

Community Governance Review Sub-Committee Agenda

Date: Thursday, 12th February, 2015
Time: 2.00 pm
Venue: The Tatton Room - Town Hall, Macclesfield SK10 1EA

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 16 January 2015 as a correct record.

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

Contact: Cherry Foreman
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5. Transitional Arrangements (Pages 9 - 12)

Jackie Weaver, Chief Officer, Cheshire Association of Local Councils has been invited to attend the meeting to participate in discussions on these items:

- a) To agree a process and timescale for the appointment of an Interim Parish Clerk.
- b) To agree a provisional date and draft agenda for Annual Parish Council Meeting and Parish meeting.

The Annual Meeting for the Parish Council must be convened by Cheshire East Council no later than 14 days after the Parish Councillors take office. A Parish Meeting, which is a meeting of all the electors of the Parish who are entitled to attend and vote, would then take place immediately following.

It is suggested that the meetings be held in the evening with the first commencing at 7.00 pm. Room availability for the week commencing 18 May 2015 will be reported at the meeting.

It is suggested that Parish Councillors be invited to attend a welcome briefing, at which declarations of acceptance of office can be signed and other procedural matters addressed, prior to the commencement of the meetings, at say 4.30pm.

A suggested draft agenda for both these meetings is attached for consideration.

6. Date of Next Meeting

The next meeting will be held on 1 April 2015 at 10.30am in the Council Chamber, Macclesfield.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Community Governance Review Sub-Committee**
held on Friday, 16th January, 2015 in the Council Chamber - Town Hall,
Macclesfield, SK10 1EA

PRESENT

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

Councillors G Baxendale, J Jackson, B Murphy and P Whiteley.

Councillors in attendance:

Councillors C Andrew and K Edwards.

Officers in attendance:

Chris Allman – Programme Manager, FR Organisational Capacity
Karen Bowdler – Principal Accountant
Lindsey Parton – Registration Service and Business Manager
Iolanda Puzio - Legal Team Leader (Places)
Brian Reed – Head of Governance and Democratic Services
Cherry foreman – Democratic Services Officer

13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 PUBLIC SPEAKING TIME/OPEN SESSION

Cllr K Edwards spoke in respect of the recommendations of the Macclesfield Local Service Delivery Committee (LSDC); the Chairman confirmed that these had been circulated prior to the meeting and that their recommendations would be taken into account.

Cllr C Andrew also spoke in respect of the above; she considered only the allotments should be transferred at this stage and that the new Parish Council should be able to decide itself on the assets transferred to it. In response to questions concerning the Grosvenor Centre, and the Senior Citizens Hall, Councillor J Jackson responded with further information.

Ray Perry indicated that he was aware of a group which had moved its meetings from the Senior Citizens Hall due to uncertainty about future provision; he asked if the facility would exist in the future.

Peter Nash (Macclesfield Civic Society) referred to their letter, circulated to the Sub-Committee, and to their preference for the initial precept to be set at a level that would give the new Parish council the flexibility to work and operate in the way it wished.

Liz Braithwaite had submitted a question concerning whether or not there was any Section 106 (or similar) money that should be allocated to the new Parish Council. The Legal Team Leader advised that money received from any such Agreements would go to Cheshire East Council as the Authority with which the Agreement had been made. Also such monies applied to specific infrastructure schemes and was not part of general funding.

Mick Warren had submitted a question concerning how it had been decided that the new Parish Council should comprise 12 Councillors.

The Chairman confirmed that a written answer would be provided to these last two questions.

16 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 9 December 2014 be approved as a correct record.

17 FINAL OUTCOME OF THE COMMUNITY GOVERNANCE REVIEW

The Sub-Committee noted the resolution of the Council at its meeting on 11 December 2014. Comments on the Council's recommendation had been required by 15 January; consultees from Stages 1 and 2 of the review had been notified of the consultation and there had been a press release and front page link to information on the council's website. A copy of the responses had been circulated with the agenda and a number received after it had been published were circulated at the meeting.

RESOLVED

That the Constitution Committee be recommended to approve:-

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.

18 DRAFT RE-ORGANISATION ORDER, TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES AND CALCULATION OF BUDGET REQUIREMENT

The Sub-Committee was advised that subject to the approval of the above recommendation (minute 17 refers) by the Constitution Committee at its meeting on 29 January 2015, it would then also need to approve the Reorganisation Order which would bring the arrangements for a Parish Council into effect.

Articles 10 and 11 of the Reorganisation Order related to the calculation of the budget requirement and the transfer of property rights and liabilities and the Sub-Committee now, therefore, needed to determine these.

In accordance with the wishes of the last meeting of the Sub-Committee, and also of the Council, a meeting of the Macclesfield Local Service Delivery Committee (LSDC) had been convened to discuss which assets might be transferred from Cheshire East Council from the date of its inception. The minutes of the LSDC Committee meeting on 8 January 2015 had been circulated prior to the meeting.

For administrative purposes the Finance Department needed the information on precept requirements for all Parish Councils by 16 January and, therefore, a suitable figure needed to be identified to support the assets that would, or might, be transferred in order to enable the Parish Council to carry out its duties effectively. If the resulting precept ultimately turned out to be too high it could be reduced in future years, or alternatively, the unused balance retained in reserve for unforeseen circumstances.

