanks,

Andrew Taylor  
Minister  
Union Street Baptist Church

**PARTON, Lindsey**

**From:** Centre, Call  
**Sent:** 28 February 2012 09:11  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Cc:** PARTON, Lindsey  
**Subject:** Crewe Consultation Options Feedback

[Submitted by Anonymous User]

## Crewe Community Governance Review

Name:	David Elliott
Address:	32 Broughton Lane Wistaston Crewe CW2 8JP
Do you represent a particular local group?	No
If you would like to add any further brief comments, please do so in the box below	

### Preferred Option(s)

The preferred option(s) would be:

**Parish or Town Councils.** 25 points out of 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	3
Parish or Town Councils	25
Neighbourhood Management	24
Community forum	24
Residents' or tenants' association	24

A12

103 Coleridge Way

CREAT

CW01 5LE

I wish to vote for a  
Town Council

P. A. HARRISON

Pd Hansen

A11

103 Coleridge Way

CREAT

CW01 5LE

28-02-12

I wish to vote for a  
Town Council

P. A. HARRISON

Pd Hansen

I am in favour of a Town Council  
for Greve. 27/2/12 EWS 6QQ

FAO Lindsey Parton  
Cheshire East  
Westfields  
Middlewich Road  
Sandbach  
Cheshire CW11 9HZ

Vote for Crewe Council

Dear Madam,

We the undersigned wish to vote in favour of having a Crewe Council

Name	Address	Signature
DEREK GEORGE SHAW	57 COLERIDGE WAY CREWE CW1 5JX	D Shaw
Ann Shaw	57 Coleridge Way Crewe CW15JX	A S Shaw
John Bryan	61 Coleridge Way Crewe CW1 5JX	J Bryan
Margaret Bryan	61 Coleridge Way Crewe CW1 5JX	M. Bryan
Jack Brooker	59, COLERIDGE WAY CREWE CW1 5JX	J Brooker
Jacky Brooker	59, COLERIDGE WAY CREWE CW1 5JX	J Brooker
GEORGE STOBBS	65 COLERIDGE WAY CREWE CW1 5JX	G Stobbs
PAUL NOWNALL	67 COLERIDGE WAY, CREWE CW15LE	P Nownall
Margaret Bell	69, Coleridge Way Crewe	M Bell
DARILE TAYLOR	71, COLERIDGE WAY, CREWE	D Taylor
CLARE TAYLOR	71 COLERIDGE WAY, CREWE	C Taylor
SADIE HULME	63 Coleridge way, crewe, CW1 5JX	S Hulme
JASON BARNES	63 COLERIDGE WAY, CREWE	J Barnes
PHILIP SHAW	(138 ELM DRIVE CREWE) (FORMALLY 57 COLERIDGE WAY)	P Shaw

(NONE OF THE ABOVE HAVE RECEIVED VOTING PAPERS)

# Crewe Community Governance Review

## Voting Paper for Electors

1. Place a cross (x) in the box below opposite the option you are voting for.
2. Put no other mark on the voting paper or your vote may not be counted.
3. Once completed, return by post in the pre-paid envelope without delay.
4. The voting paper must be received by no later than **5pm on Wednesday 29 February 2012.**

### Question:

**Do you want a single Town Council for Crewe?**

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

# Crewe Community Governance Review

## Voting Paper for Electors

1. Place a cross (x) in the box below opposite the option you are voting for.
2. Put no other mark on the voting paper or your vote may not be counted.
3. Once completed, return by post in the pre-paid envelope without delay.
4. The voting paper must be received by no later than **5pm on Wednesday 29 February 2012.**

### Question:

**Do you want a single Town Council for Crewe?**

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

## ***Crewe Community Governance Review***

### **Voting Paper for Electors**

1. Place a cross (x) in the box below opposite the option you are voting for.
2. Put no other mark on the voting paper or your vote may not be counted.
3. Once completed, return by post in the pre-paid envelope without delay.
4. The voting paper must be received by no later than **5pm on Wednesday 29 February 2012.**

#### **Question:**

**Do you want a single Town Council for Crewe?**

<b>YES</b>	<input checked="checked" type="checkbox"/>
<b>NO</b>	<input type="checkbox"/>

Voting Paper for Electors

Voting Paper for Electors

- 1. Place a cross (x) in the box below opposite the option you are voting for.
- 2. Put no other mark on the voting paper or your vote may not be counted.
- 3. Once completed, return by post in the pre-paid envelope without delay.
- 4. The voting paper must be received by no later than 5pm on Wednesday 29 February 2012.

- 1. Place a cross (x) in the box below opposite the option you are voting for.
- 2. Put no other mark on the voting paper or your vote may not be counted.
- 3. Once completed, return by post in the pre-paid envelope without delay.
- 4. The voting paper must be received by no later than 5pm on Wednesday 29 February 2012.

Question:

Do you want a single Town Council for Crewe?

Question:

Do you want a single Town Council for Crewe?

