

# Constitution Committee

## Agenda

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**Date:** Thursday, 29th January, 2015  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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 - 8)

To approve the minutes of the meeting held on 19<sup>th</sup> November 2014.

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**Contact:** Paul Mountford  
**Tel:** 01270 686472  
**E-Mail:** paul.mountford@cheshireeast.gov.uk

5. **Macclesfield Community Governance Review - Final Outcome** (Pages 9 - 44)  
  
To consider a report on the final outcome of the Macclesfield Community Governance Review.
6. **Calendar of Meetings for 2015-16** (Pages 45 - 50)  
  
To consider the draft Calendar of Meetings for Cheshire East Council for 2015-2016 and make recommendations to Council.
7. **Antisocial Behaviour, Crime and Policing Act 2014** (Pages 51 - 58)  
  
To consider a report summarising the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014 and proposing amendments to the scheme of delegation to enable enforcement powers under the Act to be exercised.
8. **Members Independent Remuneration Panel** (Pages 59 - 62)  
  
To consider proposed arrangements for the new Members Allowances Independent Remuneration Panel.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Constitution Committee**  
held on Wednesday, 19th November, 2014 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor A Martin (Chairman)  
Councillor D Marren (Vice-Chairman)

Councillors C Andrew, D Flude, P Groves, W Livesley, R Menlove, D Newton,  
P Whiteley, A Moran and M J Weatherill (for Cllr Baxendale)

**Officers**

Peter Bates, Chief Operating Officer  
Brian Reed, Head of Governance and Democratic Services  
Anita Bradley, Head of Legal Services and Monitoring Officer  
Dominic Oakeshott, Corporate Manager, Challenge and Innovation  
Lindsey Parton, Registration Service and Business Manager  
Paul Mountford, Democratic Services Officer  
Rose Hignett, Senior Elections Officer  
Marion Hancock, Elections Officer

**Councillors in Attendance**

Councillors K Edwards and L Jeuda

**Apologies**

Councillors G Baxendale, B Murphy, M Sherratt and G Wait

**44 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**45 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public wishing to speak.

**46 MINUTES OF PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 1<sup>st</sup> May 2014 be approved as a correct record.

**47 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW**

The Committee considered a report setting out the next steps of the Macclesfield community governance review. The report outlined the

practical considerations, should a draft recommendation be made by the Committee to full Council, to establish a Parish Council for Macclesfield.

The Committee had before it the minutes of the meeting of the Community Governance Review Sub-Committee on 7<sup>th</sup> October 2014. The Sub-Committee had undertaken public consultation in June/July over the options of parishing or an enhanced local service delivery committee. The report to the Sub-Committee on the outcome of the consultation, including copies of the written representations received during the consultation period, was appended to the report to the Committee. In considering the outcome of the consultation, the Sub-Committee had agreed to consult the Macclesfield Local Service Delivery Committee informally with a view to that Committee's views being reported direct to the Constitution Committee.

The Macclesfield Local Service Delivery Committee had met on 12<sup>th</sup> November 2014 and its minutes were circulated at the Constitution Committee's meeting. The Local Service Delivery Committee, having considered the outcome of the consultation exercise and the representations received, had asked the Constitution Committee to recommend to Council that a single parish council be created for the whole of the unparished area of Macclesfield with elections to the parish council taking place on 7<sup>th</sup> May 2015. The Committee had made further recommendations regarding warding arrangements and the number of parish councillors.

Copies of further written representations from the Macclesfield Civic Society and the Macclesfield Labour Party, which had been received after the close of the formal consultation period, were circulated at the Constitution Committee's meeting.

The officers outlined the next steps to be taken in the event that a recommendation was made to Council, including the requirements for the setting up of a parish council, the detailed arrangements as regards the Reorganisation Order, and the timetable for elections. Further details were set out in the report.

### **RESOLVED**

That

1. having taken into account the representations received, and the views of the Macclesfield Local Service Delivery Committee, the Constitution Committee recommends to Council that 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. Council be asked to grant 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; and
3. the Community Governance Review Sub-Committee continue 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.

Note: Councillor B Murphy, who was both the Chairman of the Macclesfield Local Service Delivery Committee and a member of the Constitution Committee, had been unable to attend the Constitution Committee's meeting. Councillor K Edwards, as Vice-Chairman of the Local Service Delivery Committee, presented the Committee's minutes in Councillor Murphy's absence.

#### **48 REVIEW OF POLLING PLACES AND POLLING DISTRICTS**

The Committee considered the recommendations of the Polling Arrangements Review Sub-Committee following its review of polling places and polling districts in Cheshire East.

The Constitution Committee had been given delegated powers by Council to agree the final outcome for the Polling Places and Polling Districts Review. The need for the Review had arisen from the provisions of the Electoral Registration and Administration Act 2013 and had to be completed by 31 January 2015.

The Committee had before it the report to the Polling Arrangements Review Sub-Committee on 7<sup>th</sup> October 2014 and the minutes of that meeting. The Sub-Committee had considered representations from the public, together with a submission from the Acting Returning Officer. Having considered the representations received, the Sub-Committee had made recommendations for the Constitution Committee to consider which were set out in Appendix 3 to the Committee's report.

With regard to the proposals for Polling Districts 1FD1, 1FDC and 1FDR, the Committee's attention was drawn to representations made by Councillor B Silvester on behalf of Willaston Parish Council.

Since the Sub-Committee's meeting, three further matters had arisen which required consideration by the Committee in addition to the recommendations of the Sub-Committee. These were set out in paragraph 10.2 of the Committee's report.

Once the Committee had made its final decision on the most appropriate polling districts and polling places, any necessary alterations would be made to the electoral register and arrangements would be made to publish the conclusions of the Review.

#### **RESOLVED**

That

1. subject to recommendation (2) below, the recommendations of the Polling Arrangements Review Sub-Committee in respect of proposed changes to polling places be agreed and implemented as set out in Appendix 3 of the report to the Committee, including the proposed

change from Congleton Leisure Centre to St. Stephen's Church Centre;

2. with regard to Polling Districts 1FD1, 1FDC and 1FDR, St. John's Church Hall, Willaston continue to be used as the polling station for future elections;
3. that Rood Hill Methodist Church, Derby Street, Congleton be designated as a Polling Place to replace St Mary's Pre-School, Belgrave Avenue (Polling District Ref CNW2); and
4. that Polling District CON4 be amalgamated with Polling District COS2 in the Congleton East Ward.

#### **49 REVISIONS TO THE CONTRACT PROCEDURE RULES**

The Committee considered proposed revisions to the Contract Procedure Rules.

This report requested Members' consideration of a newly-drafted section of the Constitution which set out the Council's Contract Procedure Rules (CPRs) which governed how the Council procured goods, works and services from third parties. The CPRs sat alongside the Council's Financial Procedure Rules (FPRs), which would be subject to further review as part of the development of financial reporting during the early part of 2015. However, there would be some minor consequential changes to the FPRs as referred to in paragraph 10.6 of the report before a fuller revision later in 2015.

