

Local Service Delivery Committee (Macclesfield)

Supplementary Agenda

Date: Thursday, 23rd January, 2014
Time: 5.30 pm
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

7. **Additional item of Urgent Business - Proposed Role of an Enhanced Local Service Delivery Committee** (Pages 1 - 30)

At the meeting of the Community Governance Review (Macclesfield) Sub-Committee (CGR Sub-Cttee) on 16 January it was resolved that this matter be referred to the Local Service Delivery Committee for consideration.

As this meeting had already been convened, and in order to be able to report back to the CGR Sub-Cttee at its next meeting, the Chairman has, in accordance with Section 100B (4)(b) of the Local Government Act 1972, agreed to allow consideration as of this item as a matter of urgent business.

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CHESHIRE EAST COUNCIL

Macclesfield Local Service Delivery Committee

Date of Meeting: 23 January 2014
Report of: Head of Governance and Democratic Services
Subject/Title: Proposed Role of an Enhanced Service Delivery Committee

1.0 Report Summary

- 1.1 This report asks the Committee to give consideration to the proposed role of an Enhanced Service Delivery Committee and Assembly Meetings.

2.0 Recommendation

- 2.1 That the Committee's views be reported to the next meeting of the Macclesfield Community Governance Review Sub – Committee on 26 February 2014.

3.0 Reasons for Recommendations

- 3.1 The Macclesfield Community Governance Review Sub Committee met on 16 January 2014 to consider the next stage of public consultation for the review which will now focus upon the two options of Parishing for Macclesfield; and an Enhanced Service Delivery Committee.
- 3.2 Draft literature has been prepared to support the two options which will be further refined. Before the consultation can commence, a clear definition and shared understanding of the role of a potential Enhanced Service Delivery Committee would need to be agreed. The CGR Sub- Committee has invited the LSD to participate in this discussion and to report it's views back to the CGR Sub- Committee meeting on 26 February 2014 for consideration. Proposals will then be submitted by the Sub-Committee to the Constitution Committee on 20 March 2014.
- 3.3 To aid discussions the following documents are attached to this report :
- (a) A draft proposed summary of the role of An Enhanced Service Delivery Committee and Assembly meetings (appendix A);
 - (b) A summary of the roles of some Area Committees which operate in other local authorities (appendix B);
 - (c) A draft main leaflet; and a summary leaflet which could be sent out with the ballot packs to electors as part of the next stage of consultation (appendix C);
 - (d) A note providing legal advice on questions which have arisen with regard to the role of An Enhanced Service Delivery Committee (appendix D).

4.0 Wards Affected

4.1 All Macclesfield Wards

5.0 Local Ward Members

5.1 All Macclesfield Ward Councillors

6.0 Policy Implications

6.1 A change would ultimately be required to the Council's Constitution to establish terms of reference for an Enhanced Service Delivery Committee, should this be the an outcome of the Community Governance Review.

7.0 Financial Implications

7.1 The financial implications of the two options under consideration for the next stage of the review are difficult to quantify at this stage.

8.0 Legal Implications

8.1 The Community Governance Review for Macclesfield is being conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007.

9.0 Risk Management

9.1 No risks have been identified.

10.0 Background and Options

10.1 As outlined in paragraph 3 above.

11.0 Access to Information

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

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Designation: Registration Service and Business Support Manager

Tel No: 01270 686477

Email: Lindsey.parton@cheshireeast.gov.uk

Proposals for the Role of an Enhanced Macclesfield Local Service Delivery Committee (LSDC)

- 1) The Committee will consist of the 12 Elected Macclesfield Borough Ward Members:

Broken Cross Ward	– 2 Members
Macclesfield Central Ward	– 2 Members
Macclesfield East Ward	– 1 Member
Macclesfield Hurdsfield	– 1 Member
Macclesfield South	– 2 Members
Tytherington	– 2 Members
Macclesfield West and Ivy	– 2 Members

- 2) The terms of reference for the Committee are set out in Appendix A
- 3) The quorum for meetings is **x** Members
- 4) The Committee will meet **x** times per year
- 5) A Chairman and Vice Chairman will be elected by the Committee from amongst its membership.
- 6) **X** times per year a Macclesfield Assembly meeting will be convened, membership to comprise the Service Delivery Committee Members plus **x** representatives of the Macclesfield Forum and **x** representatives of the Macclesfield Civic Society. Agenda items can be proposed to the Chairman by any member of the Assembly upto two weeks before each meeting. Meetings of the Assembly will be open to the public?
Recommendations on issues and needs within the unparished area of Macclesfield can be made to the Cabinet.
- 7) At each meeting (of the LSDC or Assembly), members of the public can submit a question to the Chairman on matters that are relevant to the unparished area of Macclesfield. All questions must be in writing and received no later than 24 hours before the start time of the meeting?
- 8) The LSDC may invite other properly constituted organisations within Macclesfield to join the membership of the Macclesfield Assembly.

