

Community Governance Review Sub-Committee Agenda

Date: Monday, 25th February, 2013
Time: 2.00 pm
Venue: Executive Meeting Room 1, Municipal Buildings, Earle Street,
Crewe CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items 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 disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 19th December 2012.

Contact: Paul Mountford, Democratic Services Officer
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Exclusion of the Press and Public**

The report relating to the following item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matter may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

6. **Appointment of an Interim Parish Clerk**

The Sub-Committee is invited to interview candidates for the appointment of an Interim Parish Clerk for Crewe Parish Council.

7. **Re- Admittance of Press and Public**

The public to be readmitted to the meeting for the remaining business.

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

8. **Crewe Community Governance Review - Interim Arrangements** (Pages 7 - 18)

To receive updates on the following matters:

1. Transfer of Assets from Cheshire East Council – Allotments / Public Conveniences
2. Arrangements for the annual Meeting of the Crewe Parish Council (**Draft list of agenda items attached**)
3. Historic and Ceremonial Regalia and Property of the Charter Trustees (**Report of Democratic Services Team Manager attached**)

9. **Macclesfield Community Governance Review** (Pages 19 - 28)

There were difficulties in convening a meeting of the Sub-Committee during January due to Members' limited availability. Priority in the early part of the year has been given to publishing the outcome of the Crewe Community Governance Review and establishing the interim arrangements required to enable the new Crewe Parish Council to come into existence from 1 April 2013.

a) Project Plan

Members are asked to review and update the project plan (**attached**) for the Macclesfield Community Governance Review, to provide a workable timeframe for the conduct of the first stage, taking account of the overlapping timetable with Crewe Community Governance Review until mid-April 2013.

b) Consultation Leaflet

Members are asked to consider the proposed text of the leaflet to be used for the first stage of public consultation (**attached**).

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Community Governance Review Sub-Committee
held on Wednesday, 19th December, 2012 at Executive Meeting Room 2,
Municipal Buildings, Earle Street, Crewe CW1

PRESENT

Councillor D Marren (Chairman)
Councillor P Groves (Vice-Chairman)

Councillors S Hogben (for Cllr Jackson), B Murphy and P Whiteley

Officers

Lindsey Parton, Registration Service and Business Manager
Paul Jones, Democratic Services Team Manager
Paul Mountford, Democratic Services Officer

ChALC

Linda Davenport

Apologies

Councillors G Baxendale and J Jackson

67 DECLARATIONS OF INTEREST

Councillor S Hogben declared a non-pecuniary interest as a Crewe Charter Trustee.

68 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

69 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting of 22nd November 2012 be approved as a correct record.

70 CREWE COMMUNITY GOVERNANCE REVIEW - NEXT STEPS

The Sub-Committee discussed the preparatory work required in advance of the Crewe Parish Council elections on 4th April 2013.

Linda Davenport from the Cheshire Association of Local Councils (ChALC) was in attendance to assist the Sub-Committee.

The following issues were considered:

- a) Arrangements for Seminar(s) for prospective candidates. This had been done for the Wilmslow Community Governance Review. It would include information on how to stand for election. Two dates were proposed in early February to fit in with the elections timetable:

Wednesday, 13th February (evening)

Friday, 15th February (afternoon)

There were suitable meetings rooms available in the Municipal Buildings. A draft programme would be produced and the events would be advertised by public notice and a press release.

RESOLVED

That the seminars be approved and the officers draw up a programme and arrange suitable publicity.

- b) Consideration of appointment of an Interim Parish Clerk

At about this stage with the Wilmslow Review, the Interim Parish Clerks were appointed with the assistance of ChALC.

The officers would canvass experienced town and parish clerks with a view to appointing an interim parish clerk. The interim clerk would remain in post until the new parish council had appointed a permanent clerk, usually about six months.

The interim parish clerk would be funded from the budget approved for the first year of the parish council. It was agreed that the clerk should be appointed from February 2013 to allow two months before the elections. The temporary clerk would continue to be employed by the council for which they already worked but would accrue hours which would be paid by the Parish Council after April, in the same way as the arrangements for an interim clerk had worked for the Wilmslow Review. The parish council at its first meeting would be asked to take responsibility for the interim clerk.

RESOLVED

That the officers make arrangements for the appointment of an Interim Parish Clerk on the basis discussed, seeking expressions of interest from across Cheshire, and the selection and appointment of the Clerk be made by the Sub-Committee at a meeting convened for that purpose.

- c) Transfer of assets from Cheshire East Council – Allotments / Public Conveniences at Lyceum Square

It was proposed that Cheshire East Council continue to maintain the toilets in Lyceum Square for three months from 1st April 2013. The relevant officers were working to ensure that the assets transfer notice would be completed on time and that any TUPE-related issues had been addressed.

RESOLVED

That a meeting be arranged in early January between the Chairman and the officers working on asset transfers.

- d) Transfer of assets and obligations from the Charter Trustees

The Democratic Services Team Manager reported that arrangements were in place to categorise and insure the various ceremonial assets associated with the former Crewe and Nantwich and Macclesfield Borough Councils. The assets included insignia, maces, swords and 'mayoral property'.