The amendments were required to comply with changes to European Union (EU) and domestic procurement legislation and to introduce lean simplified processes following the Council's decision to become a Strategic Commissioning Council, and the creation of Alternative Service Delivery Vehicles for the provision of Council services. The revisions would allow the Council to adopt a more mature attitude to managing commercial risk and simplify the procurement process, particularly below the EU value thresholds, allowing better engagement with small and medium enterprises and local businesses, whilst still maintaining a robust governance framework to ensure that Council monies were spent in a legally compliant, ethical, responsible, and fully auditable manner.

The proposed amendments to the Contract Procedure Rules were set out in paragraph 10.5 of the report.

#### **RESOLVED**

That Council be recommended to

1. approve the revisions to the Contract Procedure Rules set out in paragraph 10.5 of the report for adoption from 1<sup>st</sup> January 2015 subject to the following amendments:

Item 3 – Amend below EU threshold and processes – the threshold be reduced to £50k rather than £10k

Item 10 – E-procurement – Mandate the use of the e-procurement system for all procurement with a value prescribed by EU legislation

Item 11 – Corporate Contracts – this proposal be deleted

2. authorise that the Constitution be updated accordingly by the inclusion of the revised Contract Procedure Rules;
3. authorise that any consequential drafting amendments to the remaining parts of the Council's Constitution, including the Finance Procedure Rules, be undertaken by the Head of Legal Services and Monitoring Officer to ensure consistency with the revised Contract Procedure Rules; and
4. approve an incremental reduction in value thresholds to enable the phased introduction of procurement involvement down to £50k from the current £75k to allow a smooth transition from existing arrangements.

## **50 REPORT OF THE INDEPENDENT REMUNERATION PANEL**

The Committee considered the final report of the Council's Independent Remuneration Panel.

Following a review of the Members' Allowances Scheme, the Independent Remuneration Panel had submitted a report which had been considered by Council on 27<sup>th</sup> February 2014 and which had resulted in changes to the Scheme.

The term of office of the Independent Remuneration Panel would come to an end in February 2015 and the Panel had therefore prepared a final report on its activities which was appended to the Committee's report.

### **RESOLVED**

That the report be received.

## **51 OFFICER SCHEME OF DELEGATION**

The Chairman was of the opinion that this matter constituted urgent business and could be dealt with at the Committee's meeting in accordance with Committee Procedure Rule 37 and Section 100B(4)(b) of the Local Government Act 1972. The reason for urgency was that the



current scheme of officer delegation required review to enable Managers to take decisions regarding Service redesign.

The Council had previously approved amendments to the officer scheme of delegation to take account of local structural changes and to allow greater transparency in the operation of the Council. The changes had been intended to bring greater clarity between the respective roles of Elected Member in Policy and Strategy development, and officers in the effective day-to-day operation and management of the Council.

Following operation of the revised arrangements it had become clear that the current scheme of delegation was restricting local operational decision-making in relation to staffing and employment matters. Operationally, the Head of Paid Service, and Chief Officers in consultation with the relevant Portfolio Holders, needed greater flexibility to make changes to organisational structures, job grading and number of roles to enable the effective delivery of Council priorities. The amendments previously approved had resulted in reduced flexibility to meet changing organisational circumstances in an effective and timely manner. As a consequence, to ensure alignment between the Constitution, scheme of delegation and policy framework, a change to the wording of the scheme was proposed as referred to in paragraph 3.6 of the report.

## RESOLVED

That Council be recommended to approve the amendment to the officer scheme of delegation as detailed at paragraph 3.6 of the report as follows:

*“Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:*

- § Involves the loss of one or more posts not currently vacant*
- § Involves the regrading of posts or the grading of new posts*
- § Involves the changes to existing National or Local Agreements and policies*
- § Cannot be achieved within delegated powers in respect of budgets*

*This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14<sup>th</sup> May 2014 which reads as:*

*“Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical*

*considerations that are not within the officer's sphere of competence".*

*Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination."*

The meeting commenced at 6.00 pm and concluded at 7.45 pm

Councillor A Martin (Chairman)

## CHESHIRE EAST COUNCIL

### Constitution Committee

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**Date of Meeting:** 29<sup>th</sup> January 2015  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Macclesfield Community Governance Review – Final Outcome

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#### 1.0 Report Summary

- 1.1 Council at its meeting held on 11 December 2014 agreed the recommendations for the final outcome of the Macclesfield Community Governance Review and granted delegated powers to the Constitution Committee to determine the final outcome of the Community Governance Review, including all necessary powers to make the Re-Organisation Order.

#### 2.0 Recommendations

- 2.1 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.

2) That the budget sum of £575,640 be included in the Re-Organisation Order for the Parish Council's first year of operation, leading to a precept of £32.98 being raised per band D property.

3) That the budget comprise of the following net Operational costs (in addition to Administrative costs of £137,580 and Management and support costs of 15% of gross operating expenditure, excluding CCTV):

§ Allotments	£10,000
§ Weston Community Centre	£20,000
§ Public Conveniences	£50,000
§ Town Centre Management	£59,000
§ Christmas Lights	£45,000
§ Street Furniture	£1,270
§ Floral Displays	£10,000
§ CCTV	£31,450

§ Grants	£80,000
§ Contingency	£100,000

4) That the following assets be included in the Re-Organisation Order for transfer on the dates indicated:

§ Allotments	8 May 2015
§ Weston Community Centre	1 October 2015
§ Public Conveniences	1 October 2015

5) That the wording of the draft Re-Organisation Order be approved as submitted, and that the Head of Governance and Democratic Services be authorised to make any minor or consequential amendments to the Order, in consultation with the Chairman of the Committee, prior to the legal seal being affixed; and to take such other steps as may be necessary in order to give effect to the wishes of the Committee.

### **3.0 Reasons for Recommendations**

3.1 The Community Governance Review Sub Committee conducted the review in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and the Government's guidance on conducting community governance reviews.

3.2 In considering the results of the consultation and formulating recommendations, Members have ensured that the proposed community governance arrangements within the area under review are reflective of the identities and interests of the community in that area; and are effective and convenient.

3.3 Key considerations taken into account in conducting the review include:

- The impact of community governance arrangements on community cohesion
- The size, population and boundaries of local communities or parishes
- The proposed arrangements reflecting the distinctive and recognisable communities of interest with their own sense of identity
- The degree to which the proposals offer a sense of place and identify for residents
- The ability of the proposed Parish Council to deliver quality services economically and efficiently whilst providing users with a democratic voice
- The degree to which the proposed Parish Council would be viable in terms of a unit of local government providing some local services that are convenient and accessible to local people.

- 3.4 In accordance with the Government Guidance, the Review has also considered and reviewed other options for community governance (such as maintaining existing arrangements, an Enhanced Local Service Delivery Committee, multiple parish councils, Community Forums, Neighbourhood Management, Community Associations, Residents and Tenants' Associations and Community Development Trusts), and determined, following public consultation, that these did not represent better options in terms of addressing the criteria.

#### **4.0 Wards Affected**

- 4.1 Wards in the unparished area of Macclesfield.

#### **5.0 Local Ward Members**

- 5.1 As above.

#### **6.0 Policy Implications**

- 6.1 None.

#### **7.0 Financial Implications**

- 7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Review.
- 7.2 For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, a sum must be identified for inclusion in the Re-organisation Order. This is sum, for the first year of operation of the new Town Council, which cannot be exceeded.