Appendix A

Enhanced Local Service Delivery Committee Terms of Reference

1. To monitor the delivery and effectiveness of services provided by the Council to the residents and other stakeholders in the unparished area of Macclesfield.
2. To advise and make recommendations to the Cabinet on issues and needs within the unparished area of Macclesfield.
3. To be the Council's principal consultee in matters and decisions relating exclusively to the unparished area of Macclesfield and this shall include the rights of a "statutory consultee" in relation to planning matters, the closure of facilities, and the terminations of services. *(NB –legal clarification required)*
4. To liaise and co-operate with local organisations – voluntary, statutory or commercial – in pursuing the wellbeing of the unparished area.
5. To nominate, from within its membership, representative(s) to serve on local bodies when invited to do so by local bodies.
6. In the event of a decision to establish a Town or Parish Council (or alternative equivalent) for the unparished area of Macclesfield, to advise and liaise with the Council on preparatory measures required for the devolution of service provision and /or the transfer of assets in accordance with the Council's policy for local service delivery arrangements.
7. If and when appropriate, to consider and review the cost implications of both the delivery of services and the delivery of assets within the unparished area in accordance with the policy for Local service delivery arrangements, and to make recommendations to Cabinet.
8. To make recommendations to cabinet on the level of service provision.
9. If and when appropriate, to consider and accordingly make recommendations to the Cabinet with regard to the necessity for and amount of any "special expense levy" being or likely to be imposed on the unparished area.
10. Management of Assets? *(NB –legal clarification required)*

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Examples of Delegations to Local Area Committees

(Note: This list is a high level summary of functions and the exact power in each case is unclear. Caution is therefore encouraged in considering this list, but it is intended to provide examples which could be looked into further.

It should also be noted that in all these cases a system of Area Committees is adopted across the whole of the Council's area – no examples have been found where an Area Committee is operated for only one part of the Borough. Some of the functions listed therefore may not be appropriate for delegation to one part of the Borough only).

Eastleigh Borough Council

- Planning applications and planning enforcement (*Note: this is a delegation to determine planning applications in this case*).
- Deciding on local priorities
- Traffic Management
- Leisure facilities
- Local refuse collection and recycling
- Each committee (x5) has its own budget and is able to use this in whatever way it thinks is appropriate to meet local circumstances, provides its operates within overall council guidelines

Ashfield District Council

- Dealing with Grant Aid Applications
- To consider formulation of schemes for progression utilising monies paid to the council as developer contributions under section 106 Town and Country planning Act 1990.
- To be responsible for the consideration of capital bids in so far as they relate to the area.
- To approve the allocation of street names for new developments or the alteration of existing names to avoid confusion.
- To be responsible for formulating a response to consultation documents (eg. Road traffic proposals, statutory undertakers works etc)
- Liase and consult with local people and the voluntary sector in order to formulate a response to consultation exercises about strategic issues where the views of local communities are sought.
- To be responsible for making recommendations to the council on matters that concern the local community and which have been referred to the area consultative group by the council
- To be responsible for making recommendations to cabinet in so far as they relate to the area on the following:
 - § Car parks
 - § Markets
 - § Community centres

- § Leisure centres
- § Parks
- § Allotments
- § Visitor centres
- § Toilets
- § Cemeteries
- § Housing issues

- Receive presentations on key strategic initiatives likely to affect the district and local residents.
- Scope to hold an annual public forum on a topic chosen by the committee. Such a debate to include the suspension of formal council procedure rules to allow flexibility for extended public participation and comment.
- Representatives from relevant partner organisations be invited to attend committee meetings to provide updates on current performance / initiatives and to be questioned by the committee or members of the public.

Stockport Metropolitan Borough Council

- Area Committees (x7) have budgets to make decisions about traffic calming, road closures, pavement repairs, public rights of way and other local highways matters.
- They determine applications for the use of parks for events,
- They nominate governors to local schools
- They comment on planning applications and other development control matters in respect of land within the area committee's area (and determine planning applications where authorised to do so in accordance with a Council agreed scheme of delegation).
- They determine the use of commuted sums.
- They undertake local environmental improvement schemes.
- They prepare and adopt district centre plans.
- They consider and determine objections to the designation of litter control areas.
- They monitor the operation of service provided by the council and external agencies within their area and can make proposals on how services can be improved.
- They focus upon and encourage the wellbeing of the local community and coordinate processes for public consultation with the local community, community schools, tenants and residents associations, and other local groups on those issues which are of interest or concern to them.
- To hold open forums, public question times, and facilitate public speaking on planning applications.
- To act as a focal point for dissemination information on the council's services, policies and performance and community plans.
- To draft ward plans
- To determine applications for street trading permits.

