

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Hart District Council (Reorganisation of Community Governance) Order 2009 (Part One)

Made (Part One)-

15 October 2009

Coming into force in accordance with article 1(2)

On commencement of the relevant provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), Hart District Council ("the Council") was in the process of carrying out a review under section 9 of the Local Government and Rating Act 1997 ("the 1997 Act").

Pursuant to provisions made in the Local Government and Public Involvement in Health Act 2007 (Commencement No.3, Transitional and Saving Provisions and Commencement No.2 (Amendment)) Order 2008, SI No.337 ("the 2008 Order") the final recommendations made by the Council in its review are to be treated as if they were recommendations made in a community governance review undertaken by the Council under Part 4 of the 2007 Act.

The Council has decided to give effect to those recommendations and, in accordance with section 10 of the 1997 Act, (which continues to have effect pursuant to paragraph 4 of the 2008 Order) has consulted with interested persons and taken into consideration any representations made to them:

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), 98(6) and 240(10) of the 2007 Act.

This Order shall comprise of two parts, this first part containing articles 1 – 25 Schedule 1 Schedule 2 Schedule 3 and Schedule 4 and the second part which will contain additional provisions that are incidental consequential transitional or supplementary to this first part.

This Order will have full effect only when the first part of this Order and the second part of this Order have been completed.

Citation and commencement

1.—(1) This Order (for the avoidance of doubt comprising part one and part two) may be cited as the Hart District Council (Reorganisation of Community Governance) Order 2009.

(2) Subject to paragraphs 1 (3) to 1 (6) below, this Order shall come into force on 1st April 2010.

(3) Articles 13 to 19 shall come into force on the ordinary day of election of councillors in 2010.

(4) For the purposes of:

(a) this article; and

- (b) proceedings preliminary or relating to the elections of parish councillors for the parishes of Church Crookham, Fleet, Elvetham Heath, Ewshot, Blackwater and Hawley and Crondall, to be held on the ordinary day of election of councillors in 2010,
this Order shall come into force on 15th October 2009;
- (5) Article 20 (numbers of parish councillors for the parish of Yateley) shall come into force –
 - (c) for the purposes of proceedings preliminary or relating to the elections of parish councillors for the parish of Yateley to be held on the ordinary day of election of councillors in 2011, on 15th October 2010;
 - (d) for all other purposes, on the ordinary day of election of councillors in 2011.
- (6) Provision may be made in part two as to the date on which the provisions of that part of the Order come into force

Interpretation

2. In this Order—

“district” means the district of Hart District Council;

“part one” means the first part of this Order

“existing” means existing on the date on which part one is made;

“map” means the map marked “Map referred to in this Order” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parishes” means the parishes constituted by articles 4, 5, 6, and 7;

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

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

“part two” means the second part of this Order

Effect of Order

- 3. This Order has effect subject to any agreement under section 99 of the 2007 Act (agreements about incidental matters) relevant to any provision of this Order.

Constitution of a new parish of Church Crookham

4.—(1) A new parish, comprising the area outlined with a hatched blue line on sheet 1 of the map, shall be constituted within the district.

(2) The name of the new parish shall be Church Crookham.

(3) In consequence of paragraph (1) of this article, the area outlined and cross hatched in red and designated by the letter A on sheet 2 of the map shall cease to be part of the existing parish of Crondall.

(4) In consequence of paragraph (1) of this article, the area outlined and hatched in red and designated by the letter B on sheet 3 of the map shall cease to be part of the existing parish of Crookham Village.

(a) 1983 c.2, section 37 has been amended by section 18(2) of the Representation of the People Act 1985 (c.50), section 17 of the Greater London Authority Act 1999 (c.29) and section 60 of the Local Government and Public Involvement in Health Act 2007 (c.28).

(b) Section 8 has been amended by the Local Government (Wales) Act 1994 (c.19) and the Local Government etc. (Scotland) Act 1994 (c.39).

Constitution of a new parish of Fleet

5.—(1) A new parish, comprising the area outlined with a hatched blue line on sheet 4 of the map, shall be constituted within the district.

(2) The name of the new parish shall be Fleet.

(3) In consequence of paragraph (1) of this article, the area outlined and hatched in red and designated by the letter D on sheet 5 of the map shall cease to be part of the existing parish of Blackwater and Hawley.

(4) In consequence of paragraph (1) of this article, the area outlined and hatched in red and designated by the letter E on sheet 13 of the map shall cease to be part of the existing parish of Crookham Village.

Constitution of a new parish of Elvetham Heath

6.—(1) A new parish, comprising the area outlined with a hatched blue line on sheet 6 of the map, shall be constituted within the district.

(2) The name of the new parish shall be Elvetham Heath.

