

Community Governance Review Sub-Committee Agenda

Date: Friday, 16th January, 2015
Time: 10.30 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

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 9 December 2014 as a correct record.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Cherry Foreman
Tel: 01270 686463
E-Mail: cherry.foreman@cheshireeast.gov.uk

5. **Final Outcome of the Community Governance Review** (Pages 7 - 16)

See paper 5 attached.

6. **Draft Re-Organisation Order, Transfer of Property, Rights and Liabilities and Calculation of Budget Requirement** (Pages 17 - 22)

Subject to approval by the Constitution Committee of the above recommendation, the Sub Committee is asked to recommend approval of the Re-Organisation Order to bring the arrangements for a Parish Council into effect. A first draft of a proposed Re-Organisation Order is attached for consideration.

Before the Order can be submitted for approval, the Sub Committee will need to determine the calculation of budget requirement (to be included in Article 10) and the detail of land and Property to be transferred to the parish Council (to be included in Article 11).

There is a scheduled meeting of the Constitution Committee on 29 January 2015 to which the Re-Organisation Order could be submitted for approval. Alternatively, a special meeting of the Committee would need to be arranged (no later than the last week in February 2015).

For administrative purposes, the Finance Department require information about precept requirements for all parish councils in Cheshire East by the deadline of 16 January 2015.

In accordance with the wishes of the last meeting of the Sub Committee and those of Council, a meeting of the Macclesfield Local Service Delivery Committee (LSDC) has been convened for Thursday 8 January 2015 to discuss which assets might be transferred from Cheshire East to the proposed Macclesfield Parish Council from the date of its inception, having regard to officer and legal advice.

The Minutes of the Meeting of the Macclesfield LSDC will be circulated at the Sub Committee Meeting.

The Sub Committee is then asked to determine the details to be included in the draft Re-Organisation Order (Schedule 2 – Article 12).

A Finance Officer will be in attendance at the meeting to provide advice and to assist the Sub Committee on the calculation of the budget requirement.

7. **Transitional Arrangements** (Pages 23 - 24)

Part 3 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 are attached which explain: that the Charter Trustees will be dissolved on the date on which the first parish councillors for the parish come into office; and that all property, rights and liabilities will transfer.

The Annual Meeting for the Parish Council must be convened by Cheshire East Council no later than 14 days after the parish councillors take office. A proposed draft agenda for that meeting will be submitted to the next meeting of the Sub Committee for consideration.

8. **Future Meeting Dates**

Arrangements have been made for meetings to take place on

- Wednesday 12 February at 2.00 pm in the Tatton Room, Macclesfield Town Hall
- Wednesday 1 April at 10.30 am in the Council Chamber, Macclesfield Town Hall

CHESHIRE EAST COUNCIL

Minutes of a meeting of the

Community Governance Review Sub-Committee

held on Tuesday, 9th December, 2014 in The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor D Marren (Chairman)

Councillor P Groves (Vice-Chairman)

Councillors J Jackson, B Murphy, P Whiteley and L Smetham.

Officers in attendance:

Chris Allman – Corporate Project Manager

Karen Bowdler – Principal Accountant

Steph Cordon – Head of Communities

Lindsey Parton – Registration Service and Business Manager

Iolanda Puzio – Legal Team Leader (Places)

Brian Reed – Head of Governance and Democratic Services

Cherry Foreman – Democratic Services Officer

7 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Baxendale.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 PUBLIC SPEAKING TIME/OPEN SESSION

In response to questions submitted by **Liz Braithwaite** the Registration Service and Business Manager confirmed that:

- If a decision was made to proceed with a Parish Council for Macclesfield then the Local Service Delivery Committee would cease to exist.
- The nomination process for Parish elections would commence once the Notice of Election had been published and this was expected to be towards the end of March. The deadline for the delivery of nomination papers would be in accordance with the statutory timetable for local elections which was 4.00pm on 9 April 2015 and there was adequate time for briefing meetings for prospective candidates to be held beforehand.
- The Community Governance Review Sub-Committee and the Constitution Committee were the decision making bodies for the conduct of the Macclesfield Community Governance Review but there were opportunities for the local Ward Councillors to input their views.