Regulations required that the assets should be transferred to any future town or parish council. Once transferred, they could potentially be removed from the buildings in which they were situated. Some assets, such as paintings, were not transferrable and there was a need to consider what should be done with those. Any transfers would be subject to agreement with the Charter Trustees. The relevant Portfolio Holder would confirm Cheshire East Council's agreement to transfer.

RESOLVED

That the current position on the transfer of Mayoral property to the Charter Trustees from Cheshire East Council be noted and the Sub-Committee receive a further update in due course.

- e) Arrangements for the annual meeting of the Crewe Parish Council in 2013.

The annual meeting of the parish council would need to be held no later than 14 days after the day on which the councillors elected to the new parish council took office.

ChALC advised on a list of items to be included on the agenda for the first meeting, including:

Appointment of committees/terms of reference
Appointment of temporary clerk
Recruitment of permanent clerk
Setting up a bank account

Office accommodation
Adoption of a code of conduct

It was suggested that the rules for the management of allotment sites should be included on the agenda, although this could equally be dealt with by any environment committee appointed by the parish council.

RESOLVED

That

- (1) The officers, with the assistance of ChALC, produce a draft agenda for the Annual Meeting of the new parish council and circulate copies to members of the Sub-Committee; and
- (2) It be agreed that the recommendation to rename the new parish council as 'Crewe Town Council' be included on the agenda for the parish council's first or second meeting.

**71 MAKING IT EASIER TO SET UP NEW TOWN AND PARISH COUNCILS
- DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
(DCLG) DISCUSSION PAPER**

The Sub-Committee considered a discussion paper by the Department for Communities and Local Government entitled 'Making it easier to set up new town and parish councils'.

The paper set out what it saw as a number of problems with the current process for those wanting a new parish council:

- Too demanding for campaigners
- Doesn't allow designated neighbourhood forums a distinct role
- Community governance reviews have too wide a scope
- Reviews take too long
- No right of appeal

Members agreed with the point about a right of appeal but considered that the other points raised were not particular areas of concern.

The paper then set out three options to make the process for creating a new parish council simpler and better:

1. Amend existing guidance
2. Changing the law
3. Making it easier for neighbourhood forums to start the process for creating a new parish council

With regard to option 1, Members agreed that guidance should be amended to make it clear that the right weight should be given to what is

effective and convenient for the local community, separately from the local authority itself.

RESOLVED

That the officers draft a response and circulate it to members of the Sub-Committee for comments; the Chairman would then sign off the response subject to any amendments.

72 2013 /2014 PRECEPT ARRANGEMENTS AND COUNCIL TAX SUPPORT

The Sub-Committee noted a letter, circulated at the meeting, which had been sent to Town and Parish Councils by the Director of Finance and Business Services concerning the 2013/2014 precept arrangements. A provisional grant entitlement of £79,745 had been calculated for the Crewe Parish area to compensate for the Cheshire East Council tax support scheme which would considerably reduce the tax base.

73 NEXT MEETING

To be agreed.

The meeting commenced at 10.00 am and concluded at 12.15 pm

Councillor D Marren (Chairman)

This page is intentionally left blank

DRAFT Agenda for the Annual Meeting of Crewe Parish Council

NB. *Advisory Notes are in italics.*

1. To election the Council Chairman¹.

New councillors nominate, second and vote for their chairman² from amongst their number. For this agenda item only, a nominee from the principal authority usually takes the chair (not the Clerk). The elected chairman (after signing his/her declaration of acceptance of office as Chairman) takes over immediately after his/her election and chairs the rest of the meeting. Sometimes councils choose to have one or two deputy chairmen who are chosen in the same manner (but who do not have to sign a Declaration of Acceptance of Office Form).

2. To agree the appointment of (*name of person*) to be the Council's temporary Clerk.
3. In accordance with The Charter Trustees Regulations 1996, Reg.18³, to note and accept⁴ the transfer to the Council of the following matters owned, vested in, or exercisable by the Charter Trustees for Crewe —
 - (i) all property of whatever description;
 - (ii) all rights, liabilities, contracts or other written instruments of whatever description;
 - (iii) any legal actions or proceedings.

It would be useful to circulate, with their Summons to Attend and Agenda, a paper setting out the detail of what adoption of item (3) actually means in practical terms, eg. a list of each asset with its current location and value for insurance purposes, a description of each right, liability and/or duty as exercised, or potentially exercised, by the Charter Trustees.

4. To effect the transfer of Allotments from Cheshire East Council to Crewe Parish Council

Legal Services to advise on the wording for the agenda item. The leases will need to be signed to effect the transfer.

Suggested by the Sub committee that the rules for the management of allotment sites also be included on the agenda.

¹ Term includes both genders

² In a town council, the chairman has the honorary title of mayor.

³ Regulation 18 is reproduced in full at the end of this document.

⁴ The Regs make it clear that these rights, assets etc **shall** transfer so it is questionable whether the new council has any power to refuse to accept them. You may wish to exclude the words "and accept".

5. To arrange for the adoption of Standing Orders⁵.
6. (If any) To fill by co-option the [1, 2, 3 etc] vacant seats on this council.
7. To set dates of future meetings.