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>

YES	<input checked="" type="checkbox"/>
NO	<input type="checkbox"/>



A20

2-2-2012

Yes X

I would like a single loose leaf.

Note lost postcard envelope.

Nigel Panton

98 Davenport Avenue

Leam

EW26LT

01290 652931

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**PARTON, Lindsey**

**From:** Centre, Call  
**Sent:** 13 January 2012 21:18  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Cc:** PARTON, Lindsey  
**Subject:** Crewe Consultation Options Feedback

[Submitted by Anonymous User]

## Crewe Community Governance Review

Name:	I. Hassall 11 Hawthorn lane
Address:	11 Hawthorn Lane Crewe
Do you represent a particular local group?	No
<p>If you would like to add any further brief comments, please do so in the box below</p> <p>why do we need a council in crewe when the government set up a unitary authority to remove all the layers of governance. Is this same democratic process to be carried out in macclesfield or do they have sufficient representation at cheshire east to ensure that their needs are catered for.</p>	

### Preferred Option(s)

The preferred option(s) would be:

**No Change.** 5 points out of a possible 27.

All the scores given against the various options:

Option	Total score (out of a possible 27)
No change	5
Parish or Town Councils	4
Neighbourhood Management	3
Community forum	3
Residents' or tenants' association	3

**PARTON, Lindsey**

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**To:** COMMUNITY GOVERNANCE REVIEW

**Subject:** RE: Proposed Crewe Town Council

-----Original Message-----

**Sent:** 27 January 2012 16:22

**To:** COMMUNITY GOVERNANCE REVIEW

**Subject:** Re: Proposed Crewe Town Council

Dear Sir/Madam, We are against the proposed Crewe Town Council or Parish Council, We prefer that the present arrangements are kept.

Kind Regards

P & M Eustance  
21 Herbert Street  
Crewe Cheshire  
CW1 5LZ

**PARTON, Lindsey**

---

**From:** terence stubbs [christerry@sky.com]  
**Sent:** 08 February 2012 11:16  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Re: local council for crewe

thank you for the reply  
i know that £15.50 is not a lot of money for one year  
but what will the cost rise to in future years  
so with that i mind i will be voting no  
your t j stubbs

On Tue, Feb 7, 2012 at 12:09 PM, COMMUNITY GOVERNANCE REVIEW  
<[CommunityGovernance@cheshireeast.gov.uk](mailto:CommunityGovernance@cheshireeast.gov.uk)> wrote:

Thank you for your email.

More information is available on the Council's website.

I attach some information that I hope will help.

The additional cost per household is estimated to be £15.50 per year

Paul Jones  
Democratic Services Team Manager  
Cheshire East Council  
Westfields, Middlewich Road,  
Sandbach, Cheshire.  
CW11 1HZ.  
Tel. 01270 686458

<http://www.cheshireeast.gov.uk/>

**PARTON, Lindsey**

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**From:** terence stubbs [christerry@sky.com]  
**Sent:** 03 February 2012 09:14  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** local council for crewe

dear sirs

this is probable a question that has been asked before  
but would a singular council for crewe increase our council tax or would there be  
another tax to pay ie a local one like the old parish council tax  
or would there be addition tax paid by the residents of crewe to finance  
the singular crewe council

yours

tj stubbs cw2 6ne  
[christerry@sky.com](mailto:christerry@sky.com)

Mr D. Perry.

10 Grenville Close,

Haslington,

Crewe.

20 February 2012.

Dear Lindsey,

Re my phone call to you at lunchtime today, about the reforming of Crewe Borough Council and the lack of information for all the people of the Borough. I suggested that maybe a "Flyer" distribution throughout the whole Bough, as I said I would be prepared to do an area of Haslington I stand by that, but think maybe the "Flyer" should ask for volunteers to help. Also the formation of a Forum of ordinary people working with and alongside with your committee dealing with this issue. As I said to you there are a lot of people I have spoken to who know nothing of this issue and I personally believe that if this new Council will better represent our Town at a Local level then Local people from all parts of the Borough should be allowed to be involved if that's what they want to do.

Kind Regards,

David Perry.

Tel-01270586507

Email- david.s.perry@talktalk.net

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## CHESHIRE EAST COUNCIL

### Constitution Committee

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**Date of Meeting:** 22<sup>nd</sup> March 2012  
**Report of:** Legal and Democratic Services Manager  
**Subject/Title:** Outside Organisations Sub-Committee – Revised Terms of Reference

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#### 1.0 Report Summary

- 1.1 At its meeting on 24<sup>th</sup> June 2010 the Constitution Committee reconstituted the then Outside Organisations Task Group as a Standing Committee of the Constitution Committee; the Sub-Committee are now requesting that the Terms of Reference agreed at that time are revised.

#### 2.0 Recommendation

- 2.1 To ratify the terms of reference of the Outside Organisations Sub-Committee, as recommended at its meeting on 23<sup>rd</sup> November 2011.