Constitution of a new parish of Ewshot

7.—(1) A new parish, comprising the area outlined with a hatched blue line on sheet 7 of the map, shall be constituted within the district.

(2) The name of the new parish shall be Ewshot.

(3) In consequence of paragraph (1) of this article the area outlined and cross hatched in red and designated by the letter P on sheet 8 of the map shall cease to be part of the existing parish of Crondall.

Parish council for the parish of Church Crookham

8.—(1) There shall be a parish council for the parish of Church Crookham.

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

Parish council for the parish of Fleet

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

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

Parish council for the parish of Elvetham Heath

10.—(1) There shall be a parish council for the parish of Elvetham Heath.

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

Parish Council for the parish of Ewshot

11. —(1) There shall be a parish council for the parish of Ewshot.

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

Annual meeting of parish councils

12. The annual meetings of the new parish councils of Church Crookham, Fleet, Elvetham Heath, and Ewshot in 2010 shall be convened by the respective interim parish clerks of those new parish councils. The meetings shall take place no later than 14 days after the day on which the councillors elected to the new parish councils take office.

Elections for the parishes of Church Crookham, Fleet, Elvetham Heath, Ewshot, Blackwater and Hawley and Crondall

13.—(1) Elections of all parish councillors for the parishes of Church Crookham, Fleet, Elvetham Heath, Ewshot, Blackwater and Hawley and Crondall shall be held simultaneously on the ordinary day of election of councillors in 2010.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2010 for the parishes of Ewshot and Crondall shall be two years.

(3) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2010 for the parish of Blackwater and Hawley shall be one year.

(4) Where any provision of an Order made before the making of this Order requires an election of parish councillors for a parish mentioned in paragraphs (2) or (3) above to be held on a date other than that for which paragraphs (2) and (3) provide, it shall cease to have effect to that extent.

Wards of the parish of Church Crookham and numbers of parish councillors

14.—(1) The parish of Church Crookham shall be divided into three wards which shall be named Church Crookham East ward, Gally Hill ward and Queen Elizabeth ward.

(2) Each ward shall comprise the area designated on sheet 9 of the map by reference to the name of the ward and demarcated by hatched orange lines.

(3) The number of councillors to be elected for Church Crookham East ward shall be six, for Gally Hill ward shall be three and for Queen Elizabeth ward shall be one.

Wards of the parish of Fleet and numbers of parish councillors

15.—(1) The parish of Fleet shall be divided into five wards which shall be named Central ward, Pondtail ward, Calthorpe ward, Courtmoor ward, and Ancells ward.

(2) Each ward shall comprise the area designated on sheet 10 of the map by reference to the name of the ward and demarcated by hatched orange lines.

(3) The number of councillors to be elected for Central ward shall be five, for each of Pondtail, Calthorpe and Courtmoor wards shall be four and for Ancells ward shall be two.

Number of parish councillors for the parish of Elvetham Heath

16. The number of councillors to be elected for the parish of Elvetham Heath shall be five.

Number of parish councillors for the parish of Ewshot

17. The number of councillors to be elected for the parish of Ewshot shall be five.

Wards of the parish of Blackwater and Hawley and numbers of parish councillors

18.—(1) In consequence of article 5(3) the Ancells ward shall cease to be part of the parish of Blackwater and Hawley, and the parish of Blackwater and Hawley shall comprise the area outlined with a hatched blue line on sheet 11 of the map with the Hawley and Minley parish ward and the Blackwater parish ward which shall both remain unchanged.

(2) The number of councillors to be elected for Hawley and Minley parish ward shall be five and for Blackwater parish ward shall be three.

Number of parish councillors for the parish of Crondall

19.—(1) In consequence of article 7(3) the Ewshot ward shall cease to be part of the parish of Crondall, and the parish of Crondall shall comprise the area outlined with a hatched blue line on sheet 12.

(2) The number of councillors to be elected for the parish of Crondall shall be eight.

Numbers of parish councillors for the parish of Yateley

20. The number of councillors to be elected for each of the Yateley West, Yateley East, Yateley North and Frogmore and Darby Green wards of the parish of Yateley shall be four.

Alteration of parish areas and the areas of parish wards

21. Each area outlined and hatched in red and designated by a letter on the map and specified in column (1) of Schedule 1 shall cease to be part of the parish and parish ward or unparished area specified in relation to that area in columns (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.