#### **8.0 Legal Implications**

- 8.1 The Local Government Public Involvement in Health Act 2007 places duties upon the Council at various stages of the Community Governance Review. In accordance with these provisions, the final decision must be published and the Secretary of State and the Electoral Commission informed.

#### **9.0 Risk Management**

- 9.1 The Community Governance Review has been conducted with due regard to the Government's Guidance on the conduct of Community Governance Reviews.

#### **10.0 Background and Options**

- 10.1 Following the decision of Council on 11 December 2014, the public and anyone with an interest in the review was invited to make comment on the Council's recommendations by Thursday 15 January 2015 at 5pm. Consultees from Stage 1 of the Review were 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 were considered by the Community Governance Review Sub Committee on 16 January 2015 and are attached **(Appendix 1)**. Having taken the representations received into account, the Sub Committee has recommended to the Constitution Committee that Council's recommendation for the final outcome of the review be endorsed.

- 10.2 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) was convened for Thursday 8 January 2015 to discuss which assets might be transferred from Cheshire East to the proposed Macclesfield Parish Council, having regard to officer and legal advice. A copy of the Minutes of that Meeting is attached **(Appendix 2)**.
- 10.3 The Community Governance Review Sub Committee met on 16 January 2015 when the views of the Macclesfield LSDC were considered. A copy of the Minutes of that meeting is attached **(Appendix 3) (to follow)** together with the summary of the budget which was agreed at that meeting **(Appendix 4)**.
- 10.4 The Community Governance Review Sub Committee considered a draft of Re-Organisation Order and recommends to the Constitution Committee that this now be approved. A copy of the proposed Re-Organisation Order is attached **(Appendix 5)**. The Sub Committee has included within the Re-Organisation the budget requirement (Article 10) and the detail of land and Property to be transferred to the Parish Council (Article 11). It is recommended that the Head of Governance and Democratic Services be authorised to make any minor or consequential amendments, in consultation with the Chairman of the Committee, prior to the legal seal being affixed.
- 10.5 Following determination of the final outcome of the Community Governance Review by the Committee, arrangements will be made to publish the decision and to notify statutory bodies are required by the provisions of the Local Government Public Involvement in Health Act 2007.
- 10.6 The work of the Community Governance Review Sub Committee will continue over the coming weeks, in terms of making transitional arrangements required, including the convening of the Annual Parish meeting, which must be held within 14 days of the Councillors taking office.

#### 11.0 **Access to Information**

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

Name: Lindsey Parton

Designation: Registration Service and Business Manager

Tel No: 01270 686477

Email: [lindsey.parton@cheshireeast.gov.uk](mailto:lindsey.parton@cheshireeast.gov.uk)

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**PARTON, Lindsey**

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**From:** Harry Hodkinson ~~h.hodkinson@eastcheshire.gov.uk~~  
**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**

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**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.

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Regards

Peter Nash  
[REDACTED]  
[REDACTED]

**PARTON, Lindsey**

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**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**

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**From:** braithwaite [REDACTED]  
**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**

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**From:** RAY PERRY <[REDACTED]>  
**Sent:** 15 January 2015 16:49  
**To:** PARTON, Lindsey  
**Subject:** Governance

Hello Lindsey and Gaynor,

I am happy with the Macclesfield governance plan so far. It seems everybody wishes to go ahead with a parish/town council. Good.

The number of councillors per parish ward seems adequate.

Happy New Year to all involved with the governance project.

Regards

Ray Perry



## **PARTON, Lindsey**

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**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



**PARTON, Lindsey**

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**From:** Sally Lowden  
**Sent:** 14 January 2015 12:27  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Parish/town councils for Macclesfield

I would like to register my vote for a single town council for Macclesfield.  
Additionally, if that is what most respondents voted for, why is that not the preferred option?

Sally Lowden



## **PARTON, Lindsey**

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**From:** PEDERSEN ARND  
**Sent:** 15 January 2015 16:35  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Macclesfield Community Governance Review

To [communitygovernance@cheshireeast.gov.uk](mailto:communitygovernance@cheshireeast.gov.uk)

Dear Sir,

### **Re: Macclesfield Community Governance Review**

I wish to record my objection to Cheshire East Council's recommendations for the creation of a parish council for Macclesfield and to the creation of seven parish wards based on existing Borough Ward boundaries.

1. In stage one of this review in July 2013 residents were asked for their views on seven options for Macclesfield:

- No change (Local Area Partnership, Charter Trustees, Local Service Delivery Committee)
- Parish/Town Council(s)
- Community Forums
- Community Development Trusts
- Neighbourhood Management
- Residents' and Tenants' Associations
- Community Associations

As part of the review some public meetings were arranged but these were very poorly attended. Following the review CEC decided that just two options would be put forward for the next stage - parishing for Macclesfield and an enhanced Local Service Delivery Committee. The latter is a new option not consulted upon. The 'No Change' option was dropped together with five others. No details of the review feedback can be found.

2. Stage two of this review took place in July 2014 and consisted of a postal vote. The options put forward were the two decided upon by CEC following stage one, parishing and an enhanced LSDC. The questions that found their way onto the ballot papers were: Should Macclesfield have...

#### **Votes Received**

- |   |      |        |
|---|------|--------|
| • An Enhanced Macclesfield Service Delivery Committee | 1449 | 3.63%  |
| • A Single Parish / Town Council                      | 4907 | 12.29% |

If you voted for a single parish/town council you were also asked for your preference for

- |                            |      |        |
|----------------------------|------|--------|
| • A Town Council           | 3429 | 69.88% |
| • A Parish Council by Ward | 1478 | 30.12% |

Regrettably the 'No Change' option was absent from the ballot paper. 15.92% of the electors of Macclesfield voted for one of the options. Of the 12.29% of the electors who voted for a Single Parish / Town Council 69.88% voted for a Town Council and 30.12% voted for a Parish Council by Ward. 84% of Macclesfield's electors did not vote. That should have killed off this review.

3. For the final stage of the review CEC has now made recommendations for the creation of a Parish Council for Macclesfield with the creation of seven parish wards. On which planet do CEC

councillors reside? 70% of those who voted for 'A Single Parish / Town Council' voted for a Town Council, 30% voted for a Parish Council. How was a Parish Council arrived at? This reflects poorly of the democratic process. It is autocratic and an insult to those who took the trouble to vote.

I see that the Mayor of Macclesfield Councillor Jackson is urging local groups, such as the Civic Society and Make it Macclesfield, to put forward representatives for election to the Parish Council. With voting to take place at parish level how can their candidates, who may only be known by a few voters across Macclesfield, hope to be elected in a parish by parish election? Hopeless. This is a politicians' stitch-up.

Let us have a single Town Council, as the Civic Society campaigned for. And let us vote in all the wards using the same long ballot paper. Macclesfield is a town, not a collection of parishes.

Arndt Pedersen

## **PARTON, Lindsey**

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**From:** Irene Pedersen  
**Sent:** 15 January 2015 16:42  
**To:** COMMUNITY GOVERNANCE REVIEW  
**Subject:** Macclesfield Community Governance Review

To [communitygovernance@cheshireeast.gov.uk](mailto:communitygovernance@cheshireeast.gov.uk)

Dear Sir,

### **Re: Macclesfield Community Governance Review**

I wish to record my objection to Cheshire East Council's recommendations for the creation of a parish council for Macclesfield and to the creation of seven parish wards based on existing Borough Ward boundaries.

