LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt) 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 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) (Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt) Order 2015.

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

(3) Article 10 shall come into force on the ordinary day of election of councillors in 2015.

(4) For the purposes of:

(a) this article,

(b) article 7 (calculation of budget requirement), and

(c) proceedings preliminary or relating to the election of parish councillors for the parish of Shocklach Oviatt and District, 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 Shocklach Oviatt and District 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 "Shocklach Oviatt and District Parish Map 2015" and deposited in accordance with section 96(4) of the 2007 Act;

"new parish" means the parish constituted by article 6;

"new parish council" means the parish council constituted by article 8;

"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 group of parishes and the common parish council

5. (1) The Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt group of parishes shall be dissolved.

(2) The existing Parish Council of Shocklach Oviatt and District shall be wound up and dissolved.

Amalgamation of existing parishes and constitution of new parish

6. (1) The existing parishes of Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt shall be amalgamated to constitute a new parish comprising the area edged red on the map.

(2) The new parish shall be known as Shocklach Oviatt and District.

(3) In consequence of paragraph (1), the existing parishes of Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt shall cease to exist.

Calculation of budget requirement

7. 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 Shocklach Oviatt and District the sum of £992.00.

Parish council for the new parish

8. (1) There shall be a parish council for the parish of Shocklach Oviatt and District.

(2) The name of that council shall be "The Parish Council of Shocklach Oviatt and District".

Elections for the new parish council

9. The election of all parish councillors for the parish of Shocklach Oviatt and District shall be held on the ordinary day of election of councillors in 2015.

Number of parish councillors

10. The number of councillors to be elected for the parish of Shocklach Oviatt and District shall be six.

Warding

11. The parish of Shocklach Oviatt and District shall not be warded.

Annual meeting of parish council

12. 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

13. 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

14. Any person who is employed by the existing Parish Council of Shocklach Oviatt and District 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

15. The land, property, rights and liabilities of the existing Parish Council of Shocklach Oviatt and District shall transfer to the new parish council.

Transitional Provisions

16. Until the councillors elected to the council of the new parish of Shocklach Oviatt and District 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:

Marcus Chaloner, Alison Ball, Gemma Davies, John White and Michael Wilson.

Revocations

17. Any previous orders concerning the community governance of the existing parishes of Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt are revoked.

Order date

18. 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 Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt. It provides for the amalgamation of the existing parishes of Caldecott, Church Shocklach, Horton-by-Malpas and Shocklach Oviatt to constitute the new parish of Shocklach Oviatt and District and the creation of a parish council for the new parish within the borough.

The new parish of Shocklach Oviatt and District 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.

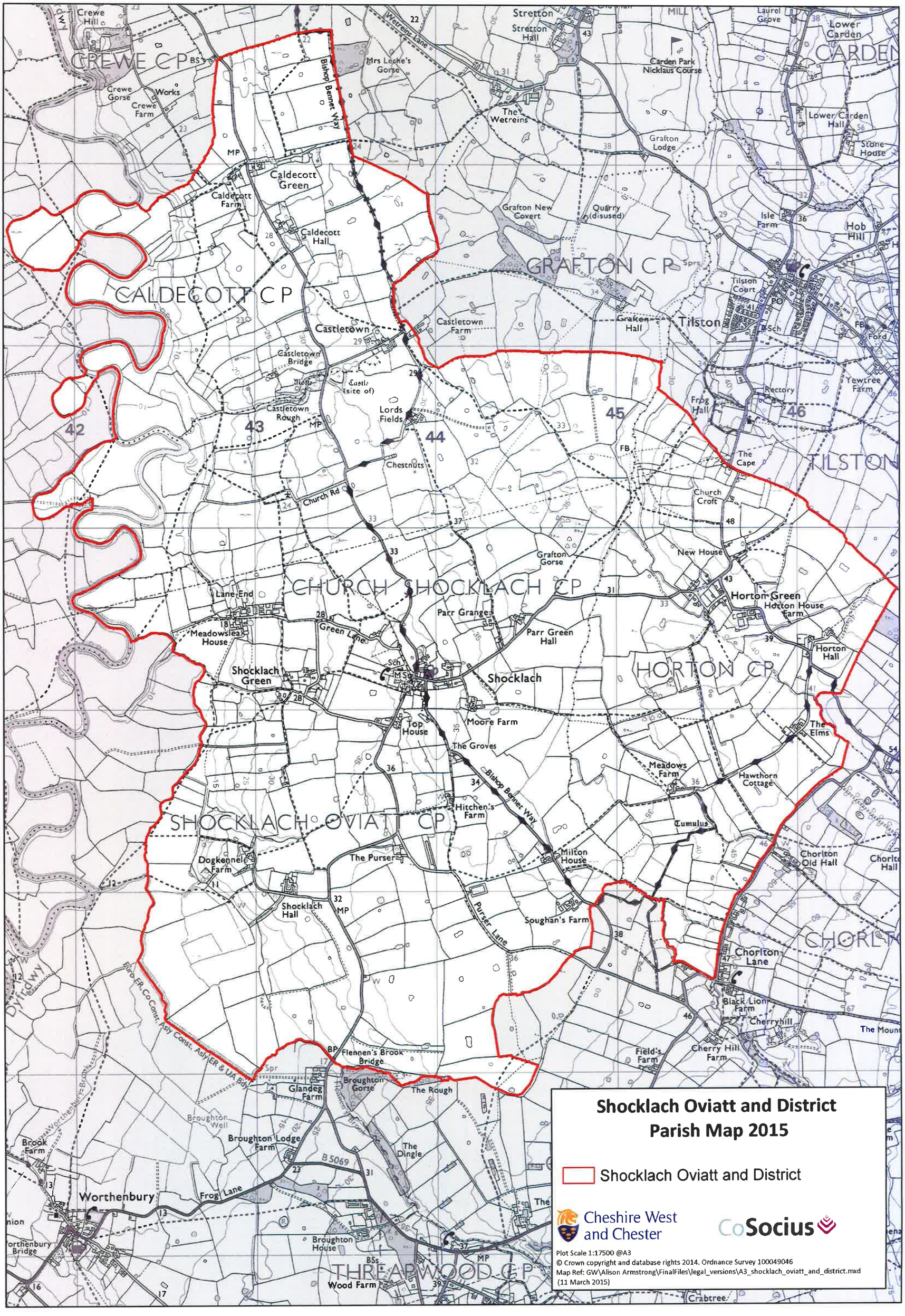
Article 9 provides for parish elections in the parish of Shocklach Oviatt and District in 2015. They will then continue according to the established system of parish elections every four years.

Article 10 specifies the number of parish councillors for the new parish of Shocklach Oviatt and District.

Article 13 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 14 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 Shocklach Oviatt and District. It is available, at all reasonable times, at the offices of Cheshire West and Chester Borough Council.



Shocklach Oviatt and District Parish Map 2015

Shocklach Oviatt and District

Cheshire West and Chester

CoSocius

Plot Scale 1:17500 @A3

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Map Ref: GW\Alison Armstrong\FinalFiles\legal_versions\A3_shocklach_oviatt_and_district.mxd (11 March 2015)