Electoral register

22. The registration officer for the district 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 property, rights and liabilities

23. (1) On 1st April 2010 such interest as the Council has in the land and property described in column (1) of Schedule 2 and shown edged red on the plans referred to in column (3) of Schedule 2 shall transfer from the Council to Fleet Parish Council together with and subject to all rights and liabilities and other matters affecting and relating thereto

(2) On 1st April 2010 such interest as the Council has in the land and property described in column (1) of Schedule 3 and shown edged red on the plans referred to in column (3) of Schedule 3 shall transfer from the Council to Church Crookham Parish Council together with and subject to all rights and liabilities and other matters affecting and relating thereto

(3) On 1st April 2010 such interest as the Council has in the land and property described in column (1) of Schedule 4 and shown edged red on the plans referred to in column (3) of Schedule 4 shall transfer from the Council to Elvetham Heath Parish Council together with and subject to all rights and liabilities and other matters affecting and relating thereto

(4) Commencing on 1st April 2010 the Council shall retain the freehold interest in the property known as the Harlington Centre Fleet and shall retain responsibility for the structure of the building but the property shall be managed jointly by Fleet Parish Council Church Crookham Parish Council and Elvetham Heath Parish Council ~~as tenant~~ (unless such parish councils shall agree an alternative management arrangement between them) who shall be responsible for the management and all other parts of the building

(5) By a contract ('the contract') dated 1st April 2001 made between the Council and Continental Landscapes Limited as varied by a Deed of Variation dated 4th September 2008 for a term expiring on 31st March 2011 (subject to any extension thereof) certain areas of land transferred pursuant to paragraphs 23 (1) to 23 (3) above are maintained by virtue of the contract. Fleet Parish Council Church, Crookham Parish Council and Elvetham Heath Parish Council shall each enter into a service level agreement with the Council in relation to the provision of the maintenance services in respect of those areas under the contract and shall pay a fair proportion towards the costs thereof from and including 1st April 2010 until the expiry of its term

(6) Any reference to a plan in column 3 of Schedule 2 Schedule 3 or Schedule 4 of this Order shall be a reference to the plan with an equivalent marking to that detailed by column 3 of those schedules in the booklet of plans marked "Booklet of Property Plans"

Transitional provision

24 Until the councillors elected to the council of the new parishes of Church Crookham, Fleet Elvetham Heath and Ewshot at the elections to be held on the ordinary day of election of councillors in 2010 come into office, these new parishes shall be represented by those persons who are appointed by the Council for this purpose.

Order date

25 1st April 2010 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008(a).

SCHEDULE 1

article 21

ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
<i>Area</i>	<i>Parish from which omitted</i>	<i>Parish ward from which omitted</i>	<i>Parish to which added</i>	<i>Parish ward to which added</i>
"C" sheet 13	Unparished area	-	Crookham Village	Zebon
"F" sheet 14	Unparished area	-	Winchfield	-
"G" sheet 14	Hartley Wintney (MIN01B)	Hartley Wintney	Winchfield	-
"H" sheet 15	Not applicable	Odiham Parish Ward of Odiham Parish (MIN02B)	Not applicable	North Wanborough Parish Ward of Odiham Parish
"P" sheet 16	Heckfield (MIN03)	-	Mattingley	-
"J" sheet 17	Rotherwick (MIN04B)	-	Mattingley	-
"K" sheet 18	Rotherwick (MIN05B)	-	Mattingley	-
"L" sheet 19	Heckfield	-	Mattingley (MIN06)	-
"M" sheet 20	Dogmersfield (MIN07)	-	Winchfield	-
"N" sheet 21	Mattingley (MIN08B)	-	Hartley Wintney	Hartley Wintney
"O" sheet 22	unparished	-	Ewshot	-

(a) S.I. 2008/625.

SCHEDULE 2

article 23

LAND AND PROPERTY TO BE TRANSFERRED FROM THE COUNCIL TO FLEET PARISH COUNCIL

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Land and property to be transferred</i>	<i>Title Number where title registered</i>	<i>Plan number</i>
Amenity Land on the South West Side of Ancells Road Fleet	HP441302	F1
Public Open Space at Basingbourne Road Recreation Ground Fleet	HP673411	F2
Footpath between Branksomewood Road and Victoria Road Fleet	HP664845	F3
Public Open Space at Calthorpe Park Fleet	HP673621	F4
Fleet Cemetery Cemetery Road and Public Open Space at The Lea and Richard Close Fleet	HP12767 and HP676903	F5
Public Open Space at Chestnut Close Ancells Farm Fleet	HP463207	F6
Public Open Space at Cove Road Farm Drive Ancells Road and Fleet	HP404169 – part of title	F7
Amenity Land off Coxheath Road/Basingstoke Canal Fleet	HP664843	F8
Open Space at Dukes Mead Fleet		F9
Amenity Land at Farm Drive Ancells Road and Saddleback Fleet	HP405693 – part of title	F10
Footpath at Faulkner's Close Ancells Park Fleet	HP513319	F11
Open Space at Holland Gardens/Aldershot Road Fleet		F12
Public Open Space at Albany Road/Oakley Park and on the south west side of Kings Road/Burnside Fleet	HP673369 HP675129 HP51512 HP676913	F13

