LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Burton and Duddon) Order 2015

Made 30th March *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 10th April 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) (Burton and Duddon) Order 2015.

(2) Subject to paragraphs (3) and (4) below, this Order shall come into force on 1st April 2015.

(3) Article 11 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 Duddon, 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 Duddon 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 1st April 2015;

"existing" means existing on the date this Order is made;

"map" means the map marked "Duddon 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 common parish council

5. The existing Parish Council of Duddon shall be wound up and dissolved.

Alteration of parish areas

6. The area marked and designated by the letter "A" on the map shall cease to be part of the existing parish of Duddon and shall become part of the parish of Tarvin.

Amalgamation of existing parishes and constitution of new parish

7. (1) The existing parishes of Burton and Duddon shall be amalgamated to constitute a new parish comprising the area edged red on the map.

(2) The new parish shall be known as Duddon.

(3) In consequence of paragraph (1), the existing parishes of Burton and Duddon 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 Duddon the sum of £1,762.00.

Parish council for the new parish

9. (1) There shall be a parish council for the parish of Duddon.

(2) The name of that council shall be "The Parish Council of Duddon".

Elections for the new parish council

10. The election of all parish councillors for the parish of Duddon 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 Duddon shall be five.

Warding

12. The parish of Duddon shall not be warded.

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. Any person who is employed by the existing Parish Council of Duddon 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. The land, property, rights and liabilities of the existing Parish Council of Duddon shall transfer to the new parish council.

Transitional Provisions

17. Until the councillors elected to the council of the new parish of Duddon at the elections to be held on the ordinary day of election of councillors in 2015 come into office, the new parish shall be represented by:

Geoff Goulbourne, Anthony Green, John Warburton, Clive Cummins, and Stephen Raybould.

Revocations

18. Any previous orders concerning the community governance of the existing parishes of Burton and Duddon 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 30th March 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 the parishes of Burton and Duddon. It provides for the alteration of parish boundaries, the amalgamation of the existing parishes of Burton and Duddon to constitute the new parish of Duddon and the creation of a parish council for the new parish within the borough.

The new parish of Duddon 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 Duddon 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 Duddon.

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 council to the new parish council.

The map defined in article 2 shows the new parish of Duddon. It is available, at all reasonable times, at the offices of Cheshire West and Chester Borough Council.

PRIORS HEYS CP

Moss Heyes

Weetwood Common

66

Duddon Mill

Duddon Hall

Brook Farm

Fir Tree Farm

Mill Lane

Common Lane

DUDDON CP

Duddon Heath

Duddon Common

A

A51

Eddisbury Way

Grove Farm

Willington Lane

The Moss

Warren House Farm

Duddon Old Hall

Duddon

Sch

Duddon Hodk La

Clotton Common

Tethe Bank Farm

MP

Brookhouse Farm

Yewtree Farm

Duddon Road

BURTON CP

64

Burton Hall

Burton Farm

Burton

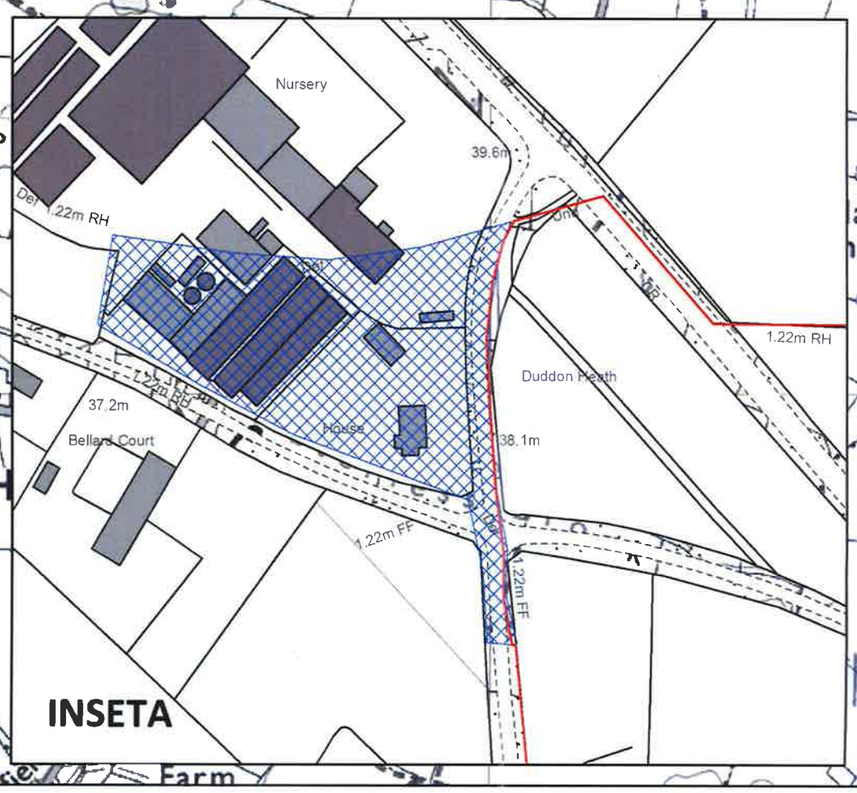
Waterless Wood

Upper Brereton Park Farm

Park Lane

The Smithy

Farm



Duddon Parish Map 2015

Duddon

Area

A

Cheshire West and Chester

Socius

Plot Scale 1:9500 @A3

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Map Ref: GW\Alison Armstrong\FinalFiles\legal_versions\A3_Duddon_insetA.mxd (10 March 2015)