
REPORT FOR RESOLUTION

DATE: 2 December 2009

SUBJECT: Community Governance Review – Implementation of Final Recommendations

REPORT OF: The City Solicitor and Deputy Chief Executive (Performance)

PURPOSE OF REPORT:

To present to the City Council the final recommendations of the community governance review of the whole of the local authority's area, so as to enable it to determine to what extent to implement them.

RECOMMENDATIONS:

1. To consider whether the final recommendations of the Constitutional and Nomination Committee at the conclusion of the community governance review of the whole of Manchester City Council's local authority area, as reported in the minutes of the meeting of the Committee held on 6 October 2009, should be implemented in full.
2. To give reasons for the Council's decisions.
3. If appropriate, to approve the draft reorganisation order and instruct the City Solicitor to execute it.
4. To instruct the City Solicitor to publicise the outcome of the review as required by law.

FINANCIAL CONSEQUENCES FOR REVENUE BUDGET:

There will be some as yet unquantified costs relating to the implementation of a pilot enhanced ward co-ordination in Northenden and start-up officer support to Ringway Parish Council. It is not envisaged that these will be large.

FINANCIAL CONSEQUENCES FOR CAPITAL BUDGET:

None

WARDS AFFECTED:

All

IMPLICATIONS FOR:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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BACKGROUND DOCUMENTS:

- i) Local Government and Public Involvement in Health Act 2007.
- ii) Guidance on Community Governance Reviews, issued jointly by the Department for Communities and Local Government and the Electoral Commission.
- iii) The reports of the City Solicitor and Deputy Chief Executive (Performance) to the Constitutional and Nomination Committee on 7 July 2009 and 6 October 2009, and to the Wythenshawe Area Committee on 24 September 2009.

Background

1. In response to a petition requesting the establishment of a parish council within part of Northenden ward the City Council was obligated, under the terms of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), to carry out a community governance review the terms of reference of which were sufficient to take into account the petition's proposals. The City Council approved the Constitutional and Nomination Committee's recommendations that the review of community governance arrangements should be of the whole of the city and that responsibility for conducting the review and making final recommendations at its conclusion should be delegated to the Committee.
2. A city-wide consultation was carried out, alongside more focused consultations in relation to Northenden ward and Ringway parish; the latter being the only civil parish in the City (and which has no parish councillors and is failing to meet its statutory obligations).
3. Three consultation documents were produced. The consultation document relating to the general review of community governance across the city was distributed in libraries city-wide. The documents relating to the Northenden proposals and the future of Ringway parish were distributed to every household in respectively the

ward and the parish concerned. Additional copies of the Northenden consultation documents were placed in Northenden library. Furthermore, copies of all the consultation papers were available from the Council on request or for download from the Council's website and copies were also sent to various interested parties.

4. A telephone survey of a representative sample of residents across the city was conducted on behalf of the Council by Ipsos MORI. This involved the opinions of 1100 residents being canvassed on the issue of community governance in Manchester.
5. The review was publicised through a number of channels. This included the Council's website and the edition of 'Manchester People' circulated to all household in the city in mid-March.
6. Key results from the consultation were:
 - 35 out of the 88 local government electors in the parish of Ringway wanted to retain parish arrangements and the parish council; no local government electors supported abolition. Therefore 100% of respondents within the parish, representing 39.8% of the total local government electorate, supported retention.
 - 61.5% of respondents from the Northenden Village area (i.e. the petition area) of Northenden ward were did not consider that their community governance needs were being met by the current arrangements and 61.7% wanted parish arrangements to be established. The actual number of respondents within the petition area supporting parish arrangements was 343, representing 6.7% of the number of local government electors for the area.
 - Only 4 responses (other than from the telephone poll) were received in relation to the city-wide review and there were no specific proposals received for the establishment of parish arrangements.
 - A majority of respondents to the telephone survey felt that existing community engagement arrangements were sufficient to enable them to have a say.
 - A majority of respondents to the telephone survey supported in principle the establishment of parish arrangements, but a majority were unwilling to pay any local precept (and of those that were most would only be willing to pay up to £10 per annum).
7. The results of the consultation were reported to the Constitutional and Nomination Committee at its meeting on 7 July 2009. The Committee's decision was:

1. *That taking into account the results of the consultation and the arrangements*

(other than parish arrangements) for community representation or engagement that have been made or could be made, the Committee resolved that their recommendations would be as follows:-

i) that outside Northenden and Ringway no new parish council be created;

ii) that the existing Parish arrangements be retained in respect of Ringway, subject to :

a) the number of Parish Councillors for Ringway being reduced from eight to five, and

b) the criteria in paragraph 49 in the report being met by Ringway Parish Council, failing which the continuance of the Parish arrangements will be reviewed by the City Council after two years. [The 'criteria' mentioned here relate to Ringway Parish and its council fulfilling their statutory obligations and are repeated in Appendix 1 of this report for convenience.]

iii) that the Committee is not minded to recommend the constitution of a new Parish in any part of Northenden at this stage but wishes to consider alternative community governance arrangements which could meet the concerns raised in the consultation about the adequacy of existing community governance arrangements.