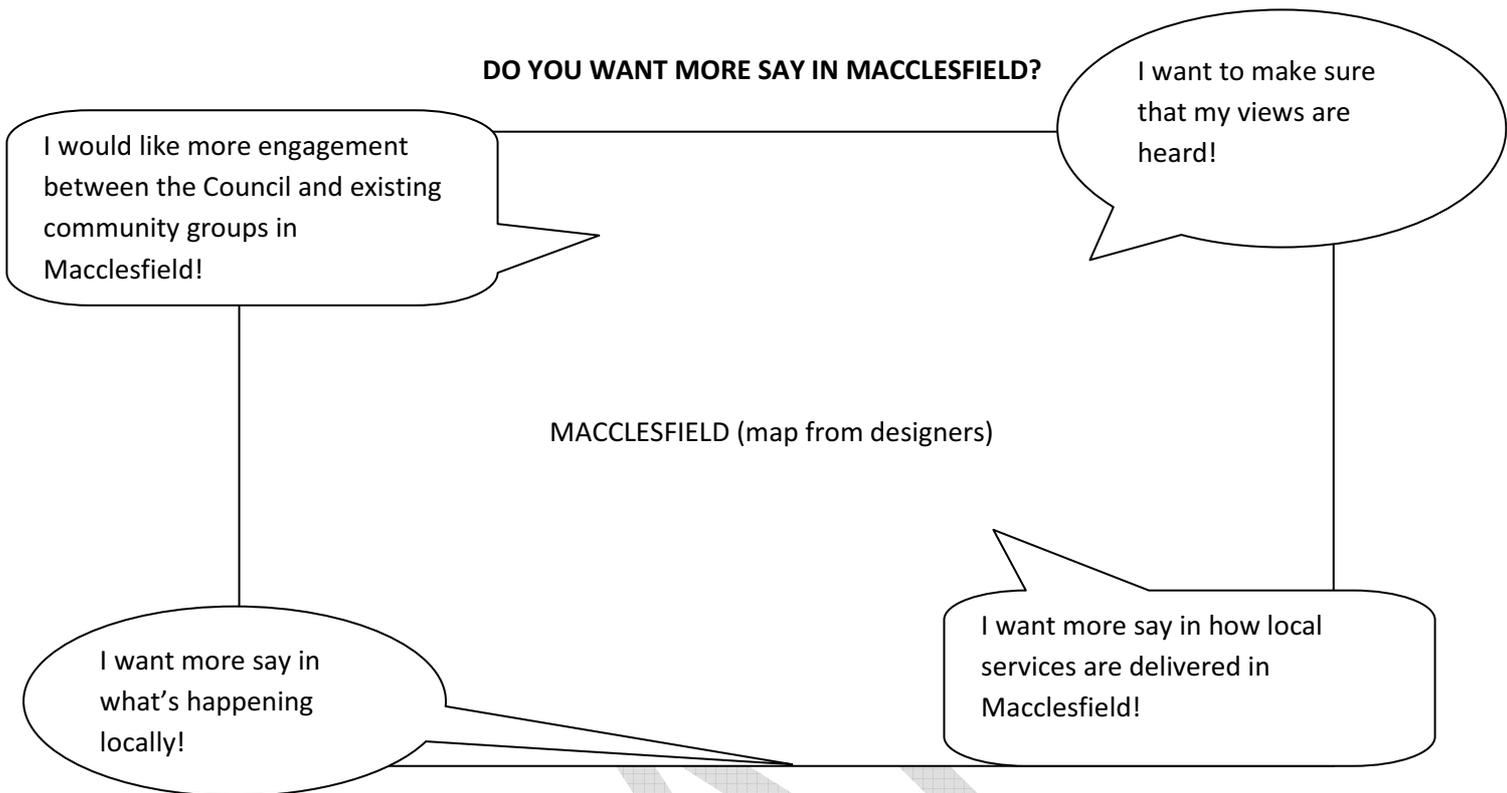
Sefton Council

- Area Committees (x3) are a focus for consultation and discussion about issues in their area and for making decisions on local transport, planning and environmental matters.
- Agenda consist of
 - o Public Forum – Police issues, Area Management Update, outlining local activity by both Council departments and partner organisations (e.g NHS, voluntary groups)
 - o Consultation and engagement - presentation of reports and matters of local interest
 - o Council business - consideration of reports requiring a decision from councillors (e.g transport, planning and environmental matters)

Note: Cambridge, Hull, Derbyshire, Leeds and Kirklees Councils also have some limited information on their websites about the operation of their Area Committees.

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DO YOU WANT MORE SAY IN MACCLESFIELD?



What happens now?

At present Cheshire East Council provides a wide range of local services, from planning and pest control to street lighting and leisure. The Council continually strives to provide services as cost-effectively as possible. The Council is made up of 82 elected councillors who make decisions on how to provide these local services on behalf of local people within the 52 wards that make up Cheshire East. Decisions are made by full Council, the Cabinet, individual Cabinet Members and Committees.

Community Governance Review

Cheshire East Council has committed to a programme of devolving services and assets to local groups and Parish Councils that will be able to run those services more effectively. As Macclesfield does not have a Parish/Town Council, this community governance review offers an opportunity to look at all the options available for Macclesfield. Although Parish/Town Councils are widely seen as the most local form of government there are other options which should also be considered.

