

# CHESHIRE EAST COUNCIL

## Constitution Committee

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**Date of Meeting:** 29<sup>th</sup> January 2015  
**Report of:** Head of Governance and Democratic Services  
**Subject/Title:** Macclesfield Community Governance Review – Final Outcome

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### 1.0 Report Summary

- 1.1 Council at its meeting held on 11 December 2014 agreed the recommendations for the final outcome of the Macclesfield Community Governance Review and granted delegated powers to the Constitution Committee to determine the final outcome of the Community Governance Review, including all necessary powers to make the Re-Organisation Order.

### 2.0 Recommendations

- 2.1 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.

2) That the budget sum of £575,640 be included in the Re-Organisation Order for the Parish Council's first year of operation, leading to a precept of £32.98 being raised per band D property.

3) That the budget comprise of the following net Operational costs (in addition to Administrative costs of £137,580 and Management and support costs of 15% of gross operating expenditure, excluding CCTV):

§ Allotments	£10,000
§ Weston Community Centre	£20,000
§ Public Conveniences	£50,000
§ Town Centre Management	£59,000
§ Christmas Lights	£45,000
§ Street Furniture	£1,270
§ Floral Displays	£10,000
§ CCTV	£31,450

§ Grants	£80,000
§ Contingency	£100,000

4) That the following assets be included in the Re-Organisation Order for transfer on the dates indicated:

§ Allotments	8 May 2015
§ Weston Community Centre	1 October 2015
§ Public Conveniences	1 October 2015

5) That the wording of the draft Re-Organisation Order be approved as submitted, and that the Head of Governance and Democratic Services be authorised to make any minor or consequential amendments to the Order, in consultation with the Chairman of the Committee, prior to the legal seal being affixed; and to take such other steps as may be necessary in order to give effect to the wishes of the Committee.

### **3.0 Reasons for Recommendations**

3.1 The Community Governance Review Sub Committee conducted the review in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and the Government's guidance on conducting community governance reviews.

3.2 In considering the results of the consultation and formulating recommendations, Members have ensured that the proposed community governance arrangements within the area under review are reflective of the identities and interests of the community in that area; and are effective and convenient.

3.3 Key considerations taken into account in conducting the review include:

- The impact of community governance arrangements on community cohesion
- The size, population and boundaries of local communities or parishes
- The proposed arrangements reflecting the distinctive and recognisable communities of interest with their own sense of identity
- The degree to which the proposals offer a sense of place and identify for residents
- The ability of the proposed Parish Council to deliver quality services economically and efficiently whilst providing users with a democratic voice
- The degree to which the proposed Parish Council would be viable in terms of a unit of local government providing some local services that are convenient and accessible to local people.

- 3.4 In accordance with the Government Guidance, the Review has also considered and reviewed other options for community governance (such as maintaining existing arrangements, an Enhanced Local Service Delivery Committee, multiple parish councils, Community Forums, Neighbourhood Management, Community Associations, Residents and Tenants' Associations and Community Development Trusts), and determined, following public consultation, that these did not represent better options in terms of addressing the criteria.

#### **4.0 Wards Affected**

- 4.1 Wards in the unparished area of Macclesfield.

#### **5.0 Local Ward Members**

- 5.1 As above.

#### **6.0 Policy Implications**

- 6.1 None.

#### **7.0 Financial Implications**

- 7.1 The Council has a statutory duty to conduct and meet the costs associated with undertaking the Community Governance Review.
- 7.2 For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008, a sum must be identified for inclusion in the Re-organisation Order. This is sum, for the first year of operation of the new Town Council, which cannot be exceeded.

#### **8.0 Legal Implications**

- 8.1 The Local Government Public Involvement in Health Act 2007 places duties upon the Council at various stages of the Community Governance Review. In accordance with these provisions, the final decision must be published and the Secretary of State and the Electoral Commission informed.

#### **9.0 Risk Management**

- 9.1 The Community Governance Review has been conducted with due regard to the Government's Guidance on the conduct of Community Governance Reviews.

#### **10.0 Background and Options**

- 10.1 Following the decision of Council on 11 December 2014, the public and anyone with an interest in the review was invited to make comment on the Council's recommendations by Thursday 15 January 2015 at 5pm. Consultees from Stage 1 of the Review were notified, together with those who responded to the second stage of consultation. A press release was issued after the Council meeting and

information provided on the website, with a front page link. Responses received were considered by the Community Governance Review Sub Committee on 16 January 2015 and are attached **(Appendix 1)**. Having taken the representations received into account, the Sub Committee has recommended to the Constitution Committee that Council's recommendation for the final outcome of the review be endorsed.

- 10.2 In accordance with the wishes of the last meeting of the Sub Committee and those of Council, a meeting of the Macclesfield Local Service Delivery Committee (LSDC) was convened for Thursday 8 January 2015 to discuss which assets might be transferred from Cheshire East to the proposed Macclesfield Parish Council, having regard to officer and legal advice. A copy of the Minutes of that Meeting is attached **(Appendix 2)**.
- 10.3 The Community Governance Review Sub Committee met on 16 January 2015 when the views of the Macclesfield LSDC were considered. A copy of the Minutes of that meeting is attached **(Appendix 3) (to follow)** together with the summary of the budget which was agreed at that meeting **(Appendix 4)**.
- 10.4 The Community Governance Review Sub Committee considered a draft of Re-Organisation Order and recommends to the Constitution Committee that this now be approved. A copy of the proposed Re-Organisation Order is attached **(Appendix 5)**. The Sub Committee has included within the Re-Organisation the budget requirement (Article 10) and the detail of land and Property to be transferred to the Parish Council (Article 11). It is recommended that the Head of Governance and Democratic Services be authorised to make any minor or consequential amendments, in consultation with the Chairman of the Committee, prior to the legal seal being affixed.
- 10.5 Following determination of the final outcome of the Community Governance Review by the Committee, arrangements will be made to publish the decision and to notify statutory bodies as required by the provisions of the Local Government Public Involvement in Health Act 2007.
- 10.6 The work of the Community Governance Review Sub Committee will continue over the coming weeks, in terms of making transitional arrangements required, including the convening of the Annual Parish meeting, which must be held within 14 days of the Councillors taking office.

#### 11.0 **Access to Information**

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

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