These can include:

- 7.1 the Annual Meeting of the local council
 - 7.2 the Annual Parish Meeting – which must be held before the 1st June (7.1 and 7.2 annual meetings can be held on the same day)
 - 7.3 calendar of future ordinary meetings of the council
8. To establish committees and dates of first meetings.

To begin with, these are usually:

- 8.1 the Finance Committee⁶, and
- 8.2 the Employment Committee or Working Group⁷
- 8.3 the Assets Management Committee (*the Crewe CGR Sub-Committee has suggested such a committee be set up at an early stage due to the devolution of toilets & allotments to Crewe Council*)

It is up to the council whether a committee has any delegated powers. The Council may not want to do this at its first meeting, but consider it later on.

9. To Agree the Management of Finance and Risk Matters

Any of the items listed under 9. below may be delegated to the Finance Committee with a brief that they investigate best practice and best value then report back to the next full council meeting.

- 9.1 Arrangements leading to the adoption of Financial Regulations⁸
- 9.2 Adoption of the Budget for the first year.

⁵ ChALC provides Model Standing Orders which can be adapted for the council.

⁶ Council committees and sub-committees must be open to the public. Under certain circumstances, eg. discussion of sealed bids for a council contract, the committee may vote to exclude the press & public, but the reason for exclusion must be minuted.

⁷ Working groups do not have to be open to the public. The council may decide that due to the confidential nature of employment issues, they are better discussed in a working group. Working groups cannot be given delegated powers – decisions must be taken by the full council or a committee/sub-committee with delegated powers.

⁸ ChALC provides Model Financial Regulations which can be adapted for the council.

Although the total amount of Precept money available has already been set by the principal authority, the council may want to amend the budget, ie. the items the money is designated to be spent on and/or how much to spend on each item.

- 9.3 Establishment of council bank account and signatories.
 - 9.4 Appointment of Responsible Financial Officer (RFO):
The council may decide to:
 - (i) appoint its temporary clerk or
 - (ii) appoint a councilloruntil the permanent clerk/RFO is recruited.
 - 9.5 To adopt an accounting system.
 - 9.6 To agree upon the council's Auditors (internal and external).
 - 9.7 To prepare the council's Risk Assessment for the current year.
 - 9.8 To appoint the council's insurers.
10. Training for New Councillors⁹
11. To consider the designation of Crewe Parish Council as Crewe Town Council
- The decision of Cheshire East Council on 11 October 2012 was: "(a) That the interests of effective and convenient local government and community identities would be served by the creation of a new parish with a Parish Council for the unparished area of Crewe and that the Parish Council be advised to consider its designation as a Town Council".
12. To Agree the Management of Staff and Office Matters:
- Any of the items listed under 11. below may be delegated to the Employment Group with a brief that they investigate best practice, prepare draft policies and recruitment documents and report back to the next full council meeting.*
- 12.1 Recruitment and Induction of permanent clerk.
 - 12.2 Office accommodation
 - 12.3 Equipment
 - (i) items needed
 - (ii) buy, rent or lease
13. To Agree to take out Membership of the Council's County Association of Local Councils¹⁰.

⁹ ChALC Training Programme 2013 is attached to this document.

14. To receive correspondence.

15. Items for the next agenda

In addition to the above, the council may want to end its first meeting on a more locally focused action note, by having items on the agenda which invite councillors to comment on current principal authority consultations and/or to ask councillors to table matters for discussion at the next local council meeting, eg. deciding on or confirming the name and style of the council, eg. Crewe Town Council.

¹⁰ The 2013/14 ChALC Annual Subscription Fee is 30 pence/elector capped at £1,224.90 for councils with an electorate in excess of 4,083.

The Charter Trustees Regulations 1996

1996 No. 263

Regulation 18

Dissolution of charter trustees

18.—(1) This regulation applies where an area, or part of an area, for which charter trustees have been established becomes, or becomes comprised in, a parish (not being an existing parish) for which a parish council is established.

(2) From the date on which the first councillors for the parish come into office these Regulations, or the statutory instrument made under Part II of the Act establishing the charter trustees, shall cease to apply to the area or part and accordingly—

(a) the charter trustees shall cease to act therefor and shall be dissolved;

(b) the mayor or deputy mayor shall cease to hold office as such;

(c) any local officer of dignity appointed pursuant to regulation 4(1)(b) above shall hold office as if appointed by the parish council;

(d) the following matters owned, vested in, or exercisable by the charter trustees shall be transferred to the parish council —

(i) all property of whatever description;

(ii) all rights, liabilities, contracts or other written instruments of whatever description;

(iii) any legal actions or proceedings;

(e) regulation 4 of the Local Government Changes for England Regulations 1994(1) shall apply as if the charter trustees were a transferor authority, and the parish council were a transferee authority of the same tier;

(f) the accounts of the charter trustees and of its committees and officers shall be made up to the dissolution of the charter trustees, and shall be audited in the same way, and subject to the same procedures and penalties as if the charter trustees had not been dissolved.

