

Local Government and Public Involvement in Health Act, 2007

The Bath and North East Somerset (Reorganisation of Community Governance) (Norton Radstock) Order 2011

Made 28th March 2011

Coming into force 1st April, 2011

Bath and North East Somerset Council ("the Council") in accordance with section 83 of the Local Government and Public Involvement in Health Act, 2007 ("the 2007 Act") has undertaken a community governance review and made recommendations dated 22nd July, 2010.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with 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(5), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Bath and North East Somerset (Reorganisation of Community Governance) (Norton Radstock) Order, 2011
- (2) Subject to paragraphs 3 and 4 below, this Order shall come into force on 1st April, 2011
- (3) Articles 6, 8 and 11 shall come into force on the ordinary day of election of councillors in 2011
- (4) For the purpose of
 - (a) this article
 - (b) article 2.2 and
 - (c) proceedings preliminary or relating to the elections of parish councillors for the parishes of Midsomer Norton, Radstock and Westfield, to be held on the ordinary day of election of councillors in 2011

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

Interpretation

2. In this Order:

“council” means the Bath and North East Somerset Council;

“district” means the district of Bath and North East Somerset;

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

“map” means the map marked “Map referred to in the Bath and North East Somerset (Reorganisation of Community Governance) Order 2011 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;

“new parish(es)” means the parish(es) constituted by article 4;

“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(2)(a) 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 provisions of the Order.

Constitution of new parishes

4. (1) Three new parishes shall be constituted within the district.

(2) A new parish comprising the area outlined with a blue line on the map shall be constituted and the name of the new parish shall be Midsomer Norton.

(3) There shall be a parish council for the parish of Midsomer Norton.

(4) The name of the parish council at (3) above shall be Midsomer Norton Town Council

(5) A new parish comprising the area outlined with a red line on the map shall be constituted and the name of the new parish shall be Radstock.

(6) There shall be a parish council for the parish of Radstock.

(7) The name of the parish council at (6) above shall be Radstock Town Council.

(8) A new parish comprising the area outlined with a green line on the map shall be constituted and the name of the new parish shall be Westfield.

(9) There shall be a parish council for the parish of Westfield.

(10) The name of the parish council at (9) above shall be Westfield Parish Council.

Elections for the parish of Midsomer Norton

5. The elections of all parish councillors for the parish of Midsomer Norton shall be held simultaneously on the ordinary day of election of councillors in May, 2011 and thereafter every four years.

Number of parish councillors for the parish of Midsomer Norton

6. The number of parish councillors to be elected for the parish of Midsomer Norton shall be eleven.

Elections for the parish of Radstock

7. The elections of all parish councillors for the parish (wards) of Radstock shall be held simultaneously on the ordinary day of election of councillors in May, 2011 and thereafter every four years.

Number of parish councillors for the parish of Radstock

8. The number of parish councillors to be elected for the parish of Radstock shall be eleven.

Wards of the parish of Radstock and the numbers of parish councillors

9. (1) The parish of Radstock shall be divided into four wards which shall be named Radstock Centre, Writhlington, Clandown and Haydon.

(2) Each ward shall comprise the area designated on the map and demarcated by a thick black line

(3) The number of councillors to be elected for the Radstock Centre ward shall be four, for the Writhlington ward shall be three, for the Clandown ward shall be two and for the Haydon ward shall be two.

Election for the parish of Westfield

10. The election of all parish councillors for the parish of Westfield shall be held on the ordinary day of election of councillors in May, 2011 and thereafter every four years.

Number of parish councillors for the parish of Westfield

11. The number of parish councillors to be elected for the parish of Westfield shall be eleven.

Annual meeting of parish councils

12. The annual meeting of each of the new parish councils created under article 4 above, shall be convened by the officer appointed by the Council in accordance with article 21 below. The meetings shall take place no later than 14 days after the day on which the councillors elected to the new parish councils take office.

Dissolution of parish council for the parish of Norton Radstock

13. The Norton Radstock Town Council shall be dissolved on the date the new parishes are created.

Abolition of parish of Norton Radstock

14. The parish of Norton Radstock shall be abolished.

Electoral register

15. 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 purpose of, and in consequence of, this Order.

Transfer of Land and Property

16. (1) Such interest as the Norton Radstock Town Council has in the land and property described in Schedule 1A, column 1 shall transfer from the Norton Radstock Town Council to the parish council identified in column 2 of that Schedule, together with and subject to all rights and liabilities and other matters affecting and relating thereto.