2. That the City Solicitor and the Deputy Chief Executive (Performance) be instructed to report further to this Committee, within the next three months following consultation with the Wythenshawe Area Committee, on such alternative community governance arrangements for Northenden within the next three months, in order that the community governance review can be finalised within the statutory timescales for the review.

8. The City Solicitor and the Deputy Chief Executive reported to the Wythenshawe Area Committee on 24 September 2009. The report outlined 4 options for alternative community governance arrangements for the Area Committee to consider – 2 related to the introduction of special area committee arrangements for all or part Northenden ward and 2 related to enhancing the existing ward co-ordination model in Northenden. After considering whether these or some other alternative (i.e. non-parish) community governance arrangements might be introduced – with a number of members indicating that they did not support any community governance model that would introduce another layer of bureaucracy, but being generally supportive of proposals to develop and extend the existing ward co-ordination model – the Area Committee decided (with one member dissenting):

To recommend to the Constitutional and Nomination Committee the adoption of an enhanced version of Option C incorporating work within the existing ward coordination model to (a) actively increase the level of community engagement and representation, including the involvement of a research officer as described by the Deputy Chief Executive, and (b) to ensure that the separate identities of different

parts of the Northenden Ward are reflected in the community engagement activity feeding into ward co-ordination and with a specific focus on -

- Capacity building work to continue to support community groups with a view to developing their ability to participate effectively through the ward coordination structure.*
- Review of the membership of the community meeting to ensure that representatives from all resident, tenant and community groups in the area who wish to be engaged are invited to attend, including work to engage hard to reach groups. This would require a mapping exercise of groups within the ward and writing to the chair or leader of each group to ascertain if they want to be involved.*
- Setting dates in advance for community meetings and ensuring that all invitees are aware of these well in advance.*
- Making greater use of the ward coordination web pages to keep residents informed of the ward coordination process.*
- Ensuring that there is a clear structure available to people residing in Northenden on how they can engage with and influence the ward coordination process.*
- Making minutes of both community meeting and WSCG [Ward Service Co-ordination Group] meetings available to people residing in Northenden (e.g. on the website).*
- Ensuring that the neighbourhood partnership meeting feeds into WSCG meetings.*

9. At its meeting of 6 October 2009 the Constitutional and Nomination Committee made its final community governance review recommendations, reaffirming its decision at its meeting on 7 July 2009 while incorporating the recommendations of the Area Committee. The terms of the Constitutional and Nomination Committee's final recommendations were as follows:

That having regard to the need to secure that community governance within the areas under review reflects the identities and interests of the community in those areas and is effective and convenient, and taking into account the consultation and representations received in connection with the review and the arrangements (other than parish arrangements) that have been made and could be made, the final recommendations of the community governance review should be as follows:

1. In relation to Ringway Parish -

- The parish of Ringway should not be abolished and its area should not be altered.*
- The name of the parish of Ringway should not be changed.*
- The parish of Ringway should continue to have a council (Ringway Parish Council).*
- The parish of Ringway shall not be divided into wards.*
- The number of councillors to be elected to Ringway Parish Council should be 5 (reduced from the current number of 8).*

- *That the year of ordinary elections of parish councillors should be changed from 2011 and every fourth year thereafter to 2010 and fourth year thereafter.*
- *That should the criteria set out in paragraph 49 in the report of the City Solicitor and the Deputy Chief Executive (Performance) to the Committee dated 7 July 2009 not be met by Ringway Parish Council, the continuance of the parish arrangements will be reviewed by the City Council within two years of these recommendations being implemented.*

2. That in relation to Northenden no new parish or parishes should be constituted in Northenden Ward, but that the proposals of the Wythenshawe Area Committee should be adopted and piloted within Northenden Ward for a period of 18 months [to be rolled out as appropriate in the rest of the City in the light of experience gained].

3 That no new parish or parishes should be constituted in the rest of the City outside the parish of Ringway.

4. To instruct the City Solicitor to publish the final recommendations and to take such steps as she considers sufficient to secure that persons who may be interested in the review are informed of the recommendations.

10. The Constitutional and Nomination Committee's final recommendations now pass to the Council to determine to what extent they should be implemented.

Implementation by the Council

11. It is recommended that should the Council decide to implement the recommendations in full, it do so in the following terms:

"The final recommendations of the Constitutional and Nomination Committee at the conclusion of the community governance review of the whole of Manchester City Council's local authority area, as reported in the minutes of the meeting of the Committee held on 6 October 2009, are to be implemented in full."

