

2008 No. 423

LOCAL GOVERNMENT, ENGLAND

The District of South Lakeland (Electoral Changes) Order 2008

Made - - - - *20th February 2008*

Coming into force in accordance with article 1(2), 1(3) and 1(4).

The Boundary Committee for England(a), under section 15(5) of the Local Government Act 1992(b) (“the 1992 Act”), have conducted a review of the district of South Lakeland(c) and have submitted to the Electoral Commission(d) recommendations dated August 2007.

A period of not less than six weeks has expired since the receipt of those recommendations.

The Electoral Commission have decided to give effect, with modifications, to those recommendations.

Accordingly, the Electoral Commission, in exercise of the powers conferred by sections 17(e) and 26(f) of the 1992 Act, make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the District of South Lakeland (Electoral Changes) Order 2008.

(2) This Order, with the exception of articles 5, 6 and 8, comes into force—

- (a) for the purpose of proceedings preliminary or relating to any election to be held on the ordinary day of election of councillors in 2008, on the day after that on which it is made;
- (b) for all other purposes, on the ordinary day of election of councillors in 2008.

(3) Article 6 comes into force—

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- (a) The Boundary Committee for England is a committee of the Electoral Commission, established by the Electoral Commission in accordance with section 14 of the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”) (c.41). The Local Government Commission for England (Transfer of Functions) Order 2001 (S.I. 2001/3962) transferred to the Electoral Commission the functions of the Local Government Commission for England.
 - (b) 1992 c.19. This section has been amended by S.I. 2001/3962 and by section 57 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) (c.28).
 - (c) The non-metropolitan district of South Lakeland has the status of a district.
 - (d) The Electoral Commission was established by the 2000 Act (c.41). The functions of the Secretary of State, under sections 13 to 15 and 17 of the 1992 Act (c.19), to the extent that they relate to electoral changes within the meaning of that Act, were transferred with modifications to the Electoral Commission on 1st April 2002 (S.I. 2001/3962).
 - (e) This section has been amended by S.I. 2001/3962, by sections 22 and 57 of the 2007 Act (c.28) and also otherwise in ways not relevant to this Order.
 - (f) This section has been amended by S.I. 2001/3962 and by section 22 of the 2007 Act (c.28).

- (a) for the purpose of proceedings preliminary or relating to the election of parish councillors for the parish of Kendal to be held on the ordinary day of election of councillors in 2010, on 15th October 2009;
 - (b) for all other purposes, on the ordinary day of election of councillors in 2010.
- (4) Articles 5 and 8 come into force—
- (a) for the purpose of proceedings preliminary or relating to the election of parish councillors for the parishes of Grange-over-Sands and Windermere to be held on the ordinary day of election of councillors in 2011, on 15th October 2010;
 - (b) for all other purposes, on the ordinary day of election of councillors in 2011.

Interpretation

2. In this Order—

“district” means the district of South Lakeland;

“existing”, in relation to a ward, means the ward as it exists on the date this Order is made;

“map” means the map marked “Map referred to in the District of South Lakeland (Electoral Changes) Order 2008”, of which prints are available for inspection at the principal office of the Electoral Commission: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“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.

Wards of the district of South Lakeland

3.—(1) The existing wards of the district(c) shall be abolished.

(2) The district shall be divided into forty-five wards which shall be named as set out in column (1) of Schedule 1.

(3) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by red lines.

(4) The number of councillors to be elected for each ward shall be the number specified in respect of the ward in column 2 of that Schedule.

(5) Where a boundary is shown on the map as running along a road, railway line, footway, watercourse or similar geographical feature, it shall be treated as running along the centre line of the feature.

Elections of the council of the district of South Lakeland

4.—(1) Elections of all councillors for all wards of the district shall be held simultaneously on the ordinary day of election of councillors in 2008(d).

(2) The councillors holding office for any ward of the district immediately before the fourth day after the ordinary day of election of councillors in 2008 shall retire on that date and the newly elected councillors shall come into office on that date.

(3) The order of retirement of councillors shall be as set out in Schedule 2.

(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 2007 Act (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).

(c) See the District of South Lakeland (Electoral Change) Order 1998 (S.I. 1998/2548).

(d) Article 4 provides for a single election of all the councillors and for reversion to the system of election by thirds, as established by articles 3(1) and 3(9) of S.I. 1998/2548.

(4) Where the number of councillors elected in 2008 for any ward of the district is two or more—

- (a) the first to retire shall, subject to paragraphs (5) and (6), be the councillor elected by the smallest number of votes; and
- (b) the second to retire shall, subject to those paragraphs, be the councillor elected by the next smallest number of votes.

(5) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any year, the person to retire in that year shall be determined by lot.

(6) If an election of councillors for any ward is not contested, the person to retire in each year shall be determined by lot.

(7) Where under this article any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen and the drawing shall be conducted under the direction of the person presiding at the meeting.

Wards of the parish of Grange-over-Sands

5.—(1) The parish of Grange-over-Sands shall be divided into three wards which shall be named Grange North, Grange South and Grange West.