Richard Watson, speaking on behalf of Macclesfield Civic Society, said they would be happy to assist in discussions concerning the 1st year budget for the new Council. The Society requested that consideration be given to including finance to support the work around the preparation of a Neighbourhood Plan as it would be advantageous to include it in its first years work. The Chairman responded that their comments and assistance would be most welcome.

10 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 7 October 2014 were approved as a correct record.

11 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW IMPLEMENTATION TIMETABLE

Consideration was given to the suggested timetable for the key decisions required in order to have the necessary Administration Order in place by 1 April 2015, and also to the dates of meetings of the Sub-Committee that would be needed in the coming months; following a canvass of availability it was proposed that these should be on 16 January, 12 February and 1 April 2015.

The Head Governance and Democratic Services stressed the importance of the timescales set out and said that only by adhering to these would the process be completed in time. He explained the constitutional position with regard to the legal responsibility for the various decisions to be made and that a report was due to be considered by the Council at its meeting on 11 December 2014 asking for authority to be delegated to the Constitution Committee to make the decisions needed.

The timetable allowed time for a period of consultation, the preparation of a budget for the first year of the new Council and consideration of which assets and services should be transferred to it in the first instance. The Sub-Committee was keen that the Macclesfield Local Service Delivery Committee should be allowed to consider these matters and for their preferences to be taken into consideration by the Sub-Committee; also that the meetings should be held at a time and place that would encourage the public to attend.

Officers agreed to facilitate meetings of the Macclesfield Local Service Delivery Committee in order to ensure its Members could consider issues around the budget, assets etc. and so that its views could be taken into account by this Committee.

RESOLVED

That approval be given to the timetable set out and for Sub-Committee meetings to be held on 16 January, 12 February and 1 April 2015.

That Officers agree to facilitate meetings of the Macclesfield Local Service Delivery Committee so as to ensure its Members could consider issues around the budget, assets and transfer of services and so that its views can be taken into account by this Committee.

12 TRANSFER OF PROPERTY RIGHTS AND LIABILITIES AND THE CALCULATION OF BUDGET REQUIREMENT

The Registration and Business Services Manager reported that a Re-Organisation Order would be required to bring any arrangements for a new Parish Council into effect.

In accordance with Regulation 3 of the Local Government Finance (New Parishes) Regulations 2008, a budget sum had to be included within any Order. This was a sum which must not be exceeded by the Parish Council during its first year of operation and which would be used to calculate the precept requirement. In order to calculate this sum the Sub-Committee needed to consider:

- a) What facilities and services should be considered for any transfer; and
- b) When any facilities and services should transfer.

A budget sum would then be calculated and submitted to the next meeting of the Sub-Committee for agreement. In order to meet the timetable for the calculation of precept requirements, a decision on the budget sum was needed by the Sub-Committee by no later than 16 January 2015.

Within any Re-Organisation Order Schedules there needed to be described any land, property, rights, liabilities and other responsibilities to be transferred from the principal authority to the Parish Council, together with the dates of transfer. The Local Government (Parishes and Parish Councils) Regulations 2008 provide for the automatic vesting of any allotments held by the Principal Council.

It was confirmed that the Charter Trustees would be dissolved, and that the Charter Trustee Mayor and Deputy Mayor would cease to hold office on the date on which the first Parish Councillors came into office. All property, rights and liabilities of the Charter Trustees would transfer to the Parish Council from this date.

The Sub-Committee was advised that this same process had taken place for the Parish Councils established elsewhere in Cheshire East and the list of assets and services proposed for transfer was based on both legislative advice, and on specific advice from Counsel. In this instance the list suggested for potential initial transfer was as follows:

- Allotments
- Public Conveniences
- The Senior Citizens Hall
- Weston Community Centre

- Markets
- Town Centre Management Services
- Christmas Lights
- Street Furniture
- Hanging Baskets
- CCTV
- Tourist Information

It was stressed that this list could be added to in future years but in accordance with the advice received it was important not to transfer too many assets or services at this first stage as the new Council might not have the adequate expertise to properly administer them. Once established the Parish Council itself could decide on how it wanted to develop and on the transfer of any additional assets and services for which it wished to take on responsibility.

With reference to setting a precept Members were advised that Officers would prepare an initial estimate of the finance needed in time for this to be set. It was also agreed that provision be included to support 2.5 full time staff, these being a Clerk, an Assistant Clerk and a part time Mayors Secretary.