What arrangements exist now?

At the moment, Macclesfield has Charter Trustees, a Local Service Delivery Committee and a Local Area Partnership. (these are explained further overleaf).

How can I know what is best for Macclesfield?

One of the best ways of deciding what's best for Macclesfield is to consider three key questions

- will it improve community engagement?
- will it deliver better local democracy?
- can it delivery local services in a more effective and convenient way?

What will it cost?

Whatever is decided, there will be a cost, as there is now. Currently, as Macclesfield residents, you contribute to the cost of delivery of local services through your Cheshire East Council Tax.

Whatever is decided, Cheshire East Council will remain responsible for major services such as social care, highways, education admissions, children's services, environmental protection, planning decisions etc. Cheshire East Councillors will continue to represent individuals and groups in their wards.

We are consulting local people over the next few months (see local media and Cheshire East website) and will take account of any views and opinions that we receive. Please check the Cheshire East website and local notice boards for details.

What are the options for Macclesfield?

As part of undertaking a Community Governance Review the Council should have regard to different forms of community governance which could be out in place. The earlier stage of consultation with the public and stakeholders in July 2013 provided an opportunity for people to express their support for No Change, Parish / Town Council(s), Community Forums, Community Development Trusts, Neighbourhood Management, Residents and Tenants Associations and community Associations.

Based upon the feedback received to date, the Council has decided to undertake the next stage of consultation based upon two options, which are: 1) Parishing for Macclesfield; and 2) An Enhanced Macclesfield Service Delivery Committee. Both options are explained below.

1. **Parishing for Macclesfield** (you may see the words Parish / Town Council(s) used separately but they mean the same thing)

Parish/Town councils (PTCs) are the most local form of government and can represent areas ranging from around 100 people (e.g., Barthomley which is a small local Parish Council of 180 people) to up to approx 40,000 people (for example the newly formed Crewe Town Council which has 36,500 electors). The general rule is that PTCs are based on an area which reflects community identity and interests. The community interests of the residents of the parish are represented by elected local councillors. Parish/Town councils(s) represent your local community's interests to Cheshire East Council on things like planning applications and highways; they can choose to deliver services that can improve the local area (e.g., public toilets, allotments, Christmas lighting, floral arrangements, bus shelters, burial grounds, litter bins, tourism, traffic calming and public transport schemes). The Localism Act 2012 gives greater powers to town and parish councils as they offer democratic representation and accountability, the ability to influence decision making by other bodies and the ability to deliver existing services or provide additional services. These include the preparation of a neighbourhood development plan or order which when completed becomes part of the local development plan for the area and has to be used as a basis for making decisions on planning applications. Costs would be met by setting a council tax.

A single Parish/ Town Council could be established to cover the whole of the unparished area of Macclesfield or a number of Parish Councils, of smaller geographical area, could be formed.

If Parish/ Town council(s) were formed, Cheshire East Council would remain responsible for major services such as social care, highways, education admissions, children's services, environmental protection, planning decisions etc. Cheshire East Councillors would continue to represent individuals and groups in their wards and influence officers' actions with the support and advice of the Town/ Parish councillors.

If Town / Parish Council(s) were created which covered the whole of the unparished area of Macclesfield, then the Charter Trustees (explained below) would be dissolved. The Local Service Delivery Committee would also cease to exist. The Macclesfield Local Area Partnership (as explained below) would continue.

Cost: Costs vary depending on the size of PTCs and services they deliver. The costs to residents for PTCs in Cheshire East range from as low as £5.53 for Aston by Budworth Parish to as high as £95.24 for Nantwich Town Council. The newly created Crewe Town Council, for example, will meet its costs by setting a council tax of £28.96; but there will no longer be a Charter Trustee charge nor a Special Expense charge introduced.

2. An enhanced Macclesfield Local Service Delivery Committee

The second option is to continue with current arrangements, which includes working with all the existing organisations such as the Macclesfield Local Area Partnership and Macclesfield Charter Trustees, and to enhance the role of the Macclesfield Local Service Delivery Committee. What this means is explained below.

- **Local Area Partnership (LAP)**

The Macclesfield LAP is one of seven across Cheshire East. It brings together the 17 neighbouring Parish Councils and associated Cheshire East Councillors (including those from the unparished area of Macclesfield) as well as a wide range of people from the voluntary, community and private sectors to focus on improving services, to influence decision making and to engage and empower communities. The LAP management group is consulted by Cheshire East Council; it influences service delivery, such as decisions on minor highway works including traffic regulations, but does not have the power to deliver local services itself. It is envisaged that the Macclesfield LAP will continue alongside any future governance arrangement for Macclesfield.

Cost: will continue to be covered by Cheshire East Council.