Reasons for the Decision

12. The Council is obliged under the 2007 Act to publish reasons for its decision as to what extent to implement the recommendations of the community governance review. To the extent that the Council agrees to implement the final recommendations of the review, it is recommended that the following be given as the reasons for the Council's implementation decision:

- a) In relation to Ringway Parish, 35 local electors out of a parish electorate of 88 wished to retain the parish arrangements and a parish council; no respondents advocated their abolition. In these circumstances the City Council considers that the parish council should be given the opportunity to function properly again.

The bringing forward of the ordinary year of election by one year is aimed at having a functioning parish council in place more promptly than would otherwise be the case. The reduction in the number of parish councillors to 5 (the legal minimum) is an attempt to address the practical difficulties of filling 8 parish council vacancies in such a small parish.

- b) It is recognised that the consultation indicated a significant level of dissatisfaction with existing community governance arrangements within the Northenden Village petition area with a significant, though not overwhelming, majority of respondents (61.7%) supporting the establishment of parish arrangements in that area. It is also recognised that the actual number of respondents within the petition area supporting parish arrangements was 343, representing 6.7% of the number of local government electors for the area.

Having regard to the need to secure that community governance reflects the identities and interests of the community and is efficient and convenient, and taking into account the representations received in connection with the community governance review and any other arrangements apart from parish arrangements that could be made for the purposes of community representation or engagement in the area, the Council has decided not to establish parish arrangements in Northenden at this stage. Instead it has decided to pilot enhanced community engagement arrangements within Northenden, as recommended by Wythenshawe Area Committee, for a period of 18 months after which community governance arrangements can be reviewed.

- c) In relation to the remainder of the city outside of Northenden ward and Ringway Parish:
- Only 4 individual responses (aside from respondents to the telephone survey) were received and there were no specific proposals received for the establishment of parish arrangements.
 - A majority of the respondents to the telephone survey had felt that existing community engagement arrangements were sufficient to enable them to have a say.
 - Although a majority of respondents to the telephone survey were supportive in principle of parish arrangements in their area, a majority were unwilling to pay any local precept (and of those that were most would only be willing to pay up to £10 per annum).

On that basis the Council has determined that no such parish arrangements should be introduced in those areas.”

The Reorganisation Order

13. The alteration of parish arrangements in Ringway parish requires that a reorganisation order be made. The Council is asked to approve the draft reorganisation order contained in Appendix 2 and instruct the City Solicitor to execute it.

Publicising the Outcome of the Review

14. The Council is asked to instruct the City Solicitor to publicise the outcome of the review in accordance with the 2007 Act.

Appendix 1

Criteria to be met by Ringway Parish Council

- a) Ringway Parish Meeting must satisfy its statutory obligation of meeting once, between 1 March and 1 June inclusive, a year and meet more often if justified by parish matters.
- b) Ringway Parish Council must satisfy its statutory obligation of holding its annual meeting each year.
- c) Ringway Parish Council must satisfy its statutory obligation to hold at least a further 3 meetings during the year and also meet on such other occasions as are justified by the needs of the parish.
- d) Meetings of Ringway Parish Meeting and Ringway Parish Council must satisfy their statutory obligations to properly minute their meetings.
- e) Ringway Parish Council must satisfy their statutory obligation to make proper accounts.
- f) Ringway Parish Council and Ringway Parish Meeting must abide by any other statutory obligations that apply to them.

Appendix 2

Draft Reorganisation Order

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Manchester City Council (Reorganisation of Community Governance) Order 2009

Made 2nd December 2009

Coming into force in accordance with articles 1(2) and 1(3)

Manchester City Council (“the Council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 6 October 2009. In carrying out this review the Council has, as required by section 93 of the 2007 Act, consulted with local government electors and other interested persons and had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient. The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council has decided to give effect to those recommendations therefore makes the following Order in exercise of the powers conferred by sections 86, 98(3) and 240(10) of the 2007 Act.

Citation and commencement

- 1.—(1) This Order may be cited as the Manchester City Council (Reorganisation of Community Governance) Order 2009.
- (2) It shall come into force on the ordinary day of election of councillors in 2010.
- (3) For the purposes of proceedings preliminary or relating to the election of parish councillors for the parish of Ringway, to be held on the ordinary day of election of councillors in 2010, this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“existing” means existing on the date this Order is made;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Area affected by the Order

4. This area affected by this order is the existing parish of Ringway, a map showing the general outline of which is contained in Schedule 1.

Election of parish councillors for the parish of Ringway

5. The election of all parish councillors for Ringway Parish Council shall be held on the ordinary day of election of councillors in 2010 and every four years thereafter.

Number of parish councillors for the parish of Ringway

6. The number of councillors to be elected for Ringway Parish Council shall be 5.

Annual meeting of parish council

7. The annual meeting of the parish council in 2010 shall be convened by the Chief Executive of Manchester City Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the parish council take office.