The Sub-Committee was advised that, in accordance with the earlier decision concerning the involvement of Macclesfield Local Service Delivery Committee, both the list of assets and the associated budget would be submitted to it for consideration and for its views to be reported back to the Sub-Committee.

RESOLVED

1. That the following assets and services be considered for transfer to the new Council, that they be considered by the Macclesfield Local Service Committee, and that their views on this and the initial budget estimate be reported back to this Sub-Committee for further consideration.
 - Allotments
 - Public Conveniences
 - The Senior Citizens Hall
 - Weston Community Centre
 - Markets
 - Town Centre Management Services
 - Christmas Lights
 - Street Furniture
 - Hanging Baskets
 - CCTV
 - Tourist Information

2. That approval be given for the precept calculations to include an amount to support the staffing costs of 2.5 full time employees of the new Council.

The meeting commenced at 10.00 am and concluded at 11.15 am

Councillor D Marren (Chairman)

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FINAL OUTCOME OF THE COMMUNITY GOVERNANCE REVIEW

Council at its meeting held on 11 December 2014 **RESOLVED:**

1. *That having taken into account the representations received and the views of the Macclesfield Local Service Delivery Committee, a single parish council be created for the whole of the unparished area of Macclesfield in accordance with the following:*

- i) *that a new parish be constituted for the unparished area of Macclesfield;*
- ii) *that the name of the new parish shall be the Parish of Macclesfield;*
- iii) *that the parish shall have a parish council named Macclesfield Parish Council;*
- iv) *that the parish council shall not have an alternative style (defined as Neighbourhood, Community or Village), but the Parish Council be advised to consider its designation as a Town Council;*
- v) *that the parish shall be divided into 7 wards, the boundaries of such wards to be co-terminous with the current Borough ward boundaries (but excluding Polling District 4BFR which is already parished); and shall have the same number of Councillors as for the Borough wards as follows:*

Broken Cross and Upton - 2 Councillors

Macclesfield Central - 2 Councillors

Macclesfield East - 1 Councillor

Macclesfield Hurdsfield - 1 Councillor

*Macclesfield South - 2 Councillors
(excluding polling district 4BFR)*

Macclesfield Tytherington - 2 Councillors

Macclesfield West and Ivy - 2 Councillors

- vi) *that elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015; and*
- vii) *that the term of office of every parish councillor elected on 7 May 2015 for the Parish of Macclesfield shall be four years, and thereafter coincide with the ordinary day of election of parish councillors every four years.*

2. *That Council grants delegated powers to the Constitution Committee to finally determine the outcome of the Community Governance Review, including all necessary powers to make the Reorganisation Order, and to decide all matters referred to in paragraph 10.5 of the officers' report.*
3. *That Council agrees that the Community Governance Review Sub-Committee continues to assist the Constitution Committee in respect of the working of the Community Governance Review as and when needed and particularly with reference to paragraph 10.8 of the report.*
4. *That the Local Service Delivery Committee be given commensurate opportunity to make recommendations to the Constitution Committee in respect of the transfer of assets and services to the Council.*

The public and anyone with an interest in the review was invited to make comment on the Council's recommendation, as set out above, by the deadline of Thursday 15 January 2015 at 5pm. Consultees from Stage 1 of the Review have been notified, together with those who responded to the second stage of consultation. A press release was issued after the Council meeting and information provided on the website, with a front page link.

Responses received in response to the consultation to date are attached **(5)**. Any further representations received by the deadline will be circulated at the meeting.

The Sub Committee is asked to **RECOMMEND** to the Constitution Committee:

- 1) That in the interests of effective and convenient local government, and having taken into account the representations received and the views of the Macclesfield Local Service Delivery Committee, a single parish council be created for the whole of the unparished area of Macclesfield in accordance with the following:
 - i) that a new parish be constituted for the unparished area of Macclesfield;
 - ii) that the name of the new parish shall be the Parish of Macclesfield;
 - iii) that the parish shall have a parish council named Macclesfield Parish Council;
 - iv) that the parish council shall not have an alternative style (defined as Neighbourhood, Community or Village), but the Parish Council be advised to consider its designation as a Town Council;
 - v) that the parish shall be divided into 7 wards, the boundaries of such wards to be co-terminous with the current Borough ward boundaries (but excluding Polling District 4BFR which is already parished); and shall have the same number of Councillors as for the Borough wards as follows:

Broken Cross and Upton	-	2 Councillors
Macclesfield Central	-	2 Councillors
Macclesfield East	-	1 Councillor
Macclesfield Hurdsfield	-	1 Councillor
Macclesfield South (excluding polling district 4BFR)	-	2 Councillors
Macclesfield Tytherington	-	2 Councillors
Macclesfield West and Ivy	-	2 Councillors

- vi) that elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015; and
- vii) that the term of office of every parish councillor elected on 7 May 2015 for the Parish of Macclesfield shall be four years, and thereafter coincide with the ordinary day of election of parish councillors every four years.