#### 3.0 Reasons for Recommendation

- 3.1 The terms of reference originally agreed by the Constitution Committee in June 2010 were as detailed below. These were followed until 27<sup>th</sup> June 2011 when they were considered by the Sub-Committee as part of a general review of its role.

#### 3.2 ORIGINAL TERMS OF REFERENCE OF THE OUTSIDE ORGANISATIONS SUB-COMMITTEE

- (a) To meet on an *ad hoc* basis;
- (b) To comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour);
- (c) To oversee appointments in general to outside organisations;
- (d) To oversee appointments to Category 2-4 outside organisations, in general, and address any issues emerging in respect of those appointments;
- (e) To continue with its review of appointments to establish the effectiveness and appropriateness of representation;
- (f) To consider all new requests from outside organisations for representation on outside bodies;

- (g) Arising out of the process under (e) above to refer to Cabinet any organisation(s) deemed to be in Category 1; and
  - (h) report back to the Constitution Committee as and when it considers appropriate;
- 3.3 Some members of the Sub-Committee commented that the terms of reference required revision, with particular reference to items (c) and (d) above, which made referred to 'overseeing' appointments. Some members were unclear about the definition of the word in this context.
- 3.4 Taking the comments into account the Terms of Reference were redrafted and considered further by the Sub-Committee on 23 November 2011 in conjunction with the procedure for (a) considering new appointments and (b) the criteria to be used when making appointments to outside organisations; these are attached as appendices A and B respectively.
- 3.5 The following revisions were agreed by the Sub Committee and are now recommended to the Constitution Committee for approval.

#### REVISED TERMS OF REFERENCE

The Sub Committee will comprise six Members on a proportionate basis (4 Conservative, 1 Liberal Democrat and 1 Labour) *N.B: In May 2011 agreements between the Whips was reached and the rules of political proportionality were not strictly observed.*

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.

#### **4.0 Wards Affected**

4.1 N/A

#### **5.0 Local Ward Members**

5.1 N/A

#### **5.0 Policy Implications**

6.1 None identified.

#### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 None identified.

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

8.1 Whilst membership of outside bodies carries with it the potential for personal liability for elected Members undertaking such roles as ancillary to their status as a Councillor, particularly in respect of trusteeships, Cheshire East Borough Council has resolved to put in place for elected Members the maximum indemnity which is allowed by law.

8.2 Section 111 of the Local Government Act 1972 empowers local authorities to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions, and Section 2 of the Local Government Act 2000 empowers them to do anything they consider likely to achieve the object of the promotion of the economic, social or environmental well-being of their area. Pending the coming into force of the general power of competence in the Localism Act 2011, which will be on a date yet to be announced, either or both of these existing powers would normally be the authority for appointing Members to outside bodies and/or selecting the bodies to which they are to be appointed.

**9.0 Risk Management**

9.1 N/A

**10.0 Background and Options**

10.1 To retain the existing terms of reference or to suggest other amendments to the Sub-Committee for further consideration.

**11.0 Access to Information**

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

Name: Cherry Foreman  
Designation: Democratic Service Officer  
Tel No: 01270 686463  
Email: [cherry.foreman@cheshireeast.gov.uk](mailto:cherry.foreman@cheshireeast.gov.uk)

**APPENDIX A**

**PROCEDURE FOR ADDING NEW OUTSIDE ORGANISATIONS TO  
THE APPROVED LIST**

- (i) All new requests for representation on an outside organisation will be considered by the Sub-Committee which will apply the appointments criteria to decide whether or not the organisation should be added to the list of approved organisations.
- (ii) If the organisation is considered appropriate for inclusion, the Sub-Committee will then decide which category is the most appropriate, again by applying the approved criteria. (Category 1 comprises those organisations which are regarded as top level strategic bodies to which the Cabinet appoints and Category 2 comprises those to which the Constitution Committee appoints.)
- (iii) If the Sub-Committee determines that it should be a Category 1 organisation, the matter will be referred to the Cabinet which will (a) decide whether it wished to add the organisation to the list of Category 1 organisations; (b) if so, determine the Council's representation on the organisation as appropriate; or (c) if not, refer the organisation to the Constitution Committee to consider for inclusion as a Category 2, or for rejection.
- (iv) If the Sub-Committee determines that it should be a Category 2 organisation, the Sub-Committee will recommend the organisation's inclusion on that list of approved organisations and will submit nominations for consideration by the Constitution Committee.

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**APPENDIX B**

**APPOINTMENTS TO OUTSIDE ORGANISATIONS**

**APPOINTMENTS CRITERIA**

At its meeting held in March 2009, the former Governance and Constitution Committee agreed to adopt the following appointments criteria will form the basis of an objective, rational and open appointment process.

**i. Criteria for making appointments**

**(a) The Appointment is a Statutory Requirement**

There will be a limited number of bodies to which the Authority is required to appoint but statutory requirement should be included as a criterion. Examples include the Police Authority and Fire Authority.