1. In stage one of this review in July 2013 residents were asked for their views on seven options for Macclesfield:

- No change (Local Area Partnership, Charter Trustees, Local Service Delivery Committee)
- Parish/Town Council(s)
- Community Forums
- Community Development Trusts
- Neighbourhood Management
- Residents' and Tenants' Associations
- Community Associations

As part of the review some public meetings were arranged but these were very poorly attended. Following the review CEC decided that just two options would be put forward for the next stage - parishing for Macclesfield and an enhanced Local Service Delivery Committee. The latter is a new option not consulted upon. The 'No Change' option was dropped together with five others. No details of the review feedback can be found.

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Let us have a single Town Council, as the Civic Society campaigned for. And let us vote in all the wards using the same long ballot paper. Macclesfield is a town, not a collection of parishes.

Irene Pedersen

Mr Paul Mountford  
Democratic Services Officer,  
Cheshire East Council.

Dear Mr Mountford

**GOVERNANCE REVIEW FOR MACCLESFIELD – CONSTITUTION COMMITTEE 16 JANUARY 2015**

Further to the recent meeting of the Macclesfield Local Service Delivery Committee I am writing with some further representations on behalf of the Macclesfield Civic Society.

We very much welcome the decision of Council to proceed with the establishment of a Parish/Town council for Macclesfield, having supported that position for some time. Our view, which we have already described to yourselves in some detail, has been informed by a number of discussions with town clerks, councillors, and council officers. Consequently at this time we would like to make some additional comments on the decisions facing Council at present.

We do not consider it to be appropriate for the Civic Society to comment on the warding of the unparished area nor the number of councillors to be elected. However the issue of choosing the correct level of the precept prompts us to make the following points.

We believe that the level of precept should allow:-

- 1 The Town Council to operate for the first three years at least without a significant change in precept to allow the Town Council to be seen as competent and to allow it to generate confidence amongst the electorate.
- 2 A premises lease to be arranged for those Town Council administrative staff not located in the Town Hall.
- 3 The normal statutory functions such as managing allotments to be carried out.
- 4 A consultation to take place with the electorate, sooner rather than later, to inform decisions on which services and facilities people in the Town would want their Town Council to provide, and also which issues they would wish to be taken forward into a neighbourhood plan. We believe that decisions about which property if any should be transferred to the Town Council should be taken by the elected Town Councillors, although again these could well be informed by the results of the consultation.

The recent LSDC meeting has made good progress towards a budget and reflects significant effort in the time available by Cheshire East officers, which is recognised. Generally we support the agreements reached although we wish to make the following points:

- 5 A reasonable contingency should be included to take into account the many uncertainties that could arise, for example any discussion about transfer of assets could well require expert independent advice at some cost, and provision for the consultation identified in 4 above.

6 Some accommodation should be provided as of right in the Town Hall

7 The figure of £15k for grants, which we understand to be included, is low in comparison with other towns in the north of Cheshire East, before taking into account the greater population of Macclesfield and the number of charitable organisations based in the Town. What should also be borne in mind is the current trend for support of local organisations, which is clearly moving from Cheshire East to individual town councils.

We believe the above factors point to a grant allowance which as a minimum should be at least double the £15k currently included.

We hope that you will be able to take the above comments into account when finalising the initial budget and precept.

With best wishes I remain

Yours sincerely

*Keith Smith*

Chairman, Macclesfield Civic Society

14 January 2015



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the  
**Local Service Delivery Committee (Macclesfield)**  
held on Thursday, 8th January, 2015 in The Capesthorpe 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 and D Neilson.

### **Officers in attendance:**

Chris Allman – Programme Manager, FR Organisational Capacity  
Karen Bowdler – Principal Accountant  
Steph Cordon – Head of Communities  
Brian Reed – Head of Governance and Democratic Services  
Lindsey Parton – Registration Service and Business Manager

### **8 APOLOGIES**

Apologies were received from Councillor L Roberts.

### **9 MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2014**

#### **RESOLVED**

That the minutes be approved as a correct record.

### **10 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **11 PUBLIC SPEAKING TIME/OPEN SESSION**

The Chairman explained that he proposed to allow members of the public to speak at the end of the meeting in connection with the main item of business on the agenda, but offered the opportunity for any members of the public to raise any other matters at this point in the proceedings.

Mr Warren, Brookfield Lane, Chairman of the Allotments Association, referred to the meeting of the LSDC held on 23 January 2013 when a small working party of Members had been established to look at a locally focused method of management of allotments with a view to making recommendations. Mr Warren asked what options had been considered and whether any recommendations had been made to the Cabinet. Cllrs Edwards, Hardy, and Jackson responded (as the appointed members of

the working party) and indicated that a site visit to the Moss Lane Allotment site had taken place, but that the matter had since been suspended, given the subsequent progress of the Macclesfield Community Governance Review. In the event of the establishment of a parish council for Macclesfield, allotments would automatically be vested with the new parish council.

Liz Braithwaite asked if there was any danger of organisations in Macclesfield, other than the proposed new parish council, being offered assets by Cheshire East Council, if they were not immediately transferred. The Head of Communities indicated that any future considerations would be community lead. Members added that unfortunately it was not possible to give any assurances at this stage, as any future decisions could not be pre-empted.

## **12 TRANSFER OF PROPERTY RIGHTS AND LIABILITIES TO THE PROPOSED PARISH COUNCIL FOR MACCLESFIELD**

The Committee was 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 were considered to aid discussions. The Community Governance Review (CGR) Sub Committee will make recommendations to the Constitution Committee, in respect of this matter, in due course.

Karen Bowdler, Principal Accountant, circulated a draft budget requirement calculation 2015/16 for discussion, based upon the potential assets and services identified by the CGR Sub Committee, at its last meeting, for transfer to the Parish Council.

The Chairman invited the Committee to discuss each of the following items in turn, which were included in the draft budget calculation as potential operating costs:

- 1) Allotments
- 2) Senior Citizens Hall
- 3) Weston Community Centre
- 4) Markets
- 5) Public Conveniences
- 6) Town Centre Management
- 7) Christmas Lights
- 8) Street Furniture
- 9) Floral Displays
- 10) CCTV
- 11) Visitor Information Centre
- 12) Estimated Operational Management and Support Costs

13) Administrative costs

(**Note:** Cllr Carter left the meeting and Cllr Druce joined the meeting during the discussions on the Senior Citizens Hall).

The Chairman suggested that an officer report to be submitted to a future meeting of the Committee on the viability, financial and legal implications of :

- 1) The Parish Council receiving the rental income from the Wilson Bowden Development;
- 2) The Freehold of the Macclesfield Town Hall being transferred to the Parish Council, with a lease back of office accommodation to Cheshire East Council;
- 3) The transfer of car parking provision and parking income to the Parish Council.

Concerns were aired by some members that the running of the Town Hall would be financial burden upon Macclesfield Tax payers if this facility was transferred to the Parish Council. A further view was expressed that a local mandate from electors should be obtained, as a matter of principle, before such an option was considered.

