

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Canterbury City Council (Reorganisation of Community Governance) Order 2018

Made on the ~~17th~~ day of ~~December~~ 2018
Coming into force in accordance with Article 1(2)

The City of Canterbury (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 18 July 2018.

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 reflect the identities and interest 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 Section 86, 98(3), 98(4) and 240(10) of the 2007 Act.

Citation and Commencement

1. (1) This Order may be cited as the Canterbury City Council (Reorganisation of Community Governance) Order 2018.
- (2) Subject to paragraphs (3) and (4) below, the Order comes into force on 1 April 2019.
- (3) Article 8 shall come into force on the ordinary day of election of Councillors in 2019.
- (4) For the purposes of:
 - (a) this article;
 - (b) Article 5; and
 - (c) proceedings preliminary or relating to the election of Parish Councillors for the Parish of Hersden to be held on 2 May 2019

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

Interpretation

2. In this Order:

"City" means the City of Canterbury;

"map" means the map marked "Map referred to in the Canterbury City Council (Reorganisation of Community Governance) Order 2018" referred to in Schedule 1 and deposited in accordance with Section 96(4) of the 2007 Act;

"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 2007 Act relevant to any provision of this Order.

Constitution of a New Parish

4. (1) A new parish, comprising the area outlined with a red line on the map, shall be constituted within the City (Appendix A).
- (2) The name of the new Parish shall be Hersden.
- (3) In consequence of paragraph (1) of this Article, the relevant areas of the new Parish shall cease to be part of the existing Parishes of Sturry, Chislet and Westbere.

Calculation of Budget Requirement

5. For the purposes of Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 the sum to be specified in relation to the Parish of Hersden shall be confirmed at the City's Council meeting to be held on 14 February 2019.]

Parish Council for the Parish of Hersden

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

Elections for the Parish of Hersden

7. (1) The election of all Parish Councillors for the Parish of Hersden shall be held simultaneously on the ordinary day of election of Councillors in May 2019 and then every four years thereafter.
- (2) The term of office of every Parish Councillor elected on the ordinary day of the election in May 2019 for the Parish of Hersden shall be four years.

Wards of the Parish of Hersden and number of Parish Councillors

8. (1) The Parish of Hersden shall not be warded and the existing Wards of the Parish of Sturry that shall become part of the Parish of Hersden shall be abolished.
- (2) The number of Councillors to be elected for the Parish of Hersden shall be 9.

Annual Meeting of the Parish Council

9. The annual meeting of the new Parish Council in 2019 shall be convened by the Director of Community Services of the City Council. A meeting shall take place no later than 14 days after the day on which the Councillors elected to the new Parish Council take office.

Alteration of Parish Areas

10. (1) The area coloured designated with the letter "A" on the map at Appendix B shall cease to be part of Bekesbourne with Patribourne Parish Council and shall become part of Bridge Parish Council.
- (2) The area coloured and designated with the letter "B" on the map at Appendix B shall become part of Chestfield Parish Council.

- (3) The area coloured and designated with the letter "C" on the map at Appendix B shall cease to be part of Chislet Parish Council and shall become part of Hersden Parish Council.

The area coloured and designated with the letter "D" on the map at Appendix B shall cease to be part of Sturry Parish Council and shall become part of Hersden Parish Council.

The area coloured and designated with the letter "E" on the map at Appendix B shall cease to be part of Westbere Parish Council shall become part of Hersden Parish Council.

- (4) The area coloured and designated with the letter "F" on the map at Appendix B shall cease to be part of Lower Hardres Parish Council.
- (5) The area coloured and designated with the letter "G" on the map at Appendix B shall cease to be part of St Cosmus and St Damian in the Blean Parish Council.
- (6) The area coloured and designated with the letter "H" on the map at Appendix B shall cease to be part of Ickham and Well Parish Council and shall become part of Wickhambreaux Parish Council.

Alteration of Parish Names

11. (1) The Parish of Lower Hardres shall be known as Lower Hardres and Nackington Parish Council.
- (2) St Cosmus and St Damian in the Blean Parish Council shall be known as Blean Parish Council.
- (3) Thanington-Without Parish Council shall be known as Thanington Parish Council.

Electoral Register

12. The Registration Officer for the City 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

13. The land, property, rights and liabilities described in Schedules 2 and 3 shall transfer from Sturry Parish Council to Hersden Parish Council on the date specified in column 2.

