

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Community Governance Review Sub-Committee
held on Tuesday, 4th September, 2012 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor D Marren (Chairman)
Councillor P Groves (Vice-Chairman)

Councillors D Bebbington (for Cllr Baxendale), S Hogben (for Cllr Jackson)
and P Whiteley

In attendance

Councillor R Cartlidge

Officers

Brian Reed, Democratic and Registration Services Manager
Mike Flynn, Community Governance Adviser
Julie Openshaw, Deputy Monitoring Officer
Paul Mountford, Democratic Services Officer
James Morley, Democratic Services Officer
Rose Hignett, Senior Electoral Services Officer

Apologies

Councillors G Baxendale, J Jackson and B Murphy

54 DECLARATIONS OF INTEREST

Councillors D Bebbington, R Cartlidge and S Hogben declared non-pecuniary interests as Crewe Charter Trustees.

Councillors Cartlidge and Hogben also declared disclosable pecuniary interests as holders of allotments in the unparished part of Crewe and signalled their intention of leaving the meeting prior to the matter of allotments being considered.

55 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

56 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting of 18th July 2012 be approved as a correct record.

57 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW

The Sub-Committee considered a revised project plan and timetable for the Macclesfield community governance review.

Councillor Murphy, who had been unable to attend the meeting, had indicated that he had no particular comments to make on the project plan.

RESOLVED

That the revised project plan for the Macclesfield community governance review be approved.

58 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

59 CREWE COMMUNITY GOVERNANCE REVIEW

The Sub-Committee considered the further advice of counsel relating specifically to the transfer of assets and services to the proposed Crewe parish council.

The Local Government and Public Involvement in Health Act 2007 gave a principal council the power to include within a reorganisation order provisions for the transfer of assets and functions to a new parish council. However, such powers had to be exercised rationally, taking into account all relevant considerations such as the parish council's ability and willingness to manage an asset or provide a service.

Counsel had also commented in particular on the transfer of allotments and public conveniences. It was counsel's view that Cheshire East Council would be required to transfer any allotments it held to the new parish council and to make provision for their administration in the budget for the new council. The position in relation to the transfer of public conveniences was different and the Council would have to make a decision on whether it would be reasonable to make such a transfer. In so doing, the Council would need to take into account the condition and maintenance costs of conveniences.

Having considered the advice of counsel, the Sub-Committee proceeded to consider the implications for the transfer of assets and in particular public conveniences and allotments.

It was noted that the public conveniences in Lyceum Square, Crewe were fairly new and in a good state of repair. It was suggested that these toilets could be transferred on the basis that Cheshire East Council remained responsible for their management for an initial period of three months.

RESOLVED

That it be recommended that the public conveniences in Lyceum Square, Crewe be transferred to the new parish council with effect from 1st April 2013 but Cheshire East Council continue to manage the facilities for the first three months; a sum of £30,000 be included in the budget for the first year of the parish council to cover the cost of managing these assets.

At this point, Councillors Cartlidge and Hogben, having declared disclosable pecuniary interests as allotment holders earlier in the meeting, left the meeting.

Members noted the legal advice that allotments must transfer to the new parish council. Members felt however that there was a need to protect the future use of the sites which could be done by transferring the leasehold only.

RESOLVED

That it be recommended that the allotments within the unparished part of Crewe be transferred to the new parish council with effect from 1st April 2013 on the basis of a 150 year lease; a sum of £30,000 be included in the budget for the first year of the parish council to cover the cost of managing these assets.

In taking this decision, and whilst acknowledging the need to comply with the requirements of the new Member Code of Conduct, the Members present, all being Conservative, expressed concern that the two Labour Members at the meeting had been excluded during the consideration of the allotments and the decision taken thereon.

At the conclusion of the Sub-Committee's consideration of this matter, the Chairman invited Councillors Cartlidge and Hogben to return to the meeting, which they did.

60 PUBLIC AND PRESS RE-ADMITTED

RESOLVED

That the Sub-Committee return to the remaining business under Part 1 of the agenda and the public and press be readmitted to the meeting.

61 CREWE COMMUNITY GOVERNANCE REVIEW

Draft Budget

The Sub-Committee considered a draft budget for the first year of the proposed parish council.

In considering this matter, Members asked what would happen with the bank account and assets held by the Crewe Charter Trustees. Officers undertook to investigate and report back.

Members also sought clarification of the precepting mechanism. Subject to further advice from Finance officers, the officers present advised that once the precept had been included in the order, Cheshire East Council would issue the bills to households.

RESOLVED

That

(1) it be recommended that the draft budget be approved subject to the following amendments:

- (a) the deletion of the budget headings for general grant and councillors' allowances;
- (b) the inclusion of the following additional budget headings and amounts:

Christmas Lights	£30,000
Town Centre Management	£36,000
Floral Displays	£25,000
Councillors' Expenses	£500
Community Grants	£13,000

(2) it be noted that the revised budget will also include the provisions for public conveniences and allotments as approved earlier in the meeting.

This would bring the budget total to £342,000. The Chairman urged Opposition Members present to discuss within their Group whether this amount would be sufficient for the first year of the new parish council.

Draft Order

The Sub-Committee considered a draft reorganisation order for the unparished part of Crewe.

Officers advised that it may be necessary to include in the order reference to the unparished part of Leighton for which separate arrangements were proposed. Officers had arranged a meeting with representatives of

Minshull Vernon and District Parish Council on 12th September to discuss the matter. There was some discussion about whether it would be necessary to hold parish elections in Leighton, given that the 400 or so electors to be added to that parish would not have voted in the parish elections but would presumably be paying a parish precept. Some Members considered this unlikely and that in all likelihood the parish council would co-opt if an additional parish councillor for the enlarged parish was considered necessary.

The Council's Legal Officer at the meeting advised that any decision of the Sub-Committee on the draft order would by implication relate to any relevant assets, including the allotments. Councillors Cartlidge and Hogben, having declared disclosable pecuniary interests as allotments holders earlier in the meeting, left the meeting prior to a decision on this matter.

RESOLVED

That the draft order be recommended for approval subject to the inclusion of reference to the arrangements for the unparished part of Leighton.

Councillors Cartlidge and Hogben were invited to return to the meeting.

Councillor and Warding Arrangements

RESOLVED

That the matter of the number of councillors and distribution of wards within the proposed Crewe parish be left for the Constitution Committee to consider and make recommendations to Council.

Preparatory Role for Sub-Committee

RESOLVED

That the Constitution Committee be recommended to extend the terms of reference of the Community Governance Review Sub-Committee to enable the Sub-Committee to take all necessary actions in preparation for the new Crewe parish council.

The meeting commenced at 2.00 pm and concluded at 3.56 pm

Councillor D Marren (Chairman)