**(b) Appointment Allows the Authority to Influence Policy at National or Regional Level**

This will apply to those organisations which give the Authority a voice at national or regional level and enables it to influence high-level policy decisions. Examples will include the Local Government Association and the North-West Employers Organisation.

**(c) Appointment Assists the Authority to Deliver its Strategic Objectives and Priorities**

This is a key part of any appointment system, where it can be demonstrated that the appointment will make a direct or significant contribution to the Authority's strategic objectives, in particular the Corporate Plan.

**(d) Appointment is to an Organisation which Receives Major Funding from the Authority or Provides Key Public Services**

Representation will ensure that the organisation uses its funding properly and develops in a way which the Authority considers appropriate.

Those organisations which provide key public services, for example Housing Trusts, are often created by a local authority which reserves the right to place Members on the organisation's Board.

**(e) Where an approved organisation is ward-specific, the Member appointed should be an appropriate Ward Member.**

In Wards where there is more than one Member, it will be for those Ward Members themselves to agree on the nomination. In the event of no agreement being reached, the Constitution Committee will make the decision.

**ii. Criteria for Declining to make Appointment**

In rare cases, it may not be appropriate to appoint to an outside organisation; for example, where there are significant cost or resource implications for the Authority when balanced against the benefits. These will be determined as and when the situation arises.

**iii. Issues for Consideration in Making Appointments**

In addition to adopting the approved criteria, the following should be taken into account -

○ **Political Proportionality**

When making appointments to outside organisations, there is no requirement to adopt the rules of proportionality, but there are some organisations where it is appropriate for the leading political group to take the places. These will, for the most part, be those organisations identified as Category 1.

Political proportionality is used as a starting point only by the Outside Organisations Sub-Committee to enable a fair distribution of places.

○ **Continuity/Members' Interests**

Continuity of representation can be important to outside organisations. Even where the organisation's constitution stipulates a term of office of 12 months only, the representative can build up expertise and experience which can be a loss to that organisation if a new representative is appointed after expiry of the term of office. For this reason, where possible, and provided the representative is willing to continue to serve, consideration should be given to re-appointing the same Member, if appropriate. This could depend on, for example, where elections may change the political balance or it may be appropriate to provide opportunities for newly-elected councillors to serve on organisations which reflect their interests.

Note: Following the elections in May 2011, all appointments are for the life of the Council.

○ **Potential Conflict**

Members will need to consider, when being appointed, that in taking up a formal position within an incorporated body - as director or trustee – the Member will be under a legal duty to act in the best interests of that outside body, notwithstanding the fact that he/she is there as a representative of the Authority. That duty will override a Member's duties to the Authority or the Council-tax payers it serves. It is also worth noting that where a matter is raised by the outside organisation relating to its relationship with the Authority, it is likely to give rise to a conflict of interest for the Member representative who will usually be required to absent him/herself from the meeting during the discussion. A dual-mandated role may therefore be



problematic and out-weigh any perceived benefits for either the organisation or the Authority. In these circumstances, the Member may take the view that he/she should not take up the appointment. As this would apply to any councillor appointed in these circumstances, a review of representation, for that particular organisation, would need to be undertaken.

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## CHESHIRE EAST COUNCIL

### Constitution Committee

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**Date of Meeting:** 22<sup>nd</sup> March 2012  
**Report of:** Borough Solicitor  
**Subject/Title:** Petitions - The Local Democracy, Economic Development and Construction Act 2000, the Local Authorities (Petitions) (England) Order 2010 and the Localism Act 2011

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#### **1.0 Report Summary**

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 placed a duty on Councils to promote local democracy and introduced facilities for receiving and dealing with petitions and e petitions.
- 1.2 Under the Local Authorities (Petitions) (England) Order 2010 and in accordance with Statutory Guidance the Council approved its Petition Scheme on 27<sup>th</sup> May 2010. On 1<sup>st</sup> December 2010 the Council revised the Scheme to include provision for e petitions.
- 1.3 Section 46 of Chapter 10 of the Localism Act 2011 repeals the provisions relating to facilities for receiving and dealing with petitions and e petitions. In the light of these changes this report invites the Committee to revise the scheme for dealing with petitions.

#### **2.0 Recommendation**

It is recommended that the Committee consider the report and if appropriate seek the views of Corporate Management Team and Cabinet on the proposals contained in the report.

#### **3.0 Reasons for Recommendations**

- 3.1 Petitions are the most widely used form of civic action by individuals and communities to make representations to different public bodies on matters affecting them. The Council should retain a Petitions Scheme but revise it to meet the needs of Cheshire East.

#### **4 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

## **6.0 Policy Implications including**

6.1 Not applicable.

## **7.0 Financial Implications**

7.1 The Council's Modern.gov agenda management system was upgraded at no extra cost with an e-Petitions module. The cost of controlling, moderating and dealing with paper and e petitions is being met from within existing resources.

