

The Cheshire West and Chester Borough Council
(Reorganisation of Community Governance)
(Davenham and Bostock) Order 2023

Made 30th March 2023

Coming into force in accordance with article 1(2)

Cheshire West and Chester Borough Council (“the Council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 15th December 2022.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the 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 now makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Davenham and Bostock) Order 2023.
- (2) Subject to paragraph (3) below, this Order shall come into force on 1st April 2023.
- (3) Article 9 shall come into force on the ordinary day of election of councillors in 2023.

Interpretation

2. In this Order—

“borough” means the borough of Cheshire West and Chester;

“clerk” means the proper officer appointed by the existing Parish Council of Davenham and the existing Parish Council of Bostock for the purposes of Part II of Schedule 12 to the Local Government Act 1972 and whose employment is transferred to the new common parish council under this Order;

“date of dissolution” means 1st April 2023;

“map” means the map marked “Davenham and Bostock” and deposited in accordance with section 96(4) of the 2007 Act;

“new common parish council” means the parish council constituted by article 6;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

- 3.** 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.

Area affected by the order

- 4.** The area affected by this Order is shown on the map.

Dissolution of the existing parish councils

- 5.** The parish councils of Davenham and Bostock shall be wound up and dissolved.

Grouping of the parishes under a common parish council

6. (1) The existing parishes of both Davenham and Bostock shall be grouped under a common parish council.
- (2) The name of the common parish council shall be "The Parish Council of Davenham and Bostock".

Alteration of parish areas

7. The area marked by black hatching shall cease to be part of the parish of Bostock and shall become part of the parish of Davenham.

Elections for the new common parish council

8. The election of all parish councillors for the common Parish Council of Davenham and Bostock shall be held on the ordinary day of election of councillors in 2023.

Number of parish councillors

9. (1) The number of councillors to be elected for the parish of Davenham shall be nine.
- (2) The number of councillors to be elected for the parish of Bostock shall be one.

Annual meeting of the common parish council

10. The annual meeting of the new common parish council in 2023 shall be convened by the clerk. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new common parish council take office.

Electoral register

11. The 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.

Transfer of Staff

12. Any person who is employed by the existing Parish Council of Davenham or the Parish Council of Bostock immediately before the date of dissolution shall be transferred on the date of dissolution on

the same terms and conditions to the employment of the new common parish council.

Transfer of property, rights and liabilities

13. The land, property, rights and liabilities of the existing Parish Council of Davenham and the Parish Council of Bostock shall transfer to the new common parish council.

Revocations

14. Any previous orders concerning the community governance of the parishes of Davenham and Bostock are revoked.

Order date

15. 1st April 2023 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

The **COMMON SEAL** of
CHESHIRE WEST AND CHESTER
BOROUGH COUNCIL was hereunto affixed
In the presence of



A handwritten signature in black ink, appearing to read 'A. M. M. M. M.', positioned below the text 'In the presence of'.

Authorised Signatory

Dated 30th March 2023

EXPLANATORY NOTE

(This note is not part of the Order)

Cheshire West and Chester Borough Council has undertaken community governance reviews of parishes within the borough of Cheshire West and Chester and has made recommendations for the reorganisation of community governance to come into effect from 1st April 2023.

The Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Davenham and Bostock) Order 2023 retains the parishes of Davenham and Bostock but groups these two parishes under a common parish council from 1st April 2023.

This Order gives effect to recommendations made in 2022 by Cheshire West and Chester Borough Council in the community governance review for the parish of Bostock to make minor amendments to the boundary and set out the number of councillors for each parish under the new common parish council.

The number of parish councillors from each parish will be required with effect from 1st April 2023.

Article 11 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 4 shows the parishes of Davenham and Bostock. It is available, at all reasonable times, at the offices of Cheshire West and Chester Borough Council.