END OF EXTRACT

2013 Training Programme For Clerks and Councillors



The National Training Strategy
for Town & Parish Councils

Topic		Proposed Dates/Venue
Clerks and Councillor Induction Training	The Clerk, the Chairman and the Councillors Roles and Responsibilities Parish Council Meetings Statutory Requirements, Minutes and Agendas Decision Making and Delegation Powers and Duties Local Government Act 1972—S137 The Role of the Council in the Planning System Budget Procedures and Precepting	24th April (Aft) <i>(Sandbach)</i> 4th September (Eve) <i>(Tarvin)</i>
Councillor Training Workshop 1 Roles and Responsibilities	To introduce newly elected councillors to their roles and responsibilities To provide an opportunity for new and more experienced councillors to develop their knowledge and skills To give councillors more confidence in carrying out their role	4th February (Aft) <i>(Mobberley)</i> 7th October (Eve) <i>(Cotebrook)</i>
Councillor Training Workshop 2 Powers, duties and Precept	To introduce councillors to the powers and duties that local councils have To link those powers and duties to councils' policies and procedures To examine the councillor's role in financial matters, including setting budgets, monitoring and auditing	7th March (Eve) <i>(Mobberley)</i> 13th November (Aft) <i>(Cotebrook)</i>
Councillor Training Workshop 3 Management and Meetings	To provide an opportunity for new and more experienced councillors to consider council meetings and procedural rules To help delegates become more aware of the way in which an agenda demonstrates that the council is acting lawfully	13th June (Eve) <i>(Mobberley)</i> 27th September (Aft) <i>(Winsford)</i>
Councillor Training Workshop 4 The Council and the Community	To provide an opportunity for new and more experienced councillors to consider their role as community representatives and leaders To examine effective partnership working	16th July (Eve) <i>(Sandbach)</i> 4th December (Aft) <i>(Tarvin)</i>
Chairmanship – 1	The Role of the Chairman Preparing for a Meeting Rules of Procedure Chairing Styles Managing the Meeting – Group and Individual	17th January (Eve) <i>(Congleton)</i> 29th May (Aft) <i>(Tarvin)</i>
Chairmanship – 2	Ground Rules for Effective Meetings Handling Conflict in Meetings Dealing with the Public, Visiting Speakers & the Media Hints on dealing with the Press, TV and Radio Defamation and Privilege Dealing with Harassment and Bullying Ethics, Bullying and other Code of Conduct Issues	13th March (Eve) <i>(Congleton)</i> 9th July (Aft) <i>(Winsford)</i>
General Power of Competence	To examine the origin, meaning and application of the general power of competence To explain the criteria for eligibility to use the power and arrangements for confirming eligibility To discuss possible restrictions and risks related to using the power To introduce and discuss CiLCA questions	27th March (Aft) <i>(Cotebrook)</i> 24th September (Eve) <i>(Congleton)</i>

Booking

For further information or to book places please contact Hazel Merrill at the Cheshire Training Partnership, c/o Cheshire Association of Local Councils (tel: 01948 871314 or email: hazelmerrill@chalc.org.uk). At the time of booking, please provide the name of the person attending, his/her address, phone number and e-mail details.

The delegate will receive a confirmation by e-mail approximately 2 weeks before the event.

Cost

The cost of each session is:

£30 per person for member of ChALC; the SLCC or Cheshire Community Action;
£40 per person for non-member councils.

Discount - Member Councils Only

If 5 bookings for are made at the same time a 20% discount will apply.

CiLCA Support Sessions

See following page.

2013 CiLCA Support Sessions

For anyone compiling the CiLCA



The National Training Strategy
for Town & Parish Councils

These sessions are not 'formal' training sessions, but give help and guidance to the person completing the portfolio of evidence. If you book to attend these sessions you will be required to bring with you the relevant completed sections of the portfolio.

They are 2 hour sessions at The County Office at Burleydam and will be held in the afternoon (2-4pm) and are repeated throughout the year as shown.

Topic		Dates
Session 1 Roles & Responsibilities and Community Action	Roles, duties and responsibilities of the clerk, chair, councillors and council	16th May
	Employment Issues Continuing Professional Development Public Relations and Communications (i) and (ii) Partnership Working Funding Sources Community Engagement	11th September
Session 2 Law and Procedures	Powers and Duties Power of Well Being New Legislation and Sources of Advice	19th March
	Agenda Setting and Meeting Procedures (i) and (ii) Standing Orders and Committees Freedom of Information	2nd October
Session 3 Finance and Planning	Accounting and Statutory Guidance (i) and (ii) Budgeting, Precept and Income Grant Awarding Policies	11th April
	Insurance Sources of advice on financial matters VAT The Planning Framework/effective observations	19th November

Booking

For further information or to book places please contact Hazel Merrill at the Cheshire Training Partnership, c/o Cheshire Association of Local Councils (tel: 01948 871314 or email: hazelmerrill@chalc.org.uk). At the time of booking you will need to provide the name of the person attending, their address, phone number and e-mail details. The delegate will receive a confirmation letter by e-mail approximately 2 weeks before the event.

Cost

The cost of each session is:

- £30 per person for member of ChALC; the SLCC or Cheshire Community Action;
- £40 per person for non-member councils.

Discount - Member Councils Only

If bookings are made for all 3 CiLCA support sessions at the same time a 20% discount will apply.