Electoral register

8. The registration officer for the City of Manchester shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

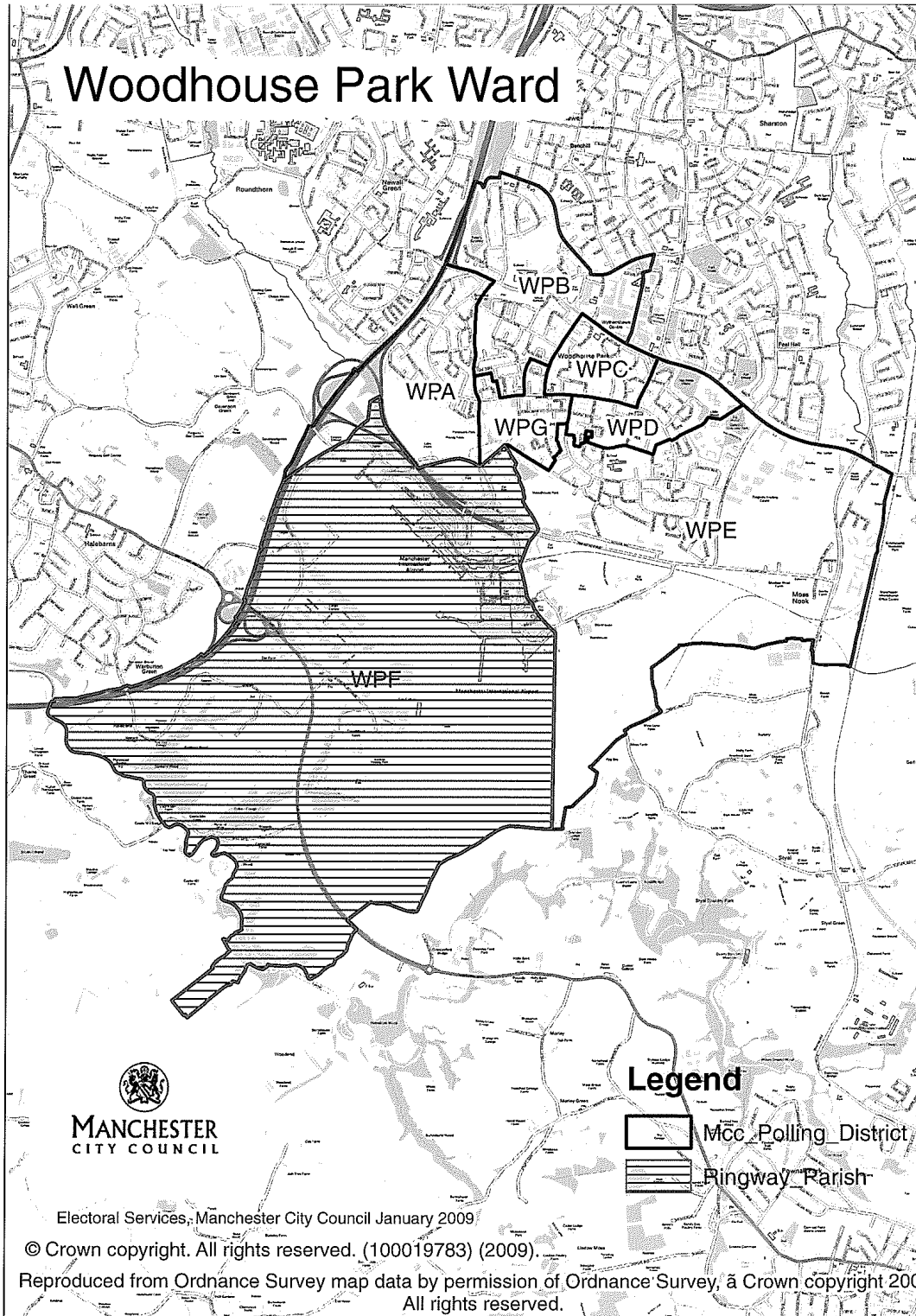
Sealed with the seal of the council on the Second day of December 2009

2nd December 2009

[Signature]
City Solicitor

SCHEDULE 1

(This is the map referenced in Article 4)



EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Manchester City Council for the alteration of electoral arrangements for Ringway Parish Council. The new electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2010.

Article 5 provides for parish elections in the parish of Ringway in 2010 (rather than the previously scheduled year of 2011), and then to continue according to the established system of parish elections every four years.

Article 6 provides for the numbers of parish councillors for the existing Ringway Parish Council to be reduced (from 8) to 5.

Article 8 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map referenced in Article 4 showing the general outline of the parish of Ringway is contained in Schedule 1. A more detailed version the map is available for inspection (along with copies of this order), at all reasonable times, at the offices of Manchester City Council.