(2) Each ward shall comprise the area designated on sheet 6 and 9 by reference to the name of the ward and demarcated by orange lines.

(3) The number of councillors to be elected for Grange North shall be four, for Grange South shall be four and for Grange West shall be one.

Wards of the parish of Kendal

6.—(1) The existing wards of the parish of Kendal^(a) shall be abolished.

(2) The parish shall be divided into fourteen wards which shall be named Kendal Castle, Kendal Far Cross, Kendal Fell, Kendal Romney, Kendal Heron Hill, Kendal Highgate, Kendal Kirkland, Kendal Mintsfeet, Kendal Nether, Kendal Oxenholme, Kendal Parks, Kendal Stonecross, Kendal Strickland and Kendal Underley.

(3) Each ward shall comprise the area designated on sheet 10 by reference to the name of the ward and demarcated by orange lines.

(4) The number of councillors to be elected for each ward shall be two.

Wards of the parish of Ulverston

7.—(1) The existing wards of the parish of Ulverston^(b) shall be abolished.

(2) The parish shall be divided into six wards which shall be named Ulverston Central, Ulverston East, Ulverston North, Ulverston South, Ulverston Town and Ulverston West.

(3) Each ward shall comprise the area designated on sheet 7 by reference to the name of the ward and demarcated by orange lines.

(4) The number of councillors to be elected for each ward shall be three.

Wards of the parish of Windermere

8.—(1) The existing wards of the parish of Windermere^(c) shall be abolished.

(2) The parish shall be divided into four wards which shall be named Windermere Appletwhaite, Windermere Bowness South, Windermere Bowness North and Windermere Town.

(a) See S.I. 1998/2548.

(b) See S.I. 1998/2548.

(c) See S.I. 1998/2548.

(3) Each ward shall comprise the area designated on sheet 4 and 5 by reference to the name of the ward and demarcated by orange lines.

(4) The number of councillors to be elected for each ward shall be five.

Number of parish councillors for the parish of Aldingham

9. The number of councillors to be elected for the parish of Aldingham shall be eight.

Parish elections

10.—(1) The election of all parish councillors for the parishes of Lowick and Preston Richard shall be held on the ordinary day of election of councillors in 2008(a).

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2007 for the parishes of Lowick and Preston Richard shall be one year.

(3) The elections of all parish councillors for the parish of Lakes shall be held simultaneously on the ordinary day of election of councillors in 2011(b).

(4) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2006 for the parish of Lakes shall be five years.

(5) The ordinary elections of parish councillors for the parish of Lakes in 2010 shall not take place; and any such parish councillor holding office immediately before 10th of May 2010 who would, but for this paragraph, have retired on that date shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until the fourth day after the ordinary day of election of councillors in 2011.

(6) Where any provision of an Order made before the making of this Order requires an election of parish councillors for a parish mentioned in paragraphs (1) and (3) to be held on a date other than that for which paragraph (1) and (3) provides, it shall cease to have effect to that extent.

(7) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(c) (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 9th of May 2011 in the office of a parish councillor for the parish of Lakes as if the references in paragraphs (1) and (4) of that rule to the day on which that councillor would regularly have retired were a reference to 9th of May 2011.

Map

11. South Lakeland District Council shall make a print of the map available for inspection at its offices by any member of the public at any reasonable time.

Electoral register

12. 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.

Revocation

13. Articles 2, 3(4), 4, 5, 6, Schedule 1 and 2 and paragraphs (2) and (4) of article 8 (so far as article 8 relates to elections in the parishes of Lakes and Lowick), of the District of South Lakeland (Electoral Changes) Order 1998(d) are revoked.

(a) Article 10 provides for parish elections in the parishes of Lowick and Preston Richard in 2008. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years..

(b) Article 10 provides for parish elections in the parish of Lakes in 2011. Section 16(3) of the Local Government Act 1972 (c.70) provides for parish elections to take place every four years.

(c) S.I. 1986/2215, to which there are amendments not relevant to this Order.

(d) S.I. 1998/2548.

Sealed with the seal of the Electoral Commission on the 20th day of February 2008



20th February 2008

Peter Wardle
Chief Executive

20th February 2008

Vera Markos
Secretary to the Commission

SCHEDULE 1

article 3

NAMES OF WARDS AND NUMBERS OF COUNCILLORS

<i>Column (1)</i>	<i>Column (2)</i>
<i>Name of Ward</i>	<i>Number of Councillors</i>
Ambleside and Grasmere	2
Arnside and Beetham	2
Broughton	1
Burneside	1
Burton and Holme	2
Cartmel and Grange West	1
Coniston and Crake Valley	1
Crooklands	1
Grange North	1
Grange South	1
Hawkshead	1
Holker	1
Kendal Castle	1
Kendal Far Cross	1
Kendal Fell	1
Kendal Heron Hill	1
Kendal Highgate	1
Kendal Kirkland	1
Kendal Mintsfeet	1
Kendal Oxenholme and Natland	1
Kendal Nether	1
Kendal Parks	1
Kendal Romney	1
Kendal Stonecross	1
Kendal Strickland	1
Kendal Underley	1
Levens	1
Low Furness	1
Lyth Valley	1
Mid Furness	2
Milnthorpe	1
Sedbergh and Kirkby Lonsdale	3
Staveley-in-Cartmel	1
Staveley-in-Westmorland	1
Ulverston Central	1
Ulverston East	1
Ulverston North	1
Ulverston South	1
Ulverston Town	1
Ulverston West	1
Whinfell	1
Windermere Applethwaite and Troutbeck	1

