

# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

## The Metropolitan Borough of Solihull (Hockley Heath Parish) (Reorganisation of Community Governance) Order 2009

*Made - 28<sup>th</sup> January 2009*

*Coming into force in accordance with article 1(2) - 1<sup>st</sup> April 2009*

The Council of the Metropolitan Borough of Solihull (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007<sup>(a)</sup> (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 7 February 2007:

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), 98(4), 98(6) and 240(10) of the 2007 Act.

### **Citation and commencement**

1.— (1) This Order may be cited as the Metropolitan Borough of Solihull (Hockley Heath Parish) (Reorganisation of Community Governance) Order 2009.

(2) It shall come into force on 1<sup>st</sup> April 2009.

(3) For the purposes of:

(a) this article,

(b) article 13; and

(c) proceedings preliminary or relating to the elections of parish councillors for a new parish, 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—

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

“map” means the map marked “Map referred to in the Metropolitan Borough of Solihull (Hockley Heath Parish) (Reorganisation of Community Governance) Order 2009” and

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(a) 2007 c.28.

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;

“metropolitan borough” means the Metropolitan Borough of Solihull;

“new parishes” means the parishes constituted by articles 5,6,7 and 8;

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

“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.

### **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.

### **Abolition of Hockley Heath Parish**

4.— The existing parish of Hockley Heath in the metropolitan borough shall be abolished.

### **Constitution of a new parish for Cheswick Green**

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

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

### **Constitution of a new parish for Dickens Heath**

6.— (1) A new parish, comprising the area outlined with a blue line on sheet 2 of the map, shall be constituted within the metropolitan borough.

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

### **Constitution of a new parish for Hockley Heath**

7.— (1) A new parish, comprising the area outlined with a blue line on sheet 3 of the map, shall be constituted within the metropolitan borough.

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

### **Constitution of a new parish for Tidbury Green**

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

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

### **Parish council for the parish of Cheswick Green**

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

(2) The name of that council shall be “The Parish Council of Cheswick Green”.

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(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).

**Parish council for the parish of Dickens Heath**

- 10.— (1) There shall be a parish council for the parish of Dickens Heath.  
(2) The name of that council shall be “The Parish Council of Dickens Heath”.

**Parish council for the parish of Hockley Heath**

- 11.— (1) There shall be a parish council for the parish of Hockley Heath.  
(2) The name of that council shall be “The Parish Council of Hockley Heath”.

**Parish council for the parish of Tidbury Green**

- 12.— (1) There shall be a parish council for the parish of Tidbury Green.  
(2) The name of that council shall be “The Parish Council of Tidbury Green”.

**Calculation of budget requirement**

- 13.— (1) For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008(a) there is specified in relation to the parish of Cheswick Green the sum of £50,000.  
(2) For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008(b) there is specified in relation to the parish of Dickens Heath the sum of £36,000.  
(3) For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008(c) there is specified in relation to the parish of Hockley Heath the sum of £40,000.  
(4) For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008(d) there is specified in relation to the parish of Tidbury Green the sum of £15,000.

**Parish elections**

- 14.— (1) The election of all parish councillors for the parishes of Cheswick Green, Dickens Heath, Hockley Heath and Tidbury Green shall be held simultaneously on the ordinary day of election of councillors in 2009.  
(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2009 for the parishes of Cheswick Green, Dickens Heath, Hockley Heath and Cheswick Green shall be two years.  
(3) The first annual meeting of the councils of the new parishes shall be convened by the proper officer of the Council of the metropolitan borough of Solihull.

**Number of parish councillors for the parish of Cheswick Green**

- 15.— The number of councillors to be elected for the parish of Cheswick Green shall be five.

**Number of parish councillors for the parish of Dickens Heath**

- 16.— The number of councillors to be elected for the parish of Dickens Heath shall be five.

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(a) S.I. 2008/626.  
(b) S.I. 2008/626.  
(c) S.I. 2008/626.  
(d) S.I. 2008/626.

**Number of parish councillors for the parish of Hockley Heath**

17.— The number of councillors to be elected for the parish of Hockley Heath shall be five.

**Number of parish councillors for the parish of Tidbury Green**

18.— The number of councillors to be elected for the parish of Tidbury Green shall be five.

**Electoral register**

19.— The registration officer for the metropolitan 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.

