

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007
The Hambleton District Council (Reorganisation of Community Governance)
(Brafferton and Helperby) Order 2019

Made - - - - 8 February 2019

Coming into force in accordance with article 1(2)

Hambleton District 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 11 December 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), 98(4) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Hambleton District Council (Reorganisation of Community Governance) (Brafferton and Helperby) Order 2019.
- (2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2019.
- (3) Article 11 shall come into force on the ordinary day of election of councillors in 2019.
- (4) For the purposes of:
 - (a) this article,
 - (b) article 7; and

c) proceedings preliminary or relating to the election of parish councillors for the parish of Brafferton and Helperby, 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—

“district” means the district of Hambleton ;

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

“map” means the map marked “Map referred to in the Hambleton District Council (Reorganisation of Community Governance) (Brafferton and Helperby) Order 2019” and deposited in accordance with section 96(4) of the 2007 Act;

“new parish” means the parish constituted by article 6;

“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 Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

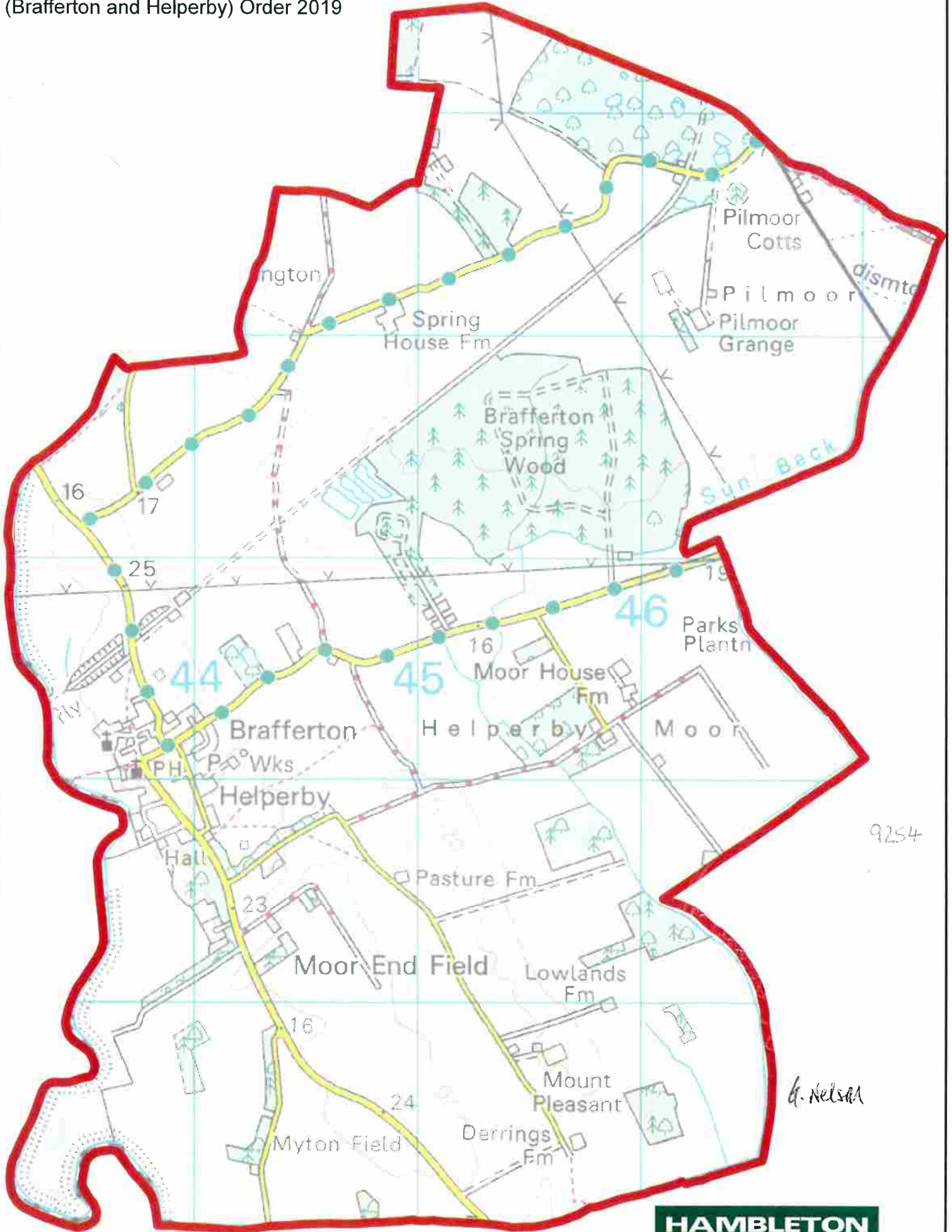
Area affected by the Order

4. The area affected by this Order is shown on the map.

Dissolving the existing parish councils

5. The existing Parish Council of Brafferton parish and the existing Parish Council of Helperby parish shall be wound up and dissolved.

Map referred to in the Hambleton District Council (Reorganisation of Community Governance)
 (Brafferton and Helperby) Order 2019



1:21,397

 Brafferton and Helperby Parish

HAMBLETON
DISTRICT COUNCIL

Civic Centre, Stone Cross, Northallerton DL6 2UU
 Telephone: 01609 779 977 Fax: 01609 767228

Amalgamation of existing parishes of Brafferton and Helperby and constitution of new parish of Brafferton and Helperby

6. (1) The existing parish of Brafferton and the existing parish of Helperby shall be amalgamated to constitute a new parish comprising the area outlined in red on the map.
- (2) The new parish shall be known as the parish of Brafferton and Helperby.
- (3) In consequence of paragraph (1), the existing parish of Brafferton and the existing parish of Helperby shall cease to exist.

Calculation of budget requirement

7. 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 Brafferton and Helperby the sum of £10,000.00.
8. The funds and balances referred to in Schedules 6 and 7 shall be transferred to the new parish council for the parish of Brafferton and Helperby.