Windermere Bowness North	1
Windermere Bowness South	1
Windermere Town	1

SCHEDULE 2

article 4

ORDER OF RETIREMENT OF COUNCILLORS

<i>Column (1)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (2)</i>
<i>Name of Ward</i>	<i>Number of councillors to retire in 2010</i>	<i>Number of councillors to retire in 2011</i>	<i>Number of councillors to retire in 2012</i>
Ambleside and Grasmere	1	1	0
Arnside and Beetham	0	1	1
Broughton	0	1	0
Burneside	0	1	0
Burton and Holme	0	1	1
Cartmel and Grange West	0	1	0
Coniston and Crake Valley	0	0	1
Crooklands	0	0	1
Grange North	0	1	0
Grange South	0	1	0
Hawkshead	0	0	1
Holker	0	1	0
Kendal Castle	1	0	0
Kendal Far Cross	1	0	0
Kendal Fell	1	0	0
Kendal Heron Hill	1	0	0
Kendal Highgate	1	0	0
Kendal Kirkland	1	0	0
Kendal Mintsfeet	1	0	0
Kendal Oxenholme and Natland	1	0	0
Kendal Nether	1	0	0
Kendal Parks	1	0	0
Kendal Romney	1	0	0
Kendal Stonecross	1	0	0
Kendal Strickland	1	0	0
Kendal Underley	1	0	0
Levens	0	0	1
Low Furness	0	1	0
Lyth Valley	0	0	1
Mid Furness	1	1	0
Milnthorpe	0	0	1
Sedbergh and Kirkby Lonsdale	1	1	1
Staveley-in-Cartmel	0	0	1
Staveley-in-	0	0	1

Westmorland			
Ulverston Central	0	0	1
Ulverston East	0	0	1
Ulverston North	0	0	1
Ulverston South	0	0	1
Ulverston Town	0	0	1
Ulverston West	0	0	1
Whinfell	0	1	0
Windermere Applethwaite and Troutbeck	0	1	0
Windermere Bowness North	0	1	0
Windermere Bowness South	0	1	0
Windermere Town	0	1	0

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes changes to the electoral arrangements for the district of South Lakeland following recommendations made by the Boundary Committee for England to the Electoral Commission.

The Electoral Commission accepted the Boundary Committee's recommendations with modifications. The modifications concern the boundary between Grange South and Cartmel and Grange West district wards and the boundary between Kendal Fell and Kendal Strickland district wards.

The electoral changes apply in respect of local government elections to be held on and after the ordinary day of election of councillors in 2008.

Article 3 abolishes the existing wards of the district and replaces them with forty-five new ones. That article, the map and Schedule 1 also establish the names and areas of the new district wards and the numbers of district councillors for each ward.

Article 4 makes provision for a whole council election in 2008 and for reversion to the established system of election by thirds in subsequent years.

Schedule 2 provides for the order of retirement of councillors.

Article 5 establishes three parish wards for the parish of Grange-over-Sands. That article and the map also establish the areas of the new parish wards and the numbers of parish councillors for each ward.

Article 6 abolishes the existing parish wards of the parish of Kendal and replaces them with 14 new ones. That article and the map also establish the names and areas of the new parish wards and the numbers of parish councillors for each ward.

Article 7 abolishes the existing parish wards of the parish of Ulverston and replaces them with 6 new ones. That article and the map also establish the names and areas of the new parish wards and the numbers of parish councillors for each ward.

Article 8 abolishes the existing parish wards of the parish of Windermere and replaces them with 4 new ones. That article and the map also establish the names and areas of the new parish wards and the numbers of parish councillors for each ward.

Article 9 alters the number of parish councillors for the parish of Aldingham. This parish is not divided into parish wards.

Article 10 provides for elections of Lakes, Lowick and Preston Richard parish councils in the district.

Article 12 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

Article 13 revokes articles 2, 3(4), 4, 5, 6, Schedule 1 and 2 and paragraphs (2) and (4) of article 8 (so far as article 8 relates to elections in the parishes of Lakes and Lowick) of the District of South Lakeland (Electoral Changes) Order 1998.

The map defined in article 2 shows the new district and parish wards. It is available at www.boundarycommittee.org.uk/your-area/southlakeland.cfm and, at all reasonable times, at the offices of South Lakeland District Council and at the principal office of the Electoral Commission at Trevelyan House, Great Peter Street, London SW1P 2HW.

STATUTORY INSTRUMENTS

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LOCAL GOVERNMENT, ENGLAND

The District of South Lakeland (Electoral Changes) Order 2008

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