Transfer of Funds and Balances

14. (1) The funds and balances described in Schedule 4 shall transfer from Sturry Parish Council to Hersden Parish Council on the date specified in column 2.
- (2) The funds and balances described in Schedule 5 shall transfer from Westbere Parish Council to Hersden Parish Council on the date specified in column 2.
- (3) The funds and balances described in Schedule 6 shall transfer from Chislet Parish Council to Hersden Parish Council on the date specified in column 2.

Maintenance

15. The maintenance arrangements described in Schedule 7 shall transfer to Hersden on the date specified in column 2.

Transitional Provision

- 16. (1) During the transition period between the effective date of the new Parish Council until the Councillors elected to the Council of the new Parish of Hersden at the elections to be held on the ordinary day of election of Councillors in May 2019 come into office, the resources of the new Parish Council shall be managed by the Officers of Canterbury City Council delegated to oversee the transition arrangements, in consultation with those persons who are appointed by the City Council to sit on the Hersden Shadow Board.

- (2) Any land or property of the City Council transferred to the Parish Council by operation of law as a consequence of this Order will continue to be maintained and managed by the City Council at the cost of the Parish Council until such time as the Parish Council resolves to make other arrangements.

Order Date

- 17. 1 April 2019 is the Order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

THE COMMON SEAL of
CANTERBURY CITY COUNCIL
was hereunto affixed in the presence of:



Member

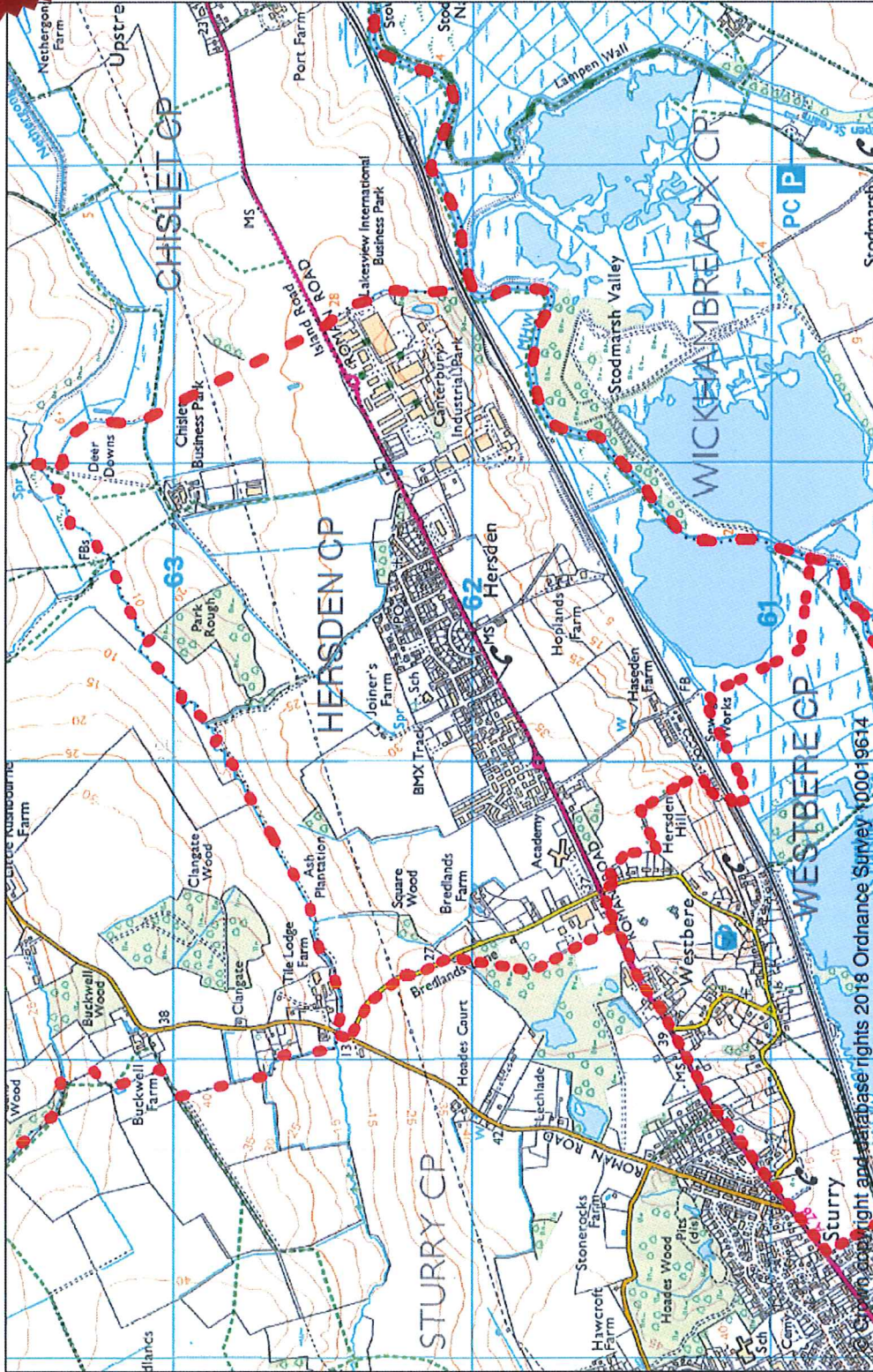
~~Solicitor~~

[Handwritten Signature]
S. BOYDE - HEAD OF LEGAL SERVICES

[date]

Appendix A – Map of Constitution of the New Parish

New Hersden Parish Council



Legend

- - - Proposed parish boundary

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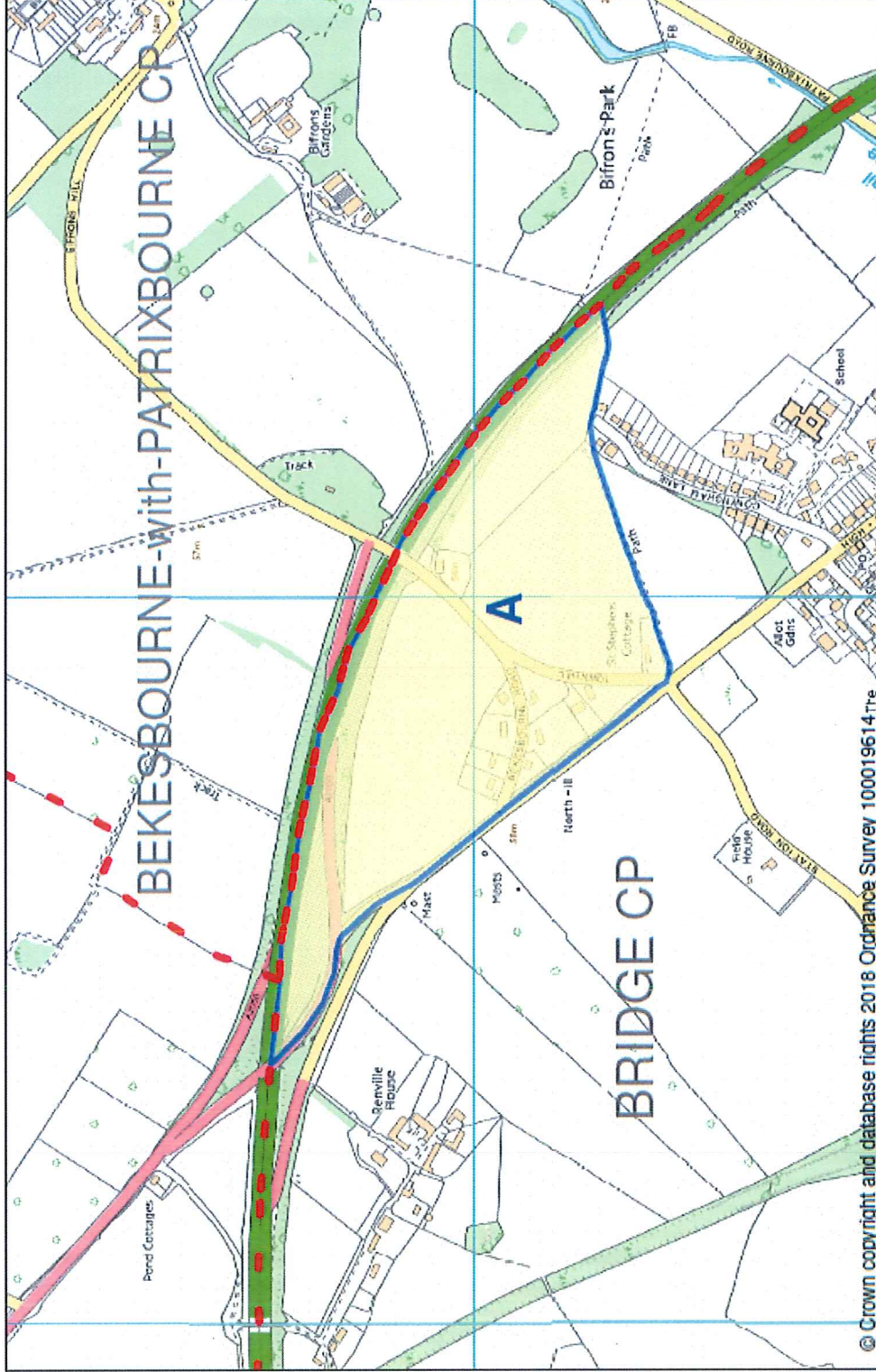
02.04.18 JMA