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

8.1 Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act placed a duty on the Council to have a Scheme in place to handle petitions and to provide a facility for making electronic petitions to the authority. The Local Authorities (Petitions) (England) Order 2010 required the Council to adopt a Petitions Scheme by the 15<sup>th</sup> June. The order required e petitioning to be introduced by 15<sup>th</sup> December 2010. Section 46 of Chapter 10 of the Localism Act repeals the provisions about petitions to local authorities. The Council is therefore free to determine its own arrangements.

## **9.0 Risk Management**

9.1 The Council moderates petitions and has developed criteria to be established to decide if a petition should be rejected. This covers petitions that do not reflect the views of the Council or those which are politically motivated. Democratic Services provide guidance for the public on submitting a petition or e petition.

## **10 Background and Options**

10.1 The Local Authorities (Petitions) (England) Order 2010 placed specific requirements on the Council. These included requirements about the way petitions should be categorised. These were as follows:-

- a. "Petitions for Debate" must be reported to and debated at full Council;
- b. "Petitions to hold an Officer to Account" trigger an open meeting of an Overview and Scrutiny Committee at which the named officer will report and be questioned on their actions
- c. "Exempted Petitions" – Petitions received in response to statutory consultation for example on planning and licensing applications will continue to be reported to Planning and Licensing Committees or other appropriate Committee
- d. "Ordinary Petitions", for which the authority can determine how these petitions will be handled.

- 10.2 The Councils Petition Scheme also allows that if a petitioner so requests, an Overview and Scrutiny Committee may review the steps taken or action proposed to be taken by the Council in respect of “Ordinary Petitions”.
- 10.3 The majority of Petitions are ‘ordinary petitions’ and usually have a low number of signatures generally less than 1,000. These are dealt with by Portfolio Holders and Heads of Service and Local Ward members are notified of progress.
- 10.4 Normally the Council will attempt to resolve the petitioners’ request directly, through the relevant Portfolio Holder or officer taking appropriate action. For example where the petition relates to fly-tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved. In this regard the Councils Petition Scheme has operated successfully.
- 10.5 However there is no evidence to suggest that “Petitions for Debate” and “Petitions to hold an Officer to Account” make a significant difference to the way in which this Council deals with Petitions and therefore these aspects of the Scheme should be abandoned and replaced with an alternative provision.
- 10.6 It is recommended that if a petition has in excess of 3,000 signatories and if a petitioner so requests, an Overview and Scrutiny Committee may debate the matter before it is referred on to the appropriate decision-maker for determination. This would normally be the relevant Portfolio Holders and Heads of Service. This would support the role of overview of scrutiny to hold the executive to account and to reflect the voices and concerns of the public.
- 10.7 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.
- 10.8 A revised Petitions Scheme is enclosed at Appendix 1.

#### **11.0 Access to Information**

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

Name:	Brian Reed
Designation:	Democratic and Registration Services Manager
Tel No:	01270 686670
Email:	brian.reed@cheshireeast.gov.uk

#### **Appendices:**

Appendix 1 - A revised Petitions Scheme

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## APPENDIX A

## Petitions

Cheshire East Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition. Whilst we like to hear from people who live, work or study in Cheshire East, this is not a requirement and we would take equally seriously a petition from, for example, 10 visitors to the District on the subject of facilities at one of our visitor attractions.

Petitions can also be presented to the Mayor prior to a meeting of the Council. These meetings take place on a bi monthly basis, dates and times can be found on the Cheshire East Website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk). If you would like to present your petition to the Mayor, or would like your councillor to present it on your behalf, please contact the Democratic Services Manager at the address below at least 10 working days before the meeting and they will talk you through the process.

## What should a petition contain?

A petition should include –

A clear statement of your concerns and what you want the authority to do. This must relate to something which is the responsibility of the authority, or over which the authority has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision;

The name and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address;

The names of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the authority, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential. If you want your petition to be debated at a meeting of **the Councilan Overview and Scrutiny Committee** (“A Petition for Debate”), ~~or to trigger a public meeting of an Overview and Scrutiny Committee at which a specific officer will be required to report (“A Petition to hold an Officer to Account”)~~, your petition will need to contain a higher number of signatories or petitioners (see below);

If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter.



Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

## **Who should you send a petition to?**

Where you submit a petition in response to consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.

We have appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the authority. Please address petitions to –

The Petitions Officer  
Cheshire East Council,  
Westfields,  
Middlewich Road,  
Sandbach,  
Cheshire CW11 1HZ

Or to [petitions@cheshireeast.gov.uk](mailto:petitions@cheshireeast.gov.uk).

The Petitions Officer will ensure that your petition is acknowledged to the petition organiser and entered on the authority's petitions website and that the website is regularly up-dated with information on the progress of your petition. The Petitions Officer can also provide you with advice about how to petition the authority or the progress of your petition, at either of the above addresses or by telephone at 01270 686458.

## **Types of Petition**

There are ~~five~~**four** different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

### Ordinary Petitions

These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Standards Committee, rather than considered under this Petitions Procedure.