Using the list provided by the LSDC as the basis for further consideration, and drawing on the experience of other newly established Parish Councils in the

Borough, the knowledge of local Members and advice of Officers the Sub-Committee agreed on the following: -

1. Allotments

The four allotments in the area would be automatically vested to the Parish Council. Taking into account the existing operating costs, and work it would be necessary to carry out in the early months following the transfer, it was estimated that a sum of £10,000 needed to be included in the budget provision.

2. The Senior Citizens Hall

The Sub-Committee was advised that this was included in the Macclesfield Town Centre redevelopment proposals, and it was due to be demolished and alternative facilities provided. It was agreed that it should not be included in assets to be transferred at this stage; no financial provision therefore needed to be made.

3. Weston Community Centre

It was confirmed that work had recently been carried out to improve the condition of the building. The Sub-Committee agreed that it should be transferred and, in order to cover running costs and future contingencies, it was estimated that financial provision of £20,000 should be made.

4. Markets

Members were concerned that a number of complicated human resource matters still needed to be resolved and it was, therefore, considered that transfer should not be included at this stage although it was supported in principle. As the markets operated at a profit it was not considered necessary to make financial provision for their future management.

5. Public Conveniences

Members were advised that in accordance with the decision of the Cabinet at its meeting on 5 September 2011 (minute 49 refers) these would be closed if the Parish Council did not take them on as part of its responsibilities. Following transfer the Parish Council itself could decide on their future. It was estimated that financial provision of £50,000 needed to be made for the costs that would be incurred.

6. Town Centre Management

It was estimated that financial provision of £59,000 should be allowed and agreed that this service should be transferred to the Parish Council.

7. Christmas lights

It was estimated that financial provision of £45,000 should be allowed and agreed that this service should be transferred to the Parish Council.

8. Street furniture

It was estimated that financial provision of £1,270 should be allowed and agreed that this asset should be transferred to the Parish Council.

9. Floral displays

It was estimated that financial provision of £10,000 should be allowed and that responsibility for the provision of floral displays should pass to the Parish Council.

10. CCTV

It was estimated that financial provision of £31,450 should be allowed and that responsibility for CCTV should be transferred to the Parish Council

11. Visitor Information Centre

The Sub-Committee considered Macclesfield to be a strategic centre and that the Visitor Information Centre dealt with the needs and requirements of the wider Cheshire East community. For this reason it did not consider this should transfer to become the responsibility of the Parish Council.

12. Grant applications

In considering the amount of money available for awarding by other Town Councils, it was estimated that financial provision of £80,000 should be allowed for the provision of grants, and that their administration should transfer to the Parish Council.

13. Support and administrative costs

Consideration was given to the financial provision needed to support a Town Clerk, Deputy Town Clerk and Secretary for the Parish Council; this included staff oncosts and office accommodation. It was estimated that a sum of £137,580 should be allowed.

14. The receipt of rental income from the Wilson Bowdon Town Centre Redevelopment

The LSDC had asked for advice to be given to the Sub-Committee on if this was feasible and particular reference was now made to income from car parking provision. The Legal Team Leader reported that whilst she was not familiar with the existing contracts it would not be possible for them to be changed at this stage. No further consideration was, therefore given to this suggestion.

15. Transfer of the freehold of Macclesfield Town Hall

The LSDC had asked for advice to be given to the Sub-Committee on whether this could be transferred to the Parish Council with office accommodation being leased back to Cheshire East Council. Members were advised that this would be inconsistent with what had happened in other newly established Parishes; in addition it would be far too onerous a responsibility for a new Council. It was therefore agreed that this should not be transferred to the Parish Council.

16. The transfer of car parking provision and income

The Sub-Committee did not agree that this should be transferred.

17. Contingency

In line with past experience, and knowledge of the amounts allocated elsewhere, it was estimated that £100,000 should be allowed.

18. Parish Council office accommodation

The LSDC asked for the Parish Council to have occupational rights to the Council Chamber, Mayor's Parlour and office accommodation within Macclesfield Town Hall. Members were advised that in line with the arrangements agreed elsewhere in the Borough it would not be possible for this to be allowed but that the hiring of room facilities would not be denied. The Chairman indicated that he would bring this to the attention of the Cabinet.

Having completed its assessment of assets and services to be transferred, and of the budget required, it was reported that the total amounted to £575,640, which would lead to a precept of £32.98 being raised.

The Sub-Committee was informed that Schedule 2 (Article 11) of the draft Reorganisation Order (Land and property to be transferred) required that the date be given by when such transfers needed to have taken place. It was agreed that this should be 6 months from the date on which the Parish Council was created, in order to allow time for the newly appointed Clerk and Deputy Town Clerk to be appointed; that date would, therefore be 1 October 2015 and would apply to the transfer of Weston Community Centre and the public conveniences. As allotments were automatically vested in the Parish Council the date for their transfer would be immediate.