Appendix B – Maps Showing Alteration of Parish Areas



02/19/18/MA

Map 1: Boundary between Bokesbourne-with-Patrixbourne and Bridge Parish Councils



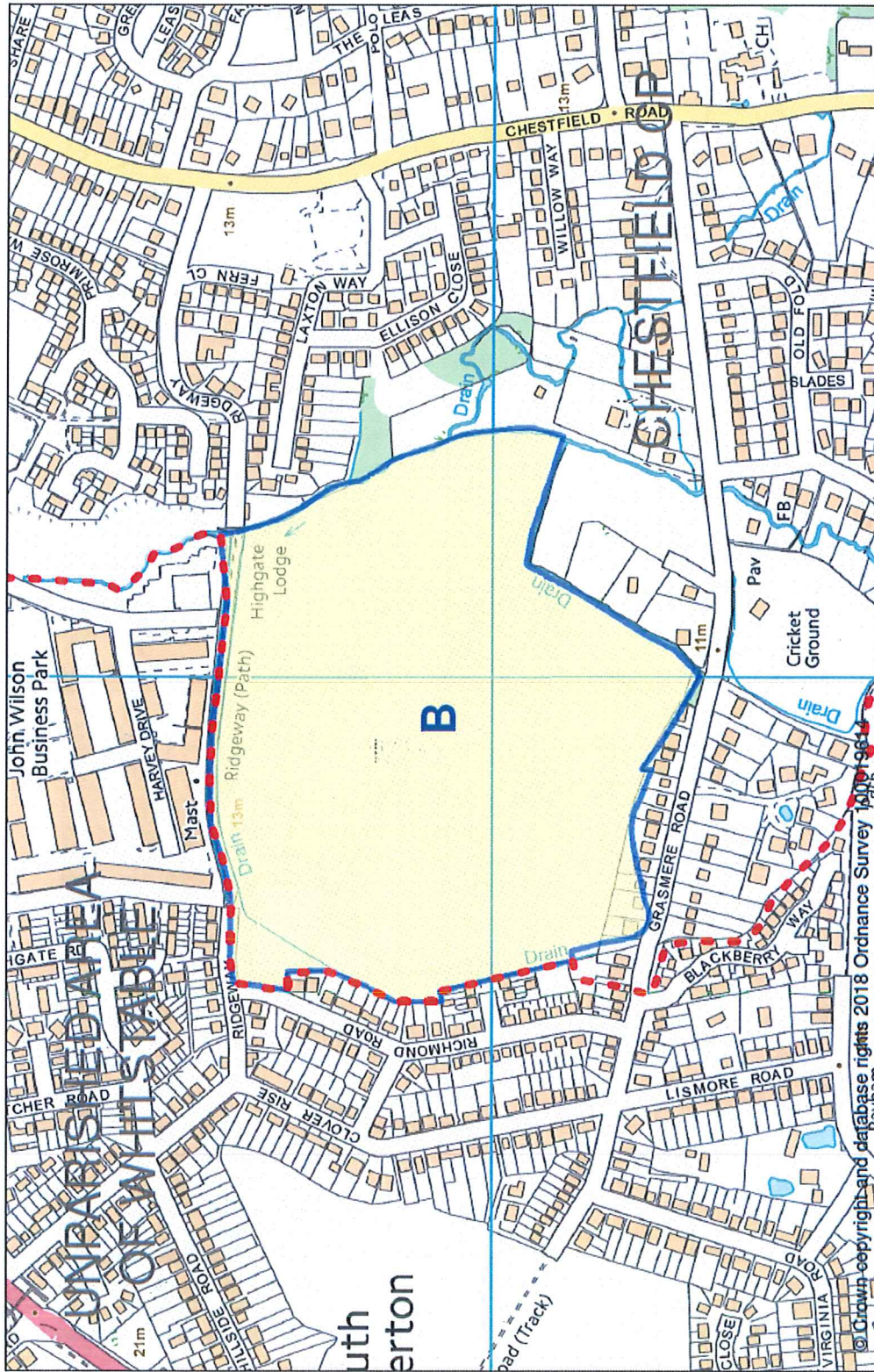
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Legend