- **Macclesfield Charter Trustees**

Charter Trustees preserve the historic identity of the town by carrying out ceremonial functions, usually by the Mayor. The Trustees are Cheshire East (Macclesfield wards) councillors. In the capacity of Trustee they do not represent the interests of the local people to Cheshire East Council on issues such as planning or highways and they do not have the power to deliver local services. They can raise money to cover the costs of their ceremonial functions (eg Remembrance Day).

Cost: You currently pay £1.55 (Council Tax band D) to Charter Trustees.

If one or more parish councils were created in Macclesfield, which covered the whole of the Charter Trustee area, then the Charter Trustees would be dissolved and its duties transferred. The costs would be covered by setting a council tax. A parish Council can resolve to designate itself as a Town Council ; which then entitles the Chairman of that Council to have the title of Mayor.

- **An Enhanced Macclesfield Local Service Delivery Committee**

The existing Service Delivery Committee was set up by Cheshire East Council (CEC) as Macclesfield currently has no Parish/Town Council(s). It is run by 12 Cheshire East Councillors who were elected to serve Macclesfield's town wards. The Committee doesn't currently represent the interests of the local community on things such as planning applications and highways matters. It has been set up in its current form to consider and advise the Council on the quality, quantity and cost of service provision in Macclesfield.

This option proposes that the role of the existing Service Delivery Committee be enhanced to take on the following functions:

- To monitor Services and to make recommendations to Cabinet on the level of service provision
- To provide advice and recommend to Cabinet on issues and needs of Macclesfield
- To be the Council's principal consultee matters and decisions relating to the Parish of Macclesfield *(NB - Require legal advice on this point – and also on the provisions of the Localism Act 2011 in respect of the ability of Economic Forums to now have this status in respect of planning applications)*
- To liaise and cooperate with local organisations to pursue the wellbeing of the unparished area
- To nominate representatives from its membership to serve on local bodies
- To advise and liaise with Cheshire East Council on preparatory measures for the devolution and transfer of assets
- To consider the cost implications of the development and transfer of services to the unparished area.
- To consider and recommend to Cabinet the amount of any special expenses levy to be raised from residents in the unparished area.

Cost: In the future, the cost of some services provided principally for the benefit of Macclesfield Town residents may be met from part of the Council Tax set for Macclesfield residents, (called a Special Expense) rather than through the Cheshire East Council Tax. The cost of running the Enhanced Service Delivery Committee would continue to be met by Cheshire East Council as part of its arrangements for local democracy.

(NOTE: An Enhanced Service Delivery Committee would be a committee of Cheshire East Council, rather than being a separate legal entity as is the case for Parish/ Town Councils. This means that it would not have the legal capacity to run and manage assets and services such as Markets, Public Conveniences, allotments etc.) *(NB – Require legal clarification on this point)*

If you would like more information please visit the Macclesfield Community Governance Review website on www.cheshireeast.gov.uk or email us at communitygovernance@cheshireeast.gov.uk

We would like to know your views on what arrangements would work best for you to secure improved community engagement, better local democracy and delivery of services in the most efficient and convenient way.

Please send your views in writing to :

Registration Service and Business Manager
Democratic Services
Cheshire East Council
Westfields
Sandbach
Cheshire CW11 1HZ

or by email to: communitygovernance@cheshireeast.gov.uk

APPENDIX 1

LIST OF LEGAL POWERS AND DUTIES

This is a list of powers and functions for parish councils which are covered by Acts of Parliament. The services which parish councils provide vary considerably and this is reflected in the amount of council tax they charge for the delivery of services.

Function	Powers and Duties
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so
Borrowing Money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs
Baths and Washhouses	Power to provide public baths and washhouses
Burial Grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries
Bus Shelters	Power to provide and maintain shelters
Byelaws	Power to make byelaws in regard to pleasure grounds Cycle Parks Baths and Washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms
Charities	Duties in respect of parochial charities Power to act as charity trustees
Clocks	Power to provide public clocks
Closed churchyards	Powers to maintain
Commons and common pastures	Powers in relation to inclosure, regulation and management and providing common pasture

Function	Powers and Duties
Conference facilities	Power to provide and encourage the use of facilities
Community Centres	Power to provide and equip buildings for the use of clubs having athletics, social or educational objectives Power to acquire, provide and furnish community buildings
Crime Prevention	Powers to spend money on various crime prevention measures
Drainage	Power to deal with ponds and ditches
Entertainment and the Arts	Provision of entertainment and support of the arts
Environment	Power to issue fixed penalty notices for litter, graffiti and offenses under dog control orders
Gifts	Power to accept
Highways	Power to repair and maintain public footpaths and bridleways Power to light roads and public places Provision of litter bins Power to provide parking places for vehicles , bicycles and motor cycles Power to enter into agreement as to dedication and widening Power to provide roadside seats and shelters and omnibus shelters Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway Power to complain to district council as to protection of rights of way and roadside wastes Power to provide certain traffic signs and other notices Power to plant trees etc. and to maintain roadside verges
Honorary titles	Power to admit to be honorary freemen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area
Investments	Power to participate in schemes of collective investment