In response to questions raised by Cllr Jackson, the Registration Service and Business Manager reported that the Community Governance Review Sub Committee would consider and determine transitional arrangements. This would include the arrangements and agenda for the Annual Parish Meeting, which would take place within 14 days of the election of councillors, and would include the proposal for the Parish Council to be designated as a Town Council. The Sub Committee would also discuss and determine arrangements for an interim parish clerk.

The Committee discussed a suggestion that the Parish Council should have occupational rights to the Council Chamber, Mayor's Parlour and office accommodation within the Town Hall.

The Committee discussed whether an additional budget provision should be included for the award of grants. A sum of £15,000 was proposed.

It was noted that the Charter Trustees expected to have a sum of approximately £15,000 operating surplus which would be transferred to the Parish Council. In addition the precept for the new Parish Council would be calculated from 1 April as there would be some underspend in the total budget for the first month, before the councillors took office, which would act as a reserve.

In the draft budget calculation, a sum of £90,450 had been included for estimated Operational Management and Support costs. This was based on 15% of the gross operating expenditure (excluding CCTV). The Principal Accountant reported that this figure would be recalculated based upon the revised list of services.

A proposal was made for a contingency sum (based on 7% of the total budget) to be added to the draft budget requirement.

Members felt that further explanation and breakdown of the Total Administrative costs (£137,580) should be provided before this total was agreed.

The Committee was informed that the final deadline for the notification of precept requirements, for all parish councils in Cheshire East was 30 January 2015, with interim notification being required by the Finance Department by 16 January 2015.

The Chairman invited members of the public to speak.

Mr R Spoors, of the Citizen's Advice Bureau (CAB) observed that the list of powers and duties open to parish councils was extensive. The list of assets considered at the meeting today he felt was limited by comparison. He suggested that the Parish Council should consider its role in providing support to local charitable organisations such as the CAB, which was a locally defined service. He expressed concern about where future funding support would come from.

Mr R Spoors also commented that Macclesfield had a strong history and traditions which should not be disregarded. He felt that discussions should be broadened out to establish what services residents wished to see delivered. He felt there may be specific issues for Macclesfield to be addressed, rather than following a model created for other parish councils.

Mr R Regan, of Macc Today asked about the differences between a parish and town council and referred to the two services for which increased budget provision for 2015/16 had been proposed. Cllr Jackson responded to explain the position in relation to the terminology for the creation of a new Parish Council.

Mr P Nash, of the Macclesfield Civic Society stated that he was pleased the proposal had been made not to include certain services within the first year's operating costs. He felt that this would have been premature, given that further information was required. He added that he felt it was important to include some provision for grants. He felt it was best not to have a steep rise in the Council Tax year on year.

A further comment was raised by Mr P Miles that it would be helpful if candidates standing for election expressed a clear mandate for the services they wished the Parish Council to deliver – this would help the public to understand the scale of Parish Council which would be established.

**RESOLVED**

- 1) That in terms of the proposed operating budget and calculation of the Macclesfield Parish Council draft budget requirement, the Community Governance Review Sub Committee be requested to agree the following:
  - a. That allotments be included in the 2015/16 budget calculation (given that there would be an automatic vesting of allotments to the new Parish Council); and that all debts be cleared and allotments brought up to the appropriate standards.
  - b. That the Senior Citizens Hall be removed from the 2015/16 budget calculation, and any potential transfer be deferred for future negotiation and discussion between the Parish Council and Cheshire East Council, on the grounds that the Hall is involved in a complex redevelopment proposal.
  - c. That the Weston Community Centre be removed from the 2015/16 budget calculation, and any potential transfer be deferred for future negotiation and discussion between the Parish Council and Cheshire East Council.
  - d. That Markets be removed from the 2015/16 budget calculation, and any potential transfer be deferred for future negotiation and discussion between the Parish Council and Cheshire East Council.
  - e. That Public Conveniences be removed from the 2015/16 budget calculation, and any potential transfer be deferred for future negotiation and discussion between the Parish Council and Cheshire East Council.
  - f. That Town Centre Management be included in the 2015/16 budget calculation
  - g. That Christmas lights be included in the 2015/16 budget calculation, and that the provision be increased to £25,000.
  - h. That Street Furniture be included in the 2015/16 budget calculation
  - i. That Floral Displays be included in the 2015/16 budget calculation, and that the provision be increased to £10,000.
  - j. That CCTV be included in the 2015/16 budget calculation.
  - k. That the Visitor Information Centre be removed from the 2015/16 budget calculation, and any potential transfer be deferred for future negotiation and discussion between the Parish Council and Cheshire East Council.
  - l. That additional provision be made in the 2015/16 budget calculation in the sum of £15,000 for grant applications.
- 2) That further explanation and breakdown of the Total Administrative costs (£137,580) should be provided to the Community Governance Review Sub Committee for consideration.
- 3) That an officer report to be submitted to a future meeting of the Committee on the viability, financial and legal implications of :

- a. The Parish Council receiving the rental income from the Wilson Bowden Development;
  - b. The Freehold of the Macclesfield Town Hall being transferred to the Parish Council, with a lease back of office accommodation to Cheshire East Council;
  - c. The transfer of car parking provision and parking income to the Parish Council.
- 4) That confirmation be sought from Cheshire East Council that the Parish Council would have occupational rights to the Council Chamber, Mayor's Parlour and office accommodation within Macclesfield Town Hall.

The meeting commenced at 6.00 pm and concluded at 8.10 pm

Councillor B Murphy (Chairman)

## MACCLESFIELD TOWN COUNCIL DRAFT BUDGET REQUIREMENT CALCULATION 2015-16

As per Community Governance Review Sub Committee 16 January 2015

	GROSS OPERATING EXPENDITURE	GROSS OPERATING INCOME	NET OPERATING EXPENDITURE & INCOME
	£	£	£
<b>Administrative Costs</b>			
Staffing	104,580		104,580
Premises	9,000		9,000
Supplies and Services	15,000		15,000
Other Expenses	9,000		9,000
<b>Total Administrative Costs</b>	<b>137,580</b>	<b>-</b>	<b>137,580</b>
<b>Operational Costs</b>			
Allotments	14,460	-4,460	10,000
Senior Citizens Hall			
Weston Community Centre	25,000	-5,000	20,000
Markets			0
Public Conveniences	50,000	0	50,000
Town Centre Management	63,180	-4,180	59,000
Christmas Lights	45,000	0	45,000
Street Furniture	1,270	0	1,270
Floral Displays	10,000	0	10,000
CCTV	31,450	0	31,450
Visitor Information Centre			0
grants	80,000		80,000
contingency	100,000		100,000
<b>Total Operational Costs</b>	<b>420,360</b>	<b>-13,640</b>	<b>406,720</b>
Estimated Operational Management and Support Costs	31,340		31,340
<b>BUDGET REQUIREMENT (PRECEPT)</b>	<b>589,280</b>	<b>-13,640</b>	<b>575,640</b>

Tax Base (2015-16 Band D Equivalent)	17,454.07
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Illustrative Council Tax	<b>32.98</b>
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Notes:

1. The Operational Management and Support Costs are estimated at 15% of the gross operating expenditure (excluding CCTV)
2. It is assumed that the current responsibilities of the existing Charter Trustees will be afforded from within the overall budget envelope shown above
3. The estimates are for based on full year budgets. The actual budget requirement will depend on the date of transfer if that is not 1 April
4. Floral Displays - includes: baskets, troughs, planters/tubs and hay mangers (ie transportable features)

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## 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 Macclesfield 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 £575,640.