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From: Harry Hodkinson ~~harry.hodkinson@sky.com~~
Sent: 15 December 2014 16:20
To: COMMUNITY GOVERNANCE REVIEW
Subject: Formation of Macclesfield Parish Council

Please be advised that I do not consider the above good use of locally raised taxes, and that should this go ahead, it will be of detriment to the voters of Macclesfield who already have representation on East Cheshire Council

H. Hodkinson

PARTON, Lindsey

From: Peter Nash [REDACTED]
Sent: 15 December 2014 20:51
To: COMMUNITY GOVERNANCE REVIEW
Subject: Macclesfield Town Council Consultation

I write to confirm I fully support the proposals to have 12 town councillors who will be elected in May 2015 in accordance with the distribution set out in your e mail of today's date.

--

Regards

Peter Nash
[REDACTED]
[REDACTED]

PARTON, Lindsey

From: Tim Andrew [REDACTED]
Sent: 16 December 2014 16:00
To: COMMUNITY GOVERNANCE REVIEW
Subject: Macclesfield Community Governance

Dear Sirs,

Your proposal that Macclesfield should have a Parish Council is at odds with the majority of preferences expressed by those who took part in your earlier consultation. This makes one wonder what was the purpose of the consultation. Residents of Macclesfield tend to a low opinion of the Cheshire East Council, following the fiasco of money wasted on the aborted Lyme Green recycling facility and yet more spent on the unpublished report into the matter. The Council's choosing to ignore the wishes of Macclesfield residents in the matter of governance will serve only to add to a sense of alienation from Cheshire East. It would be nice to be able to believe that this latest round of consultation was other than a token gesture, but sadly the Council has done little to give one any confidence that this might be the case.

Yours faithfully,

Timothy Andrew

T. H. Andrew
[REDACTED]
[REDACTED]
[REDACTED]

PARTON, Lindsey

From: braithwaite@cc.gov.uk
Sent: 16 December 2014 17:39
To: COMMUNITY GOVERNANCE REVIEW
Subject: Final stage proposals for Macclesfield governance

Please be advised that I support the proposal for a parish council for Macclesfield with 7 wards and 12 councillors.

Regards, Liz Braithwaite (SK11 6PH)

PARTON, Lindsey

From: PARTON, Lindsey
Sent: 05 January 2015 11:38
To: COMMUNITY GOVERNANCE REVIEW
Subject: FW: Prospective Macclesfield Town Council

From: [REDACTED]
Sent: 19 December 2014 00:17
To: PARTON, Lindsey
Subject: Prospective Macclesfield Town Council

Lindsey, If consultation is being carried out can I suggest some topics people constructing the Macclesfield Town Council might like to consider:

1. Wards: There seems to be a wish to keep CE wards. This may be suitable for simplicity but Macclesfield is made up of a number of distinct communities and these communities should at least be considered when wards are created. There has been no detailed discussion to my knowledge.
2. Number of Councillors: There seems to be a wish for 12. This is too few in my view based on Bollington's experience. Town Councils really need to get down to street level. We have 12 in Bollington for a Town of 8,000 people. Macclesfield has 55,000. I would have said for genuine local representation you will need at least 20 and probably 24.
3. Staff to be appointed: You will need 3/4FTE. Main functions
 - a) Town clerk who acts as the legal advisor and CEO
 - b) Responsible Financial Officer: Looks after the money and keeps everyone in check and on board as far as expenditure goes. This can become quite a job when you manage rented resources like community halls, allotments etc. and are responsible for projects and grants both coming in and going out.
 - c) Mayor and Deputy Mayors Secretary who often doubles as the receptionist and information giver. The face of the organisation.
 - d) The lensperson who does any work outside, maintenance, minor repairs, deliveries, caretaking etc etc.
 - e) There are a number of other roles that might be fulfilled depending on tasks and assets taken on but the above are the basics.
4. Level of precept: This is always the tricky one especially to start with but my own guideline is £1 per band D household per week remembering that a household often contains more than one person and this is less than the price of a pint of milk or half a pint of beer. In Macclesfield that should give a budget of around £900,000 which should be enough to carry out a full range of responsibilities and support some in Town projects.