### Consultation Petitions

These are petitions in response to an invitation from the authority for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.



## Statutory Petitions

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

## Petitions for Debate

If you want your petition to be reported to and debated at a meeting of **the Councilan Overview or Scrutiny Committee**, it must contain at least 3000<sup>1</sup> signatories or petitioners (this is reduced to 1500 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The Petitions Officer will request the appropriate Chief Officer to prepare a report. This report together with the Petition will be presented to full Council who will debate it fully. Council may then refer the Petition to the appropriate decision making body for further consideration.

## Petitions to Hold an Officer to Account

~~If you want your petition to be considered at a meeting of an Overview and Scrutiny Committee, where an officer, identified either by name or by post title, will be required to answer questions on the conduct of a particular matter, your petition should contain at least 2000 signatories or petitioners (this is reduced to 1000 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the authority's area). The authority has determined that such petitions must relate to the Chief Executive, a Director or a Head of Service of the authority. Please note that where the petition raises issues of competence or misconduct, the petition will be referred to the Chief Executive (or to the Head of Human Resources in respect of the Chief Executive) and will be considered under the authority's Disciplinary Procedures, and not under this Petitions Procedure.<sup>2</sup>~~

## The Petitions Website

The authority maintains a petitions web page on its website.

When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the authority, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered,

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<sup>1</sup> The number of signatories or petitioners required for Petitions for Debate, and for Petitions to Hold and Officer to Account have been set by the authority to try to ensure that matters of genuine concern can be brought to the authority's attention. These requirements will be reviewed periodically in the light of the number of petitions received, to ensure that the requirements are not excessive.

<sup>2</sup> Note that the Local Democracy, Economic Development and Construction Act 2009 makes no provision for handling petitions which raise issues of officer or member misconduct or officer competence, but in practice such petitions cannot be handled under the Petitions Procedure and must be handled under the procedures appropriate to such matters.



the authority's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

### The role of Ward Councillors

When a petition is received which relates to a local matter (particularly affecting specific electoral wards), the Petition Officer will send a copy of the petition to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

### What happens when a petition is received?

Whenever a petition is received –

Within 5 working days of receipt, the Petitions Officer will acknowledge receipt to the petition organiser.

At the same time as responding to the petition organiser, the Petitions Officer will notify Ward Councillors of receipt of the petition and the relevant officers and Portfolio Holders. In some cases, the Petitions Officer may be able to resolve the petitioners' request directly, by getting the relevant Portfolio Holder or officer to take appropriate action. For example where the petition relates to fly-tipping and the authority can arrange for it to be cleared up directly. Where this is done, the Petitions Officer will ask the petition organiser whether s/he considers that the matter is resolved.

Unless the matter has been resolved to the satisfaction of the petition organiser, the Petitions Officer will within 5 working days of receipt of the petition provide a substantive response to the petition organiser setting out who the petition will be reported to for consideration,

Within 5 working days of receipt of a petition, the Petitions Officer will open a new public file for the petition on the authority's petitions website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will only be included on the website if s/he so requests.

At each stage of the consideration of the petition, within 5 working days of any decision, the Petitions Officer will ensure that the petitions website is updated to ensure that petitioners can track progress of their petition.

The process after this stage differs for the various types of petitions – see below.

### What happens to a Consultation Petition?

Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

The petition will be reported to person or body who will take the decision on the proposal or application at the meeting when they are to take the decision on that application or proposal. The Council's Constitution defines who will take different types of decision, as



set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees.

Where the petition relates to a matter which is within the delegated power of an officer, s/he will not exercise those delegated powers but will automatically refer the matter up to the relevant Portfolio Holders for decision.<sup>3</sup>

Where the petition relates to a matter which is within the delegated powers of an individual Portfolio Holders, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

#### What happens to a Statutory Petition?

Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council in accordance with the statutory requirements.

#### What happens to Petitions for Debate?

Petitions for Debate will be reported to the next convenient meeting of **Councilthe relevant overview and Scrutiny Committee**. ~~Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition.~~

~~As set out below, t~~**The petition organiser will be invited to address the meeting on the subject of the petition and will be allowed to speak for three minutes. The meeting way ask the petition organiser questions on the subject matter of the Petition. The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.**

#### ~~What happens to a Petition to Hold an Officer to Account?~~

~~Petitions to hold an officer to account will be reported to the next convenient meeting of the relevant Overview and Scrutiny Committee.~~

~~In advance of the Committee meeting, the petition organiser will be invited to submit a list of questions which s/he would like put to the officer at the meeting. These questions will be provided to the Chairman of the Committee, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.~~

~~At the meeting, the Chairman will invite the petition organiser to address the Committee on the issue<sup>4</sup>, and the relevant officer will then be required to report to the Committee in relation to the conduct of the subject matter of the petition. Members of the Committee may question the officer, and the Chairman may invite the petition organiser to suggest questions for him/her to put to the officer.~~

#### What happens to an Ordinary Petition?

<sup>3</sup> The exceptions to delegated powers set out in Paragraphs 3.8.3 and 3.8.4 will need to be carried over to the Scheme of Delegations in the Council's Constitution

<sup>4</sup> Note that the 2009 Act does not give the petition organiser a right to speak at the Committee meeting, but the Council has decided that s/he should be invited to set out the petitioners' concerns in relation to the subject matter of the petition.



