

Special Council Meeting

Agenda

Date: Monday, 20th October, 2008

Time: 6.00 pm

Venue: Town Hall, Congleton

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. If there are any Part 2 items these will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. Petition for Borough Status (Pages 1 - 6)

To approve the formal presentation of a Petition, seeking the grant of a Charter for Borough status and the form of the Council's Petition for Borough status and of the proposed Charter for submission to the Privy Council Office.

This page is intentionally left blank

CHESHIRE EAST

COUNCIL

Date of meeting: 20th October 2008
Report of: Governance and Constitution Committee
Title: Petition for Borough Status

1.0 Purpose of Report

- 1.1 To update the Council on the proposed application for Borough status, as agreed in principle by Council on 30 July 2008.

2.0 Decision Required

- 2.1 To approve –
- (a) the formal presentation of a Petition seeking the grant of a Charter for Borough status
 - (b) the form of the Council's Petition for Borough status and of the proposed Charter for submission to the Privy Council Office.

3.0 Financial Implications for Transition Costs

- 3.1 The estimated cost of obtaining the Charter for Borough status is £2000.

4.0 Financial Implications 2009/10 and beyond

- 4.1 No additional costs are anticipated in 2009/10 and beyond.

5.0 Risk Assessment

- 5.1 Failure to make the application by the end of October could result in delay so that Borough status is not granted by 1 April 2009.

6.0 Background and Options

- 6.1 Under the provisions of the Structural Changes Order, Cheshire East will be a Unitary authority with a Chairman. However, by virtue of Article 9(6) of the Order, the Shadow Authority may petition for Borough status, and through the Privy Council Office, seek the grant of a Charter conferring Borough status on the whole area. Such a grant would mean that the Council would elect a Mayor, rather than a Chairman of the Council. The Council would also be able to appoint Honorary Freemen and Honorary Aldermen. Honorary Freemen can only be appointed if Borough status is achieved.

- 6.2 The Department for Communities and Local Government (DCLG) have indicated that the Petition should be submitted by the end of October, to allow the grant of a Charter (if made) to come into effect by 1 April 2009. DCLG have also indicated that the support of the current local authorities in the area would be a factor to be taken into account by the Privy Council Office in advising on the award of the Charter.
- 6.3 Cheshire East Council on 30 July agreed –
- “in principle to submit a Petition for the grant of a Charter conferring Borough status on Cheshire East Unitary Council from April 2009;
- the three current Borough Councils and Cheshire County Council be invited to support the Petition for Borough Status for Cheshire East, and to identify as soon as possible any proposals for the continuation of their existing rights beyond vesting day.”
- 6.4 The Council also authorised the Governance and Constitution Committee to take forward the detailed arrangements for Borough status (and other civic and ceremonial matters), and to make periodic progress reports to the full Council. At its meeting on 6 October, the Committee considered the issues raised in this report, and resolved to advise the Council to adopt the recommendations in paragraph 2 above.
- 6.5 Macclesfield Borough Council has since resolved to support Cheshire East’s Petition for Borough status. Crewe and Nantwich Borough Council has offered no views on the Cheshire East proposal. Congleton Borough Council’s Executive, on the 8 October, resolved not to support the Cheshire East proposal and to advise the council meeting on 15 October accordingly.
- 6.6 Cheshire County Council’s Organisation Committee has resolved in relation to the Shadow Council’s proposal for Borough status:-
- “That the proposal by Cheshire East Council to apply for Borough status be noted, on the basis that appropriate arrangements are being sought to establish Town Mayors where there is a community wish to do so.”
- 6.7 In order to seek the grant of the Charter, a Petition in the appropriate format has to be presented to the Privy Council Office, together with the proposed wording of the Charter. Drafts of both documents are attached for consideration by the Council. DCLG have been consulted on and approved the draft documents.

- 6.8 The Privy Council Office have indicated that the fee payable for sealing a Charter is £2000. This can be met from the transitional costs budget.
- 6.9 The Local Government Act 1972 provides that “a Petition for a Charter shall not be presented except on a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specifically convened for the purpose with notice of the object”. Accordingly, this Special Meeting of the Council has been convened to enable Members to consider the formal presentation of the Petition for Borough status.

For further information:

Officer: Mike Flynn, Governance Lead Officer
Tel No: 01244 972260
Email: mike.flynn@cheshire.gov.uk

Background Documents:

None

DRAFT

LOCAL GOVERNMENT ACT 1972

Section 245

CHESHIRE (STRUCTURAL CHANGES) ORDER 2008

**PETITION FOR THE GRANT OF A CHARTER CONFERRING THE STATUS
OF A BOROUGH**

To the Queen's Most Excellent Majesty in Council:

The Humble Petition of the Council of the District of Cheshire East
Sheweth as follows: -

The District of Cheshire East is a district for the purposes of the Local
Government Act 1972.

The Council of the said District, in accordance with section 245 of the Local
Government Act 1972 and the Cheshire (Structural Changes) Order 2008 has
resolved that a Petition be presented to Your Majesty praying for the grant of
a Charter under subsection (1) of the said section conferring on the said
District the status of a borough with effect from 1 April 2009.

Your Petitioners therefore most humbly pray that Your Majesty may be
graciously pleased to grant a Charter in the terms of the draft submitted
herewith or in such other terms as may to Your Majesty seem proper.

And Your Petitioners will ever pray, etc.

[Common Seal of the Council]

[Authorised signatory]

DRAFT

Elizabeth The Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS a new local government district known as Cheshire East has been established by the Cheshire (Structural Changes) Order 2008

AND WHEREAS a Petition praying for the grant of a Charter conferring upon the district of Cheshire East the status of a borough has been presented to Us by the Council of the said district

AND WHEREAS we are pleased by the advice of Our Privy Council to grant a Charter for such purpose

NOW THEREFORE KNOW YE that We, by virtue of Our Prerogative Royal and in pursuance of the Local Government Act 1972 and of all other powers and authorities enabling Us in that behalf, have granted and declared and by these Presents do grant and declare that the district of Cheshire East shall have the status of a borough with effect from 1 April 2009.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the day of in the
year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

This page is intentionally left blank