

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting:	1 st May 2014
Report of:	Head of Governance and Democratic Services
Subject/Title:	Macclesfield Community Governance Review Update

1.0 Report Summary

- 1.1 The Macclesfield Community Governance Review commenced in June 2013 and is being conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007. The Community Governance Review Sub Committee is leading the review under delegated powers given by the Constitution Committee.
- 1.2 The first stage of consultation was conducted in June/ July 2013 and consisted of consultation with stakeholders and the public. The consultation focussed upon 7 different options (no change; Parish/ Town Council(s); Community Forums; Community Development Trusts; Neighbourhood Management; Residents' and Tenants' Organisations and Community Associations). Local organisations were contacted by letter and invited to express their views. 8 public meetings were held in each of the Borough wards, which were attended by 114 people out of a possible electorate of 39,750 (i.e. 0.3%). Publicity for the first stage of consultation included press releases to local press and media, a published public notice in the Macclesfield Express, exhibition boards at the Town Hall and distribution of information on several days within the Grosvenor Centre. A consultation feedback form was made available in hard copy and electronic formats. Information was provided on the website and in various local newsletters. Flyers and public notices were widely distributed with assistance from local ward members, the Town Centre Manager and the Local Area Partnership Team.
- 1.3 94 responses to the consultation were received (0.24% of the total electorate). Of these responses 68 expressed an opinion on the 7 proposed options. 46 people expressed a wish to see a Town Council; 10 people expressed a wish to see multiple parish councils; and 4 people wished to see no change. There was no demonstrable support for any of the other options of Community Forums; Community Development Trusts; Neighbourhood Management; Residents' and Tenants' Organisations or Community Associations.
- 1.4 On the basis of the feedback received, the Sub-Committee agreed that the second stage of consultation should focus upon Parishing and an Enhanced Local Service Delivery Committee. The proposal for an Enhanced Local Service Delivery Committee stemmed from discussions at the various public meetings

held during the first stage of consultation. In terms of the option for Parishing, this was put forward for further consideration, as some level of support had been demonstrated for one or more parish councils to be created. The Sub-Committee considered the communities and interests in Macclesfield, and subsequently agreed that electors in each ward should be given the opportunity to consider whether they wished to see a Single Parish / Town council created for the whole of Macclesfield, or a parish council based on their Borough Ward boundary.

2.0 Recommendations

2.1 That

1. the progress made to date with the conduct and outcome of the first stage of consultation be noted;
2. the proposed arrangements and timescale for the second stage of consultation and for the remainder of the review be noted, based on the proposed two options of Parishing and an Enhanced Local Service Delivery Committee, with Parishing comprising either a single Parish/ Town Council or 7 Parish Councils (based on existing Borough ward boundaries);
3. the proposed terms of reference for an Enhanced Local Service Delivery Committee be agreed, and this form the basis of one of the two options for the second stage of public consultation; and
4. views be expressed on the size and format for an explanatory leaflet to accompany the voting paper to electors.

Reasons for Recommendations

- 3.1 The Community Governance Review Sub-Committee is unable to proceed with the next stage of consultation until the proposed terms of reference for the option of an Enhanced Local Service Delivery Committee have been agreed, as this decision is outside the remit of the Sub-Committee's delegated powers.

3.0 Wards Affected

- 4.1 Wards covering the unparished area of Macclesfield.

4.0 Local Ward Members

- 5.1 As Above

5.0 Policy Implications

- 6.1 None identified

6.0 Financial Implications

- 6.1 The cost associated with conducting the next stage of the Community Governance Review will be required to be met from existing budgetary resources within Governance and Democratic Services. DCLG funding of £2,500 has been secured by the Cheshire Association of Local Councils (ChALC) to support groups seeking to establish parish councils, and this has been earmarked for Macclesfield. The Sub-Committee will work closely with ChALC to facilitate publicity and to utilise this budget to best effect to support the next stage of public consultation.

7.0 Legal Implications

- 7.1 The Local Government and Public Involvement in Health Act 2007 ('the Act') devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities.
- 7.2 The Act provides for a principal council (in this case Cheshire East Council) to carry out a community governance review at any time, as well as providing for certain circumstances in which a review must be carried out. The Act further allows principal councils to determine the terms of reference of a community governance review.
- 7.3 The Act requires consultation with local government electors in the area under review and others whom appear to the principal council to have an interest in the review.
- 7.4 Statutory Guidance is available on community governance reviews and must be followed by principal councils.

8.0 Risk Management

- 8.1 The review has been conducted with due regard to the Government's Guidance on the conduct of Community Governance Reviews.

9.0 Background and Options

- 9.1 There is a statutory requirement to consult local government electors in the area under review as part of any Community Governance Review. The Sub-Committee has therefore agreed to send out a voting paper by post to all electors in the unparished area of Macclesfield, for the next stage of consultation, based upon the two options explained above. This is in line with the procedure followed by the Council for all of the previous Community Governance Reviews conducted since 2009 in the areas of Crewe, Handforth, Wilmslow and Styal. Full Council will be required to determine a draft recommendation and determine a final outcome for the review in due course, having had regard to views expressed by electors and other interested persons. The voting paper to electors should be viewed as an advisory poll. The results of the poll will be considered, alongside other views and opinions received and

evidence collected, and considered against the statutory key criteria - that community governance in the area will be “reflective of the identities and interests of the community in the area” and will be “effective and convenient”.

- 9.2 The Sub-Committee, with input from the Macclesfield Local Service Delivery Committee, has now proposed terms of reference for the option of an Enhanced Service Delivery Committee and Macclesfield Assembly meeting for consideration by the Constitution Committee. This is attached (**Appendix 1**).
- 9.3 A 15 page explanatory leaflet, to fully explain the two options, has been developed by the Sub-Committee, with input from the Cheshire Association of Local Councils (ChALC) and from the Macclesfield Local Service Delivery Committee and is attached (**Appendix 2**). This will be made widely available to support the review process. The Sub-Committee has requested the Committee’s views on a suitable version of a leaflet to be sent out to all electors, to accompany the voting paper. Electors need to receive a version of a leaflet which clearly explains the options to enable an informed choice to be made. However, Members may consider the size and detail of the main 15 page leaflet too lengthy and cost prohibitive for this purpose. An alternative, shorter 4 sided version of the leaflet, which could alternatively be sent out to electors, is attached (**Appendix 3**).
- 9.4 Wording for a postal voting paper has been devised by the Sub-Committee and is attached for information (**Appendix 4**).
- 9.5 The proposed timetable for the second stage of consultation and the remainder of the review is attached (**Appendix 5**). In summary, this provides for:

Stage 2 consultation (including a voting paper to electors)	2 June to 28 July 2014
Draft recommendation for the outcome of the review submitted to Council for approval	16 October 2014
Final stage of consultation (on the draft recommendation)	27 October to 14 November 2014
Final Decision of Council	11 December 2014
Re-organisation Order (bringing any new parish arrangements into effect)	effective from 1 April 2015
Any elections required (if parishes created)	May 2015

10.0 Access to Information

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

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