CHESHIRE EAST COUNCIL

Community Governance Review Sub-Committee

Date of Meeting: 25th February 2013
Report of: Borough Solicitor
Subject/Title: Historic and Ceremonial Regalia and Property of the Charter Trustees

1.0 Report Summary

- 1.1 To inform the Sub Committee on the ongoing negotiations with the Crewe Charter Trustees concerning the historic and ceremonial regalia and property of the former Crewe and Nantwich Borough Councils.

2.0 Recommendations

- 2.1 That the Sub Committee consider the information contained in the report.

3.0 Financial Implications

- 3.1 The Charter Trustees, and other bodies, would be responsible for insurance and care of historic and ceremonial regalia and property transferred to them. The Council will need to determine the responsibility for insurance and care of historic and ceremonial regalia and property that remains in the Councils possession.

4.0 Legal Implications

- 4.1 Under the Charter Trustees Regulations 2009, Charter Trustees were created to maintain and preserve the historic rights and privileges (including Ceremonial Rights and privileges) and traditions (historic rights) associated with Local Authority districts which became part of a larger Local Government area as a result of Local Government Reorganisation and where a Parish did not exist to preserve those rights. The creation of this Charter Trustee status preserved the historic status of the area until such time as a Parish could be created.

5.0 Risk Management

- 5.1 No issues have been identified.

6.0 Background

- 6.1 Regulation 3 of the Regulations provides that Charters, Insignia Plate and Property which are **historic** and **ceremonial** in nature and which relate to the Charter Trustee area shall vest in the Charter Trustees on the reorganisation date rather than transferring to a single tier Council, subject to there being no disagreement on the part of the new Council, in this case Cheshire East Council. The regulations provide that an agreement should be reached between the Charter Trustees and the Council.
- 6.2 The Department of Communities and Local Government has issued guidance in relation to this issue on what is historic and ceremonial property and has indicated that the property transferred can be a matter of local agreement but stresses that to meet the definition of 'historic and ceremonial', the property should be 'both historic and ceremonial'. It is not enough that the property is simply old: it needs to have a ceremonial connection. Examples given are charters or other grants under Her Majesty's prerogative (market charters), insignia, mace, badges, ropes and plates, chains of offices, swords, mayoral property etc. This should not include land and buildings and any property held for the purposes of any statutory function of the successor Local Authority. The Town Halls are the property of the Council.
- 6.3 To facilitate the negotiations towards agreement, the Asset Management Team of the Council commissioned inventories of Municipal Buildings Crewe. These have been shared with the Charter Trustees. Officers from Democratic Services have attempted to reach provisional agreement as to what property would be property of the Trustees, and what would be the property of the Council. At its meeting on 17th January 2013 the Charter Trustees passed a resolution identifying the property that wished to claim taking reference from the Regulations and guidance. The Portfolio Holder has been briefed and arrangements are being made for a formal Portfolio Holder decision to confirm the property to be transferred.
- 6.4 The decision will also recommend that the Charter Trustees or any new Parish will retain the regalia in the current town halls. Any decision to remove them will leave historic buildings without the furnishings. Retaining the regalia will add to the attraction and history of the town hall. The Portfolio Holder believes that to split the collection of property would be disrespectful to the civic history of Crewe and its Mayor. Some of this property covers Nantwich and other areas so in fact vests with Cheshire East. As with Macclesfield the majority however would appear to correctly sit with the Charter Trustees as it comprises insignia, mace, badges, ropes and plates, chains of offices, swords, mayoral property.

- 6.5 The Clerk to Nantwich Town Council has made a formal request for all items relating to the former Nantwich Rural Council to be transferred to the Town Council. The Portfolio Holder will be asked to confirm the permanent loan only of property relating to Nantwich Rural Council to the Town Council (Subject to satisfactory insurances being put in place). This will be limited to insignia, mace, badges, plates and chains of offices,. It will not include fixtures and fittings, art, sculpture or furniture.
- 6.6 In advance of the formal portfolio Holder decision the Borough Solicitor is preparing an agreement.

7.0 Access to Information

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

Name: Paul Jones

Designation: Democratic Services Team Manager

Tel No: 01270 6864548

Email: paul.jones4@cheshire.gov.uk

This page is intentionally left blank

MACCLESFIELD COMMUNITY GOVERNANCE REVIEW – PROPOSED PROJECT PLAN

Task/activity		Decision-making process	Date
Officer Project Team	Officer Responsible	Community Governance Review Sub Committee meetings	w/c 7 January 2013 25 February 2013
Guidance summary Project Plan Map of Review Area Electorate figures Options appraisal (As per Crewe CGR) Prepare consultation leaflet Update Website Electoral arrangements - initial views size/warding Consultation – Full list of consultees and contact details 2 x Public notices prepared for public meetings and for commencement of the Review Arrange public meetings		Consider summary of CGR guidance Approve Review Process / project plan Agree consultation methods Agree list of consultees Identify and evaluate options for the review Formulate Leaflet to consultees and electors Agree arrangements for public meetings	
		Constitution Committee	24 January 2013
Publish Public Notice giving details of public meetings			21/1/2013 11/3/2013– Media Release 28/1/2013 18/3/2013 – Public Notice in press (commencing 2 weeks before public meetings held)

