

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the

## **Community Governance Review Sub-Committee**

held on Tuesday, 9th December, 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, P Whiteley and L Smetham.

### **Officers in attendance:**

Chris Allman – Corporate Project Manager

Karen Bowdler – Principal Accountant

Steph Cordon – Head of Communities

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

### **7 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor G Baxendale.

### **8 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

In response to questions submitted by **Liz Braithwaite** the Registration Service and Business Manager confirmed that:

- If a decision was made to proceed with a Parish Council for Macclesfield then the Local Service Delivery Committee would cease to exist.
- The nomination process for Parish elections would commence once the Notice of Election had been published and this was expected to be towards the end of March. The deadline for the delivery of nomination papers would be in accordance with the statutory timetable for local elections which was 4.00pm on 9 April 2015 and there was adequate time for briefing meetings for prospective candidates to be held beforehand.
- The Community Governance Review Sub-Committee and the Constitution Committee were the decision making bodies for the conduct of the Macclesfield Community Governance Review but there were opportunities for the local Ward Councillors to input their views.

**Richard Watson**, speaking on behalf of Macclesfield Civic Society, said they would be happy to assist in discussions concerning the 1<sup>st</sup> year budget for the new Council. The Society requested that consideration be given to including finance to support the work around the preparation of a Neighbourhood Plan as it would be advantageous to include it in its first years work. The Chairman responded that their comments and assistance would be most welcome.

## **10 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 7 October 2014 were approved as a correct record.

## **11 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW IMPLEMENTATION TIMETABLE**

Consideration was given to the suggested timetable for the key decisions required in order to have the necessary Administration Order in place by 1 April 2015, and also to the dates of meetings of the Sub-Committee that would be needed in the coming months; following a canvass of availability it was proposed that these should be on 16 January, 12 February and 1 April 2015.

The Head Governance and Democratic Services stressed the importance of the timescales set out and said that only by adhering to these would the process be completed in time. He explained the constitutional position with regard to the legal responsibility for the various decisions to be made and that a report was due to be considered by the Council at its meeting on 11 December 2014 asking for authority to be delegated to the Constitution Committee to make the decisions needed.

The timetable allowed time for a period of consultation, the preparation of a budget for the first year of the new Council and consideration of which assets and services should be transferred to it in the first instance. The Sub-Committee was keen that the Macclesfield Local Service Delivery Committee should be allowed to consider these matters and for their preferences to be taken into consideration by the Sub-Committee; also that the meetings should be held at a time and place that would encourage the public to attend.

Officers agreed to facilitate meetings of the Macclesfield Local Service Delivery Committee in order to ensure its Members could consider issues around the budget, assets etc. and so that its views could be taken into account by this Committee.

## **RESOLVED**

That approval be given to the timetable set out and for Sub-Committee meetings to be held on 16 January, 12 February and 1 April 2015.

That Officers agree to facilitate meetings of the Macclesfield Local Service Delivery Committee so as to ensure its Members could consider issues around the budget, assets and transfer of services and so that its views can be taken into account by this Committee.

## **12 TRANSFER OF PROPERTY RIGHTS AND LIABILITIES AND THE CALCULATION OF BUDGET REQUIREMENT**

The Registration and Business Services Manager reported that 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 had to be included within any Order. This was a sum which must not be exceeded by the Parish Council during its first year of operation and which would be used to calculate the precept requirement. In order to calculate this sum the Sub-Committee needed 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 was needed by the Sub-Committee by no later than 16 January 2015.

Within any Re-Organisation Order Schedules there needed to be described 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.

It was confirmed that the Charter Trustees would be dissolved, and that 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.

The Sub-Committee was advised that this same process had taken place for the Parish Councils established elsewhere in Cheshire East and the list of assets and services proposed for transfer was based on both legislative advice, and on specific advice from Counsel. In this instance the list suggested for potential initial transfer was as follows:

- Allotments
- Public Conveniences
- The Senior Citizens Hall
- Weston Community Centre

- Markets
- Town Centre Management Services
- Christmas Lights
- Street Furniture
- Hanging Baskets
- CCTV
- Tourist Information

It was stressed that this list could be added to in future years but in accordance with the advice received it was important not to transfer too many assets or services at this first stage as the new Council might not have the adequate expertise to properly administer them. Once established the Parish Council itself could decide on how it wanted to develop and on the transfer of any additional assets and services for which it wished to take on responsibility.

With reference to setting a precept Members were advised that Officers would prepare an initial estimate of the finance needed in time for this to be set. It was also agreed that provision be included to support 2.5 full time staff, these being a Clerk, an Assistant Clerk and a part time Mayors Secretary.

The Sub-Committee was advised that, in accordance with the earlier decision concerning the involvement of Macclesfield Local Service Delivery Committee, both the list of assets and the associated budget would be submitted to it for consideration and for its views to be reported back to the Sub-Committee.

## **RESOLVED**

1. That the following assets and services be considered for transfer to the new Council, that they be considered by the Macclesfield Local Service Committee, and that their views on this and the initial budget estimate be reported back to this Sub-Committee for further consideration.
  - Allotments
  - Public Conveniences
  - The Senior Citizens Hall
  - Weston Community Centre
  - Markets
  - Town Centre Management Services
  - Christmas Lights
  - Street Furniture
  - Hanging Baskets
  - CCTV
  - Tourist Information

2. That approval be given for the precept calculations to include an amount to support the staffing costs of 2.5 full time employees of the new Council.

The meeting commenced at 10.00 am and concluded at 11.15 am

Councillor D Marren (Chairman)