Function	Powers and Duties
Land	Power to acquire by agreement, to appropriate, to dispose of
Litter	Provision of receptacles
Lotteries	Power to promote
Markets	Power to establish or acquire by agreement markets within their area and provide a market place and market buildings
Mortuaries and Post mortem rooms	Power to provide mortuaries and post mortem rooms
Newsletters	Power to provide information relating to matters affecting local government
Nuisances	Power to deal with offensive ditches
Open Spaces	Power to acquire land for public recreation and maintain Power to acquire and maintain land for open spaces
Parish property and documents	Power to direct as to their custody Duty to deposit certain published works in specific deposit libraries
Public Buildings and village halls	Power to acquire and provide buildings for public meetings and assemblies
Public conveniences	Power to provide
Recreation	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them Power to provide a large range of recreational facilities Provision of boating pools
Town and Country Planning	Right to be notified of planning applications if right has been requested
Tourism	Power to contribute to organisations encouraging tourism
Traffic Calming	Powers to contribute financially to traffic calming schemes
Transport	Powers to spend money on community transport schemes
War Memorials	Power to maintain, repairs, protect and adapt war memorials

Function	Powers and Duties
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them
Websites	Power for Councils to have their own websites
Well-being	Power for (eligible) parish councils to do anything they believe is likely to achieve the promotion or improvement of the economic and /or social and/or environmental well-being of their area

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APPENDIX 2

EXAMPLES OF TOWN COUNCILS IN CHESHIRE EAST

TOWN COUNCIL	NUMBER OF ELECTORS	EXAMPLES OF SERVICES PROVIDED (NB - THIS IS ILLUSTRATIVE AND NOT AN EXHAUSTIVE LIST)	PARISH COUNCIL TAX (PER BAND D PROPERTY)
Alsager Town Council	9605	<p>Runs facilities including Alsager Civic Centre, Crewe Road Toilets, Alsager Market and Allotment sites.</p> <p>Provision of grants to local organisations totalling £28,000.</p> <p>Play facilities at Wood Park and Northholme Gardens.</p> <p>Support of community events such as “the big switch on”; Christmas market; annual carnival and summer concerts.</p> <p>The Town Council also owns and manages the Alsager Institute which provides a valuable and well used community building .</p> <p>Funding is provided to support two PCSOs for the Town .</p>	£64.48
Bollington Town Council	6,113	<p>Running of Bollington Civic Hall, and during 2013 consideration being given to running of the Town Hall and the Bollington Recreation Ground.</p> <p>Improvements to footpaths and rights of way.</p> <p>Provision of grants to local organisations.</p> <p>Funding provided to support one PCSO for the Town.</p> <p>Support for and organisation of numerous community and civic events including Christmas lights, annual carol service, mayor making ceremony and regular litter picks. Investment has been made in the Coronation Gardens and land has been acquired by the Town Council for allotments at Harrop Road.</p>	£55.00

Congleton Town Council	21,580	<p>Management of Congleton Town Hall and Allotments.</p> <p>Management of Congleton Paddling Pool and the accountable body for the Congleton Market Town Initiative.</p> <p>Provision of grants to local organisations.</p> <p>Organisation and support of various community events such as home coming parades, music and food festivals and carnival.</p> <p>Provision of notice boards, road signs and street furniture.</p> <p>Tourism including Tourist Information kiosk.</p> <p>Community safety, crime prevention measures and traffic calming.</p> <p>Shopmobility, public toilets and play areas.</p> <p>Maintenance of closed churchyard and clock tower and war memorial.</p> <p>Budget for Highways / Roads.</p>	£66.56
Crewe Town Council	36,000	<p>Council established in April 2013.</p> <p>Allotments and public conveniences to transfer to the town council to manage in 2013.</p> <p>The Town Council will determine other services it wishes to provide in due course.</p>	£28.96
Knutsford Town Council	10,579	draft	£27.35
Middlewich Town Council	10,701	draft	£66.34

<p>Nantwich Town Council</p>	<p>11,453</p>	<p>Management of Nantwich Civic Hall, Market, and Public Toilets.</p> <p>Planting of hanging baskets and planters.</p> <p>Shop Mobility.</p> <p>Tourism.</p> <p>Town Centre Management.</p> <p>Street Entertainment.</p> <p>Christmas Lights.</p> <p>Financing Town Events.</p> <p>Allotments.</p> <p>Provision of grants to local organisations.</p> <p>Millenium Clock.</p> <p>CCTV.</p> <p>Organisation and support of various community events such as home coming parades, music and food festivals, carnival annual carol service, mayor making ceremony and regular litter picks.</p> <p>Provision of notice boards, road signs and street furniture.</p>	<p>£95.24</p>
<p>Poynton Town Council</p>	<p>11,863</p>	<p>Promotion of Poynton Civic Hall as a community hub (already home to CAB, U3A, You and Yours counselling service, AA, St John Ambulance etc)</p> <p>Provision and maintenance of two play areas</p> <p>Maintenance of two extensive rural paths – Prince’s and Lady’s Inclines</p> <p>Operations and Events Manager (responsible for coordinating the day to day maintenance of the village and promoting local business)</p> <p>Handyman services around the village, including litter picking, scrub clearance, maintenance of signs etc</p>	<p>£53.06</p>

