LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Cheshire West and Chester Borough Council (Reorganisation of Community Governance) (Tilstone Fearnall and Tiverton) 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) (Tilstone Fearnall and Tiverton) 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 Tiverton and Tilstone Fearnall, 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 Tiverton and Tilstone Fearnall 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 "Tiverton and Tilstone Fearnall 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 group of parishes and the common parish council

5. (1) The Tiverton and Tilstone Fearnall group of parishes shall be dissolved.

(2) The existing Parish Council of Tiverton and Tilstone Fearnall 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 specified in relation to that area in column (2) of Schedule 1 and shall become part of the parish specified in relation to that area in column (3) of Schedule 1.

Amalgamation of existing parishes and constitution of new parish

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

(2) The new parish shall be known as Tiverton and Tilstone Fearnall.

(3) In consequence of paragraph (1), the existing parishes of Tiverton and Tilstone Fearnall 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 Tiverton and Tilstone Fearnall the sum of £2,946.00.

Parish council for the new parish

9. (1) There shall be a parish council for the parish of Tiverton and Tilstone Fearnall.

(2) The name of that council shall be "The Parish Council of Tiverton and Tilstone Fearnall".

Elections for the new parish council

10. The election of all parish councillors for the parish of Tiverton and Tilstone Fearnall 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 Tiverton and Tilstone Fearnall shall be nine.

Warding

12. The parish of Tiverton and Tilstone Fearnall 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 Tiverton and Tilstone Fearnall 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 Tiverton and Tilstone Fearnall shall transfer to the new parish council.

Transitional Provisions

17. Until the councillors elected to the council of the new parish of Tiverton and Tilstone Fearnall 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:

Gordon Ibbotson, Roger Cheshire, Janice Farrall, Ann Wright, John Hocknell, Michael Turner, Raymond Mould and Bernard Byrd.

Revocations

18. Any previous orders concerning the community governance of the existing parishes of Tiverton and Tilstone Fearnall 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

SCHEDULE 1

ALTERATION OF AREAS OF PARISHES

Column (1)	*Column (2)*	*Column (3)*
Area	*Existing parish from which omitted*	*Parish to which added from 1st April 2015*
A	Tiverton	Tarporley
B	Tiverton	Tarporley
C	Tilstone Fearnall	Rushton

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 Tiverton and Tilstone Fearnall. It provides for the alteration of parish boundaries, the amalgamation of the existing parishes of Tiverton and Tilstone Fearnall to constitute the new parish of Tiverton and Tilstone Fearnall and the creation of a parish council for the new parish within the borough.

The new parish of Tiverton and Tilstone Fearnall 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.

