

CHESHIRE EAST

COUNCIL

Date of meeting: 20th October 2008
Report of: Governance and Constitution Committee
Title: Proposals for Charter Trustees

1.0 Purpose of Report

- 1.1 To advise the Council of proposals made by Macclesfield and Crewe and Nantwich Borough Councils for the appointment of Charter Trustees for towns in their areas.

2.0 Decision Required

- 2.1 To consider and as appropriate respond to –
- (a) the proposal by Macclesfield Borough Council for Charter Trustees to be appointed for the unparished area of Macclesfield Town
 - (b) the proposal by Crewe and Nantwich Borough Council for Charter Trustees to be appointed for the unparished area of Crewe Town.

3.0 Financial Implications for Transition Costs

- 3.1 There is no financial impact on Transition Costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The appointment of Charter Trustees involves certain support costs, including resources for the Mayoral office, meetings of the Trustees and accommodation. These are covered by a precept levied on the area covered by the Trustees. The Department for Communities and Local Government (DCLG) will require an estimate of the first year's precept to be raised by the Charter Trustees for inclusion in Statutory Orders, but these details are not yet available from the Borough Councils.

5.0 Risk Assessment

- 5.1 Failure to notify DCLG of proposals by the end of October would mean they could not be included in Statutory Orders to be laid before Parliament in November, and therefore the Charter Trustees could not be established.

6.0 Background and Options

6.1 Cheshire East Council on 30 July in the context of the proposal for Borough Status for the Unitary area agreed –

“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.”

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

6.3 Macclesfield Borough Council has since resolved to apply to DCLG for Charter Trustees to provide for a Mayor for Macclesfield Town. Crewe and Nantwich Borough Council has resolved to seek Charter Trustees to provide for a Mayor for Crewe Town. It is understood that Congleton Borough Council has not yet considered the issues.

6.4 Cheshire County Council’s Organisation Committee has resolved in regard to Cheshire East –

“That

- (1) 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;
- (2) This Committee regrets the submission of any proposals which seek artificially to perpetuate the identities of the current District Councils; and
- (3) Any proposals leading to the creation of a multiplicity of overlapping Mayoralities in any area be not supported.”

6.5 Charter Trustees for any area can only be appointed by Parliamentary Order, and their powers will be set out in Regulations, both of which are due to be laid before Parliament in early November. Charter Trustees can be appointed to cover unparished areas, in order to preserve or create a Mayoralty for the area in the absence of a Town Council and a Town Mayor. DCLG have indicated they will advise Parliament to approve proposals where they are needed to preserve the historic traditions of the area concerned, and enable a Mayor to be appointed.

- 6.6 However, Charter Trustees are viewed generally by DCLG as a temporary measure, to enable a Community Governance Review to be undertaken in the area, leading to the creation of a Parish (Town) Council should there be a community wish to do so, which can then resolve to elect a Mayor.
- 6.7 Powers are available to the Shadow Council under Transitional Regulations to commence Community Governance reviews in any unparished area of Cheshire East.
- 6.8 DCLG have indicated that proposals for Charter Trustees should ideally be made by Shadow Councils, or at least be supported by them, recognising that outgoing Councils may submit these proposals directly. Accordingly, the Shadow Council is invited to consider the proposals for the unparished areas of Macclesfield Town and Crewe Town and decide whether or not to support them.
- 6.9 If proposals are approved by Parliament, the Charter Trustees will be the Unitary Councillors for the Wards covered by the area, involving a minimum of 5 Councillors, and the Mayor will be elected annually from among their number. At the least, the Charter Trustees must hold one meeting each year. The Trustees will be able to pay an allowance to the Mayor, and support will be required for the Mayoral office. DCLG envisage that the Unitary Council will be required to provide the Charter Trustees with appropriate accommodation to enable them to discharge their duties and functions. The terms on which accommodation and other support is made available will need to be agreed between the Trustees and the Unitary Council, and reflected in the precept. Charter Trustees will hold transferred historic or ceremonial property, subject to local agreement.
- 6.10 At their meeting on 6 October, Governance and Constitution Committee considered the proposals made by the Borough Councils for Charter Trustees, and resolved –

“That Council be advised to support applications for Charter Trustees which may be made by any unparished area of Cheshire East.”

For further information:

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Background Documents:

None