		<p>Part funding of 5 PCSOs (to maintain a visible presence in the village, liaise with local schools and deter anti-social behaviour)</p> <p>Arrange for regular crime updates to be given to the Town Council by the Inspector from the Macclesfield Policing team</p> <p>Provide sponsorship for large scale social events such as the Summerfest, the Christmas Fest etc</p> <p>Provide Christmas trees at two locations and decorative lights in main retail area</p> <p>Organise the annual Civic Sunday and Remembrance Day</p> <p>Provide the services of a Youth Coordinator and an Adult Health and Wellbeing Coordinator</p> <p>Run a weekly café for those residents who may be socially isolated</p> <p>Provide a Home Services Scheme, to link residents with trusted local contractors.</p>	
Sandbach Town Council	14,684	<p>Town Hall (Letting and Direct Event Management)</p> <p>Indoor Market</p> <p>Outdoor Market</p> <p>Public Toilets</p> <p>Car Parking</p> <p>Artisan (Crosses) Market</p> <p>Farmers' Market</p> <p>Councillor Surgery</p> <p>Newsletter</p> <p>Hanging Baskets and Planters</p>	£56.82

		<p>Christmas Trees</p> <p>Town Centre Management</p> <p>Community Events and Activities (Children's Fun Days, National Town Crier Competitions and Musical Concerts)</p> <p>Applications for funding from local organisations</p>	
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VOTE NOW!

Please use your vote to have your say!

“insert map”

A Macclesfield Community Governance Review is currently being conducted to consider options for improved community engagement. The best way of deciding what's best for Macclesfield is to consider three key questions:

- will it improve community engagement?;
- Will it deliver better local democracy?;
- Can it delivery local services in a more effective and convenient way?

We would like to know your views on what arrangements would work best for Macclesfield.

You can also respond in writing to: Registration Service and Business Manager, Democratic Services, Cheshire East Council, Westfields, Sandbach, Cheshire, CW11 1HZ ; or by email to communitygovernance@cheshireeast.gov.uk

To request more information please visit our website on www.cheshireeast.gov.uk/maccgovreview or contact us by :

Email: communitygovernancereview@cheshireeast.gov.uk

Telephone: 0300 123 5016

Leaflets can also be collected from Macclesfield Town Hall and Macclesfield Library.

Please find enclosed a voting paper seeking your views on the future governance of Macclesfield.

It's easy ... just follow these simple steps

Step One: On the enclosed voting paper answer the questions by placing a cross (X) in the box opposite the option you are voting for

Step Two: Put your voting paper into the enclosed prepaid envelope

Step Three: Return the envelope so that it is received by no later than 5pm on
Results of the consultation and a draft recommendation will be communicated in the local media and on our website **in ... 2014.**

See overleaf for the Options :

What are the options for Macclesfield?

Option 1 - Parishing

You may see the words Parish / Town Council(s) (PCTs) used separately but they mean the same thing). PTCs are the most local form of government and can represent areas ranging from around 100 to 40,000+ people. They are based on an area which reflects community identities and residents are represented by elected local parish councillors. They can deliver services to improve the area (e.g., public toilets, allotments, Christmas lighting, floral arrangements, bus shelters, burial grounds, litter bins, tourism, traffic calming and public transport schemes). The Localism Act 2012 gives greater powers to town and parish councils including the preparation of a neighbourhood development plan which becomes part of the local development plan for the area. Costs would be met by setting a council tax.

A single Parish/ Town Council could be established to cover the whole of the unparished area of Macclesfield or a number of Parish Councils, of smaller geographical area, could be formed. If Parish/ Town council(s) were formed, Cheshire East Council would remain responsible for major services such as social care, highways, education admissions, children's services, environmental protection, planning decisions etc. and Cheshire East Councillors would continue to represent their wards.

If Town / Parish Council(s) were created which covered the the unparished area of Macclesfield, then the existing Charter Trustees (which carry out civic and ceremonial functions and the mayoralty) would be dissolved.

Cost: Costs vary depending on the size of PTCs and services they deliver. The costs to residents for PTCs in Cheshire East range from as low as £5.53 for Aston by Budworth Parish to as high as £95.24 for Nantwich Town Council.

Option 2 - An Enhanced Macclesfield Service Delivery Committee

This option is to continue with current arrangements, which includes working with all the existing organisations such as the Macclesfield Local Area Partnership and Macclesfield Charter Trustees, and to enhance the role of the Macclesfield Local Service Delivery Committee.

The **Macclesfield Local Area Partnership (LAP)** is one of seven across Cheshire East. It brings together the 17 neighbouring Parish Councils and associated Cheshire East Councillors (including those from the unparished area of Macclesfield) as well as the voluntary, community and private sectors to focus on improving services.

