

The Cheshire West and Chester Borough Council  
(Reorganisation of Community Governance)  
(Delamere and Oakmere)  
Order 2015

*Made* - - - - 2015

*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 16th October 2014.

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 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) (Delamere and Oakmere) Order 2015.
- (2) Subject to paragraphs (3) and (4) below, this Order shall come into force on 1st April 2015.
- (3) Articles 11 and 12 shall come into force on the ordinary day of election of councillors in 2015.

(4) For the purposes of:

- (a) this article,
- (b) article 8 (calculation of budget requirement), and
- (c) proceedings preliminary or relating to the election of parish councillors for the parish of Delamere and Oakmere, to be held on the ordinary day of election of councillors in 2015,

this Order shall come into force on the day after that on which it is made.

## **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 Delamere for the purposes of Part II of Schedule 12 to the Local Government Act 1972 and whose employment is transferred to the parish council for the new parish under this Order;

“date of dissolution” means 1 April 2015;

“existing” means existing on the date this Order is made;

“map” means the map marked “Delamere and Oakmere Parish Map 2015” and deposited in accordance with section 96(4) of the 2007 Act;

“new parish” means the parish constituted by article 7;

“new parish council” means the parish council constituted by article 9;

“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.

### **Dissolving the existing parish councils**

5. (1) The existing Parish Council of Delamere shall be wound up and dissolved.  
(2) The existing Parish Council of Oakmere shall be wound up and dissolved.

### **Alteration of parish areas**

6. Each area marked and designated by a letter on the map and more particularly delineated on the corresponding inset map and specified in column (1) of Schedule 1 shall cease to be part of the existing parish and parish ward specified in relation to that area in column (2) and (3) of Schedule 1 and shall become part of the parish and parish ward specified in relation to that area in columns (4) and (5) of Schedule 1.

### **Amalgamation of existing parishes and constitution of new parish**

7. (1) The existing parishes of Delamere and Oakmere shall be amalgamated to constitute a new parish comprising the area edged red on the map.  
(2) The new parish shall be known as Delamere and Oakmere.  
(3) In consequence of paragraph (1), the existing parish of Delamere and the existing parish of Oakmere shall cease to exist.

### **Calculation of budget requirement**

8. 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 Delamere and Oakmere the sum of £8,020.00.

### **Parish council for the new parish**

9. (1) There shall be a parish council for the parish of Delamere and Oakmere.
- (2) The name of that council shall be “The Parish Council of Delamere and Oakmere”.

### **Elections for the new parish council**

10. The election of all parish councillors for the parish of Delamere and Oakmere shall be held on the ordinary day of election of councillors in 2015.

### **Number of parish councillors**

11. The number of councillors to be elected for the parish of Delamere and Oakmere shall be twelve.

### **Wards of the parish of Delamere and Oakmere and numbers of parish councillors**

12. (1) The parish of Delamere and Oakmere shall be divided into two wards which shall be named:
- (a) Delamere; and
  - (b) Oakmere.
- (2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by orange lines.
- (3) The number of councillors to be elected for each ward shall be six.

### **Annual meeting of parish council**

13. The annual meeting of the new parish council in 2015 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 parish council take office.

### **Electoral register**

14. 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**

15. (1) Any person who is employed by the Parish Council of Delamere immediately before the date of dissolution shall by virtue of this Order be transferred on the date of dissolution on the same terms and conditions to the employment of the new parish council
- (2) Any person who is employed by the Parish Council of Oakmere immediately before the date of dissolution shall by virtue of this Order be transferred on the date of dissolution on the same terms and conditions to the employment of the new parish council

### **Transfer of property, rights and liabilities**

16. (1) Subject to paragraphs (2) and (3) below, the land, property, rights and liabilities of the existing Parish Council of Delamere and of the existing Parish Council of Oakmere shall transfer to the new parish council.
- (2) The land, property, rights and liabilities described in Schedules 2, 4 and 6 shall transfer from the existing Parish Council of Delamere to the Parish Council of Kelsall on the date specified in column (2) of those Schedules.
- (3) The land, property, rights and liabilities described in Schedules 3 and 5 shall transfer from the existing Parish Council of Delamere

to the Parish Council of Willington on the date specified in column (2) of Schedules.

