

# Community Governance Review Sub-Committee Agenda

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**Date:** Tuesday, 9th December, 2014  
**Time:** 10.00 am  
**Venue:** The Tatton Room - Town Hall, Macclesfield SK10 1EA

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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 - 4)**

To approve the minutes of the meeting held on 7 October 2014 as a correct record.

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

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5. **Macclesfield Community Governance Review Implementation Timetable** (Pages 5 - 6)

To consider and agree a suggested timeline for the key decisions required; and also the dates of meetings of the Sub-Committee in January, February and March 2015.

6. **Transfer of Property Rights and Liabilities and the Calculation of Budget Requirement**

A Re-Organisation Order would be required to bring any arrangements for a new Parish Council into effect.

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

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

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

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

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

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Community Governance Review Sub-Committee**  
held on Tuesday, 7th October, 2014 in The Tatton Room - Town Hall,  
Macclesfield SK10 1EA

**PRESENT**

Councillor D Marren (Chairman)  
Councillor P Groves (Vice-Chairman)

Councillors J Jackson, B Murphy and P Whiteley.

**Councillors in attendance:**

Councillors K Edwards, L Jeuda, D Neilson and L Smetham.

**Officers in attendance:**

Lindsey Parton – Registration Services and Business Manager  
Rose Hignett – Senior Electoral Services Officer  
Brian Reed – Head of Governance and Democratic Services  
Cherry Foreman – Democratic Services Officer

**1 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN****RESOLVED**

That Councillor D Marren be confirmed as Chairman, and Councillor P Groves as Vice-chairman, of the Community Review Sub-Committee for the 2014/15 municipal year.

**2 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor G Baxendale.

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 PUBLIC SPEAKING TIME/OPEN SESSION**

**Keith Smith**, representing Macclesfield Civic Society, said they had been disappointed in the turnout but it could be seen from the votes cast that an LSDC was not a popular choice. The majority was in favour of a parishing in some form with a single Town Council being the preferred option; this is what should be recommended to the Constitution Committee. He questioned why Macclesfield was the only area that did not have a lower tier authority of its own.

**Liz Braithwaite** supported the views expressed by Keith Smith. She referred to information on the Cheshire East website that said Town and Parish Councils were a critical part of local government infrastructure, with a significant range of

powers and duties and a key role in representing communities. 113 communities already had their own Town and Parish Councils and there was no reason why Macclesfield should be any different.

In response to a question as to why there had not been any public meetings during the consultation period she was advised that in the light of the low turnout at meetings during the stage one consultation, with approx. 114 members of the public attending, it had been felt more appropriate to use the direct mail method which ensured every household was reached.

**Roy Spoors**, of the CAB, spoke in respect of Macclesfield's position as a market town, with an influence beyond the central parishes, and he considered a wider area should have been consulted. He said that in their correspondence a number of people had made the point that they were confused about the options available and there was a question therefore regarding the way in which the information had been conveyed and whether the process had fully engaged the public.

With specific reference to the CAB he said that during the past 3 years they had lost 50% of their funding and Cheshire East Council was now its main source. However, strong partnerships had been developed with existing Town Councils, providing very positive feedback and assistance with funding, and the lack of a Town Council in Macclesfield was a problem. He did not see why it should be different to elsewhere and stressed that if there was not to be Town Council then the Sub-Committee should consider running a fresh consultation with the wider community.

In response to questions concerning publicity for the stage two consultation the Registration and Business Services Manager summarised the measures employed, which had included information on the website, public notice in the local press, leaflets distributed via the Town Centre Manager and placed in the customer centres and local libraries, notices, and assistance from the communications team.

## **5 MINUTES OF PREVIOUS MEETING**

### **RESOLVED**

That the minutes of the meeting held on 26 February 2014 be approved as a correct record.

## **6 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW**

The Sub-Committee was asked to consider the outcome and feedback received from the Macclesfield Community Governance Review consultation in order to make a recommendation to the Constitution Committee regarding the next steps of the review.

The Review had commenced in June 2013 and the report included an outline of the process followed, and the results of the stage 1 consultation, on the basis of which the second stage had been carried out on the options of either Parishing or an Enhanced Macclesfield Local Service Delivery Committee (ELSDC).

The second stage of the consultation had been carried out between 2 June and 28 July this year and a summary of the voting and the representations received was attached to the report; in total 16.15% of voting papers had been returned with an additional 35 written representations.

In discussing the outcome of the consultation it was requested that the existing Macclesfield Local Service Delivery Committee should be asked for its views. Concern was expressed, however, that this was outside their terms of reference and that the decision rested with the Constitution Committee. In the light of Officer advice it was agreed that, although this did fall outside the remit of the Macclesfield Local Service Delivery Committee, it would be very useful to seek such a view informally and for members of the Macclesfield Local Service Delivery Committee to then be invited to attend the meeting of the Constitution Committee to advise it of their views.

### **RESOLVED**

1. That the Macclesfield Local Service Delivery Committee (LSDC) be informally consulted on the outcome of the consultation of the Macclesfield Community Governance Review, and that the informal views of the LSDC be reported to the next meeting of the Constitution Committee in order to inform the decision making process.
2. That the members of the LSDC be invited to attend the next meeting of the Constitution Committee to express their view.

The meeting commenced at 10.00 am and concluded at 11.20 am

Councillor D Marren (Chairman)

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## MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - IMPLEMENTATION TIMELINE

(In the event of a decision by Council to proceed with establishing a Parish Council for Macclesfield)

	Dec-14					Jan-15					Feb-15				Mar-15					Apr-15				May-15			
WEEK COMMENCING	1	8	15	22	29	5	12	19	26	2	9	16	23	2	9	16	23	30	6	13	20	27	4	11	18	25	
CGR Sub Committee - meeting 1	9																										
Council makes Recommendations	11																										
Consultation on Recommendations																											
CGR Sub Committee - meeting 2						16*																					
Constitution Cttee - meeting 1								29																			
Publish final decision / notify statutory bodies																											
CGR Sub Committee - meeting 3																											
Constitution Cttee -2 (Special Meeting)																											
CGR Sub Committee - meeting 4																											
Re-Organisation Order Implemented																			1								
Elections																								7			
Annual Parish Meeting																											

### NOTES

- 1) CGR Sub Meeting 1 - To discuss/ agree in principle assets and functions to be transferred
- 2) CGR Sub Meeting 2 - To agree the budget requirement for new Parish Council
- 3) Constitution Committee 1 - To recommend final outcome for the Review (following close of consultation)
- 4) CGR Sub Meeting 3 - To progress transitional arrangements (e.g. interim clerk / charter trustee handover)
- 5) Constitution Committee 2 - To agree final outcome / decision for the CGR Review (assuming delegation made by Council)
- 6) CGR Sub Meeting 4 - To recommend the Re-Organisation Order
- 6) Annual Parish Meeting - To finalise transitional arrangements
- 6) Annual Parish Meeting - To determine arrangements for the Parish Council Annual Meeting
- 6) Annual Parish Meeting - To approve the Re-Organisation Order (assuming delegation made by Council)
- 6) Annual Parish Meeting - Sign off Meeting
- 6) Annual Parish Meeting - Required to take place no later than 14 days after the councillors elected take office.

**Key \*** - Date to be confirmed

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