Macclesfield Charter Trustees preserve the historic identity of the town by carrying out ceremonial functions, usually by the Mayor. The Trustees are Cheshire East (Macclesfield wards) councillors. You currently pay £1.55 (Council Tax band D) to Charter Trustees.

The existing Macclesfield Service Delivery Committee was set up by Cheshire East Council (CEC) and is run by 12 Councillors who were elected to serve Macclesfield's town wards. It's role is to consider and advise the Council on the quality, quantity and cost of service provision in Macclesfield. This option proposes that the role of the existing Service Delivery Committee be enhanced to take on the following functions:

- To monitor Services and to make recommendations to Cabinet on the level of service provision
- To provide advice and recommend to Cabinet on issues and needs of Macclesfield
- To be the Council's principal consultee matters and decisions relating to the Parish of Macclesfield *(NB - legal advice being sought on this point)*
- To liaise and cooperate with local organisations to pursue the wellbeing of the unparished area
- To nominate representatives from its membership to serve on local bodies
- To advise and liaise with Cheshire East Council on preparatory measures for the devolution and transfer of assets
- To consider the cost implications of the development and transfer of services to the unparished area.
- To consider and recommend to Cabinet the amount of any special expenses levy to be raised from residents in the unparished area.

Cost: In the future, the cost of some services provided principally for the benefit of Macclesfield Town residents may be met from part of the Council Tax set for Macclesfield residents, (called a Special Expense) rather than through the Cheshire East Council Tax.

(NOTE: An Enhanced Service Delivery Committee would be a committee of Cheshire East Council, rather than being a separate legal entity as is the case for Parish/ Town Councils. This means that it would not have the legal capacity to run and manage assets and services such as Markets, Public Conveniences, allotments etc.) *(NB – Require legal clarification on this point)*

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CHESHIRE EAST COUNCIL – LEGAL ADVICE NOTE

The current Community Governance Review is currently considering the possibility of recommending an 'Enhanced Service Delivery Committee' (ESDC) for the unparished areas of Macclesfield. Two questions have been raised in respect of this possible recommendation:

Can the ESDC run and/or manage assets?

Legal understand that the ESDC will be a committee under the arrangements of S101 of the Local Government Act 1972. As such it will be a committee of Cheshire East Council and not a separate legal entity. Clearly therefore, no assets can be transferred to the Committee.

If the ESDC want to be involved in managing assets, that is possible, however, further consideration would need to be given as to how that can be put into practical arrangements. Assets and managing assets are in the main executive functions. Executive functions can only be discharged by the executive or an arrangement made by the executive i.e. the ESDC would need to be a committee of the executive. If the ESDC wish to be involved as a cross party committee as opposed to an executive committee, then the only suggestion without further instructions and research then S102 of the Local Government Act 1972 allows an advisory committee to be set up.

Can the Committee be the Council's "principal consultee" on matters and decisions relating to the parish of Macclesfield? There is some mention within the papers of wishing to be a statutory consultee for planning matters.

In respect of planning:-

Under the Development Management Procedure Order 2010, the Council has a duty to publicise proposed developments. It does not have a general duty to consult. In certain situations, it does have to consult specific bodies. These situations and the relevant organisations are set out in statute. The organisations listed are set and there is no ability to add the ESDC or any other organisation to the list.

However, the Council has a duty to publish a Statement of Community Involvement and within that document it gives a commitment to engage both individuals and the wider community in the decision making process. At Appendix 5 there is a list of organisations that the Council has identified may be consulted in respect of Planning Applications if they are likely to be affected by the proposed application. The current committee is not named, but consideration could be given to adding the new ESDC whenever that Statement is updated.

We also have a Publicity and Neighbour Notification Protocol. There is a possibility that this document could also be review to include this committee being notified.

Please note that any suggestion as to the ESDC being specifically consulted on proposed developments would need to be considered in detail with the Planning Department for them to advise as to the feasibility or otherwise of this being able to be achieved within the timescales that they work to.

General consultation: -

The Council has a duty to consult on a number of matters. In some cases, the duty to consult is set out in statute and there will be statutory guidance as to the organisations/types of organisations that must be consulted with.

Section 138 of the Local Government and Public Involvement in Health Act came into effect on 1 April 2009. It imposes a duty on all local authorities to involve local representatives when carrying out 'any of its functions' by providing information, consulting or 'involving in another way'. Authorities must consult a balanced selection of the individuals, groups, businesses or organisations the authority considers likely to be affected by, or have an interest in, the authority's function.

I do not think that there is any ability to make the ESDC the "principal consultee" as the duty on the authority is to consult with a wide range of local representatives. However, the general duties on the local authority to consult will apply. (The Council will likely have a policy on this though I have been unable to identify it at this stage. Again consideration could be given to a request that the ESDC is specifically included if possible)

Iolanda Puzio
16th January 2014