#### **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  
**CHESHIRE 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
Allotments	8 May 2015
Weston Community Centre	1 October 2015
Public Conveniences	1 October 2015

## **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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## **CHESHIRE EAST COUNCIL**

### **Constitution Committee**

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<b>Date of Meeting:</b>	29 <sup>th</sup> January 2015
<b>Report of:</b>	Head of Governance and Democratic Services
<b>Subject/Title:</b>	Calendar of Meetings for 2015-16

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#### **1.0 Report Summary**

- 1.1 This report includes a draft Calendar of Meetings for Cheshire East Council for 2015-2016.
- 1.2 The Committee is invited to recommend the draft calendar to Council for approval.

#### **2.0 Recommendation**

- 2.1 That the draft Calendar of Public Meetings for Cheshire East Council 2015 - 2016 be recommended to Council for approval.

#### **3.0 Reasons for Recommendations**

- 3.1 The Council is required to give public notice of its meetings in order to fulfil its legal obligations under the Access to Information Rules set out in the Constitution and to meet its obligations under the Local Government Act 1972. The Calendar will assist the Council in meeting these requirements.

#### **4.0 Wards Affected**

- 4.1 All Wards

#### **5.0 Local Ward Members**

- 5.1 All Ward Members

#### **6.0 Policy Implications**

- 6.1 None identified.

#### **7.0 Financial Implications**

- 7.1 None identified.

## **8.0 Legal Implications**

- 8.1 There are no specific legal implications other than those identified in the main body of the report.

## **9.0 Risk Management**

- 9.1 A published calendar of meetings enables effective business planning and decision making procedures.

## **10.0 Background and Options**

- 10.1 As set out in its Constitution (Part 4 – Council Procedure Rule 1) the Borough Council is required to decide when its meetings will take place and these will be contained in a calendar of meetings.

It is for full Council to approve the calendar.

- 10.2 Under Part 3 of the Constitution, the Constitution Committee is responsible for:

“overseeing, monitoring, co-ordinating and implementing the Council’s administrative and political business, including....administrative arrangements for ....the Council and other meetings.”

### **10.3 Calendar**

Attached at Appendix 1 is a timetable of meetings for 2015-16.

### **10.4 Scheduling of Meetings**

The recommended frequency of meetings largely follows the pattern previously adopted. As far as possible, only one Committee per day has been scheduled and meetings of each Committee have been scheduled on the same weekday. Where possible Fridays have been avoided for Committee meetings; these are generally used for Member development sessions as and when required.

Scheduling of meetings has taken into account the business planning/performance reporting cycles.

Certain categories of meetings which do not form part of the formal decision-making process will be omitted from the public calendar but will be added to the Members’ diary for convenience. These include Member development sessions and meetings of the Cheshire Fire Authority and Cheshire Police and Crime Panel.

August has been retained for recess except for Cabinet and Planning Meetings.



#### 10.5 Consultation

The calendar of meetings has been circulated to the following:

- Corporate Management Team
- Cabinet
- Committee Chairmen
- Group Leaders
- Group Whips

Few responses have been received from the consultees. These are very briefly summarised as follows:

- No evening meetings have been scheduled
- A view that there would be no need to follow the 2014/15 pattern of frequent overview and scrutiny meetings
- Query over the Council start time and whether this should revert to the former pattern of evening meetings during summer, with afternoon meetings taking place in the winter
- Request not to have Cabinet and Council in same week.

#### 10.6 Council

Meetings of full Council are scheduled as follows:

11 am – Annual Council (normally at Tatton Park)  
2.00 pm - Summer months  
10.00 am – Winter months

#### 10.7 Overview and Scrutiny Committees

Whilst there will be informal introductory meetings in June of the new municipal year, meetings of Overview and Scrutiny Committees have been scheduled to meet on a bi-monthly basis. If there is a specific need for additional meetings, these can be dealt with under existing arrangements.

#### 10.8 Cabinet Meetings:

Cabinet meetings have been scheduled monthly on the second Tuesday of each month and will take place in the Committee Suite at Westfields to enable the meetings to be webcast. Other venues do not have the requisite ICT connectivity.

#### 10.9 Portfolio Holder Meetings

Portfolio Holder meetings have not been scheduled into specific dates, but for ease Committee Suite 1+2 at Westfields has been reserved on Monday mornings between 9 am and 1.00 pm to allow them to take place when required. However, meetings will be arranged at the most appropriate venue, following consultation with Portfolio Holders.

10.10 Planning Committees

Strategic Planning Board, Northern Planning Committee and Southern Planning Committee are scheduled on a four weekly cycle of meetings on Wednesday; with any site visits taking place the Friday before the meeting.

The Strategic Planning Board will commence at 10.30 am, with the Northern Planning Committee at 2.00 pm and Southern Planning Committee commencing at 1.00 pm.

10.11 Sub-Committees

Dates have been included for meetings of the General Licensing Sub Committee and Licencing Act Sub Committee but there may be a need for additional meetings of these Sub Committees which will be arranged as required. There are also a number of other Sub Committees and other bodies which meet on an ad-hoc basis and are therefore not included in the calendar.

10.12 Audit and Governance Committee and Constitution Committee

In line with expected business for 2015/16, these meetings have been scheduled to take place on a quarterly basis. Provision exists for additional meetings to be called if needed.

10.13 Subject to additional recommendations which Members may wish to make, the Committee is asked to refer the calendar to Council at its meeting to be held on 26 February 2015.

**11.0 Access to Information**

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

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## Calendar of Meetings 2015-16

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Council (Thursday)	27		23			22		17		25			18
<b>Cabinet Bodies</b>													
Cabinet (Tuesday 2 pm)		9	14	11	8	13	10	8	12	9	8	12	10
Portfolio Holders (Monday am)	Monday mornings have been identified as an option for Portfolio Holder meetings but notice will be given as and when these meetings are arranged												
Shared Services Joint (Friday, Winsford)			24		25		27		22		18		27
<b>Corporate Bodies</b>													
Constitution Committee (Thursday 2 pm)		18			17		26			18			
Audit and Governance Committee (Thursday 2 pm)		25			24			10			17		
Staffing Committee (Thursday 2 pm)			16			15			14			21	Page 49
Appeals Sub Committee (Tue 2 pm)		30	28		1	6	3	1	5	2	1	5	
<b>Regulatory Bodies</b>													
Licensing Committee (Monday 2 pm)		8			7		16		11		7		
Licensing Act or General Licensing Sub Committee			6, 13		10, 29	1, 5, 12	2,9,12	18		1,8	10	11,18	
Public Rights of Way Committee (Monday 2 pm)		15			14			7			14		
Strategic Planning Board (Wednesday 10.30 am)		3	1, 29	26	23	21	18	16	27	24	23	20	

## Calendar of Meetings 2015-16

COMMITTEE	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY
Southern Planning (Wednesday 1 pm)		10	8	5	2, 30	28	25		6	3	2, 30	27	
Northern Planning (Wednesday 2 pm)		17	15	12	9	7	4	2	13	10	9	6	4
<b>Overview and Scrutiny Bodies</b>													
Corporate (Thu 2.00 pm)			9		3		5			4		7	
Health and Adults in the Community (Thursday 10 am)			9		3		5		14		3		
Communities (Thursday 10.30 am)			16		24		19		21		17		
New Delivery Vehicles and Environment (Thu 10.30 am)			30		17		26		28		24		
Children, Families and Adult Safeguarding (Mon 2 pm)			27		28		30		25			4	
Jobs, Regeneration and Assets (Mon 2 pm)			20		21		23		18		21		
<b>Others</b>													
Health and Wellbeing Board (Tuesday 2 pm)		16		25	15		24		26		15		
Local Authority School Governor Appointments Panel (Friday 10.30 am)		5				23				5			
Member Induction and Training Sessions	11 to 29	11 19	2, 17		11, 16	9, 14	11	4	20	12	11, 16		

## CHESHIRE EAST COUNCIL

### Constitution Committee

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<b>Date of Meeting:</b>	29 <sup>th</sup> January 2015
<b>Report of:</b>	Tracey Bettaney
<b>Subject/Title:</b>	Antisocial Behaviour, Crime and Policing Act 2014
<b>Portfolio Holder:</b>	Cllr Les Gilbert, Localism and Enforcement

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#### **1.0 Report Summary**

- 1.1 This report provides a summary of the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and details proposed amendments to the scheme of Delegation of Functions within the Council's Constitution to enable enforcement powers under the Act to be exercised.

#### **2.0 Recommendations**

- 2.1 To note the update on the Anti-social Behaviour, Crime and Policing Act 2014 as set out in this report.
- 2.3 That Constitution Committee approve the proposed changes to the Council's Scheme of Delegation of Functions to officers within the Constitution as set out in Appendix 2 of this report.

#### **3.0 Reasons for Recommendations**

- 3.1 To ensure the effective implementation of the Anti-social Behaviour, Crime and Policing Act 2014.

#### **4.0 Wards Affected**

- 4.1 All Wards

#### **5.0 Local Ward Members**

- 5.1 All Ward Members

#### **6.0 Policy Implications**

- 6.1 The Antisocial Behaviour, Police and Crime Act will be incorporated into the ongoing update of the Cheshire East Enforcement Policy as appropriate.

- 6.2 Where necessary existing protocols and procedures currently used to deal with Anti-Social Behaviour will be updated in line with the new legislative requirements.

## **7.0 Implications for Rural Communities**

- 7.1 There are no specific implications for rural communities; the legislation will be implemented across the whole of Cheshire East.

## **8.0 Financial Implications**

- 8.1 It is anticipated that the discharge of powers and duties that the Act provides will be met by existing staff and currently approved budgets in the short term; for example additional costs of Fixed Penalty Notices, relevant signage etc. At the current time it is not known the level demand that will be placed on the various services through the implementation of the legislation and this will be subject to review over the coming months.

## **9.0 Legal Implications**

- 9.1 The legal implications are set out in the report.

## **10.0 Risk Management**

- 10.1 Failure to implement these amendments will result in delays to implementation locally of a number of provisions within the Act related to anti-social behaviour. This could have negative implications for quality of life and community safety and could leave the Authority open to criticism.

## **11.0 Background and Options**

- 11.1 The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13<sup>th</sup> March 2014. It aims to put victims at the heart of the response to anti-social behaviour and give practitioners greater flexibility to deal with issues as they arise. Other measures in the Act relate to dangerous dogs, forced marriages and firearms and policing standards in England and Wales. Statutory guidance for front line professionals was provided by the Home Office in July 2014.
- 11.2 The Act seeks to rationalise the previous suite of tools and powers to tackle anti-social behaviour, by reducing them from 19 previous remedies to six; this transition is set out in Appendix. 1. The provisions in relation to anti-social behaviour came into force on the 20<sup>th</sup> October 2014, apart from the Civil Injunction element where it is expected that an announcement will be made in January 2015.
- 11.3 The effect of these changes is to focus on the impact of the behaviour on the victim rather than on the nature of the behaviour e.g. Litter

Clearing Notices and Graffiti/Defacement Removal Notices being replaced by Community Protection Notices which do not relate to specific types of behaviour but are focussed on the impact on the local community's quality of life.

- 11.4 Whilst the government has sought to reduce bureaucracy by minimising the requirements for consultation, there is a need at a local level to ensure that action is co-ordinated across services and agencies and information and intelligence shared to reduce duplication, ensure the most effective action is taken at a time of decreasing resources and see that victims receive a swift and effective response. As such, consultation is taking place with a range of relevant Council services and partner agencies and organisations in relation to the local implementation and operation of this legislation. Through this consultation process a multi-agency operational handbook (protocol) for practitioners is being developed, which will seek to set out agreed standards for local liaison in relation to the use of the six new powers, levels of authorisation and sharing of information. This includes the identification of Council officers that require authorisation/designation by the Council to execute these powers.
- 11.5 The Scheme of Delegations of Functions to Officers within the Council's Constitution therefore requires amendment to ensure that Cheshire East Council can properly seek to utilise all of the powers and duties conferred by the Act.

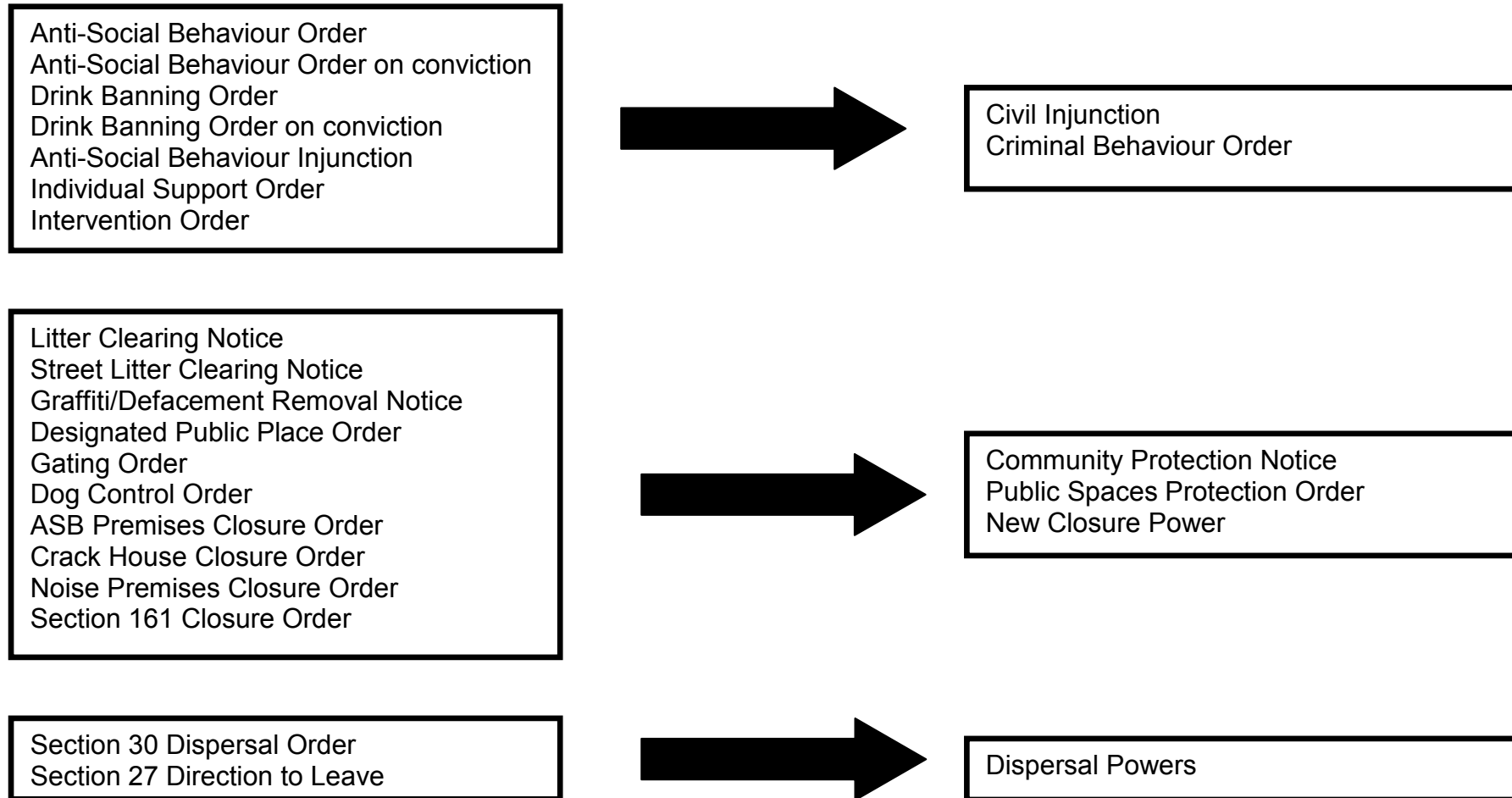
## **12.0 Access to Information**

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

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**Anti-Social Behaviour, Crime & Policing Act 2014: The new toolkit**

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**Appendix 2**

**Schedule of Amendments to the Constitution**

In the Appendix under the heading “In respect of regulatory functions (trading standards and environmental health) (paragraph 7.25)” add “Antisocial Behaviour, Crime and Policing Act 2014”

At paragraph 3.1 after the words “public health” add “and to be responsible for taking effective action to minimise antisocial civil and criminal behaviour.”

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## CHESHIRE EAST COUNCIL

### Constitution Committee

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**Date of Meeting:** 29<sup>th</sup> January 2015  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Members Independent Remuneration Panel

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#### 1.0 Report Summary

- 1.1 This report asks the Committee to endorse proposed arrangements for the advertisement for, and appointment of, the new Members Allowances Independent Remuneration Panel.

#### 2.0 Recommendation

- 2.1 The Committee is asked to agree:
- That a Members Allowances Independent Remuneration Panel be established to consist of 3 Members, with a four year term of office;
  - That the Council seeks to recruit at least one Panel member with experience of the workings of local government (such as a former local government officer, a person with past experience of being a panel member for another authority, or an individual with particular expertise), with expressions of interest also to be sought from the private and voluntary sector;
  - That appointment of the Panel Members be made by the Constitution Committee (upon the recommendation of the Head of Governance and Democratic Services);
  - That the Chairman of the Panel be appointed by the Constitution Committee;
  - That the Council establish a robust, streamlined and transparent process for the operation of the Members Allowances Independent Remuneration Panel;
  - That consideration be given to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index which could be applied for a period of up to four years;

- That Panel members be recompensed for expenses, as per past practice;
- That an allowance be paid to the Chairman of the Panel (on the basis that work load is expected to be no more than 3-4 days, within the four year term of office) at an appropriate rate, to be determined by the Head of Governance and Democratic Services, based upon that paid by comparator local authorities.

### **3.0 Reasons for Recommendations**

- 3.1 With regard to the number of Panel members, it is suggested that no more than three members need to be appointed and that the term of office should be four years from the date of appointment.
- 3.2 The report recommends that the Council seeks to recruit at least one Panel member with experience of the workings of local government. This could be a former local government officer, a person with past experience of being a Panel member for another authority, or an individual with particular expertise. Expressions of interest could also be sought from the private and voluntary sectors.
- 3.3 It is suggested that the appointment of the Panel Members, and the appointment of the Chairman of the Panel be made by the Constitution Committee (upon the recommendation of the Head of Governance and Democratic Services). This will avoid any potential difficulties which could be caused by the Panel itself being required to appoint its own Chairman.
- 3.4 The report recommends that a robust, streamlined and transparent process should be adopted for the operation of the Independent Remuneration Panel. A comprehensive and far reaching review has recently been implemented, and will apply to the 2015/16 Scheme of Allowances. There is no necessity for a report of the Independent Remuneration Panel to be produced on an annual basis. In order to achieve this, consideration could be given to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index. Where the only change made to a scheme in any year is that effected by an annual adjustment, the scheme shall not be deemed to be amended and, therefore, in those cases does not need to be reviewed/agreed by Full Council. An index can be applied for a period of up to four years. This option would need to be considered by the Independent Remuneration Panel.
- 3.5 The authority can determine expenses and allowances to be paid to Independent Remuneration Panel members. The work of a Panel would not normally be expected to be more than 3-4 days work within their four year term of appointment. Past practice has been to recompense Panel members for expenses incurred and it is recommended that this practice continues. Duties of the Chairman extend, beyond attending meetings, to writing and presenting the Panel's report to the Council. In order to appropriately

recompense this additional activity and responsibility, and to ensure that the right calibre of person is attracted to the role, it is recommended that an allowance be made payable to the Chairman. Having compared the practice of other local authorities who have adopted this approach, an allowance of £500 per day is suggested (on the basis that that work load is expected to be no more than 3-4 days, within the four year term of office).

**4.0 Wards Affected**

4.1 None

**5.0 Local Ward Members**

5.1 None

**6.0 Policy Implications**

6.1 None

**7.0 Financial Implications**

7.1 The authority will be required to meet the cost of Panel expenses and the Chairman's Allowance. This will be met from existing budget provision.

**8.0 Legal Implications**

8.1 The Members Allowances Regulations 2003 require that a Members Allowances Independent Remuneration Panel is established and maintained.

**9.0 Risk Management**

9.1 No risks have been identified.

**10.0 Background and Options**

10.1 The Members Allowances Regulations 2003 require that a Members Allowances Independent Remuneration Panel is established and maintained.

10.2 Before an authority makes or amends a scheme of allowances (before the beginning of each year), the authority must have regard to the recommendations made by the Independent Remuneration Panel.

10.3 The scheme of Members Allowances covers the payment of basic allowance, special responsibility allowance, dependent carer's allowance, travel and subsistence allowance and co-optees allowance.

10.4 The existing Members Allowances Independent Remuneration Panel Members retire in February 2015. Five members were originally appointed for a 4 year term of office in 2009.

- 10.5 The Regulations provide that a Members Allowances Independent Remuneration Panel shall consist of at least three members (none of whom is a member of the local authority; committee or sub committee of the authority; or is disqualified from becoming a member).

**11.0 Access to Information**

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

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