

# CHESHIRE EAST

## GOVERNANCE AND CONSTITUTION COMMITTEE

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**Date of meeting:** 6<sup>th</sup> October 2008  
**Report of:** Governance Lead Officer  
**Title:** Petition for Borough Status

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### **1.0 Purpose of Report**

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

### **2.0 Decision Required**

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

### **3.0 Financial Implications for Transition Costs**

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

### **4.0 Financial Implications 2009/10 and beyond**

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

### **5.0 Risk Assessment**

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

### **6.0 Background and Options**

- 6.1 Under the provisions of the Implementation Order, Cheshire East will be a Unitary authority with a Chairman. However, the Shadow Authority may petition for Borough status, and through the Privy Council Office, seek the grant of a Charter conferring Borough status on the whole area. Such a grant would mean that the Council would elect a Mayor, rather than a Chairman of the Council. The Council would also be able to appoint Honorary Freemen and Honorary Aldermen, although this would still be possible as a District Council rather than being dependent on Borough status.

6.2 The Department for Communities and Local Government (DCLG) have indicated that the Petition should be submitted by the end of October, to allow the grant of a Charter (if made) to come into effect by 1 April 2009. DCLG have also indicated that the support of the current local authorities in the area would be a factor to be taken into account by the Privy Council Office in advising on the award of the Charter.

6.3 Cheshire East Council on 30 July agreed –

“in principle to submit a Petition for the grant of a Charter conferring Borough status on Cheshire East Unitary Council from April 2009;

the three current Borough Councils and Cheshire County Council be invited to support the Petition for Borough Status for Cheshire East, and to identify as soon as possible any proposals for the continuation of their existing rights beyond vesting day.”

6.4 The Council also authorised this Committee to take forward the detailed arrangements for Borough status (and other civic and ceremonial matters), and to make periodic progress reports to the full Council.

6.5 Macclesfield Borough Council has since resolved to support Cheshire East’s Petition for Borough status, and to apply to DCLG for Charter Trustees to provide for a Mayor for Macclesfield Town. Crewe and Nantwich Borough Council has resolved to oppose Cheshire East’s Petition, and to seek Charter Trustees to provide for a Mayor for Crewe Town. It is understood that Congleton Borough Council has not considered the issue of Borough status for Cheshire East.

6.6 Cheshire Council Council’s Organisation Committee has resolved –

“That

- (1) The decision of Cheshire West and Chester Executive to advise the Unitary Council to reconsider its intention to seek Borough status be welcomed;
- (2) The proposal by Cheshire East Council to apply for Borough status be noted, on the basis that appropriate arrangements are being sought to establish Town Mayors where there is a community wish to do so;
- (3) This Committee regrets the submission of any proposals which seek artificially to perpetuate the identities of the current District Councils; and

- (4) Any proposals leading to the creation of a multiplicity of overlapping Mayoralities in any area be not supported.”
- 6.7 In order to seek the grant of the Charter, a Petition in the appropriate format has to be presented to the Privy Council Office, together with the proposed wording of the Charter. Drafts of both documents are attached for consideration by the Committee, prior to submission to the full Council.
- 6.8 The Privy Council Office have indicated that the fee payable for sealing a Charter is £2000. This can be met from the transitional costs budget.
- 6.9 The Local Government Act 1972 provides that “a Petition for a Charter shall not be presented except on a resolution passed by not less than two-thirds of the Members voting thereon at a meeting of the Council specifically convened for the purpose with notice of the object”. Appropriate provision will therefore be made in the agenda to enable the Council on 20 October to consider the formal presentation of the Petition for Borough status.

***For further information:***

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***Background Documents:***

None

# **DRAFT**

## **LOCAL GOVERNMENT ACT 1972**

### **Sections 245 and 246**

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

To the Queen's Most Excellent Majesty in Council:

The Humble Petition of the Council of the District of [    ]

Sheweth as follows : -

The District of [.....] is a district for the purposes of the Local Government Act 1972.

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

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

And Your Petitioners will ever pray, etc.

[Common Seal of the Council]

**DRAFT**

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

**TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!**

Whereas certain new local government areas known as districts have been established by the Local Government Act 1972:

And Whereas a Petition praying for the grant of a Charter conferring upon the district of Cheshire East Council the status of a borough of the said district:

And Whereas We are pleased by the advice of Our Privy Council to grant a Charter for such purpose:

Now Therefore Know Ye that We, by virtue of Our Prerogative Royal and in pursuance of the Local Government Act 1972 and of all other powers and authorities enabling Us in that behalf, have granted and declared and by these Presents do grant and declare as follows:-

1. The district of Cheshire East Council shall have the status of a borough.

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

WITNESS Ourselves at Westminster the 1<sup>st</sup> day of April in the 2009 year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL