

## **COMMUNITY GOVERNANCE REVIEW SUB COMMITTEE**

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**Date of meeting:** 19<sup>th</sup> February 2010  
**Report of:** Elections and Registration Team Manager  
**Title:** Briefing Paper – Wilmslow Community Governance Review

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### **1 Introduction**

- 1.1 This paper is intended as an initial briefing paper for the Sub Committee. It is intended to provide members with an outline of the process to be followed in conducting this Community Governance 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. Members will be supplied with a hard copy of this document. However, it may be viewed online at <http://www.communities.gov.uk/publications/localgovernment/communitygovernancereviews>

### **2 Background**

- 2.1 On 21<sup>st</sup> September 2009 the Council received a petition which called for a Community Governance Review and identified the following recommendations arising from a Review:
- 1) That a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007.
  - 2) That the new parish should have a parish council to be known as Handforth Community Council.
  - 3) That members of the Council will not be affiliated to any political party.
  - 4) That the area to which the review is to relate be defined as being the electoral ward of Handforth as known in 2007.
  - 5) That the Council will not precept the area, only use moneys granted, delegated, awarded or given for the benefit of the area.
- 2.1 The recommendations of the petition (3) and (5) above are outside of the scope of any recommendations which can be considered by the Council as part of the review. The petition has been validated as being signed by 10% of the electorate.

2.2 The receipt of the above petition from electors in Handforth was considered by the Governance and Constitution Committee and Council on 15<sup>th</sup> October 2009. The Governance and Constitution Committee considered that it was expedient to extend the remit of the review to encompass the whole of the unparished area of Wilmslow and this recommendation was made to Council.

2.3 It was also reported at these meetings that a petition had been received on 14<sup>th</sup> October 2009, calling for a community governance review and identified the following recommendations arising from a Review:

- 1) That a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007.
- 2) That the new parish should have a parish council to be known as Wilmslow and Handforth Town Council.
- 3) That the area to which the review is to relate comprise the Electoral Wards of dean Row, Fulshaw, Handforth, Hough, Lacey Green and Morley & Styal.

2.4 The Committee on 15<sup>th</sup> October Resolved that:

- 1) for the purposes of Section 80 of the Local Government and Public Involvement in Health Act 2007 the petition from the residents of Handforth be confirmed as valid and this be confirmed to the petition organisers;
- 2) a Community Governance Review be carried out in respect of the whole of the Electoral Ward of Handforth, as known in 2007, to be completed by 20 September 2010;
- 3) the receipt of the petition from the residents of Wilmslow be noted and Council be recommended that the Community Governance Review be extended to cover the whole of the unparished area of Wilmslow (i.e. the former Electoral Wards of dean Row, Fulshaw, Handforth, Hough, Lacey Green, and Morley and Styal).

2.5 The Council on 15<sup>th</sup> October endorsed the above decision. Whilst the Council decision itself is sufficient to instigate the review, the Council has also sought to validate the petition from the residents of Wilmslow by undertaking a 10% check by random sample. From this check undertaken, the petition is deemed to have been sufficiently validated to confirm that it has been signed by 10% of the electorate.

2.6 On 14<sup>th</sup> January 2010 the Council received a petition which called for a Community Governance Review and identified the following recommendations arising from a Review:

- 1) That a new parish be constituted under Section 87 of the Local Government and Public Involvement in Health Act 2007
- 2) That the new parish should have a parish council to be known as Styal Parish Council

- 3) That the area to which the review is to relate to be defined as shown on the attached map, being a part of the Electoral Wards of Morley and Styal.

2.7 The Governance and Constitution Committee considered receipt of the petition at its meeting held on 21<sup>st</sup> January 2010 and agreed that the petition be dealt with as part of the Community Governance Review for the whole of the unparished area of Wilmslow. The petition has been validated as comprising the requisite number of signatures.

### **3 Procedure**

3.1 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.

3.2 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.

3.3 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 Governance & Constitution Committee to consider for recommendation to Council.
- Draft Proposal advertised
- Stage 2 Consultation on the Draft Proposal
- Council decides Outcome of the review.

3.4 A draft project plan is attached. The Review must be completed by 20 September 2010, i.e. within twelve months of receipt of the first petition from the residents of Handforth.

3.5 The key element of the Review is the consultation process. The Sub Committee needs to agree the list of consultees, the methods of consultation to be used, and the timing of the consultation process.

3.6 The consultation process is clearly 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.

3.7 The views of the Electoral Commission on any proposed electoral arrangements must also be sought.

- 3.8 In view of the fact that this review was initiated by three petitions, the organisers of those petitions will also be asked to participate in the consultation process. Any views received as part of the consultation process must be taken into account.
- 3.9 The intention is that the initial phase of consultation will be based largely on written representations received in response to public notices and specific invitations. Two public meetings are suggested to give interested parties the opportunity to express their views in a public forum. A postal ballot of the electorate is also proposed. Consideration will need to be given by the Sub Committee to the format of the ballot paper, and whether a single ballot paper or ballot papers comprising different questions will be required for different parts of the review area. The website will be a key facility, allowing people to find out information and to record their views online.
- 3.10 The Sub Committee will need to determine a list of consultees, based upon the following:-

Local political parties  
National Association of Parish Councils  
Cheshire Association of Parish Councils  
Neighbouring Town and Parish Councils  
Cheshire East Borough Councillors  
Petition organisers  
Central and Eastern Cheshire PCT  
Mid Cheshire Hospitals NHS Foundation Trust  
Local Area Partnership  
Community Groups  
Community Forums  
Residents Groups  
Local Schools  
Voluntary organisations

- 3.11 It is suggested that an explanatory leaflet about the review and the options be prepared for distribution to the consultees.

#### **4 Criteria when undertaking a Review**

- 4.1 In considering the results of the consultation and formulating recommendations Members will be required to ensure 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
- 4.2 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 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.

## **5 Recommendations and Decisions on the Review Outcome**

5.1 The guidance requires that recommendations must be made with respect to the following:

- 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 representation received and should be supported by evidence which demonstrates that the community governance arrangements would meet the criteria

5.2 The Review may make a recommendation which is different from that which the petitioners sought. The Review may, for example, conclude that the proposals were not in the interests of the wider local community, or may negatively impact on community cohesion either within the proposed parish or in the wider community. It may, for example, decide that the arrangements for local area working represent the best option for fulfilling the criteria.

## **6 Electoral Arrangements**

6.1 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 parish council was established the first year of election would be 2011
- b) Council size – the number of councillors
- c) Parish warding – whether the parish should be divided into wards; the number and boundaries of such wards; number of councillors per ward and the names of wards.

## **7 Baseline Data**

7.1 The Sub Committee will be provided with the current and projected (5year) electorate and an outline map showing the area under review. Additional information can be provided to assist members as required.