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Community Governance Review Sub Committee

Date of Meeting: 26 February 2021

Report Title: Community Governance Review – Formal Consultation on Draft Proposals

Senior Officer: Brian Reed – Head of Democratic Services and Governance

1. Report Summary

- 1.1 Following its meeting held on 6 March 2020, there have been 6 Member workshops to develop the attached informal draft recommendations at Appendix B, which if approved, will be the subject of a 12-week consultation exercise.
- 1.2 Dr M Humphries will be available during the meeting to provide an expert opinion on the consultation process and the further progress of the Community Governance Review.

2. Recommendations

- 2.1 To recommend to the Constitution Committee that:

The draft proposals attached at Appendix B to this report be formally agreed for the purposes of consultation and consulted-upon for a 12-week period.

3. Reasons for Recommendations

- 3.1 The terms of reference for the Community Governance Review, attached at Appendix A, as approved by the Constitution Committee on 22nd November 2018, referenced the need for the Council to formally consult on the draft proposals.

4. Other Options Considered

- 4.1 No other options have been considered, as there is a statutory duty to consult electors and others during the CGR process as detailed in Section 93 of the Local Government and Public Involvement in Health Act 2007.

5. Background

- 5.1 At its meeting held on 20 September 2018, the Constitution Committee resolved that :
- a Borough-wide review of the governance arrangements of all of the Borough's town and parish councils be undertaken, commencing as soon as reasonably practicable after the 2019 all-out elections, and concluding well in advance of the May 2023 elections;
 - a sub-committee of the Committee be appointed to conduct the review, working with an officer working group, and make appropriate recommendations to the Constitution Committee for decision; and
 - the sub-committee comprise representatives of all of the Council's political groups, on the basis of relevant proportionality drawn from the Constitution Committee, provided that the Liberal Democrat Group representative shall be nominated by its Group Leader.
- 5.2 Following that meeting, a Community Governance Review Sub Committee was established, which agreed the terms of reference, as set out in Appendix A. These were subsequently approved by the Constitution Committee.
- 5.3 The terms of reference for the Community Governance Review, referenced the need for the Council to publish its plan for consultation during the review, including the receipt of submissions to assist in the preparation of draft proposals.
- 5.4 A pre-consultation survey was initiated on the 28th October 2019, which invited any person or body interested in the review to provide a response to a survey. The survey itself was "live" for a period of 14 weeks. Having formally closed on the 31st January 2020, the Council received submissions from:

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| Individuals | 201 |
| On behalf of a town/parish council | 56 |
| As an elected ward councillor | 11 |
| On behalf of a group, organisation or club | 6 |

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| As a former elected ward councillor | 1 |
| On behalf of a local business | 1 |
| Total | 276 |

5.5 At its meeting held on 6 March 2020, the Sub-Committee considered the pre consultation survey responses and the next steps for the review, and resolved that the pre-consultation survey responses be received and the initiation of the development of the Council's proposals for all parish ward boundaries be approved. Since that meeting, 6 Member workshops have taken place to develop the draft proposals for consultation.

5.6 At those workshops, Members gave informal consideration to the following data:

- Electorate numbers taken from the 2019 electoral register;
- The number of councillor seats representing each ward;
- Wards where the respective town/parish council have requested a review within the last 2 years or so;
- Electorate growth forecasts up to 2025 (the period advised by the Local Government Boundary Commission for England);
- Pre-consultation survey submissions;
- Known concerns expressed by parishes;
- Wards with significant variances to the average population density and/or councillor ratios;
- Local plan developments;
- Known built-environment changes.

5.7 As previously reported, the review is being conducted in four phases:

- Stage 1 – Data gathering and identification of points of focus and a preconsultation engagement, where initial submissions are invited (completed).
- Stage 2 – Consideration of submissions received and draft recommendations are prepared (completed).
- Stage 3 – Formal 12 week consultation on published draft recommendations (current stage for consideration).
- Stage 4 – Adjust draft recommendations accordingly, with final recommendations being prepared to seek approval via Full Council (Autumn 2021).

- Review Closure – Publish final recommendations, amend/update relevant records and, if appropriate, undertake a resolution to make a reorganisation order (Autumn onwards, to be concluded well in advance of the May 2023 elections).

5.7 The Sub-Committee is now requested to;

1. Give formal consideration to the informal deliberations and conclusions of the Member workshops, and determine the consultation proposals based upon the content set out in Appendix B to this report; and
2. Recommend to the Constitution Committee that a formal 12 week consultation exercise on those draft proposals commence (stage 3, as outlined above).

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 The general powers of Cheshire East Borough Council as a Principal Council to conduct a Community Governance Review of its area (CGR) are contained in Section 82 of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act).

6.1.2 Section 93 of the 2007 Act sets out the duties with which the Principal Council must comply when undertaking a CGR, including the duty to consult electors and others during the CGR process. The cornerstone principles of the CGR are contained in Section 93(4) and require the principal council to have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

6.1.3 Section 100 of the 2007 Act requires principal councils to have regard to guidance issued by the Secretary of State for Housing, Communities and Local Government (formerly the Department for Communities and Local Government) and the Local Government Boundary Commission for England.

6.1.4. Section 81 of the 2007 Act requires the principal council to draw up and publish the terms of reference for the review which are attached at Appendix A to this report

6.1.5 Sections 87 to 91 of the 2007 Act set out the recommendations arising from the CGR. The principal council is required to make recommendations as to:

- a) whether a new parish or parishes should be constituted
- b) whether existing parishes should or should not be abolished or whether the area of existing parishes should be altered or
- c) what the electoral arrangements for new or existing parishes, which are to have parish councils, should be

In addition, the principal council has a discretion to also make recommendations about:

- d) the grouping or degrouping of parishes
- e) adding parishes to an existing group of parishes or
- f) making related alterations to the boundaries of a principal councils' electoral areas

6.2.Finance Implications

6.2.1. There would appear to be no direct financial implications for this Council, which can be identified at this stage. There will be financial implications for town and parish councils, which they will consider when making representations in response to the formal consultation.

6.3.Policy Implications

6.3.1. There are no direct policy implications.

6.4.Equality Implications

6.4.1. There would appear to be no direct equality implications for this Council, which can be identified at this stage.

6.5. Human Resources Implications

6.5.1. There are no direct HR implications.

6.6. Risk Management Implications

6.6.1. Accepting the closure of the period of pre-consultation and the progression to proposal-development is a necessary step to progressing the review and so any delay will have implications to the overall timetable.

6.7. Rural Communities Implications

6.7.1. Any rural community implications will be known during the development of the proposals, when changes to boundaries are considered, which will therefore be considered at the decision-making stage.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9.Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for climate change.

7. Ward Members Affected

7.1. All wards will be affected to some extent and ward members may choose to make representations as part of the consultation process.

8. Consultation & Engagement

8.1. Consultation and engagement are critical factors in this review process, in order to demonstrate the validity of any change proposals.

8.2. The first stage of informal consultation has now concluded. A second and formal period of consultation is now proposed on the recommendations. This will follow the requirements relating to the duty to consult electors and others during the CGR process as detailed in Section 93 of the Local Government and Public Involvement in Health Act 2007.

9. Access to Information / Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

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