### **Transitional Provisions**

17. Until the councillors elected to the council of the new parish of Delamere and Oakmere at the elections to be held on the ordinary day of election councillors in 2015 come into office,
- (1) the Delamere ward of the new parish shall be represented by:  
Robin Ackerley, Clive George, Alan Knowles, Steve Roberts, David Rutter and Derek Wheeler; and
  - (2) the Oakmere ward of the new parish shall be represented by:  
Katherine MacVicker, Ceri Rothwell, Yvonne Billows, Anthony Overland and Alan Lewis.

### **Revocations**

18. Any previous orders concerning the community governance of the existing parishes of Delamere and Oakmere are revoked.

### **Order date**

19. 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 WEST AND CHESTER**  
**BOROUGH COUNCIL** was hereunto affixed  
In the presence of

Authorised Signatory

Dated

## SCHEDULE 1

### ALTERATION OF AREAS OF PARISHES

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
<i>Area</i>	<i>Existing parish from which omitted</i>	<i>Existing parish ward from which omitted</i>	<i>Parish to which added from 1st April 2015</i>	<i>Parish ward to which added</i>
A	Norley	Not applicable	Delamere and Oakmere	Delamere
B	Cuddington	Cuddington	Delamere and Oakmere	Oakmere
C	Oakmere	Not applicable	Cuddington	Delamere Park
D	Cuddington	Cuddington	Delamere and Oakmere	Oakmere
E	Delamere	Not applicable	Utkinton and Cotebrook	Not applicable
F	Delamere	Not applicable	Utkinton and Cotebrook	Not applicable
G	Delamere	Not applicable	Willington	Not applicable
H	Delamere	Not applicable	Kelsall	Not applicable
I	Delamere	Not applicable	Kelsall	Not applicable

## SCHEDULE 2

### LAND AND PROPERTY TO BE TRANSFERRED TO THE PARISH COUNCIL OF KELSALL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
Seats by Waste Lane Pond	1st April 2015
Noticeboard at The Yeld	1st April 2015

### SCHEDULE 3

#### LAND AND PROPERTY TO BE TRANSFERRED TO THE PARISH COUNCIL OF WILLINGTON

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
Bus Shelter at Willington Corner	1st April 2015
Noticeboard at Willington Corner	1st April 2015
BT Telephone Box	1st April 2015

### SCHEDULE 4

#### FUNDS AND BALANCES TO BE TRANSFERRED TO THE PARISH COUNCIL OF KELSALL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Funds and balances to be transferred</i>	<i>Date</i>
13% of the funds and balances belonging to the existing Parish Council of Delamere of at the close of business on 31st March 2015	1st April 2015

### SCHEDULE 5

#### FUNDS AND BALANCES TO BE TRANSFERRED TO THE PARISH COUNCIL OF WILLINGTON

<i>Column (1)</i>	<i>Column (2)</i>
<i>Funds and balances to be transferred</i>	<i>Date</i>
15% of the funds and balances belonging to the existing Parish Council of Delamere at the close of business on 31st March 2015	1st April 2015



## SCHEDULE 6

### MAINTENANCE AND RESPONSIBILITIES TO BE TRANSFERRED TO THE PARISH COUNCIL OF KELSALL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Maintenance and Responsibilities to be transferred</i>	<i>Date</i>
Maintenance of the pond at Waste Lane	1st April 2015

#### EXPLANATORY NOTE

*(This note is not part of the Order)*

Cheshire West and Chester Borough Council has undertaken community governance reviews of 161 existing 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 2015.

This Order gives effect to recommendations made by Cheshire West and Chester Borough Council in the community governance review for Delamere and Oakmere. It provides for the alteration of parish boundaries, the abolition of the Parish Council of Delamere and the Parish Council of Oakmere, the amalgamation of the existing parishes of Delamere and Oakmere to constitute the new parish of Delamere and Oakmere and the creation of a parish council for the new parish within the borough.

The parish of Delamere and Oakmere will be created with effect from 1st April 2015. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2015.

Article 10 provides for parish elections in the parish of Delamere and Oakmere in 2015. They will then continue according to the established system of parish elections every four years.

Article 11 specifies the number of parish councillors for the new parish of Delamere and Oakmere.

Article 12 establishes the names and areas of the wards of the new parish and the number of councillors for each ward.

Article 14 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 15 provides for the transfer of staff from the existing parish councils to the new parish council.

The map defined in article 2 shows the new parish of Delamere and Oakmere. It is available, together with the inset maps, at all reasonable times at the offices of Cheshire West and Chester Borough Council.