RESOLVED

That the Constitution Committee be recommended to approve: -

1. That all allotment sites within the relevant area be transferred to Macclesfield Parish Council with effect from 8 May 2015.
2. That Weston Community Centre be transferred to Macclesfield Parish Council with effect from 1 October 2015.
3. That the Public Conveniences be transferred to Macclesfield Parish Council with effect from 1 October 2015.
4. That a budget sum of £575,640 be included in the Reorganisation Order for the Parish Councils first year of operation comprising the following:

i. Administrative costs*	£137,580
ii. Allotments	£10,000
iii. Weston Community Centre	£20,000
iv. Public Conveniences	£50,000
v. Town Centre Management	£59,000
vi. Christmas Lights	£45,000
vii. Street Furniture	£1,270
viii. Floral Displays	£10,000
ix. CCTV	£31,450
x. Grants	£80,000
xi. Contingency	£100,000
xii.	<i>*Plus management and support costs of 15% of gross operating expenditure, excluding CCTV</i>

19 TRANSITIONAL ARRANGEMENTS

It was reported that, in accordance with Part 3 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008, the Macclesfield Charter Trustees would be dissolved on the date on which the first parish councillors for the Parish came into office and that all properties, rights and liabilities would transfer; also the Annual Meeting for the Parish Council had to be convened by Cheshire East Council no later than the 14 days after the parish councillors took

office. A proposed draft agenda for that meeting would be considered at the next meeting of the Sub-Committee.

Members asked for advice concerning the appointment of an Interim Town Clerk. The Registration and Business Manager said she would seek advice from ChALC as previously they had been very helpful in providing both advice and assistance.

RESOLVED

1. That a draft agenda for the Annual Meeting of the Parish Council be considered at the next meeting.
2. That interim appointments and administrative arrangements be further considered at the next meeting.

20 FUTURE MEETING DATES

The dates of the next meeting were noted as being on 12 February at 2.00 pm, and on 1 April at 10.30am.

The meeting commenced at 10.30 am and concluded at 12.30 pm

Councillor D Marren (Chairman)

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MACCLESFIELD PARISH COUNCIL INAUGURAL AND ANNUAL MEETING

This is the first meeting of Macclesfield Parish Council and will be conducted as the Annual Meeting of the Council.

Date

Venue

7.00 pm?

All meetings of the Council are open to the Press and Public.

Councillors are duly summoned to attend the Council Meeting to conduct the business set out below.

Signed

A handwritten signature in black ink, appearing to read "J. Reed", is written over a large, light grey, diagonal watermark that says "DRAFT".

Acting Clerk to the Council

AGENDA

1. To elect the Chairman of the Council for the forthcoming year
 - 1.1 To receive the Chairman's Declaration of Acceptance of Office
2. To consider the election of Vice-Chairman for the forthcoming year
 - 2.1 To receive the Vice-chairman's Declarations of Acceptance of Office
3. To consider in principle the re-designation of Macclesfield Parish Council as Macclesfield Town Council
4. To agree the appointment of the Council's Interim Clerk
5. In accordance with The Local Government (Parishes and Parish Councils) (England) Regulations 2008, Reg.15, to note the transfer to the Council of the following matters owned, vested in, or exercisable by the Charter Trustees for Macclesfield —
 - (i) all property of whatever description;

(ii) all rights, liabilities, contracts or other written instruments of whatever description;

(iii) any legal actions or proceedings.

6. To adopt the Cheshire East Code of Conduct
7. To adopt Standing Orders for the proper conduct of the Council
8. To set dates for a calendar of council meetings
9. To establish such committees as the council may require and to agree dates of their first meetings
 - 9.1 Finance Committee;
 - 9.2 Employment Committee or Working Group;
 - 9.3 Front line services committee.
10. To agree the process for Management of Finance and Risk including:
 - 10.1 The adoption of Financial Regulations
 - 10.2 Receipt of the draft Budget for the first year
 - 10.3 Establishment of council bank account and signatories
 - 10.4 Appointment of Responsible Financial Officer (RFO)
 - 10.5 To request the Finance Committee to consider the adoption of an accounting system
 - 10.6 To agree the procedure for securing an Internal Auditor
 - 10.7 To consider the preparation of the council's Risk Assessment
 - 10.8 To consider the appointment of the council's insurers and further to agenda item 5 to make arrangements for the custody, insurance and security of the historic and ceremonial regalia and property transferred to the parish council.
11. To consider training requirements for New Councillors
12. To Agree the Process for the Management of Staff and Office Matters including:
 - 12.1 Recruitment and Induction of permanent clerk
 - 12.2 Office accommodation and equipment
13. To Agree Membership of the Cheshire Association of Local Councils
14. To note any correspondence received
15. To consider Items for the next agenda

MACCLESFIELD ANNUAL PARISH MEETING

Date and Time

Venue

To be held at the conclusion of the Annual Parish Council meeting but not before 8.00 pm?

The meeting is open to the Press and Public

The Electors of the Parish of Macclesfield are invited to attend the Annual Parish Meeting to conduct the business set out below.

Signed



Acting Clerk to Macclesfield Parish Council

A G E N D A

To note the creation of the new Parish and to receive any views from Electors.

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