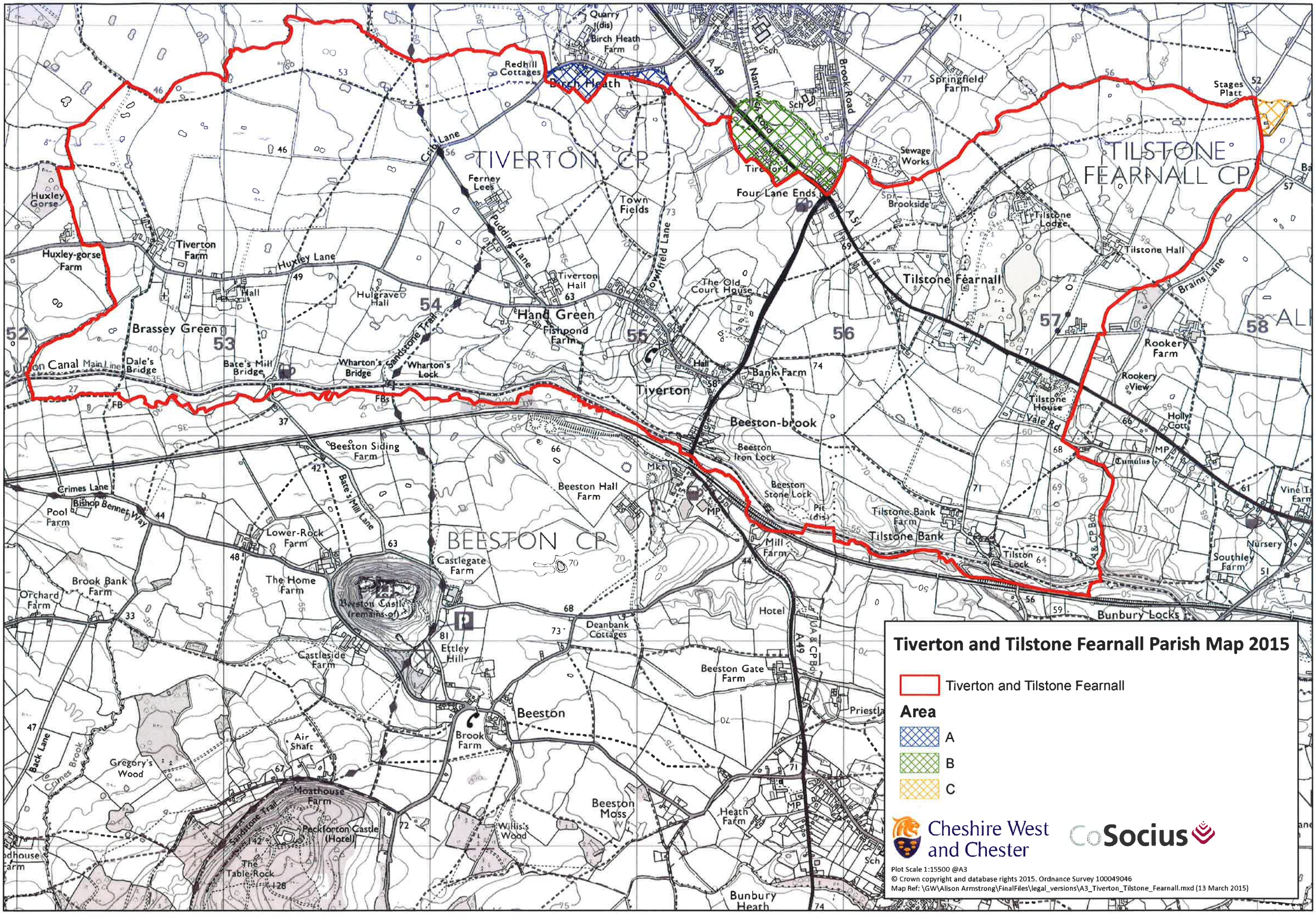
Article 10 provides for parish elections in the parish of Tiverton and Tilstone Fearnall in 2015. They will then continue according to the established system of parish elections every four years.

Article 11 specifies the number of parish councillors for the new parish of Tiverton and Tilstone Fearnall.

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 Tiverton and Tilstone Fearnall. It is available, together with the inset maps, at all reasonable times at the offices of Cheshire West and Chester Borough Council.