-  Proposed parish boundary
-  Transferred Area

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Map 2: Chestfield Parish Council



Legend

-  Proposed parish boundary
-  Transferred Area

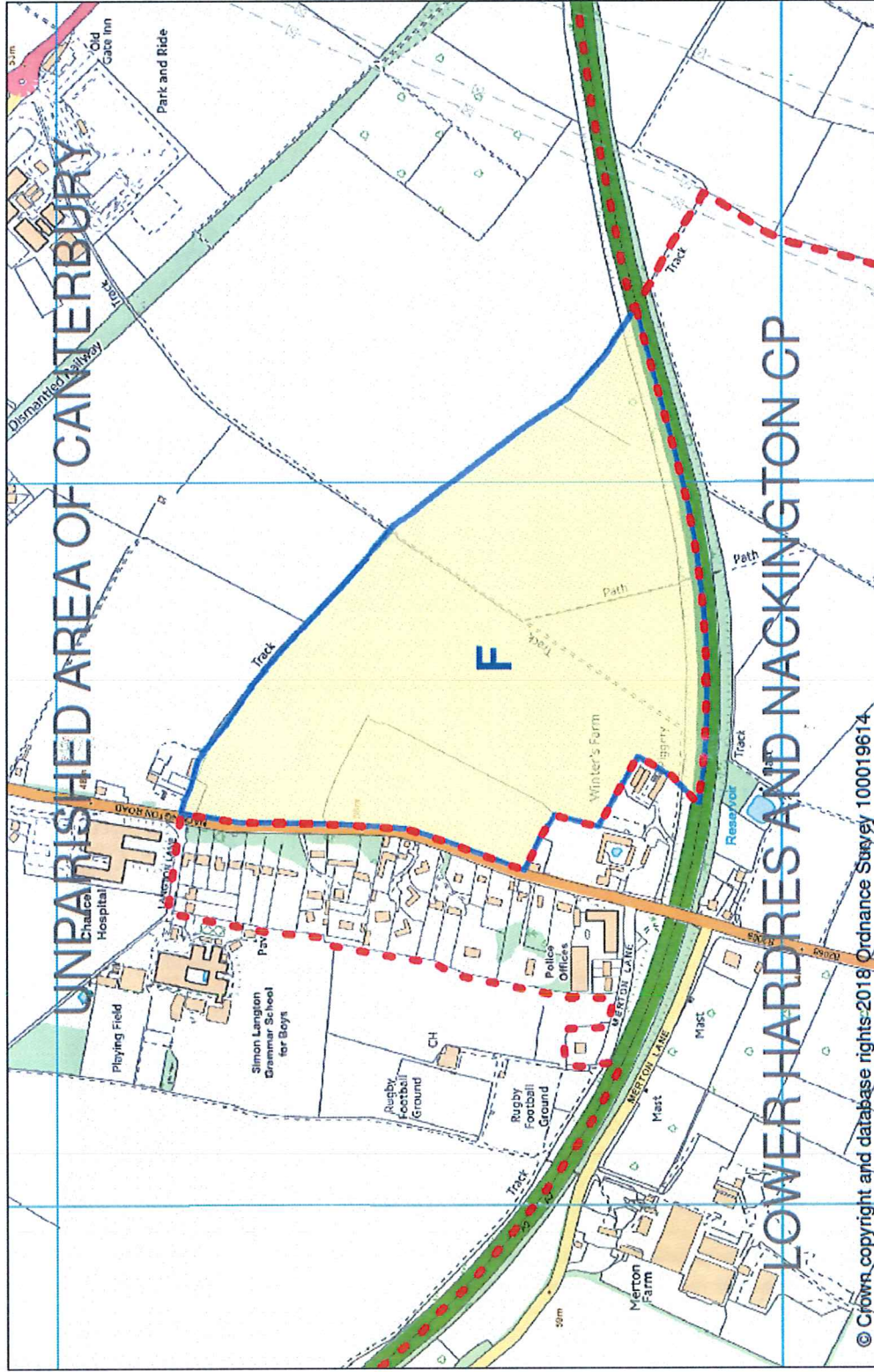
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Map 4: Lower Hardres Parish Council



