

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 2<sup>nd</sup> June 2011  
**Report of:** Democratic Services Manager  
**Subject/Title:** Holistic Borough-wide Review of Community Governance Arrangements

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### 1.0 Report Summary

- 1.1 At a Council meeting held on 14<sup>th</sup> October 2010, consideration was given to the following Notice of Motion as submitted by Councillor D Flude:

*“Following the resolution of this Council on 25<sup>th</sup> January 2010 when it was resolved” –*

*‘To accept the vote from the people of Crewe to reject a Town Council for Crewe at this time’ –*

*in the light of the passage of time and the proposed Special Expenses Community Charge for the Town Crewe;*

*will this Council now return to the matters considered on the 25<sup>th</sup> January and ask the Constitution Committee to undertake a further Community Governance Review for Crewe”.*

- 1.2 Having considered the above notice of motion, the Council resolved ‘that the motion stand referred to the Constitution Committee for consideration’.
- 1.3 The Constitution Committee on 18<sup>th</sup> November 2010 considered a report on the legal implications and risks of the Motion for the Council. The report also considered the implications of the Wilmslow Community Governance Review that was ongoing due to the implications of the Cheshire East Boundary Review, but which has now been completed (in February 2011). It was recommended that only one review be conducted at a time for the most efficient use of resources and to allow for experience to be gained. However, it also noted that should a further valid petition from electors be received from any area in the near future then the Council would be under a duty to conduct and complete a Community Governance Review within a timescale of 12 months.
- 1.4 The Committee recommended that further consideration of the subject matter of the Motion be deferred until after the May 2011 elections, after which time the Council be asked to urgently consider undertaking a holistic Borough-wide review of community governance arrangements in Cheshire East.

- 1.5 At a Council meeting held on 16<sup>th</sup> December 2010, the above recommendation was agreed..
- 1.6 Since this decision in December 2010, the Council has received a letter from the Macclesfield Civic Society (5<sup>th</sup> May 2011), formally requesting that the Constitution Committee consider the issue of a governance review for Macclesfield at the first opportunity. This letter is attached as Appendix A.

## **2.0 Recommendations**

- 2.1 The Constitution Committee is requested to
- (1) determine the terms of reference and scope for the conduct of a holistic Borough-wide review of community governance arrangements in Cheshire East;
  - (2) appoint a Sub –Committee of 6 Members (4:1:1) with delegated authority to conduct the Review; and
  - (3) inform the Macclesfield Civic Society of the Committee's decision concerning the scope of the Review.

## **3.0 Wards Affected**

- 3.1 All the Wards covered by the agreed scope of the Review.

## **4.0 Local Ward Members**

- 4.1 As above.

## **5.0 Policy Implications**

- 5.1 None.

## **6.0 Financial Implications**

- 6.1 The cost of conducting a further Community Governance Review for an area such as Crewe or Macclesfield would be approximately £12,000. This cost would increase dependent upon the agreed scope of the Review. Costs would need to be met from within existing budgets.

## **7.0 Legal Implications**

- 7.1 Community Governance Reviews are conducted under the provisions of the Local Government and Public Involvement in Health Act 2007. With effect from 2008, the power to take decisions about matters such as the creation of parishes and their electoral arrangements was devolved from the Secretary of State and the Electoral Commission under the Local Government and Public Involvement in Health Act 2007.

- 7.2 The Guidance on Community Governance Reviews, published jointly by the Government and the Electoral Commission, indicates that where a review has been conducted within the last two years, the principal council still has the power to undertake another review if it so wishes. The duty for the Council to undertake a community governance review in response to the receipt of a petition, however, does not apply if the council has conducted a review within the last two years.
- 7.3 The 2007 Act provides for a principal council to conduct a Community Governance Review at any time. It is considered good practice for principal authorities to consider conducting a review every 10-15 years.
- 7.4 The Committee has received a request from the Macclesfield Civic Society for a Community Governance Review to be conducted for Macclesfield. The Council would be under a duty to conduct a Community Governance Review for this area should a valid petition signed by the requisite number of local government electors be received. However, the Council could choose to instigate a Community Governance Review for any area of its own volition. The Committee is asked to consider the formal request of the Macclesfield Civic Society in its deliberations.

## **8.0 Risk Management**

- 8.1 There are no risks identified.

## **9.0 Background**

- 9.1 On 30<sup>th</sup> March 2009, Crewe and Nantwich Borough Council received a petition which called for a Community Governance Review and identified recommendations arising from a Review (i.e., that a new parish be constituted and that the new parish should have a council to be known as Crewe Town Council). Following receipt of the petition, the Council had a duty to conduct and complete a Community Governance Review for the area within a period of 12 months from the receipt of the petition. The Government Guidance was followed in terms of the conduct of the review, and the final decision was made by Council on 25<sup>th</sup> January 2010, when it was resolved: - "To accept the vote from the people of Crewe and to reject a Town Council for Crewe at this time".
- 9.2 A Community Governance review for the area of Wilmslow, Handforth and Styal was also undertaken and completed in February 2011, following the receipt of three valid petitions from local government electors of these areas. The outcome of the Review was the creation of three new parish councils for which elections took place on 5 May 2011.

## **10.0 Access to Information**

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

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