

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.