(2) In accordance with the provisions of the Local Government (Parishes and Parish Councils) (England) Regulations, 2008, the charitable property listed in Schedule 1B, column 1, and held by the Norton Radstock Town Council as trustee, shall vest in the parish council identified in column 2 of that Schedule, together with and subject to all rights and liabilities and other matters affecting and relating thereto.

Transfer of Assets

17. (1) The moveable and fixed assets described in Schedule 2, column 1 shall transfer from the Norton Radstock Town Council to the body identified in column 2 of that Schedule, together with and subject to all rights and liabilities thereto or otherwise shall be dealt with in accordance with the action identified in column 2.

(2) Where in column 2 there is no specific council identified, the allocation or apportionment of the asset shall be determined by the Council.

Transfer of loans and other financial liabilities

18. (1) The loans, liabilities and other financial arrangements described in Schedule 3, column 1 shall transfer from the Norton Radstock Town Council to the parish council identified in column 2 of that Schedule.
- (2) Any debts owed by the Norton Radstock Town Council identified after the coming into force of this Order shall be dealt with as follows:
- (a) debts that relate to a particular area of land or property will pass to the new council in whom such land or property is vesting;
- (b) debts that relate exclusively to one administrative area will pass to the successor council for that area
- (c) debts that do not fall within categories (a) or (b) shall be apportioned in accordance with Regulation 7(5) of the Local Government (Parishes and Parish Councils)(England) Regulations 2008 as if any outstanding debts were unallocated balances on 31st March, 2011.

Transfer of, and other arrangements for, staff

19. (1) The staff of Norton Radstock Town Council listed in Schedule 4, column 1 who are in post on 1st April, 2011 shall transfer to the parish council identified in Schedule 4, column 2.
- (2) For an interim period of 3 months commencing 1st April, 2011, or until such earlier time as each of the new councils has put in place substantive arrangements, the staff who are transferred by virtue of (1) above to one of the new councils shall report to the relevant officer appointed under article 21(1) below.
- (3) The Council may extend the interim period referred to in (2) above.
- (4) Individual staff membership of the Avon Pension Fund shall be deemed to continue until the first meeting of the new parish council to which the member of staff has transferred, at which that council will determine whether to designate the transferred employee. The costs of the employer contributions will be disaggregated to the relevant new council.

Arrangements for the provision of grounds services

20. (1) During the period commencing 1st April, 2011 and ending 31st March, 2012, Westfield Parish Council shall act as lead authority for the provision of grounds services to Midsomer Norton Town Council and to Radstock Town Council. The costs of this service for the period stated shall be apportioned to Midsomer Norton Town Council, Radstock Town Council and Westfield Parish Council.
- (2) During the period at (1) above, Westfield Parish Council shall enter into negotiations with the Midsomer Norton Town Council and the Radstock Town

Council as to any substantive arrangements for the provision of grounds services beyond that period.

(3) During the period at (1) above, Westfield Parish Council shall maintain a level of grounds service to the other new parishes of at least equivalent standard to that provided by the Norton Radstock Town Council in the financial year 2010/2011.

(4) If during the period 1st April 2011 to 31st March 2012 any of the new Councils resolve to terminate the lead arrangements described in (1) above, any resultant employer liability costs shall be shared proportionately by Midsomer Norton Town Council, Radstock Town Council and Westfield Parish Council.

Arrangements for the administration of financial and other matters

21 (1) For the purposes of the Local Government Act, 1972, section 151 (the proper administration of financial matters), the Council shall appoint an officer to act in this and any other relevant capacity on behalf of each or all of the new parish councils for an interim period of 3 months commencing 1st April, 2011.

(2) The Council will make suitable arrangements for premises to be equipped and available for each or all of the new councils for a period of 3 months commencing 1st April, 2011, in order to enable the new councils to carry out their administrative services.

(3) The officer so appointed will be responsible for all matters relating to the business of the new Councils including the management of staff, budgets and will convene the first meeting of each Council and attend to all matters required by law or otherwise necessary.