MACCLESFIELD COMMUNITY GOVERNANCE REVIEW – PROPOSED PROJECT PLAN

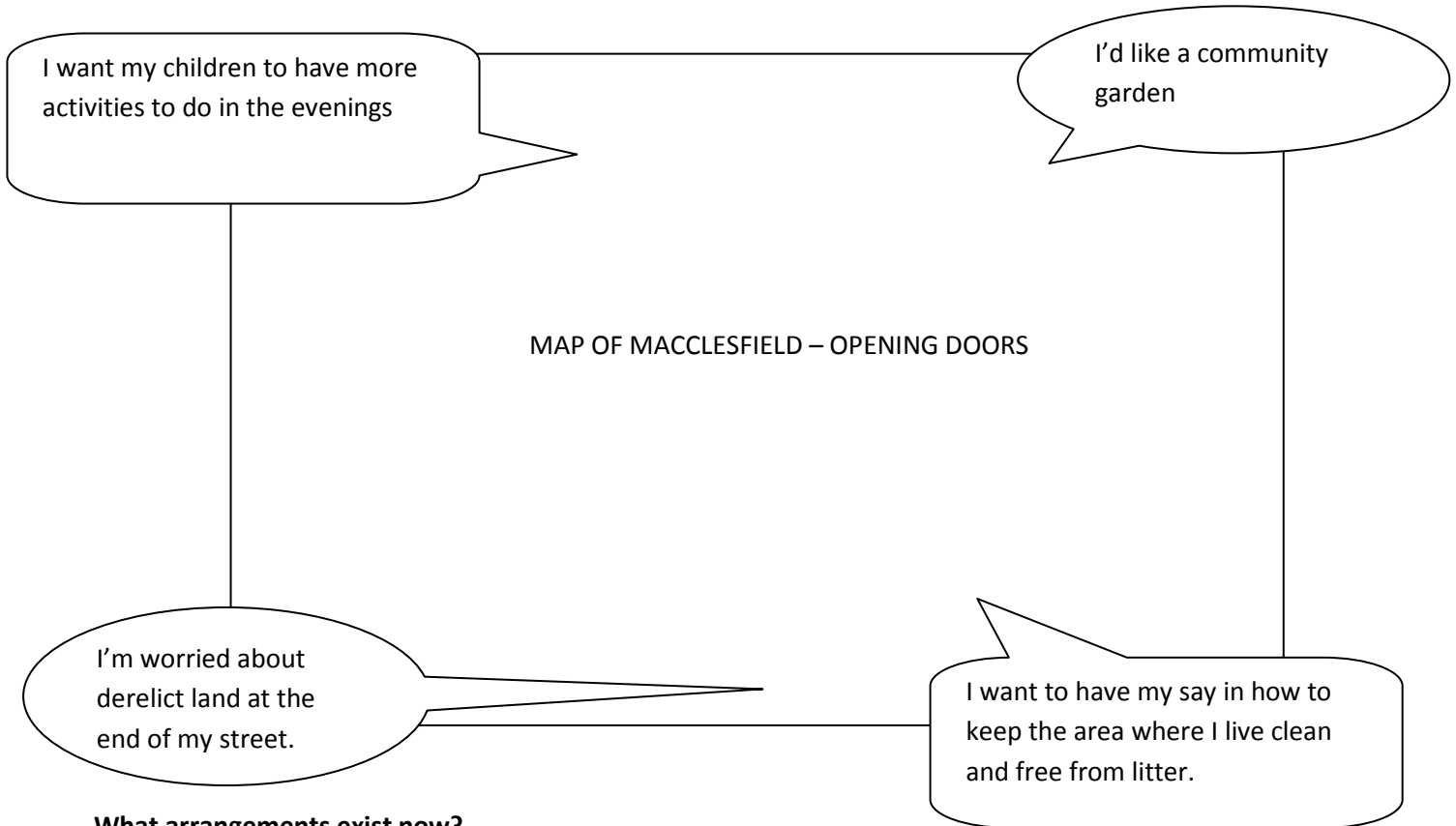
Task/activity		Decision-making process	Date
Public Meetings		Series of meetings held across Unparished Area	w/c 25 March 2013 11 February 2013
Further public engagement / publicity co-ordinated with assistance from Communications Team and LSP Manager			February 2012 March/ Early April
Publicity for 1 st stage consultation with stakeholders Publish Notice			25/2/2013 15/4/2013 (Two weeks before consultation starts)
Comments / submissions invited from interested parties on Options (4 week consultation period)		Consultation Period (stage 1)	11/3/2013 – 1/4/2013 29/4/2013 – 20/5/2013
All submissions / comments considered and evaluated. Collate representations			Monday 1/4/2013 Monday 20/5/2013
		Community Governance Review Sub Committee meeting Consider outcomes from stage 1 consultation Agree Stage 2 Consultation	w/c 15/4/2013 w/c 3/6/2013

V2- LP - February 2013

Macclesfield Community Governance Review

Cheshire East Council has committed to a programme of transferring services and assets to a more local level that best reflects local needs and aspirations. Where one exists, those services may well be passed down to Parish/Town Councils as they are, arguably, the most local form of community governance. Because Macclesfield does not have a Parish/Town Council, Cheshire East Council feels that it is appropriate to consider the governance arrangements for Macclesfield and put in place an arrangement that best reflects the needs of local people.