Tiverton and Tilstone Fearnall Parish Map 2015

Tiverton and Tilstone Fearnall

Area

A

B

C

Cheshire West and Chester

CoSocius

Plot Scale 1:15500 @A3

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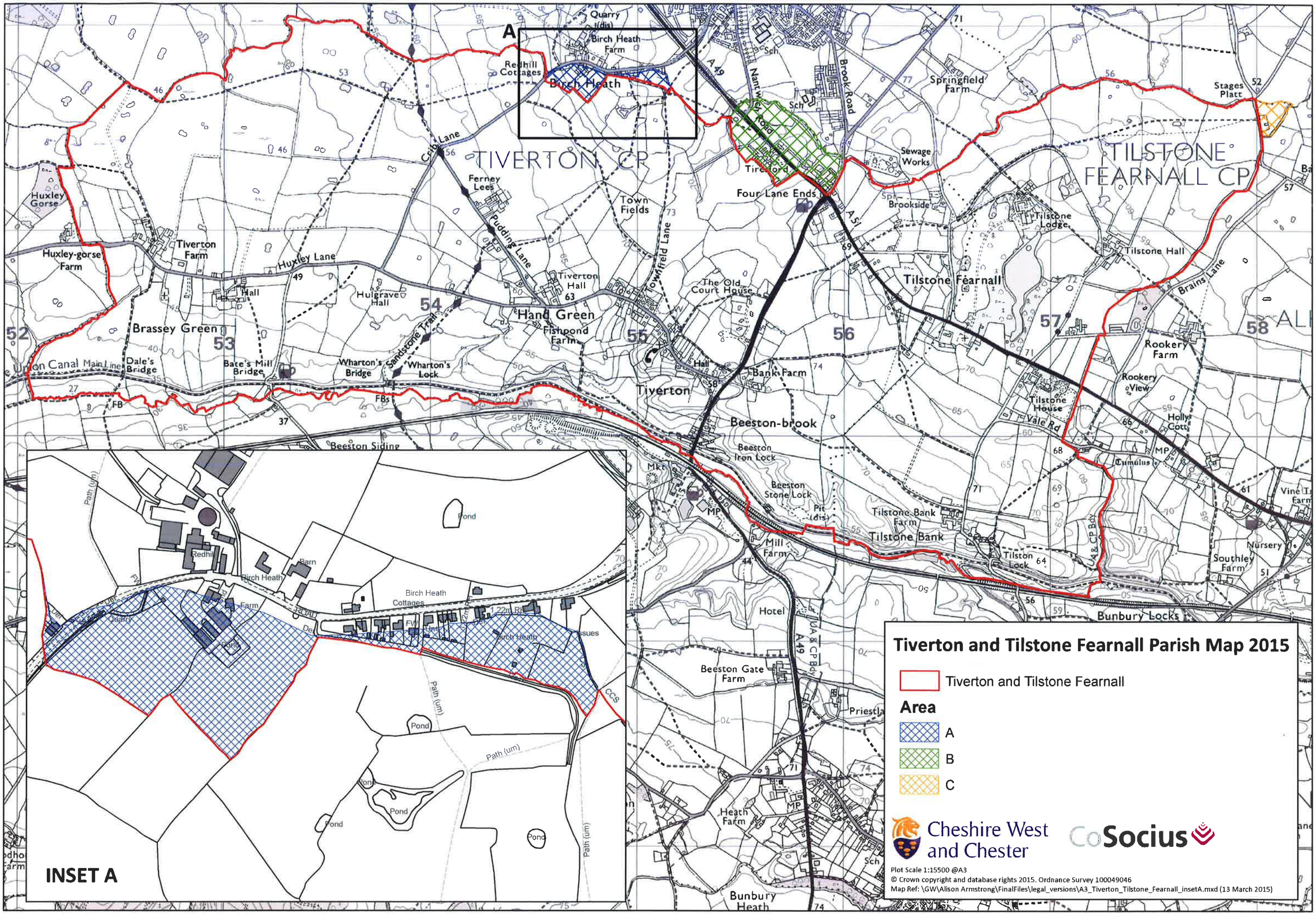
Map Ref: \GW\Alison Armstrong\FinalFiles\legal_versions\A3_Tiverton_Tilstone_Fearnall.mxd (13 March 2015)