Budget arrangements for new parish councils

22. (1) For the purpose of Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 (calculation of budget requirement) there is specified in relation to

(a) the parish of Midsomer Norton, the sum of £330,994

(b) the parish of Radstock, the sum of £151,119; and

(c) the parish of Westfield, the sum of £161,102

(2) In order to ensure that as far as possible there will be continuity of service provision for the 2011/2012 financial year and to minimise any disproportionate financial burden falling upon one or more of the new parish councils as a result of the disaggregation of assets and liabilities, the Council shall deduct from the monies due to Midsomer Norton Town Council the sum

of £69,829 and shall apportion that sum between Radstock Town Council and Westfield Parish Council as follows:

£48,421 to Radstock Town Council

£21,408 to Westfield Parish Council

(the figures in (1) above reflect this deduction and apportionment)

(Note: The Council has allocated £60,000 to support the ongoing costs of Victoria Hall for a period no longer than 12 months from 1st April, 2011. This money will be held by the Council and will be available to Radstock Town Council on terms to be agreed (see Schedule 1A))

Policies and Statutory Documents of the former Norton Radstock Town Council

23. (1) For the purpose of continuous and effective local government, the new parish councils shall be deemed to have adopted all of the policies of the former Norton Radstock Town Council that are relevant to them individually and collectively until such time as they separately resolve to cease or amend those policies.
- (2) Except insofar as the officer appointed under clause 21(1) deems otherwise, after consultation as appropriate with the Council, the Financial Regulations, Standing Orders, Code of Conduct, Freedom of Information Publication Scheme, Complaints Procedures and Risk Management Scheme of Norton Radstock Town Council shall apply to each of the new parish councils as if they had been adopted by each of them, until such time as the new Councils each approve alternative provision.
- (3) The officer appointed under article 21(1) shall, after consultation as appropriate with the Council, make all necessary arrangements to ensure that the new councils have relevant and adequate public liability and other relevant insurance cover effective from the date the new councils are created.

Transitional provision

24. (1) Until the councillors elected to the council of the new parishes of Midsomer Norton, Radstock and Westfield, at the elections to be held on the ordinary day of election of councillors in 2011, come into office, the new parishes shall be represented by the following:
- (a) for the parish of Midsomer Norton - those persons who immediately before 1st April, 2011 are the elected councillors for the Bath and North East Somerset wards of Midsomer Norton (North) and Midsomer Norton (Redfield);
- (b) for the parish of Radstock - those persons who immediately before 1st April, 2011 are the elected councillors for the Bath and North East Somerset ward of Radstock; and

(c) for the parish of Westfield - those persons who immediately before 1st April, 2011 are the elected councillors for the Bath and North East Somerset ward of Westfield.

(2) The role of the Bath & North East Somerset councillors referred to in (1) above shall not include any power to amend this Order.

(3) In the event that councillors consider that during the period referred to in article 24(1) it is necessary for a decision of significance and urgency to be made, the matter will be referred to the Council for determination.

(4) To enable the officer appointed in accordance with article 21(1) to create bank accounts and undertake any other financial transactions for each of the new councils, any two of the councillors referred to in (1) above shall be deemed to be authorised signatories for these purposes until the councillors elected to each of the new councils take office.

Order date

25. 1st April, 2011 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations, 2008.

Schedule 1A

Land and Property Rights and Liabilities to be transferred

Column 1	Column 2
Allotments at Radstock Road	Midsomer Norton Town Council
Tom Huyton Memorial Park, Kiosk, Car Park, Greenway and Five Arches and Toilets (leasehold interest)	Radstock Town Council
Church Street Recreation Ground, Radstock	Radstock Town Council
Radstock Memorial Gardens, Radstock (leasehold interest)	Radstock Town Council
Allotments at Haydon (lease arrangements)	Radstock Town Council
Unit G1, Norton Hill (lease arrangement)	Westfield Parish Council
Jubilee Crescent, Radstock	Radstock Town Council
Victoria Hall (Tenancy at Will, for the purposes of which Radstock Town Council shall be treated as the same person in law as Norton Radstock Town Council)	Radstock Town Council
Automated toilets at The Island, Midsomer Norton (financial contribution in accordance with Agreement made 11 th April, 2003)	Midsomer Norton Town Council
All rights and liabilities of Norton Radstock Town Council which relate to the area of Norton Radstock transferred to Midsomer Norton Town Council	Midsomer Norton Town Council
All rights and liabilities of Norton Radstock Town Council which relate to the area of Norton Radstock transferred to Radstock Town Council	Radstock Town Council
All rights and liabilities of Norton Radstock Town Council which relate to the area of Norton Radstock transferred to Westfield Parish Council	Westfield Parish Council

Schedule 1B

Trust Land and Property to be transferred

Column 1	Column 2 (sole trustee to change from Norton Radstock Town Council to the named Councils)
West Clewes (Midsomer Norton Recreation Ground Trust)	Midsomer Norton Town Council
Norton Hill (Norton Hill Recreation Ground Trust)	Westfield Parish Council
Southfield, Radstock (Southfield Recreation Ground Trust)	Radstock Town Council
Westhill (Westhill Gardens Recreation and Pleasure Ground Trust)	Westfield Parish Council

Schedule 2

Fixed and Consumable Assets to be transferred (other than land)

(Reference to the List of Assets means the List of Assets approved by Norton Radstock Town Council on 6th December, 2010, a copy of which is appended to this Order.)

