

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 19<sup>th</sup> November 2014  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Macclesfield Community Governance Review

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### 1.0 Report Summary

- 1.1 Attached to this report is the report submitted to the Community Governance Review Sub-Committee on 7 October 2014, and the minutes of that meeting.
- 1.2 In accordance with the decision of the Sub-Committee, a meeting of the Macclesfield Local Service Delivery Committee has been scheduled to take place on 12 November, and the informal views of that Committee will be sought and reported at the meeting.
- 1.3 This report
  - 1.3.1 asks the Committee to determine the next steps of the review; and
  - 1.3.2 sets out the practical considerations, should a draft recommendation be made by the Committee to full Council, to establish a Parish Council for Macclesfield.

### 2.0 Recommendations

- 2.1 Taking into account the feedback from the consultation, to determine the next steps of the Review.
- 2.2 Should the Committee's recommendation be to proceed with the establishment of a parish council for Macclesfield, then the Committee's recommendation to Council should include:
  - a) What new parish or parishes (if any) should be constituted;
  - b) The name of the new parish;
  - c) Whether the parish should have a parish council;
  - d) Whether or not the parish council should have an alternative style (e.g. community, neighbourhood, village – which enables the parish council to be called by this name – but which would preclude the parish deciding to call itself a town council in the future);
  - e) What electoral arrangements should apply – (e.g. number of councillors and warding arrangements);

- f)** That Council 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 of those matters referred to in paragraph 10.5 of this report; and
- g)** That 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 this report.

### **3.0 Reasons for Recommendations**

- 3.1 The Review has now concluded two stages of public consultation and consideration now needs to be given to the next steps of the Review.

### **4.0 Wards Affected**

- 4.1 Wards covering the unparished area of Macclesfield

### **5.0 Local Ward Members**

- 5.1 As above.

### **6.0 Policy Implications**

- 6.1 None identified.

### **7.0 Financial Implications**

- 7.1 As per the attached report to the Community Governance Review Sub-Committee on 7 October 2014.

### **8.0 Legal Implications**

- 8.1 The Local Government and Public Involvement in Health Act 2007 ('the Act') devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities.
- 8.2 The Act provides for a principal council (in this case, Cheshire East Council) to carry out a community governance review at any time, as well as providing for certain circumstances in which a review must be carried out. The Act further allows principal councils to determine the terms of reference of a community governance review.
- 8.3 The Act requires consultation with local government electors in the area under review and others whom appear to the principal council to have an interest in the review.

8.4 Statutory Guidance is available on community governance reviews and must be followed by principal councils.

8.5 Consultation has been undertaken in respect of this proposal. The general principles that must be followed when consulting are well established:

- The consultation must be at a time when proposals are still at a formative stage.
- Consultation documents must give sufficient reasons for any proposal to enable intelligent consideration and response.
- Adequate time must be given for consideration and response.
- The product of consultation must be conscientiously taken into account in finalising any proposals

8.6 Whilst the Committee will only make recommendations and is therefore not the decision maker it is nevertheless important that the Committee is aware of the consultation results and takes them into account when considering this matter.

## **9.0 Risk Management**

9.1 As per the attached report to the Community Governance Review Sub-Committee on 7 October 2014.

## **10.0 Background and Options**

### **10.1 Legal Duties**

The Local Government and Public Involvement in Health Act 2007 places duties upon the Council with regard to the next stages of the Community Governance Review as follows:

- a) The Council must make recommendations;
- b) The recommendations must be published;
- c) The Council must take sufficient steps to ensure that persons interested are informed of those recommendations;
- d) The final decision must be published.

### **10.2 The Next Steps**

Following the consultation exercise, the Committee must now decide how the Community Governance Review should proceed. In order to do this, the product of the consultation exercise must be fully considered (see attached report to the Community Governance Review Sub-Committee on 7 October 2014). Whilst various options are open to the Committee, in terms of its recommendations, this report provides details of the steps which would be required to be taken should the Council decide to create a parish council for Macclesfield.

**10.3 If the Council decides to create a Parish Council for Macclesfield, the “recommendations” must include:**

- e) What new parish or parishes (if any) should be constituted;
- f) The name of the new parish;
- g) Whether the parish should have a parish council;
- h) Whether or not the parish council should have an alternative style (e.g. community, neighbourhood, village – this would enable the parish council to be called by this name – but would preclude the parish deciding to call itself a town council in the future).
- i) What electoral arrangements should apply – (e.g. number of councillors and warding arrangements).

**10.4 The Final Decision**

Having published / informed interested persons of the Council’s draft recommendations, the Council must then decide to what extent to give effect to the recommendations. The final decision is then made and published, and the Secretary of State and Electoral Commission informed.

