

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Allerdale Borough Council (Reorganisation of Community Governance – Embleton Parish Council) Order 2018

*Made - - - [day] [month] [year]
Coming into force in accordance with article 1(2)*

Allerdale Borough Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007⁽¹⁾ (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 24 October 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 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) and 240(10) of the 2007 Act.

Citation and commencement

- 1.—(1) This Order may be cited as the Allerdale Borough Council (Reorganisation of Community Governance – Embleton Parish Council) Order 2018.
- (2) Subject to paragraphs (3) below, this Order comes into force on 1st April 2019.
- (3) For the purposes of:
 - (a) this article, and
 - (b) proceedings preliminary or relating to the election of parish councillors for the parish of Embleton, to be held on the ordinary day of election of councillors in 2019,

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⁽²⁾ of Allerdale;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the Allerdale Borough Council (Reorganisation of Community Governance – Embleton Parish Council) Order 2018” 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;

⁽¹⁾ 2007 c.28

⁽²⁾ The non-metropolitan district of Cumbria has the status of a borough

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983⁽³⁾; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8⁽⁴⁾ 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.

Wards of the parish of Embleton and numbers of parish councillors

- 3.1.—(1) The Embleton, Setmurthy and Wythop wards of the parish of Embleton shall be abolished.
(2) The parish shall consist of the area of the borough specified on the map;
(3) The number of councillors to be elected for the ward shall be 12;

Electoral register

4. 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.

Transitional provision

5. Until the councillors elected to the council of the new un-warded parish of Embleton at the elections to be held on the ordinary day of election of councillors in 2019 come into office, the new parish shall be represented by those persons who immediately before 1st April 2019 are the elected councillors for the wards of Embleton, Setmurthy and Wythop.

Order date

6. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008⁽⁵⁾.

Sealed with the seal of the council on the [*day e.g. 31st*] day of [*month*] [*year*]

[*Signature*]

[*day e.g. 31st*] [*month*] [*year*] [*Title of signatory*]

⁽³⁾ 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)

⁽⁴⁾ Section 8 has been amended by the Local Government (Wales) Act 1994 (c.19) and the Local Government etc. (Scotland) Act 1994 (c.39)

⁽⁵⁾ S.I. 2008/625.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Allerdale borough Council for the abolition of the wards of Embleton, Setmurthy and Wythop within the borough of Allerdale

The wards of Embleton, Setmurthy and Wythop will be abolished 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.

Article 3.1(3) specifies the numbers of parish councillors for the parish of Embleton.

Article 4 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 extent of the parish of Embleton. It is available, at all reasonable times, at the offices of Allerdale Borough Council.