Column 1	Column 2
All vehicles, equipment, computer and other assets (including consumables) identified in the List of Assets and located at or operated from the Works Unit	Westfield Parish Council
2 x Dell Computers (leased to December 2011) and 1 x Laptop and docking station at Works Unit	Westfield Parish Council
2 x Dell Computers	Radstock Town Council
2 x Dell Computers	Midsomer Norton Town Council
1 x Dell Server (leased to December 2011) broadband router,	Radstock Town Council

battery back-up for server and switch	
Fixed infrastructure assets including street furniture, bus shelters, notice boards, benches, litter bins and dog bins	The Parish or Town Council in which the asset is situated
Portable speed sign (located at Frome Road, Radstock at the date of this Order)	Radstock Town Council
Christmas lights	Westfield Parish Council
Fixed and consumable assets at Victoria Hall, Radstock as shown in the List of Assets and which relate directly to the use of Victoria Hall, including snooker and pool tables	Radstock Town Council
CCTV recording equipment (including monitors and cameras) at Victoria Hall	Radstock Town Council
Fixed play and other infrastructure/equipment on site	The Parish or Town Council relevant to the siting of the asset identified in the List of Assets
Infrastructure assets relating to the specific land and property identified in Schedules 1A and 1B of this Order	The relevant Parish or Town Council identified in Column 2 of Schedules 1A and 1B
Civic Regalia and Town Twinning gifts owned by Norton Radstock Town Council	Bath & North East Somerset Council unless notified by Norton Radstock Town Council of its intention to donate these to a local museum.
Such other moveable or fixed assets identified on 1 st April, 2011 and not shown on the List of Assets but in respect of which it is necessary to allocate to a successor body.	Bath & North East Somerset Council as principal council to determine the appropriate allocation or apportionment to one or more of the new councils.

battery back-up for server and switch	
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CCTV recording equipment (including monitors and cameras) at Victoria Hall	Radstock Town Council
Fixed play and other infrastructure/equipment on site	The Parish or Town Council relevant to the siting of the asset identified in the List of Assets
Infrastructure assets relating to the specific land and property identified in Schedules 1A and 1B of this Order	The relevant Parish or Town Council identified in Column 2 of Schedules 1A and 1B
Civic Regalia and Town Twinning gifts owned by Norton Radstock Town Council	Bath & North East Somerset Council unless notified by Norton Radstock Town Council of its intention to donate these to a local museum.
Such other moveable or fixed assets identified on 1 st April, 2011 and not shown on the List of Assets but in respect of which it is necessary to allocate to a successor body.	Bath & North East Somerset Council as principal council to determine the appropriate allocation or apportionment to one or more of the new councils.

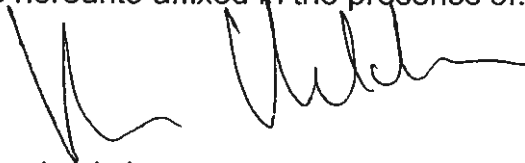
Transfer of staff

Column 1	Column 2
Town Clerk (30 hours)	Radstock Town Council
Finance Officer (37 hrs) (Ref No. 6792)	Westfield Parish Council
Administrative Assistant (16 hrs) (Ref No. 5436)	Radstock Town Council
Administrative Assistant (37 hrs) (Ref No. 7367)	Midsomer Norton Town Council
Administrative Assistant (37 hrs) (Ref No. 4366)	Westfield Parish Council
Caretaker (17.5 hrs) (Ref No. 9167)	Radstock Town Council
Caretaker (36 hrs) (Ref No. 2937)	Radstock Town Council
Works Foreman (37 hrs) (Ref No. 8345)	Westfield Parish Council as lead authority
Deputy Foreman (37hrs) (Ref No. 4197)	Westfield Parish Council as lead authority
Groundsperson (37 hrs) (Ref No.1782)	Westfield Parish Council as lead authority
Groundsperson (37 hrs) (Ref No. 6598)	Westfield Parish Council as lead authority

Given under the Common seal of the Bath & North East Somerset Council the 28th day of March, 2011

THE COMMON SEAL of
BATH AND NORTH EAST
SOMERSET COUNCIL

was hereunto affixed in the presence of:



Authorised signatory