Parish council for the parish of Brafferton and Helperby

9. (1) There shall be a parish council for the parish of Brafferton and Helperby.
- (2) The name of that council shall be “The Parish Council of Brafferton and Helperby”.

Elections for the new parish council of Brafferton and Helperby

10. The election of all parish councillors for the parish of Brafferton and Helperby shall be held on the ordinary day of election of councillors in 2019 and every four years thereafter.

Number of parish councillors for the parish of Brafferton and Helperby

11. The number of councillors to be elected for the parish of Brafferton and Helperby shall be seven.

Warding

12. The parish of Brafferton and Helperby shall not be warded.

Annual meeting of parish council

13. The annual meeting of the new parish council in 2019 shall be convened by a clerk to the Parish 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

14. 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 Staff

15. Any person who is employed by the existing Parish Council of Brafferton or the existing Parish Council of Helperby immediately before the date of dissolution shall be transferred on the date of dissolution on the same terms and conditions to the employment of the Parish Council of Brafferton and Helperby.

Transfer of property, rights and liabilities

16. The land, property, rights and liabilities described in Schedule 1 shall transfer from the Brafferton Parish Council to Brafferton and Helperby Parish Council on the date specified in column (2) of that Schedule.
17. The land, property, rights and liabilities described in Schedule 2 shall transfer from the Helperby Parish Council to Brafferton and Helperby Parish Council on the date specified in column (2) of that Schedule.

Historical and ceremonial property

18. All other interests in property as described in Schedule 3 shall transfer from Brafferton Parish Council to Brafferton and Helperby Parish Council on the date specified in column 2 of that Schedule.

Contracts and other matters

19. In accordance with Regulation 7 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 Brafferton Parish Council is transferring the

benefits, burdens, rights and liabilities to Brafferton and Helperby Parish Council of the contracts which are listed in Schedule 4.

20. In accordance with Regulation 7 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 Helperby Parish Council is transferring the benefits, burdens, rights and liabilities to Brafferton and Helperby Parish Council of the contracts which are listed in Schedule 5.

Transitional provision

21. Until the councillors elected to the council of the new parish of Brafferton and Helperby 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 district wards of Raskelf and White Horse and Easingwold.

