

## LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### The Eastleigh Borough Council (Reorganisation of Community Governance) (Boyatt Wood and Eastleigh) Order 2022

*Made 28 March 2022*

*Coming into force in accordance with article 1.1*

Eastleigh Borough Council (“the Borough 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 on 25<sup>th</sup> February 2021

The Borough 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 Borough Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The Borough 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.

#### **1. Citation and commencement**

**1.1.** This Order may be cited as the Eastleigh Borough Council (Reorganisation of Community Governance) (Boyatt Wood and Eastleigh) Order 2022 and subject to articles 1.3 and 1.4 shall come into force on 1 April 2022

**1.2.** The Eastleigh Borough Council (Reorganisation of Community Governance) Order 2021 is hereby revoked.

**1.3.** Article 10 shall come into force on the ordinary day of election of councillors in 2022.

**1.4.** For the purposes of:

**1.4.1.** This article,

**1.4.2.** articles 5 and 6, *and*

**1.4.3.** proceedings preliminary or relating to the elections of parish councillors for the parishes of Boyatt Wood and Eastleigh, to be held on the ordinary day of election of councillors in 2022,

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

#### **2. Interpretation**

In this Order—

“the Map” means the Map marked “Map referred to in the Eastleigh Borough Council

(Reorganisation of Community Governance) (Boyatt Wood and Eastleigh) Order 2022” 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.

Where a boundary is shown on the Map as running along a road, railway line, footway, watercourse or similar geographical feature, it is to be treated as running along the centre line of the feature.

“Borough” means the Borough of Eastleigh;

“Borough Council” means Eastleigh Borough Council;

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

“Ordinary Day of Election of Councillors” has the meaning given by section 37 of the Representation of the People Act 1983;

“Proper Officer” means the proper officer of the respective parish council appointed in accordance with article 7 and

“Registration Officer” means an Officer appointed for the purpose of, and in accordance with, section 8(c) of the Representation of the People Act 1983.

### **3. Effect of Order**

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.

### **4. Constitution of two new parishes**

#### **4.1. Constitution of Boyatt Wood Parish**

**4.1.1.** A new parish shall be constituted to be known as Boyatt Wood and its area delineated on the Map.

#### **4.2. Creation of Eastleigh**

**4.2.1.** A new parish shall be constituted to be known as Eastleigh and its area delineated on the Map.

**4.3.** There will be no change to the existing boundaries of Chandlers Ford Parish, Allbrook Parish, Bishopstoke Parish, West End Parish, Southampton City, Winchester City, Otterbourne Parish and Test Valley Borough.

### **5. Calculation of budget requirement for the parish of Boyatt Wood**

**5.1.** 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 Boyatt Wood

the sum of £72,420.

## **6. Calculation of budget requirement for the parish of Eastleigh**

**6.1.** 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 Eastleigh the sum of £128,950.

## **7. Constitution of two new parish councils**

### **7.1. Constitution of Boyatt Wood Parish Council**

**7.1.1.** A new parish council shall be constituted to be known as 'The Parish Council of Boyatt Wood'.

**7.1.2.** The number of councillors to be elected for the parish of Boyatt Wood shall be 10.

**7.1.3.** Tracy Predeth shall be appointed as the Proper Officer of the parish council for all purposes with effect on and from 1 April 2022 until and including 31 July 2022 or such earlier or later date as the parish council shall determine.

### **7.2. Constitution of Eastleigh Parish Council**

**7.2.1.** A new parish council will be constituted to be known as 'The Parish Council of Eastleigh'.

**7.2.2.** The number of councillors to be elected for the parish of Eastleigh shall be 17.

**7.2.3.** Tracy Predeth shall be appointed as the Proper Officer of the parish council for all purposes with effect on and from 1 April 2022 until and including 31 July 2022 or such earlier or later date as the parish council shall determine.

## **8. Elections for the parish of Boyatt Wood**

**8.1.** Elections of all parish councillors for the parish of Boyatt Wood shall be held simultaneously on the ordinary day of election of councillors in 2022.

**8.2.** The term of office of every parish councillor elected on the ordinary day of election of councillors in 2022 for the parish of Boyatt Wood shall be four years.

**8.3.** Subsequent elections to the parish of Boyatt Wood shall be held on the ordinary day of election of councillors in 2026 and every fourth year thereafter, or as statute otherwise dictates.

## **9. Elections for the parish of Eastleigh**

**9.1.** Elections of all parish councillors for the parish of Eastleigh shall be held simultaneously on the ordinary day of election of councillors in 2022.

**9.2.** The term of office of every parish councillor elected on the ordinary day of election of councillors in 2022 for the parish of Eastleigh shall be four years.

**9.3.** Subsequent elections to the parish of Eastleigh shall be held on the ordinary day of election of councillors in 2026 and every fourth year thereafter, or as statute otherwise dictates.

## **10. Wards of the parishes**

### **10.1. Wards of the parish of Boyatt Wood and numbers of parish councillors**

**10.1.1.** The parish of Boyatt Wood shall be divided into three parish wards as listed in the third column of Schedule 1.

