

COUNCIL MEETING – 27 APRIL 2022

RECOMMENDATIONS FROM CORPORATE POLICY COMMITTEE: COMMUNITY GOVERNANCE REVIEW OF TOWN AND PARISH COUNCIL GOVERNANCE

RECOMMENDATION

That Council resolve that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:

- A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and**
- B. The proposed community governance arrangements are effective and convenient;**

and Council resolve, by order, to give effect to the recommendations.

Extract from the Minutes of the Corporate Policy Committee meeting on 14th April 2022

94 COMMUNITY GOVERNANCE REVIEW OF TOWN AND PARISH COUNCIL GOVERNANCE

Prior to consideration of the report, the Chair invited the Chair of the Community Governance Review Sub-Committee, Councillor J Bratherton, to make some introductory remarks regarding the community governance review. She took the opportunity to thank the members of the Sub-Committee and the officers for their work on the review. The Chair echoed those thanks.

The Chair invited visiting members to speak on the community governance review. A summary of the remarks made is as follows.

Councillor L Smetham endorsed the revised CGR proposals on behalf of parishes in the Gawsorth Ward and expressed her opposition and that of Eaton Parish Council to any proposal to place the boundary between Congleton and Eaton at the Congleton link road.

Councillor R Moreton referred to the final recommendations on the boundary of Congleton and questioned whether the consultation feedback from residents of Hulme Walfield and Somerford Booths parish was sufficient to support significant changes.

Councillor L Gilbert, disagreed with the proposal not to transfer the area of Bluebell Green and Dunkirk Farm from Brereton to Holmes Chapel and asked the Sub-Committee to support the transfer for reasons of community identity. He proposed that a

date be set aside for further consideration of those cases where alternative proposals had been put forward.

Councillor D Murphy expressed the Town Council's view that all housing and business development on land contained within the new link road should be included within the area of Congleton Town, the link road forming a natural boundary.

Councillor S Holland expressed disappointment at the revised proposals for the Boundary of Congleton Town Council and asked that further discussion take place.

Councillor D Marren asked the Committee to support the recommendations in the report relating to the boundary between Shavington and Wybunbury and not to support any counter proposals that might come forward at the meeting.

The Committee considered the report which sought resolutions of the Community Governance Review Sub Committee, Corporate Policy Committee, and finally Council, following a Community Governance Review of Town and Parish Council Governance.

The review had been in progress for over three years. Engagement with the public, town and parish councils and other stakeholders had been central to the review. There had been an informal pre-consultation survey, as well as a formal consultation process which, together, had secured over 5,000 responses.

The background to the review, including the terms of reference, guiding principles and process followed, were set out in the report.

Appendix 1 to the report provided a summary of the review's final recommendations. Appendix 2 contained maps showing recommended changes to parish and parish ward boundaries. Appendix 3 set out in detail the evidence and analysis on which the final recommendations had been made.

The Community Governance Review Sub-Committee had considered the report at its meeting on 4th April 2022.

At that meeting, Councillor S Edgar, on behalf of the relevant parish councils, had asked that the style of the new Weston and Crewe Green council be changed from 'Community' to 'Parish'. With the Sub-Committee's agreement, the officers had undertaken to change the recommendation to Council accordingly.

The Community Governance Review Sub-Committee had resolved as follows:

'That

- 1 the Sub-Committee recommends to the Corporate Policy Committee that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:*

- 1 *The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and*
 - 2 *The proposed community governance arrangements are effective and convenient; and*
- 2 *in order to minimise unnecessary printing of agenda papers, it will be assumed that all Members of the Corporate Policy Committee, and Council, will rely upon the electronic link to the appendices of the report, and that the appendices will therefore not be printed for each Member; further, that if any Member has a specific need for any part of parts of the appendices to be printed, they will make their own arrangements to print limited sections of the appendices, or request such printed sections to be provided by officers.'*

Officers commented that it was clear from the contributions of public and member speakers earlier in the meeting that there were strongly held views on both sides of the argument in relation to some specific proposals. A number of these issues had come to light during the consultation process and had been taken into account by officers and the Community Governance Review Sub-Committee. Officers were of the view that nothing that had been said during the course of the Committee's meeting had led them to the conclusion that any of the recommendations in the community governance review report should be changed, although the specific request that the number of councillors for the proposed Burland and Acton Parish Council be increased from 9 to 10, 11 or 12 was a matter that the Committee might wish to consider. With regard to this request, however, it was suggested that the Committee might wish to leave the recommendations unchanged for now on the basis that a mini-community governance review could be held at a future date to address any such issues.

It was moved and seconded that the recommendations in the report be approved.

During the debate, the following amendment was moved and seconded:

'It is proposed that the original recommendations put forward by the Council in the CGR Consultation documents, related to the Shavington-cum-Gresty and Wybunbury Parish Boundaries are adopted (where the Newcastle Road is identified as the definitive boundary).'

The wording of the amendment, together with the reasons for proposing it, had been circulated to members of the Committee prior to the meeting and were read out at the meeting by the proposer, Councillor Clowes.

Mr Peter Jones, Legal Adviser to the Community Governance Review Sub-Committee, advised that when deciding the merits or otherwise of adopting different proposals that have arisen during the meeting, members would need to satisfy themselves that any new or revised proposals better met the statutory tests than the proposal(s) that were

made in the report, having regard to the summary of the consultation response and the recommendations in the report. In turn, Members should ensure that a revised proposal:

- better reflected the feeling of the local community and the wishes of local inhabitants, which the statutory guidance explained were the primary considerations when deciding whether parishes reflected community identity and interest; and
- better ensured the viability of the parish as an effective and convenient unit of local government, which the statutory guidance explained included factors such as the size, population and boundaries which influenced the viability of a parish council.

If it was considered that the revised proposal better met both limbs of the statutory test and was not fundamentally different from the proposal consulted upon, then it was open to Members, should they so wish, to resolve to adopt it. If the revised proposal was fundamentally different to the proposal consulted upon, however, such that it would be conspicuously unfair to adopt it at the meeting without having given the residents and other consultees a further opportunity to make representations, then case law required the Council to go out to fresh consultation. A decision to go out to fresh consultation would have a seriously adverse effect on the CGR project in terms of time and cost. If the Committee wished to approve a proposal which departed from the recommendations in the report, it would have to give reasons for doing so, including why they felt that the statutory tests were satisfied.

Having heard the reasons provided for the proposed amendment, Mr Jones confirmed that the amendment was valid in that it satisfied the statutory tests.

Following further debate, the amendment was put to the vote and was lost.

The Committee then considered the original motion to approve the recommendations in the report.

RESOLVED

That

1. the Committee approves the recommendations of the Community Governance Review Sub-Committee; and
2. the Committee recommends to Council that the recommendations made in the review of Community Governance, contained in Appendices 1, 2 and 3 to the report, will ensure that:
 - A. The proposed community governance arrangements reflect the identities and interests of the community in the Borough of Cheshire East; and
 - B. The proposed community governance arrangements are effective and convenient;

and that Council should resolve to give effect to the recommendations.

Note: Councillor S Gardiner asked that it be recorded in the minutes that he voted against the recommendations.

Note: In accordance with the decision of the Community Governance Review Sub-Committee, the appendices to the report have not been circulated with the agenda but are available on the agenda web page for this meeting and may be accessed via the links in the report.