**10.5 The Reorganisation Order**

A Reorganisation Order is required to bring the arrangements into effect. This is a sealed legal document. A Reorganisation Order comes into effect on 1 April in any year that it is made and includes:

- a) The date of effect – i.e. 1 April 2015;
- b) The date of the first elections and elections thereafter;
- c) The term of office of the Councillors;
- d) A map of the area;
- e) The name of the parish (which cannot be called a “Town” at this stage);
- f) The wards of the parish – and the Councillors to be elected for each ward;
- g) Provision for the annual meeting to be convened;
- h) The calculation of budget requirement for the first year;
- i) The transfer of property, rights and liabilities

**10.6 Options for the number of Parish Councillors**

In reaching a decision on the number of Councillors, the Council needs to ensure electoral equality. The best way to achieve this is to use the existing Borough Wards and ward boundaries. The following suggests the way in which this could be done:

Broken Cross and Upton	- 2 Borough Members	(6932 electors)
Macclesfield Central	- 2 Borough Members	(6529 electors)
Macclesfield East	- 1 Borough Member	(3582 electors)
Macclesfield Hurdsfield	- 1 Borough Member	(3487 electors)
Macclesfield South	- 2 Borough Members	(5891 electors)
Macclesfield Tytherington	- 2 Borough Members	(7149 electors)
Macclesfield West and Ivy	- 2 Borough Members	(6355 electors)

By using the Borough wards as the building blocks for a parish council, one option would be for the parish council to comprise the above wards with a total of 12 Members. An alternative option would be to multiply the number of members for each of the wards by two giving a total of 24 members.

### **10.7 Arrangements for Elections**

A date for the election of parish councillors would need to be included in the Reorganisation Order. If a decision is made for elections to be held on 7 May 2015, then the term of office for all councillors would be 4 years; and elections for all seats will then be held on the ordinary date for parish elections every four years thereafter;

Should a date later than 7 May 2015 be determined, then the term of office of the parish councillors would be curtailed to co-incide with the ordinary day of election in four year's time.

If elections were held on 7 May 2015, the cost of the elections would be absorbed by Cheshire East Council. If elections were held at later date, then the budget provision for the first year of operation (which must be specified in the Reorganisation Order) would need to be calculated to reflect this cost.

### **10.8 Practical Considerations for the decision making process**

- The Council is required to agree the draft recommendations and then the final decision (which is a function of the full council, unless delegated powers are given) ;
- Decisions are needed by the Committee to determine the detail to be included in the draft recommendation (as outlined in paragraph 10.2 above)
- To bring the Reorganisation Order into effect on 1 April 2015 – the final decision needs to be made by the end of February to co-incide with the budget setting process. There is a scheduled Council meeting on 26 February 2015. Alternatively the full council could determine to grant

delegated powers for the final decision to be made by the Constitution Committee.

- Further work will be urgently required by the Community Governance Review Sub-Committee, to recommend assets to be transferred, and to determine the budget requirement for the first year of operation (both of which must be detailed in the Reorganisation Order).

## 10.9 Draft Timetable

A suggested timescale (to accommodate a Reorganisation Order being made on 1 April 2015) and which would enable elections to be held on 7 May 2015 is set out below:

Meeting	Date	Decision Required / Action
Constitution Committee	19 November 2014	<p>To make a recommendation to Council, which includes:</p> <ul style="list-style-type: none"><li>a) What new parish should be constituted;</li><li>b) The name of the new parish;</li><li>c) Whether the parish should have a parish council;</li><li>d) Whether or not the parish council should have an alternative style (e.g. community, neighbourhood, village – which enables the parish council to be called by this name – but precludes the parish deciding to call itself a town council in the future).</li><li>e) What electoral arrangements should apply – (e.g. number of councillors and warding arrangements).</li></ul>

Meeting	Date	Decision Required / Action
Council	11 December 2014	Council makes recommendation (as legally defined) and delegates power to the Constitution Committee in respect of the final decision
	December / January 2015	Legal requirement fulfilled to publish the recommendation and to notify those with an interest in the review
	December / January 2015	Work proceeds (via the Community Governance Review Sub-Committee) – to recommend assets to be transferred, and to determine the budget requirement for the first year of operation (both of which must be detailed in the Reorganisation Order).
	Early February 2015	Draft Reorganisation Order prepared
Council / Constitution Committee	26 February 2015	Final Decision Made (Or delegated authority given by Council to the Constitution Committee for the final decision to be made)  Detail of Reorganisation Order agreed
	End February 2015	Decision Published and Secretary of State & Electoral Commission informed  Order sealed by Head of Legal Services and Borough Solicitor
	1 April 2015	Order takes effect
	7 May 2015	Elections held

## 11.0 Access to Information

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

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