The Petitions Officer will arrange for each ordinary petition to be reported to the appropriate officer and Portfolio Holder which has responsibility for the subject matter of the Petition for them to deal with under delegated powers. If appropriate to do so the petition organiser will be invited to meet the Portfolio Holder to make representations in support of the petition

Within 5 working days of the consideration of the petition by the relevant Portfolio Holder, the Petitions Officer will notify the petition organiser of the Portfolio Holder's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

#### Appeal to an Overview and Scrutiny Committee

~~If the petition organiser is not satisfied with the outcome of the authority's consideration of his/her petition, he/she may appeal to an Overview and Scrutiny Committee by notifying the Petitions Officer of his/her intention to appeal within 20 working days of being notified of the authority's decision on the petition.~~

~~Within 5 working days of receipt of intention to appeal, the Petitions Officer will determine which is the relevant Overview and Scrutiny Committee and will notify the petition organiser of the time, date and place of the next convenient meeting of that Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee on why they considers that the authority's decision on the petition is inadequate.~~

~~At that meeting, the Overview and Scrutiny Committee will invite the petition organiser and Ward Councillors to make their representations and to explain why s/he considers that the Council's response was insufficient. The Overview and Scrutiny Committee may not over-ride the decision maker's decision but the decision maker must consider any recommendations made by the Overview and Scrutiny Committee.~~

#### The role of the Petition Organiser

The petition organiser will receive acknowledgement of receipt of the petition within 5 working days of its receipt by the authority.

Where the petition is not accepted for consideration the petition organiser will be advised by the Petitions Officer of the rejection and the grounds for such rejection.

~~Where the petition is accepted for consideration, the petition organiser will be advised by the Petitions Officer within 5 working days of receipt by the authority as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 3 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.~~

~~The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.~~

**The Council will not promote individual Petitions. Raising awareness of Petitions can be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. The Council will not allow the**



**collection of signatories in public buildings. To do so may present a safeguarding risk.**

The petition organiser will be regularly informed by the Petitions Officer of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision. **It is the responsibility of the petition organiser to disseminate the outcome of the petition to any signatories on the Petition.**

~~The petition organiser may notify the Petitions Officer of his/her intention to appeal to an Overview and Scrutiny Committee against the decision of the authority relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting of the Overview and Scrutiny Committee as to why he/she considers that the authority's decision on the petition was inadequate.~~

#### Petitions which will not be reported

##### Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, ~~but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.~~

##### Repeat Petitions

Where a petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

##### Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

If your petition is about something over which the council has no direct control we will pass on the petition on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

Wherever possible, it is expected that the petition will be dealt within six weeks of it being received by the Council. If this is not possible, then a holding response will be sent to the lead petitioner and relevant Portfolio Holder(s).

## **E Petitions**

### **Who can sign an e-petition?**

An e-Petition can be signed by a person of any age who lives, works or studies in the Cheshire East area. You do not have to be a registered user to sign all e- Petitions but you will need to provide your name and a valid email address, for verification purposes.

You can only sign an e-Petition once. The list of signatories will be checked by officers and any duplicate signatures or frivolous responses removed.

### **How to create a new e-Petition**

An e-Petition can be created by a person of any age who lives, works or studies in the Cheshire East area. To submit an e-Petition you will need to be a registered user. Registration is a simple process that just requires you to provide us with a few details in case we need to contact you about the e-Petition. On the e-Petitions homepage, select the 'Submit a new e-Petition' option and follow the prompted steps from there. Your online form will be submitted to the Democratic Services Section who may contact you to discuss your e-Petition before it goes live.

### **What information should an e-Petition contain?**

Your e-Petition will need to include:

- A title or the subject of the e-Petition
- A statement explicitly setting out what action you would like the Council to take (e.g. to take action or stop doing something action”).
- Any information which you feel is relevant to the e-Petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites.
- A date for your e-Petition to go live on the website. It may take Democratic Services five working days to check your e-Petition request and discuss any issues with you so please ensure that you submit the request a few days before you want the e-Petition to go live.
- A date for when your e-Petition will stop collecting signatures. We will host your e-Petition for up to 12 months but would expect most to be significantly shorter in length than this.

### **What issues can my e-Petition relate to?**

Your e-Petition should be relevant to some issue on which the Council has powers or duties or on which it has shared responsibilities. Your petition should be submitted in good faith and be decent, honest and respectful. Your e-Petition may be rejected if it does not meet these criteria. In addition, during politically sensitive periods, such as during the period prior to an election, politically controversial material may need to be restricted. The Council accepts no liability for the petitions on these web pages. The views expressed in the petitions do not necessarily reflect those of the Council.