Legend

-  Proposed parish boundary
-  Transferred Area

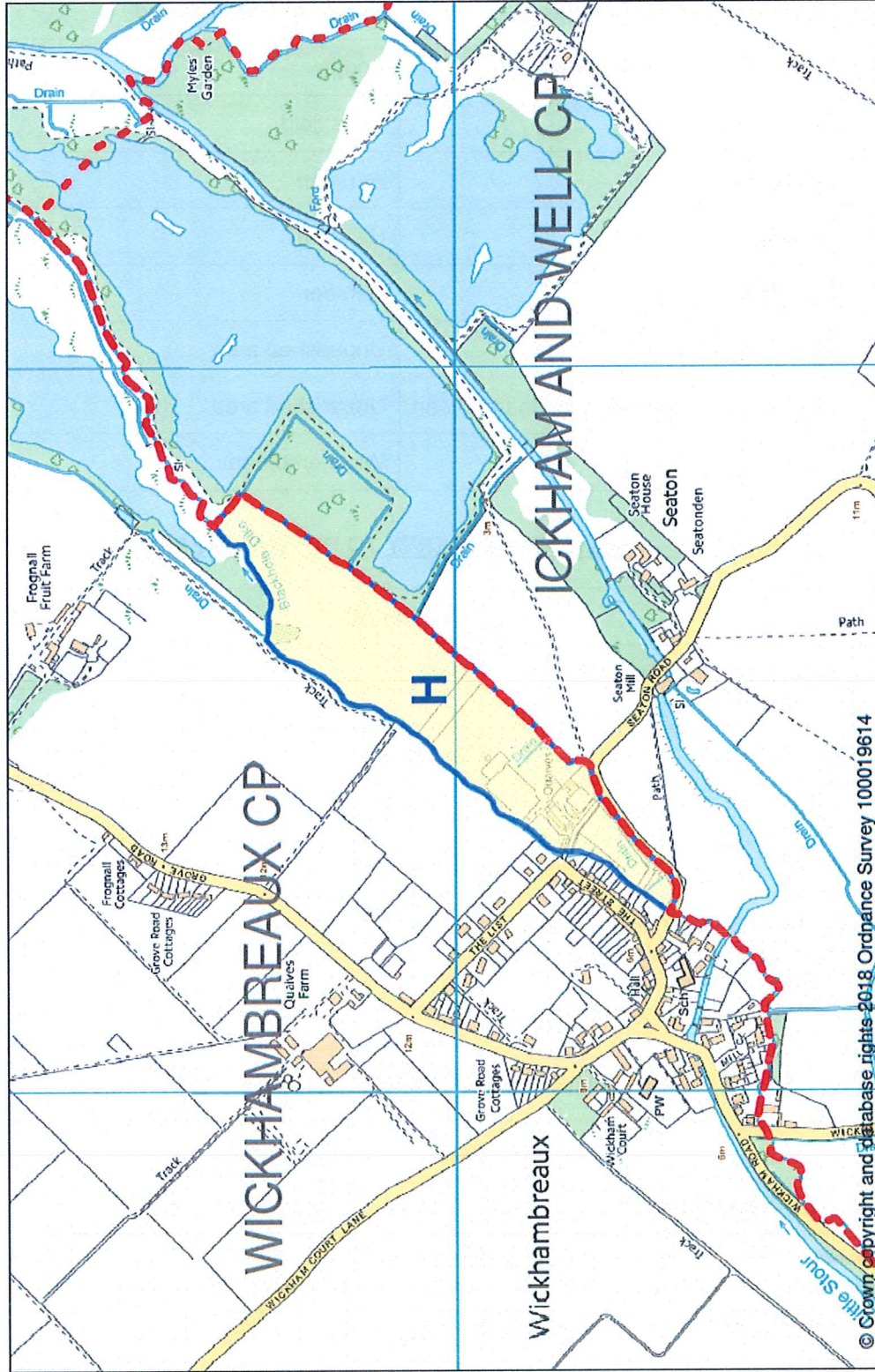
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Signature