A
INSET A
TIVERTON CP
TILSTONE FEARNALL CP
Birch Heath
Birch Heath Farm
Redhill Cottages
Quarry (disused)
Huxley Gorse
Huxley-gorse Farm
Tiverton Farm
Huxley Lane
Brassey Green
Hall
Hulgrave Hall
Sandstone Trail
Dale's Bridge
Bate's Mill Bridge
Wharton's Bridge
Wharton's Lock
Union Canal Main Line
Beeston Siding
Ferney Lees
Cribb Lane
Pudding Lane
Town Fields
Townfield Lane
Tiverton Hall
Hand Green
Fishpond Farm
Tiverton
The Old Court House
Four Lane Ends
Tire Lord
Nantwich Road
A49
Brook Road
Springfield Farm
Sewage Works
Brookside
A51
Tilstone Lodge
Tilstone Hall
Tilstone Fearnall
Brains Lane
Stages Platt
Rookery Farm
Rookery View
Holly Cott
Tilstone House
Vale Rd
Tumulus
Bank Farm
Beeston-brook
Beeston Iron Lock
Beeston Stone Lock
Pit (disused)
Tilstone Bank Farm
Tilstone Bank
Tilston Lock
Mill Farm
Hotel
Beeston Gate Farm
Heath Farm
Bunbury Heath
Bunbury Locks
Southley Farm
Vine Farm
Nursery
Redhill
Barn
Birch Heath Farm
Birch Heath Cottages
Pond
Path (um)
Tiverton and Tilstone Fearnall Parish Map 2015
Tiverton and Tilstone Fearnall
Area
A
B
C
Cheshire West and Chester
CoSocius
Plot Scale 1:15500 @A3
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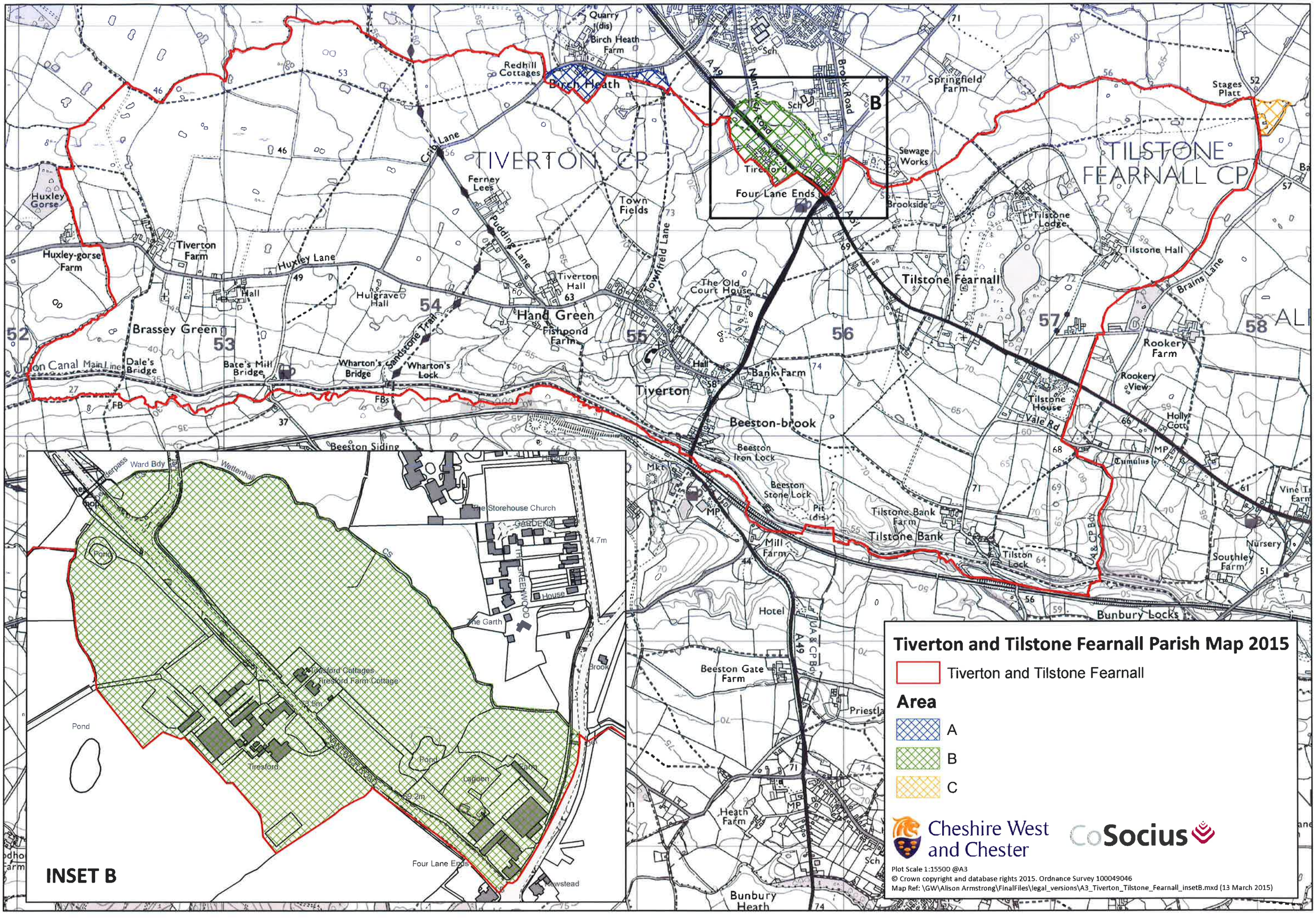
Map Ref: \GW\Alison Armstrong\FinalFiles\legal_versions\A3_Tiverton_Tilstone_Fearnall_insetA.mxd (13 March 2015)


TIVERTON CP
TILSTONE FEARNALL CP
INSET B
Tiverton and Tilstone Fearnall Parish Map 2015
Tiverton and Tilstone Fearnall
Area
A
B
C
Cheshire West and Chester
CoSocius
Plot Scale 1:15500 @A3
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Tiverton and Tilstone Fearnall Parish Map 2015

Tiverton and Tilstone Fearnall

Area

A

B

C

INSET C

Cheshire West and Chester

CoSocius

Plot Scale 1:15500 @A3

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