

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The District of Thanet (Reorganisation of Community Governance) (Westgate Parish Council) Order 2015

**Made on the 25th day of February 2015
Coming into force in accordance with article 1(2)**

The District of Thanet ("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 18th November 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, and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the District of Thanet (Reorganisation of Community Governance) (Westgate Parish Council) Order 2015.
(2) Subject to paragraph (3) and (4) below, this Order comes into force on 1st April 2015.
(3) Article 8 shall come into force on the ordinary day of election in 2015.
(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 Westgate to be held on the 7 May 2015,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 for the Town of Margate;

"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) (Westgate Parish Council) Order 2015" 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;

"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 brown line on the map, shall be constituted within the district.
(2) The name of the new parish shall be Westgate.

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 of Westgate the sum of £62,880.

Parish council for the parish of Westgate

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

Elections for the parish of Westgate

7. (1) The election of all parish councillors for the parish of Westgate shall be held simultaneously on the ordinary day of election of district councillors in May 2015 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 2015 for the parish of Westgate shall be 4 years.

Wards of the parish of Westgate and numbers of parish councillors

8. (1) The parish of Westgate shall not be warded.
(2) The number of councillors to be elected for the parish of Westgate shall be 10.

Annual meeting of parish council

9. The annual meeting of the new parish council in 2015 shall be convened by the Monitoring Officer of the district council. 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

10. 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 reserves

11. The Charter Trustees have agreed to the apportionment of reserves between themselves and Westgate Parish Council. This apportionment to be based on the 2015/16 tax base and covering all sums held in reserve at the end of the 2014/15 financial year.

Transfer of property rights and liabilities

12. The transfer of land, property rights and liabilities has not been agreed by the Charter Trustees. This will be negotiated between the Charter Trustees and the designated representatives of Westgate Parish Council. If agreement cannot be reached by 31st March 2016 then the disputed matters will be referred to a single arbiter agreed on by the parties under section 99 of the 2007 Act.

Charter Trustees

13. (1) The remaining area of the Charter Trustees is outlined in orange on the map.
(2) The number of Charter Trustees shall be reduced by three to reflect the removal of Westgate from the Charter Trustees' area.

Transitional provision

14. Until the councillors elected to the council of the new parish of Westgate at the elections to be held on the ordinary day of election of councillors in May 2015 come into office, the new parish shall be represented by those persons who are appointed by the district council to sit on a Temporary Parish Council.

Any land or property of the district council transferred to the parish council (including Lymington Road Allotments) 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 parish council until such time as the parish council resolves to make other arrangements. Before such arrangements as may be made by the parish council are implemented, the parish council shall serve not less than twelve months' notice on the district council expiring on 31 March in any year.

Order date

15. 1st April 2015 is the order date for the purposes of the Local Government
(Parishes and Parish Councils) (England) Regulations 2008.

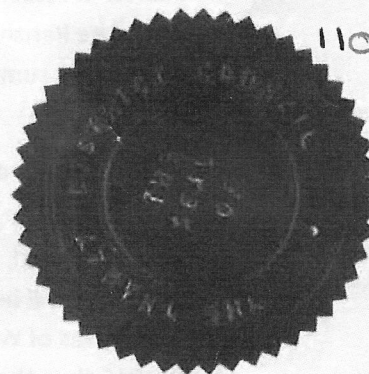
THE COMMON SEAL of
THANET DISTRICT COUNCIL
was hereunto affixed in the presence of:

Member

[Signature]

Solicitor

[Signature]



25th day of February 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Thanet District Council for creation of a council for the parish of Westgate within the district of Thanet.

The parish of Westgate 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.

The new Parish Council will be a precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992. Section 32 of that Act requires Thanet District 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 how the initial precept will be calculated for those purposes.

Article 7 provides for parish elections in the parish of Westgate in 2015, 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 Westgate will not be warded and sets the numbers of councillors for each ward.

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

Article 11 sets out the transitional arrangements that will apply between 1st April 2015 and the date when councillors are elected to the new Westgate Parish Council.

The map defined in article 2 shows the area of the parish of Westgate. It is available at all reasonable times, at the offices of Thanet District Council

