

Local Service Delivery Committee (Macclesfield) Agenda

Date: Thursday, 8th January, 2015
Time: 6.00 pm
Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

1. **Apologies**

To receive apologies for absence.

4. **Minutes of the Meeting Held on 12 November 2014** (Pages 1 - 4)

To approve the minutes as a correct record.

3. **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.

4. **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.

5. **Transfer of Property Rights and Liabilities to the Proposed Parish Council for Macclesfield** (Pages 5 - 10)

For requests for further information

Contact: Julie North
Tel: 01270 686460
Mail: julie.north@cheshireeast.gov.uk

The Local Service Delivery Committee is invited to discuss and submit its views to the Community Governance Review Sub Committee on 16 January 2015, on which assets might be transferred from Cheshire East Council to the proposed Macclesfield Parish Council from the date of its inception, having regard to officer and legal advice.

The minutes of the Community Governance Review Sub Committee held on 9 December 2014 are attached to aid discussions.

The Community Governance Review Sub Committee will then make a recommendation to the Constitution Committee, in respect of this matter, in due course.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the
Local Service Delivery Committee (Macclesfield)
held on Wednesday, 12th November, 2014 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor B Murphy (Chairman)
Councillor K Edwards (Vice-Chairman)

Councillors C Andrew, L Brown, S Carter, D Druce, M Hardy, A Harewood,
J Jackson, L Jeuda, D Neilson and L Roberts

Officers

Brian Reed, Head of Governance and Democratic Services
Lindsey Parton, Registration Service and Business Manager

1 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor B Murphy be appointed as Chairman for the 2014/15
Municipal Year.

2 APPOINTMENT OF VICE-CHAIRMAN

RESOLVED:

That Councillor K Edwards be appointed as Vice-Chairman for the
2014/15 Municipal Year.

3 APOLOGIES

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES OF THE MEETING HELD ON 23 JANUARY 2014

RESOLVED:

That the minutes be approved as a correct record.

6 PUBLIC SPEAKING TIME/OPEN SESSION

Ray Perry felt with regard to the postal ballot, it was obvious that those who responded supported a Town Council – as the other options received fewer votes. That this Committee was now being allowed to discuss the matter in his view seemed strange, but he was very interested to hear the views of the meeting.

The Chairman explained that the views of this Committee would be considered by the Constitution Committee, which would then make a recommendation to the Council. It would then be a matter for the Council to determine.

Roy Spors, of the Citizens Advice Bureau was in favour of local representation and indicated that all the public speakers at the meeting on 7 October had been of one voice – in that they felt there should be a Town Council for Macclesfield. Mr Spors stated that every town within Cheshire East had one and why should Macclesfield be any different. He explained that CAB worked directly with Town Councils extremely well in areas such as Knutsford and Wilmslow. The CAB wished to see the same relationship with Macclesfield.

7 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW

As explained by the Chairman earlier in the meeting, The Registration Service and Business Manager re-iterated that the Community Governance Review Sub Committee, at its meeting on 7 October 2014, had agreed that this Committee be informally consulted on the outcome of the Macclesfield Community Governance Review, and that the informal views of the Committee be reported to the next meeting of the Constitution Committee (which was scheduled for 19 November 2014) in order to inform the decision making process. The members of the Committee were also invited to attend the meeting to express their views. A copy of the draft minutes of the Meeting of the Sub Committee held on 7 October 2014 was circulated for information.

A copy of the published report for the Constitution Committee meeting on 19 November 2014 was circulated at the meeting. The Registration Service and Business Manager outlined the key recommendations which would be required at that meeting to be made to the Council, together with a draft timetable outlining the steps which would be required, should the option to proceed with establishing a Town Council be agreed.

The Committee noted that in the event of a decision being made to support the creation of a Town Council, it would be called a Parish Council at that stage. It would then be a matter for the Parish Council to determine if it wished to be called a Town Council once established. The Council was legally required to make a recommendation for the outcome of the review, which would then be published. That recommendation needed to include various matters, including proposed electoral arrangements for any

proposed Parish Council. Electoral arrangements included the number of Councillors to be elected, warding arrangements and the date for elections.

The Registration Service and Business Manager summarised the legislative requirements and the National Association of Local Councils' guidance on the number of Parish Councillors to be elected. In terms of the number of Parish Councillors to be elected and the warding arrangements, the Committee felt there was a strong case to replicate the arrangements of the current Borough Ward boundaries, with either 12 or 24 Councillors being elected.

The Chairman gave the opportunity for each Member of the Committee to express their views. Councillor Druce asked for his view to be recorded that the Council's presentation of the options and the way the Council went about the review were atrocious.

The Chairman then invited members of the public to make further comment, if they wished.

The Chairman said, if the Council approved the establishment of a Town Council, further meetings of the Local Service Delivery Committee would consider the detailed arrangements for the transfer of functions and assets. He added that although he thought the referendum had failed to produce a sufficient mandate for a constitutional change, if a Town Council is to be established, he would strive to ensure the people of Macclesfield secured the best possible arrangement for the new Town Council.

It was suggested that discussion should also take place in respect of accommodation / venue for Parish Council meetings and arrangements for the appointment of a Parish Clerk.

Concern was expressed that the forthcoming meeting of the Constitution Committee on 19 November 2014 had not been convened to take place in Macclesfield. The Head of Governance and Democratic Services indicated that as the agenda for that meeting had now been published, and public notice given of the date, time and venue, it was not possible to change the arrangements.

RESOLVED:

That having taken into account representations received, the Constitution Committee be asked to recommend to Council that a Single Parish Council be created for the whole of the unparished area of Macclesfield; and

(Note: 8 members voted for the above motion ; 2 members voted against, and 1 member abstained from voting)

- 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;
- ii) That the Parish shall have a Parish Council named Macclesfield Parish Council;
- iii) 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;
- iv) 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 per 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
- v) That elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015;
- vi) 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.

The meeting commenced at 5.30 pm and concluded at 7.10 pm

Councillor B Murphy (Chairman)

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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