However with this level of precept you can employ sufficient staff to give a good service, offer useful grants to voluntary organisations or kick start community based projects, and build a capital fund to maintain assets and to support any assets you might acquire through localisation. Any services devolved would have to be paid for by CE.
5. Committee Structure: Even small Councils like Bollington have a Committee Structure and they meet at different times and frequencies depending on the tasks performed.

Normally you have:

 - a) Main Council meets monthly
 - b) Planning Committee Meets monthly
 - c) Strategic Planning Committee bimonthly
 - d) Highways Committee quarterly
 - e) Footpaths Committee quarterly

f) Civic Events Committee quarterly

g) Health and Safety bi yearly


h) Standing Orders Committee bi yearly

i) Personnel Committee bi yearly

j))Grants Committee half yearly

There will be task and finish groups from time to time or management groups for assets like Civic Halls etc.

Hope this is helpful.


Regards

ken

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire East Borough Council (Reorganisation of Community Governance) (Macclesfield) Order 2015

Made xxxx (day, month, year)

Coming into force in accordance with article 1(2)

Cheshire East Borough Council ("the Council"), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has undertaken a community governance review and made recommendations dated 11 December 2014.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act and of all other powers enabling it in that behalf.

1. Citation and commencement

- (1) This Order may be cited as the Cheshire East Borough Council (Reorganisation of Community Governance) (Macclesfield) Order 2015.
- (2) Subject to paragraphs (3) and (4) below, this Order comes into force on the 1st April 2015
- (3) Article 8 and Schedule 1 shall come into force on 7 May 2015
- (4) For the purposes of:
 - (a) this Article
 - (b) Article 10, and
 - (c) Article 12 – and all proceedings preliminary or relating to the election of parish councillors for the parish of Macclesfield to be held on 7 May 2015,this Order shall come into force on the day after that on which it is made.

2. Interpretation

In this Order—

"borough" means the borough of Cheshire East

"existing" means existing on the date this Order is made

"map" means the map marked "Map referred to in the Cheshire East Borough Council (Reorganisation of Community Governance) (Macclesfield) Order 2015" and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number

“new parish” means the parish constituted by article 4

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

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

3. Effect of Order

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

4. Constitution of new parish

- (1) With effect from 1 April 2015, a new parish, comprising the area **outlined in yellow and shaded green on the map**, shall be constituted within the borough.
- (2) The name of the new parish shall be “Macclesfield”.

5. Parish Council

- (1) There shall be a parish council for the parish of Macclesfield.
- (2) The name of that council shall be “Macclesfield Parish Council”.

6. Elections for the parish of Macclesfield

- (1) Elections of all parish councillors for the parish of Macclesfield shall be held on the ordinary day of election of councillors in 2015.
- (2) The term of office of every parish councillor elected on 7 May 2015 for the parish of Macclesfield shall be four years and thereafter shall coincide with the ordinary day of election of parish councillors every four years in accordance with s.16 (3) of the Local Government Act 1972.

7. Number of parish councillors

The number of councillors to be elected for the new parish Council shall be 12.

8. Wards of the new parish of Crewe and numbers of parish councillors

- (1) The Parish of Macclesfield shall be divided into seven wards which shall be named as set out in column (1) of Schedule 1.
- (2) Each parish ward shall comprise the area of the borough ward in Macclesfield specified in respect of each ward in column (2) of Schedule 1 and designated on the map by reference to the name of the ward and **demarcated by green lines**.
- (3) The number of councillors to be elected for each ward shall be the number specified in column (3) of Schedule 1.

9. Annual meeting of parish council

The annual meeting of the new parish council in 2015 shall be convened by the Chief Executive of Cheshire East Borough Council. The meeting for the new parish council shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

10. Calculation of Budget Requirement

For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, there is specified in relation to the parish of Macclesfield the sum of xxx.