This leaflet explains the different options for local governance in Macclesfield.



What arrangements exist now?

At the moment, Macclesfield has a Local Area Partnership, more recently a Local Service Delivery Committee and a Charter Trustees arrangement (all explained overleaf).

How will I know what is best for Macclesfield?

Whatever option is chosen as the best form of governance for Macclesfield, there will already be an associated cost for delivering local services calculated as part of your Council Tax. If there is no change to the current arrangements, there is still likely to be the introduction of a Special Expense Levy to pay for services that are mainly for Macclesfield residents and you will continue to pay for the Charter Trustees – both totalling to approximately £8 per household per year.

If a Parish/Town Council were to be created these charges would be replaced by a precept raised by the new council and whilst broadly equivalent to the current arrangement, the exact amount would depend on which

services are delivered. If any of the other options are implemented, the special expense would still need to be raised to pay for the delivery of local services, as would the payment to the Charter Trustees.

Because all options would have an associated cost, this review will focus on three key criteria to decide which governance option (explained below) will best deliver the following outcomes:

- improved community engagement
- better local democracy
- more effective and convenient delivery of local services

We are consulting local people over the next few months and will take account of all views and opinions that we receive.

What are the options?

Local Area Partnership (LAP)

The Local Area Partnership in Macclesfield is one of seven across Cheshire East, bringing together a wide range of people from the legal, private, voluntary and community sectors to focus collective effort on what really matters in the local area. Their key role is to improve services, ensure local people influence decision making, and to actively engage and empower communities. They focus on local issues that cannot be tackled by one organisation alone, bringing together all those with an ability to make a difference. Area assemblies are held to engage local partners and residents, and local people are involved in a number of working groups.

The facts: an area management group made up of local partners manages the business of the LAP; they are not set up to represent local communities to the principal council (Cheshire East Council) on things like planning applications and highways, although the Council must consult with the area management group on these issues; they help to influence service delivery but do not have the power to deliver local services; they can't raise money to deliver local services.

This LAP arrangement will continue to function alongside any governance arrangement in Macclesfield, and is included here for information of how local communities are supported by Cheshire East Council to engage with local service providers.

1. No change – continue with Local Service Delivery Committee and Charter Trustees

Local Service Delivery Committee

Cheshire East Council has set up a local service delivery area committee for this area of Macclesfield (because there is no Parish/Town Council) to ensure that the provision of services is fair and consistent across the borough. So that this area has the same opportunities and choices as other areas with Parish/Town Councils regarding the provision of services, this committee will likely introduce a Special Expenses Levy (charge) on the residents of Macclesfield to deliver these services. The current value of these services is estimated to be approximately £6.40. These committees are often considered as a foundation towards the creation of a Parish/Town Council.

The facts: it is run by twelve Cheshire East councillors (not necessarily locally elected councillors); they do not specifically represent the interests of the local community to the principal council (Cheshire East Council) on things like planning applications and highways; they help in the delivery of services that can improve the local area (e.g., public toilets, allotments, Christmas lighting, floral arrangements); they can raise money (a special expense part of your council tax) to deliver those services. The Local Service Delivery Committee is an example of an Area committee.

Charter Trustees

Charter Trustees preserve the historic identity of an area by carrying out ceremonial functions (e.g., the Mayor) in areas that do not have a Parish/Town Council. If a Parish/Town Council was created in this area, the Charter Trustees would be replaced by that Council who would then carry out its functions, the cost of which would be included in the new charge for the Parish/Town Council. However, if another option (other than a Parish/Town Council) was selected, the Charter Trustees could continue to exist alongside it.

The facts: they are run by Cheshire East (Macclesfield wards) councillors; they are not set up to represent the interests of the local community to the principal council (Cheshire East Council) on things like planning

applications and highways; they do not have the power to deliver local services; they can raise money to cover the costs of their ceremonial functions - you currently pay £1.51 (Council Tax band D) to the Charter Trustees.

2. Parish/Town council(s) (you may see these words used separately but they mean the same thing)

Parish/Town councils are arguably 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 around 36,500 people (e.g. the newly formed Crewe Parish Council). The general rule is that a Parish/Town Council is based on an area which reflects community identity and interests, and is of a size that makes sense as an administrative unit of local government.

The facts: they are run by local councillors that are specially elected (at least five councillors); they represent your local community's interests to the principal council (Cheshire East Council) on things like planning applications and highways; they deliver services that can improve the local area (e.g., public toilets, allotments, Christmas lighting, floral arrangements); they can raise money (part of your council tax called a precept) to deliver those services.

The following options all generally function over a smaller area than local service delivery committees, Parish/Town Councils or area committees, and as such a number of each of the following options would need to be set up to represent the whole area of Macclesfield.