**Transfer of property rights and liabilities**

20.— The land, property, rights and liabilities described in column (1) of the Schedule shall transfer from the existing Council of the Parish of Hockley Heath to the Parish Council of Tidbury Green on the date specified in column (2) of the Schedule.

**Residual property rights and liabilities**

21.— Where any remaining property right or liability would pass to more than one transferee authority such property right and liability shall subject to any agreement be held by the parish council for Dickens Heath on trust for itself and the parish councils of the other new parishes.

**Financial reserves**

- 22.— (1) The financial reserves attributable to the existing parish Council as at the order date shall vest in the parish council for Dickens Heath on trust for itself and the parish councils of the other new parishes.
- (2) Within eight months of the order date, or such longer period as may be agreed between the councils of the new parishes the parish council for Dickens Heath shall divide the financial reserves between itself and the parish councils of the other new parishes in such proportion as may be agreed, or failing such agreement, as may be determined in accordance with section 99 of the 2007 Act.

**Redundancy payment and compensation for loss of office**

- 23.— (1) The Clerk to the existing council for the parish of Hockley Heath shall as at the order date be treated as being dismissed by reason of redundancy for the purposes of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and the Local Government pension Scheme (Benefits, Membership and Contributions) Regulations 2007.
- (2) The amount of compensation which shall be payable in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 shall be the sum as calculated in accordance with the statement of policy of the existing parish Council.

**Recovery of expenditure and distribution of surpluses**

24.— (1) The parish council for Dickens Heath may recover from the councils of the other new parishes such proportion of any expenditure properly incurred under articles 21 and 23 as may be agreed between them or, failing such agreement as may determined in accordance with section 99 of the 2007 Act.

- (2) Where the total of any sums received by the parish council of Dickens Heath in undertaking its functions under articles 21 and 23 in any financial year exceeds the amount of any expenditure incurred under the said articles in respect of that year the council of the parish of Dickens Heath shall as soon as reasonably practicable after the end of that year pay to each of the other councils of the new parishes such proportion of the excess as may be agreed between them, or failing such agreement to be determined in accordance with section 99 of the 2007 Act.

**Transitional provisions**

- 25.— Until the councillors elected to the council of the new parishes of Cheswick Green, Dickens Heath, Hockley Heath and Tidbury Green at the elections to be held on the ordinary day of election of councillors in 2009 come into office, the new parishes shall be represented by those persons who immediately before 1<sup>st</sup> April 2009 are the elected councillors for the metropolitan borough of Solihull wards of Blythe and Dorridge and Hockley Heath.

**Order date**

- 26.— 1st April 2009 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the Metropolitan Borough of Solihull on the 28th day of January 2009

The COMMON SEAL of THE )  
 )  
 METROPOLITAN BOROUGH )  
 )  
 OF SOLIHULL )  
 )  
 Was hereto affixed in the presence of - )

*Maeda*

Acting Director of Corporate Governance



**THE SCHEDULE**

article 20

**LAND AND PROPERTY TO BE TRANSFERRED**

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
Allotment Land at Wood Lane Tidbury Green	1 <sup>st</sup> April 2009

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order gives effect to recommendations made by Solihull Metropolitan Borough Council for the abolition of the parish of Hockley Heath and the creation of the new parishes.

The new parishes of Cheswick Green, Dickens Heath, Hockley Heath and Tidbury Green will be created with effect from 1 April 2009. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2009.

Article 5 provides for the abolition of Hockley Heath parish.

Articles 6,7,8 and 9 and the map establish the names and areas of the new parishes.

Articles 10,11,12 and 13 establish parish councils for the new parishes.

Article 13 provides for the budget requirement for the new parishes.

Article 14 provides for parish elections in the new parishes in 2009, and then to continue according to the established system of parish elections every four years from 2011.

Articles 15,16,17 and 18 specifies the numbers of parish councillors for the new parishes.

Article 19 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 20 and the Schedule provides for the Wood Lane Allotments to be transferred to Tidbury Green Parish Council.

Article 21 deals with residual matters.

Article 22 provides for the financial reserves held by Hockley Heath Parish Council as at the date of its abolition.

Article 23 provides for redundancy pay and compensation for loss of office.

Article 24 enables the cost of residual matters to be recovered or surpluses distributed.

Article 25 makes provision for transitional representation pending the election of new parish councillors.

Article 26 specifies the order date.

The map defined in article 3 is available, at all reasonable times, at the offices of Solihull Metropolitan Borough Council.