

DISTRICT OF THANET

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT HEALTH ACT 2007

The District of Thanet (Reorganisation of Community Governance) Order 2009

Made on the 25th February 2009

Coming into force in force in accordance with article 1(2)

The District Council of Thanet ("the district council") received a petition under section 11 of The Local Government and Rating Act 1997 requesting the creation of a parish council for Ramsgate.

The Secretary of State for Communities and Local Government ("the Secretary of State") in accordance with powers contained in article 10 of the Local Government and Public Involvement in Health Act 2007 (Commencement No 3, Transitional and Saving Provisions and Commencement No. 2 Order (Amendment))Order 2008 has agreed with the district council not to deal with the petition but that it shall instead be treated as if it constituted recommendations made in a community governance review for the constitution of a new parish for Ramsgate under section 87 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act").

Pursuant to its powers under section 86 of the 2007 Act, its agreement with the Secretary of State, and having regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient, the district council has resolved that this order be made creating a new parish of Ramsgate with a parish council.

The district council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section.

The district council makes the following Order in exercise of the powers conferred by sections 86, 98(4) and 240 (10) of the 2007 Act, and all other powers enabling in that behalf.

CITATION AND COMMENCEMENT

1. (1) This Order may be cited as the District of Thanet (Reorganisation of Community Governance) Order 2009.
- (2) Subject to paragraphs (3) and (4) below, this Order shall come into force on 1 April 2009.
- (3) Articles 8 and 9 shall come into force on the ordinary day of election of councillors in 2009.
- (4) For the purposes of:

- (a) this article ,
- (b) article 5,
- (c) proceedings preliminary or relating to the elections of parish councillors for the parish of Ramsgate, to be held on the ordinary day of election of councillors in 2009 ,

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

INTERPRETATION

2. In this Order-

- “ the Charter Trustees” means The Charter Trustees of the Town of Ramsgate;
- “district” means the district of Thanet District Council ;
- “map” means the map marked “Map referred to in the District of Thanet (Reorganisation of Community Governance) Order 2009 and deposited in accordance with section 96(4) of the 2007 Act;
- “monitoring officer” means the officer designated under section 5 of Local Government and Housing Act 1989;
- “ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983;
- “registration officer” means an officer appointed for the purpose of, and in accordance with Section 8 of the Representation of the People Act 1983;
- “the date of dissolution” means the date on which the Charter Trustees are dissolved;
- “the 2008 Regulations” mean The Local Government (Parishes and Parish Councils (England) Regulations 2008.

EFFECT OF ORDER

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

CONSTITUTION OF A NEW PARISH

4. (1) A new parish, comprising the wards described in article 9 of this Order shall be constituted within the district.
- (2) The name of the new parish shall be Ramsgate.

CALCULATION OF BUDGET REQUIREMENT

5. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish Ramsgate the sum of £165,036.00.

PARISH COUNCIL FOR THE PARISH OF RAMSGATE

- 6 (1) There shall be a parish council for the parish of Ramsgate.
- (2) The name of that council shall be "The Parish Council of Ramsgate".

ELECTIONS FOR THE PARISH OF RAMSGATE

7. (1) The election of all parish councillors for the parish of Ramsgate shall be held on the ordinary day of election of councillors in 2009, 2011 and every four years thereafter.
- (2) The term of office of every parish councillor elected on the ordinary day of election in 2009 shall be until the fourth day following the ordinary date of election for councillors in 2011.

NUMBER OF PARISH COUNCILLORS FOR THE PARISH OF RAMSGATE

8. The number of parish councillors to be elected for the parish of Ramsgate shall be sixteen.

WARDS OF THE PARISH OF RAMSGATE AND NUMBERS OF PARISH COUNCILLORS

9. (1) The parish shall be divided into seven wards which shall be named as set out in column (1) of the schedule to this Order.
- (2) Each ward shall comprise the area of the district ward specified in respect of the ward bearing the same name in column (2) of that schedule and demarcated by orange lines on the map.
- (3) The number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that schedule.

ANNUAL MEETING OF THE PARISH COUNCIL

10. The annual meeting of the new parish council in 2009 shall be convened by the monitoring officer of the district council. The meeting shall take place no later than fourteen days after the day on which the councillors take office.

ELECTORAL REGISTER

11. 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.

CHARTER TRUSTEES OF THE TOWN OF RAMSGATE

12. On the date on which the first parish councillors for the parish come into office the following provisions will apply without prejudice to any provision in the 2008 Regulations:
 - (1) The Charter Trustees shall be dissolved under regulation 15 (2) (a) of the 2008 Regulations.
 - (2) Any officers appointed by the Charter Trustees for the proper discharge of their functions who hold office immediately before the date of dissolution of the Charter Trustees shall by virtue of this Order be transferred on the date of dissolution and on the same terms and conditions of appointment to the employment of the new parish council.
 - (3) Any powers to appoint local officers of dignity exercisable by the Charter Trustees immediately before the date of dissolution shall be exercisable by the new parish council.
 - (4) Pursuant to regulation 15 (5) of the 2008 Regulations, the accounts of the Charter Trustees and of and of its committees and officers shall be made up to the date of dissolution, and shall be audited in the same manner, and subject to the same procedures and penalties, as if the Charter Trustees had not been dissolved.
 - (5) Any functions which would have been exercisable in relation to the accounts of the Charter Trustees or as the case may be by their responsible financial officer if the Charter Trustees had not been dissolved shall on and after the date of the dissolution be exercisable by the new parish council or as the case may be the new parish council's responsible financial officer.
 - (6) All property, rights, liabilities (of whatever description) of the Charter Trustees shall become property, rights and liabilities of the new parish council.
 - (7) Any legal proceedings to which the Charter Trustees are party may, subject to the rules of court, be prosecuted or defended (as the case may be) by the new parish council.

TRANSITIONAL PROVISION

- 13 (1) The Town Mayor and Deputy Town Mayor of Ramsgate elected by the Charter Trustees shall continue to exercise the ceremonial duties and role of their respective offices after the date of dissolution until the first Chairman of the new parish council is elected.
- (2) Any land or property of the district council transferred to the parish or new parish council by operation of law as a consequence of this order will continue to be maintained and managed by the district council at the cost of the new parish council until such time as the new parish council resolves to make other arrangements. Before such arrangements as may be made by the new parish council are implemented, the new parish council shall serve not less than twelve months' notice on the district council expiring on 31 March in any year.

ORDER DATE

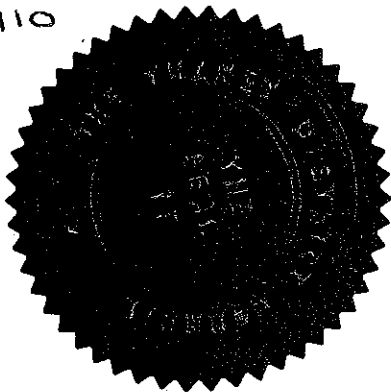
- 14 1 April 2009 is the order date for the purposes of the 2008 Regulations.

The Common Seal of Thanet District Council
was hereunto affixed in the presence of :

Member

Solicitor

Roger L. L. L.
[Signature]



SCHEDULE		
Column (1)	Column (2)	Column (3)
Central Harbour	Central Harbour	3
East Cliff	East Cliff	3
Nethercourt	Nethercourt	2
Newington	Newington	2
Northwood	Northwood	3
Pegwell	Pegwell	1
Sir Moses Montefiore	Sir Moses Montefiore	2