## Promoting an e-Petition

Whilst the Council will host e-Petitions on its website, it will not generally promote individual e-Petitions. Raising awareness of your e-petition can be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters.

## What happens when the e-Petition is complete?

When the e-Petition reaches its closing date, you will no longer be able to sign it online. An officer from Democratic Services will submit the final petition to the relevant Portfolio Holder and Council department for action. If appropriate Ward members will also be notified. A response indicating how your e petition will be dealt with will be sent to you within 5 working days and this will set out the timescales involved. The final response will be posted on the Council's website.

If, unusually, the petition is to be considered by an **Overview and Scrutiny –eCommittee**, **the petition organiser will be invited to address the meeting on the subject of the petition and will be allowed to speak for three minutes. The meeting way ask the petition organiser questions on the subject matter of the Petition The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.**

~~you will be invited to attend the meeting. If you feel that your petition has not been dealt with properly, you have the right to request that the relevant scrutiny committee review the steps that have been taken in response to your petition.~~

## What can e-Petitions achieve?

When you submit an e-Petition to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the attention of the Council and show strong public approval or disapproval for something which the Council is doing. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

## Privacy policy

The details you give us are needed to validate your support of a petition and, beyond your name, will not be published on the website. This is generally the same information required for a paper petition. All petitions are a matter of public record and the public have a right to visit the Councils Offices at Westfields Sandbach to view the details of those who have signed a particular petition.

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## CHESHIRE EAST COUNCIL

### Constitution Committee

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**Date of Meeting:** 22<sup>nd</sup> March 2012  
**Report of:** Democratic and Registration Services Manager  
**Subject/Title:** Review of the Constitution

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#### **1.0 Report Summary**

- 1.1 To consider the Committee's approach to the review of the Council's Constitution.

#### **2.0 Recommendation**

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

#### **3.0 Wards Affected**

- 3.1 All Council Wards are affected by the Constitution, which has application across the Borough.

#### **4.0 Local Ward Members**

- 4.1 All local Ward Members are affected for the reasons set out in paragraph 3.1.

#### **5.0 Policy Implications**

- 5.1 The Constitution sets out the procedures by which Council policy is set. Any proposed changes to the Constitution would need to align with the requirements of legislation which often stipulates the Council decision-making route associated with the adoption of policies.

#### **6.0 Financial Implications**

- 6.1 There are no financial implications associated with the proposed review.

#### **7.0 Legal Implications**

- 7.1 Any changes to the Constitution would need to be agreed by Council, following a recommendation from the Constitution Committee. Proposed changes would need to align with any statutory requirements.

## 8.0 Risk Management

- 8.1 There would appear to be no risks associated with this element of review of the Constitution. The review will provide an opportunity to ensure that all elements of the document are consistent with one another.

## 9.0 Background

- 9.1 Since vesting day, the Council has approved a number of amendments to the Constitution. As new legislation comes into force, and as the Council finds better ways of doing things, building upon experience and best practice, the Constitution needs to be amended.
- 9.2 The Constitution Committee has agreed to review different parts of the Constitution to ensure it remains fit for purpose. At its meeting held on 17<sup>th</sup> November 2011 the Committee resolved that:-
- (1) a task group of five members be appointed (3 Con; 1 Lab; 1 Ind) to consider and make recommendations on detailed changes to the Constitution, and in the first instance to consider proposed amendments to the Finance Procedure Rules; and
  - (2) the remainder of the review of the Constitution be suspended until the Corporate Scrutiny Committee has concluded its review of the Council's governance arrangements.
- 9.3 Set out below is an update on the deferred items in the Work Programme.

Scheme of Delegation	The Scheme of Delegation needs to be further updated to reflect final changes in the officer structure of the Council. This will include some 'staffing' matters* arising from the review of Staff Employment Procedure Rules. The work is still ongoing.
Budget and Policy Framework	The Budget and Policy Framework is a list of plans and strategies that must be approved by full Council. Corporate Management Team has reviewed the Framework.
Scrutiny Procedure Rules	The Overview and Scrutiny Chairmen are reviewing the Scrutiny Procedure Rules. The work is still ongoing
Staff Employment Procedure Rules	The Head of HR and Organisational Development has completed a review of the staffing elements of the Constitution*.
Size and Layout of the Constitution	To review the size and layout of the Constitution to make it as 'user friendly' as possible.

- 9.4 The Committee has established a Member Task Group to consider proposals initially so that much of the detailed consideration is done before it gets to the Committee.
- 9.5 in the light of the above the Committee is asked to convene a meeting of Constitution Member Task Group to consider proposed amendments to the Budget and Policy Framework and changes to the size and layout of the Constitution.

**10.0 Access to Information**

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

Name: Brian Reed

Designation: Democratic and Registration Services and Manager

Tel No: 01270 686670

Email: [Brian.reed.@cheshireeast.gov.uk](mailto:Brian.reed.@cheshireeast.gov.uk)

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