3. Neighbourhood management

There are many different views of what would be considered as a neighbourhood including a mix of homes around a local shopping centre, a shared open space, leisure facilities, a collection of roads or an estate. To account for this variety, there could be lots of different neighbourhood management groups covering this area of Macclesfield. Neighbourhood management programmes create the opportunity for residents to work on a voluntary basis to improve services at the neighbourhood level. They aim to improve 'quality of life' through implementation of (rather than making decisions on) better management of the local environment including safety, housing, and encouraging employment opportunities. They need support from all local partners, and tend to cover smaller populations than area committees or Parish/Town Councils.

The Facts: they are run by local volunteers and need the full commitment of local service providers; they are not set up to represent the interests of the local community to the principal council (Cheshire East Council) on things like planning applications and highways; they can influence local services but do not have the power to deliver local services; they can't raise money to deliver local services.

4. Community forums

Community forums may be set up by the principal council (e.g., Cheshire East Council), or created by local residents to act as a way of giving communities a say on principal council matters or local issues. Sometimes forums are set up to comment on a specific project that will impact upon the local area, and so may be time-limited. They increase participation and consultation, aiming to influence decision making, rather than having powers to implement services. They vary in size, purpose and impact, but membership usually consists of people working or living in a specific area. Some forums also include local ward councillors, and representatives from Cheshire East Council would be able to attend meetings.

The Facts: they are run by local volunteers or council officers; they can represent the interests of the local community to the principal council (Cheshire East Council) on things like planning applications and highways;

they can influence local services but do not have the power to deliver local services; they can't raise money to deliver local services.

5. Residents' and tenants' associations

Residents' and tenants' associations enable local people to participate when local issues affect their specific neighbourhood or housing estate, e.g., the local environment, crime, anti-social behaviour matters, or housing management. They can be set up by any group of people living in the same area, and they choose themselves who can be members, how they will be represented and what they want to achieve. In the case of tenants' and residents' associations on estates, they may be established with direct support from the Registered Social Landlord, as a way to communicate with the tenants and residents on its estates. To engage effectively with other organisations, residents' and tenants' associations must be able to show that they are accountable and represent the views of the whole community, rather than narrow self interests of just a few local people.

The Facts: they are run by local volunteers; they are not set up to represent the interests of the local community to the principal council (Cheshire East Council) on things like planning applications and highways; they can influence local services but do not have the power to deliver local services; they can't raise money to deliver local services.

6. Community associations/community development trust

Community associations/developments trusts offer a way for local residents and local community-based organisations in a defined neighbourhood to work together for the benefit of that neighbourhood. They can use a model constitution registered with the Charity Commission. The principal council (Cheshire East Council) may also be represented on the association's committee. They usually manage a community centre as a base for their activities. Membership is open to everyone resident in the area.

The Facts: they are run by local volunteers; they are not set up to represent the interests of the local community to the principal council (Cheshire East Council) on things like planning applications and highways; they can run some local services; they can't raise money to deliver local services.

If you are unsure which option you think is the best for Macclesfield – use our preferred option guide that accompanies this leaflet or visit us online at www.cheshireeast.gov.uk

We would like to hear your views and opinions on this governance review for Macclesfield.
If you would like to write to us with your views, all correspondence should be sent to this address:

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

Alternatively, please email us your views at communitygovernance@cheshireeast.gov.uk

This page is intentionally left blank

Macclesfield Community Governance Review

Are you feeling unsure which option you think is the best option for Macclesfield?

I want my children to have more activities to do in the evenings

I'd like a community garden

Map

I'm worried about the derelict land at the end of my street

I want to have my say in how to keep the area where I live clean and free from litter

Use this scale to help you decide which of the different arrangements for local governance you prefer. Answer the three questions on the left hand side to decide how you think each option will deliver the outcomes expected from the review. Put a cross somewhere within the orange scale below (from low (pale) to high (dark)) where you feel each answer should be. For example, if you feel that the option would significantly improve engagement with the community, put your cross on the 'high' side of the orange scale. If you feel that the same option would not democratically represent your interests, put your cross on the 'low' side of the orange scale. Once you have placed all your crosses on the scale, the option (or options) that have the most crosses towards the high end of the scale (dark orange) is your preferred option(s). You can also use this tool on the Cheshire East Council website (www.cheshireeast.gov.uk).

WHICH IS MY PREFERRED OPTION?	
OPTIONS	LOW → HIGH
1. No change	
Will this improve engagement with the community? Does this democratically represent my interests? Will this deliver better local services?	
2. Parish/Town Council	
Will this improve engagement with the community? Will this democratically represent my interests better? Will this deliver better local services?	
3. Neighbourhood management	
Will this improve engagement with the community? Will this democratically represent my interests better? Will this deliver better local services?	
4. Community forums	
Will this improve engagement with the community? Will this democratically represent my interests better? Will this deliver better local services?	
5. Residents' and tenants' associations	
Will this improve engagement with the community? Will this democratically represent my interests better? Will this deliver better local services?	
6. Community associations and community development trust	
Will this improve engagement with the community? Will this democratically represent my interests better? Will this deliver better local services?	

We would like to hear your views and opinions on this governance review for Macclesfield. If you would like to write to us with your views all correspondence should be sent to this address: **Registration Service and Business Manager, Democratic Services, Cheshire East Council, Westfields, Sandbach, Cheshire, CW11 1HZ** or alternatively please email communitygovernancereview@cheshireeast.gov.uk.