Amenity Land at Leawood Road Fleet	HP170796	F14
Public Open Space at Longmead Fleet		F15
Amenity Land at New Barn Close Fleet	HP60545	F14
The Views Fleet	HP676972	F16
War Memorial Gurkha Square Car Park Fleet	HP674183 – part of title	F17

SCHEDULE 3

article 23

LAND AND PROPERTY TO BE TRANSFERRED FROM THE COUNCIL TO CHURCH CROOKHAM PARISH COUNCIL

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Land and property to be transferred</i>	<i>Title Number where title registered</i>	<i>Plan number</i>
Public Open Space at Haig Lane Azalea Gardens and South of Aldershot Road Church Crookham	HP664794 and HP439532	C1
Peter Driver Sports Ground Church Crookham		C2
Public Open Space at Portland Drive/Chesilton Crescent Church Crookham	HP571167 – part of land	C3
War Memorial Church Crookham		C4

SCHEDULE 4

article 23


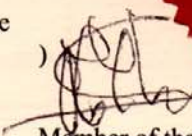
LAND AND PROPERTY TO BE TRANSFERRED FROM HART DISTRICT COUNCIL TO ELVETHAM HEATH PARISH COUNCIL

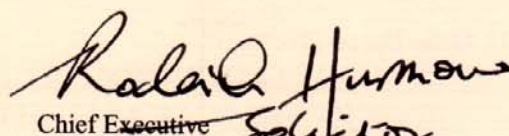
<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Land and property to be transferred</i>	<i>Title Number where title registered</i>	<i>Plan number</i>
Area 1 Open Space Elvetham Heath	HP715529	E1

Area 2 Open Space Elvetham Heath		E2
Area 3 Open Space Elvetham Heath		E3
Area 4 Open Space Elvetham Heath		E1
Areas 5 6 and 7 Open Space Elvetham Heath		E4
Area 9 Open Space Elvetham Heath		E5
Area 11 Open Space Elvetham Heath		E6
Areas 14 and 15 Open Space Elvetham Heath		E7
Areas 18 19 and 20 Open Space Elvetham Heath		E8
Area 21 Open Space Elvetham Heath		E9
Play Areas 1 Elvetham Heath	HP715577 – part of land	E10
Play Area 2 Elvetham Heath		E11
Play Area 3 Elvetham Heath		E12
Play Area 4 Elvetham Heath		E13
Play Area 5 Elvetham Heath		E14
Elvetham Heath Community Centre and car park		E15
Junior Sports Pitch Elvetham Heath		E16
Pitch 2 Elvetham Heath	HP715559	E4
Car Park at Pitches 1 and 2 Elvetham Heath		E4
Elvetham Heath Pavilion		E4

Sealed with the seal of the Council on the 15 day of October 2009

THE COMMON SEAL of HART DISTRICT)
COUNCIL was hereunto affixed and this)
document was thereby executed as a deed in the)
presence of:



Member of the Council


Chief Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Hart District Council for the new parishes of Church Crookham, Fleet, Eveltham Heath, and Ewshot to be created, and the alteration of the area of the parishes of Blackwater and Hawley and Crondall within the district of Hart District Council.

The parishes of Church Crookham, Fleet, Eveltham Heath, and Ewshot will be created with effect from 1 April 2010. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2010.

Article 13 provides for parish elections in the parishes of Church Crookham, Fleet, Eveltham Heath, Ewshot, Blackwater and Hawley and Crondall in 2010. In respect of the parishes of Church Crookham, Fleet and Eveltham Heath parish elections to then continue according to the established system of parish elections every four years. In respect of the parishes of Ewshot and Crondall parish elections to take place in 2012 and to then continue according to the established system of parish elections every four years. In respect of the parish of Blackwater and Hawley parish elections to take place in 2011 and to then continue according to the established system of parish elections every four years.

Article 14 and the map establish the names and areas of the wards of the new parish of Church Crookham and the numbers of councillors for each ward.

Article 15 and the map establish the names and areas of the wards of the new parish of Fleet and the numbers of councillors for each ward.

Article 16 specifies the numbers of parish councillors for the new parish of Elvetham Heath.

Article 17 specifies the numbers of parish councillors for the new parish of Ewshot.

Article 20 reduces the number of parish councillors for the Frogmore and Derby Green Ward of Yateley parish from 5 to 4 and Article 1 (5) provides that for Yateley parish the electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2011.

Article 22 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 2 shows the new parishes and the new wards of the parishes of Church Crookham and Fleet. It is available, at all reasonable times, at the offices of Hart District Council.