11. Transfer of property, rights and liabilities

The land, property, rights and liabilities described in Schedule 2 shall transfer from the borough to the new parish council on the date specified in column (2) of that Schedule.

12. Electoral register

The Electoral Registration Officer for the borough shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

13. Order date

1st April 2015 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

THE COMMON SEAL OF
CESHIRE EAST BOROUGH COUNCIL
Was hereunto affixed in the presence of

AUTHORISED SIGNATORY

SCHEDULE 1 (ARTICLE 8)

WARDS OF THE PARISH OF MACCLESFIELD

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

Column 1 Name of parish Ward	Column 2 Area of Ward	Column 3 Number of parish councillors
Broken Cross and Upton	The whole of the borough ward of Broken Cross and Upton as shown on the map	2
Macclesfield Central	The whole of the borough ward of Macclesfield Central as shown on the map	2
Macclesfield East	The whole of the borough ward of Macclesfield East as shown on the map	1
Macclesfield Hurdsfield	The whole of the borough ward of Macclesfield Hurdsfield, as shown on the map	1
Macclesfield South	The whole of the borough ward of Macclesfield South (except for Polling District 4BFR), as shown on the map	2
Macclesfield Tytherington	The whole of the borough ward of Macclesfield Tytherington as shown on the map	2
Macclesfield West and Ivy	The whole of the borough ward of Macclesfield West and Ivy as shown on the map	2

SCHEDULE 2 (ARTICLE 11)

LAND AND PROPERTY TO BE TRANSFERRED

Column 1	Column 2
Land and property to be transferred	Date

OTHER SCHEDULES NEEDED? e.g. – “Other Matters to be transferred?” ; “ Maintenance (or other) Responsibilities to be transferred”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to a decision made by Cheshire East Borough Council for the creation of a new parish and a parish council for Macclesfield within the borough of Cheshire East.

The new parish will be created with effect from 1 April 2015. The electoral arrangements for the parish council apply in respect of parish elections to be held on 7 May 2015.

Article 6 provides for the first parish elections in the parish of Macclesfield in 2015, and every four years thereafter according to the established system of parish elections.

Article 7 specifies the number of parish councillors for the new parish of Macclesfield.

Article 8 and Schedule 1 establish the names and areas of the wards of the new parish of Macclesfield (as indicated on the map) and the numbers of councillors for each ward.

Article 10 specifies the amount of the initial precept for the new parish to be applied in the 2015 – 16 financial year.

Article 12 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in Article 2 shows the area comprising the new parish of Macclesfield and the wards of the new parish. It is available for inspection, at all reasonable times, at the offices of Cheshire East Borough Council.

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STATUTORY INSTRUMENTS

2008 No. 625

**The Local Government (Parishes and Parish
Councils) (England) Regulations 2008**

PART 3

OTHER CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

Charter trustees

15.—(1) The following provisions of this regulation apply in any case where, in consequence of a reorganisation order, a city or town for which charter trustees have been constituted by or under any enactment becomes wholly comprised in a parish or in two or more parishes.

(2) On the date on which the first parish councillors for the parish or parishes (as the case may be) come into office—

- (a) the charter trustees shall be dissolved;
- (b) the mayor and deputy mayor (if any) shall cease to hold office as such;
- (c) the appointment of any local officer of dignity shall be treated as if it had been made by the parish council;
- (d) all property, rights and liabilities (of whatever description) of the charter trustees shall become property, rights and liabilities of the parish council; and
- (e) any legal proceedings to which the charter trustees are party may, subject to rules of court, be prosecuted or defended (as the case may be) by the parish council.

(3) Without prejudice to paragraph (2), regulation 5 (continuity of matters) shall apply in a case to which this regulation applies as if the charter trustees were a transferor authority and the parish council were a transferee authority.

(4) In paragraphs (2) and (3) “the parish council”—

- (a) in relation to a city or town which becomes comprised in the area of a single parish, means the council of that parish;
- (b) in relation to a city or town which becomes comprised in the area of more than one parish, means the council of such one of those parishes as is specified in the reorganisation order.

(5) The accounts of the charter trustees and of its committees and officers shall be made up to the date referred to in paragraph (2), and shall be audited in the same manner, and subject to the same procedures and penalties, as if the charter trustees had not been dissolved.

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