D2P/16/101A

Map 6: Boundary between Ickham and Well and Wickhambreaux parish councils



Legend

-  Proposed parish boundary
-  Transferred Area

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SCHEDULE 1 – ALTERATION OF AREAS OF PARISHES

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Area	Parish from which omitted	Parish to which added
A	Bekesbourne with Patrixbourne	Bridge
B	Unparished area	Chestfield
C	Chislet	Hersden
D	Sturry	Hersden
E	Westbere	Hersden
F	Lower Hardres	Unparished area
G	St Cosmus and St Damian in the Blean	Unparished area
H	Ickham and Well	Wickhambreaux

SCHEDULE 2 – LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
Land and Property to be Transferred to Hersden Parish Council	Date
Hersden Play Area (0.5 acre)	01.04.2019
BMX Track (0.5 acre)	01.04.2019
Play Area Equipment	01.04.2019
Lease from Canterbury City Council of the land outlined in red in Appendix C referred to in an agreement dated 26 August 1992	01.04.2019

SCHEDULE 3 – OTHER MATTERS TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Other Matters to be Transferred	Date	Valuation
Notice Board	01.04.2019	£834
Wooden Seat – Island Road	01.04.2019	£278
Two Metal Seats – Play Area	01.04.2019	£556
Three Litter Bins – Play Area	01.04.2019	£585

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Other Matters to be Transferred</i>	<i>Date</i>	<i>Valuation</i>
Dog Bin – The Avenue	01.04.2019	£127
Village Sign	01.04.2019	£1,863

SCHEDULE 4 – FUNDS AND BALANCES TO BE TRANSFERRED FROM STURRY PC

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>
<i>Funds and Balances to be Transferred</i>	<i>Date</i>	<i>Apportionment</i>	<i>Hersden Allocation Amount</i>
Fighting Fund Solicitor's Fees for Claims	01.04.2019	Based on population	£1,688
Contingency Fund	01.04.2019	Based on population	£4,431
Safety Surfaces Fund	01.04.2019	50/50	£2,500
Play Equipment Fund	01.04.2019	50/50	£7,500
IT Fund	01.04.2019	Based on population	£422
Contribution of a sum equivalent to an apportionment of the Parish Office (with residential planning use) based on population. In exchange for the contribution Sturry Parish Council will retain the freehold of the building.	01.04.2019		£44,310
Agreed apportionment of the current account year-end balance after commitments as at 31 March 2019	01.04.2019	Based on population	To be confirmed

SCHEDULE 5 – FUNDS AND BALANCES TO BE TRANSFERRED FROM WESTBERE PC

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>
<i>Funds and Balances to be Transferred</i>	<i>Date</i>	<i>Apportionment</i>	<i>Hersden Allocation Amount</i>
Agreed apportionment of the current account year-end balance after commitments as at 31 March 2019	01.04.2019	Based on population	To be confirmed