Order date

22. 1st April 2019 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

SEALED with the seal of
HAMBLETON DISTRICT COUNCIL

On the 8th day of February 2019



Authorised Signatory

G. Nelson

SCHEDULE 1

(article 16)

LAND AND PROPERTY TO BE TRANSFERRED FROM BRAFFERTON PARISH COUNCIL

Column (1)	Column (2)
Land and property to be transferred	Date
Land known as The Pinfold, Boroughbridge Road, Brafferton	1 April 2019
Land to the south of St Peter's Church, adjacent to Lych Gate and Bridge Street, Brafferton	1 April 2019
All office equipment and materials and contents therein consisting of but not limited to a filing cabinet and HP Officejet Printer	1 April 2019
Brafferton Parish Notice Board	1 April 2019
Halifax NA612 Memorial Plinth and Granite Plaque	1 April 2019
Road Signage at Lodge Farm, Helperby (owned jointly with Helperby Parish Council)	1 April 2019

SCHEDULE 2

(article 17)

LAND AND PROPERTY TO BE TRANSFERRED FROM HELPERBY PARISH COUNCIL

Column (1)	Column (2)
Land and property to be transferred	Date
Allotment land at Raskelf Road, Helperby	1 April 2019
Land at former Brickyard, Raghill Lane, Helperby	1 April 2019
Swale Green, Bridge Street, Helperby	1 April 2019

The Pinfold, Back Lane, Helperby	1 April 2019
Helperby Village Fountain	1 April 2019
War Memorial and Railings, Main Street, Helperby	1 April 2019
All office equipment and materials and contents therein consisting of but not limited to a HP Laptop	1 April 2019
Helperby Notice Board	1 April 2019
Road Signage at Lodge Farm, Helperby (owned jointly with Brafferton Parish Council)	1 April 2019
Helperby Village Bier	1 April 2019

SCHEDULE 3

(article 18)

HISTORICAL AND CEREMONIAL PROPERTY TO BE TRANSFERRED FROM BRAFFERTON PARISH COUNCIL

Column (1)	Column (2)
Historic and ceremonial property to be transferred	Date
Two Helperby Lodge Society memorial boards	1 April 2019

SCHEDULE 4

(article 19)

CONTRACTS AND OTHER MATTERS TO BE TRANSFERRED FROM BRAFFERTON PARISH COUNCIL

Column (1)	Column (2)
Contract details	Date
Grounds maintenance contract dated 25 November 2018 between Brafferton Parish	1 April 2019

Council (1) and Mr A Metcalfe (2)	
Maintenance of urban verges contract dated 25 November 2018 between Brafferton Parish Council (1) and Mr N Buchanan (2)	1 April 2019

SCHEDULE 5

(article 20)

CONTRACTS AND OTHER MATTERS TO BE TRANSFERRED FROM HELPERBY PARISH COUNCIL

Column (1)	Column (2)
Contract details	Date
Maintenance of urban verges contract dated 25 November 2018 between Helperby Parish Council (1) and Mr N Buchanan (2)	1 April 2019

SCHEDULE 6

(article 8)

FUNDS AND BALANCES TO BE TRANSFERRED FROM BRAFFERTON PARISH COUNCIL

Column (1)	Column (2)
Funds and balances to be transferred	Date
Balance held in HSBC Community Account *****008	1 April 2019
Balance held in HSBC Business Money Manager Account *****360	1 April 2019

SCHEDULE 7

(article 8)

FUNDS AND BALANCES TO BE TRANSFERRED FROM HELPERBY PARISH
COUNCIL

Column (1)	Column (2)
Funds and balances to be transferred	Date
Balance held in Barclays Bank Community Account no. *****164	1 April 2019
Balance held in Barclays Bank Business Saver Account no. *****018	1 April 2019
Balance held in Skipton Building Society Account no. *****610	1 April 2019

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Hambleton District Council in the community governance review for the parishes of Brafferton and Helperby.

It provides for the amalgamation of the existing parishes of Brafferton and Helperby to constitute the new parish of Brafferton and Helperby. The new parish of Brafferton and Helperby will be created with effect from 1st April 2019.

The existing Parish Council for Brafferton parish and the existing Parish Council for Helperby parish shall be dissolved and a new parish council for the new parish shall be created.

The electoral arrangements apply in respect of parish elections to be on and after the ordinary day of election of councillors in 2019. Article 10 provides for parish elections in the parish of Brafferton and Helperby in 2019, and then to continue according to the established system of parish elections every four years.

Article 11 specifies the number of parish councillors for the new parish of Brafferton and Helperby.

Article 14 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 new parish of Brafferton and Helperby. It is available, at all reasonable times, at the offices of Hambleton District Council.