SCHEDULE 6 – FUNDS AND BALANCES TO BE TRANSFERRED FROM CHISLET PC

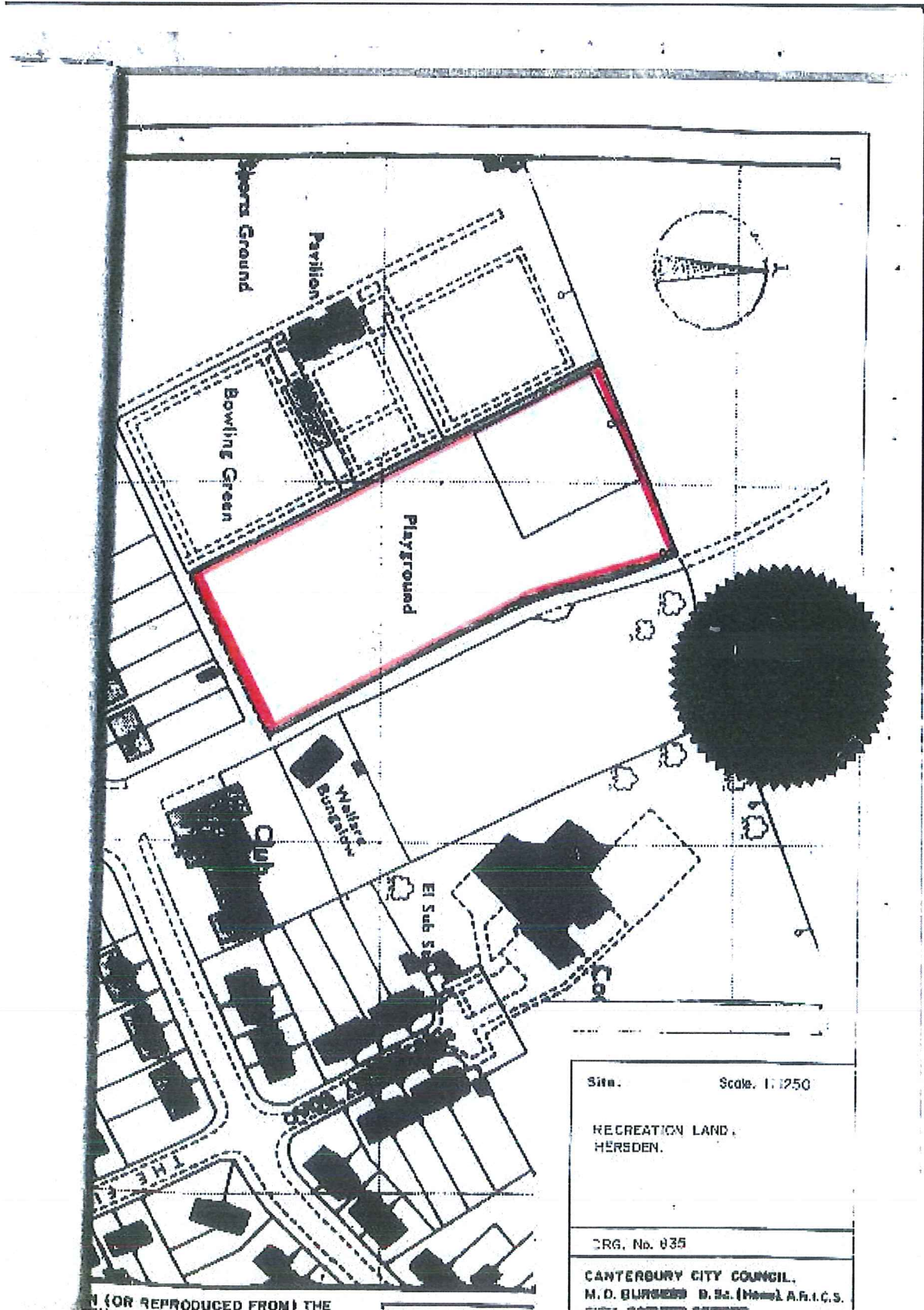
<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>
<i>Funds and Balances to be Transferred</i>	<i>Date</i>	<i>Apportionment</i>	<i>Hersden Allocation Amount</i>
Agreed apportionment of the current account year-end balance after commitments as at 31 March 2019	01.04.2019	Based on population	To be confirmed

SCHEDULE 7 – MAINTENANCE RESPONSIBILITIES TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Maintenance Responsibilities to be Transferred to Hersden Parish Council</i>	<i>Date</i>
Grounds Maintenance	01.04.2019
Litter Collection	01.04.2019

APPENDIX C – MAP SHOWING AREA LEASED FROM CANTEBURY CITY COUNCIL

Map 7: Plan of the area leased from Canterbury City Council referred to in schedule 2



EXPLANATORY ORDER

(This note is not part of the Order)

This Order gives effect to recommendations made by Canterbury City Council for creation of a Council for the Parish of Hersden within the City of Canterbury.

The Parish of Hersden will be created with effect from 1 April 2019. The electoral arrangements apply in respect of Parish elections to be held on and after the ordinary day of election of Councillors in 2019.

The new Parish Council will be a precepting authority for the purposes of Part I of the Local Government Finance Act 1992. Section 32 of that Act requires Canterbury City Council, as the billing authority, to calculate its budget requirement taking into account the amount of any precept issued to it for a given year by a local precepting authority. Article 5 sets out the arrangements for confirmation of the budget requirement.

Article 7 provides for Parish elections in the Parish of Hersden in 2019, and then to continue according to the established system of Parish elections every four years.

Article 8 and the map establish that the new Parish of Hersden will not be warded and sets the numbers of Councillors.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 14 sets out the transitional arrangements that will apply between 1 April 2019 and the date when Councillors are elected to the new Hersden Parish Council.

The map defined in Article 2 shows the area of Hersden Parish. It is available at all reasonable times, at the offices of Canterbury City Council.