**10.1.2.** Each parish ward shall comprise the area designated on the Map by reference to the name of the parish ward.

**10.1.3.** The number of councillors to be elected for each parish ward shall be the number specified in relation to that ward in the fourth column of Schedule 1.

### **10.2. Wards of the parish of Eastleigh and numbers of parish councillors**

**10.2.1.** The parish of Eastleigh shall be divided into five parish wards

**10.2.2.** Each parish ward shall comprise the area designated on the Map by reference to the name of the parish ward.

**10.2.3.** The number of councillors to be elected for each parish ward shall be the number specified in relation to that ward in the fourth column of Schedule 1.

## **11. Transfer of property, rights and liabilities**

**11.1.** The land, property, rights and liabilities described in Schedules 2, 4, 6, and 8 shall transfer from the Borough Council to Boyatt Wood Parish Council on the date specified in column (2) of those Schedules.

**11.2.** The land, property, rights and liabilities described in Schedules 3, 5, 7, and 9 shall transfer from the Borough Council to Eastleigh Parish Council on the date specified in column (2) of those Schedules.

**11.3.** The Borough Council shall indemnify and keep indemnified Eastleigh Parish Council from and against all claims, losses and expenses arising from contamination of the land referred to in Schedule 3 Part 1 parcel 1 (Chestnut Avenue allotments) and Schedule 3 Part 2 parcel 4 (Lakeside South Street allotments).

**11.4.** The Borough Council shall provide the services as defined in Schedule 10 (allotment management services) in accordance with the provisions of Schedule 10.

## **12. Annual meeting of new parish councils**

**12.1.** The annual meeting of the new parish councils in 2022 shall be convened by the Proper Officer. 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.

## **13. Electoral register**

**13.1.** The Registration Officer for the 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.

## **14. Transitional provision**

14.1. Until the councillors elected to the council of the new parishes of Boyatt Wood and Eastleigh at the elections to be held on the ordinary day of election of councillors in 2022 come into office, the new parishes shall be represented by those persons who immediately before 1 April 2022 are the elected borough councillors for the formerly unparished area of the Borough of Eastleigh.

**15. Order date**

15.1. 1 April 2022 is the Order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the Borough Council on the 28<sup>th</sup> of March 2022

11631



Authorised signatory

*H. Deneup*

SCHEDULE 1

New Parish and Ward names and future number of Councillors

PARISH	POLLING DISTRICT	PARISH WARD NAME	NUMBER OF PARISH COUNCILLORS
Boyatt Wood	EN3	Boyatt Wood (West)	4
	EN2	Boyatt Wood (South)	1
	EN5	Boyatt Wood (East)	5
Eastleigh	EC4,EC5	Eastleigh (Blenheim)	3
	EN1,EC1,EC2	Eastleigh (Brookwood)	3
	EC3	Eastleigh (Cable)	3
	ES1,ES2	Eastleigh (Chestnut)	4
	ES4	Eastleigh (Nightingale and North Stoneham)	4

SCHEDULE 2

article 11

LAND AND PROPERTY TO BE TRANSFERRED TO BOYATT WOOD PARISH COUNCIL

Part 1

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
	1 April 2022

Part 2

Land transferred by operation of law under regulation 9 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 (allotments)

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column 3</i>	<i>Column 3 continued</i>
<i>Land and property to be transferred</i>	<i>Date</i>	<i>Titles are subject to</i>	<i>Titles are subject to</i>
1 Allotments at Addison Road, Eastleigh (St Catherines Road allotments) HP645241 (whole) shown on Plan 1	1 April 2022		

Part 3

Rights ancillary to the land transferred under Part 2

The land referred to in Part 2 is transferred together with such rights of access and egress over such means of access and egress and such rights to lay, connect into, repair, renew and use service media and such other rights and easements as may exist at the date of this transfer as if the land transferred were in different ownership immediately before the transfer.

Part 4

Rights reserved with respect to the land retained where the land transferred under Part 2 constituted a transfer of part

There are reserved out of the transfers of the land transferred under Part 2 for the land retained by such transfers, where the transfers in Part 2 were transfers of part, rights of access and egress

over such means of access and egress and rights to lay, connect into, repair, renew and use service media and such other rights and easements as may exist at the date of this transfer.

SCHEDULE 3

article 11

LAND AND PROPERTY TO BE TRANSFERRED TO EASTLEIGH PARISH COUNCIL

Part 1

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column 3</i>	<i>Column 3 continued</i>
<i>Land and property to be transferred</i>	<i>Date</i>	<i>Titles are subject to</i>	<i>Titles are subject to</i>
1 Allotments at land lying to the south of Chestnut Avenue, Eastleigh HP497540 (part) Chestnut Avenue allotments shown on Plan 2	1 April 2022	The indemnity given in article 11.3	

Part 2

Land transferred by operation of law under regulation 9 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 (allotments)

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column 3</i>	<i>Column 3 continued</i>
<i>Land and property to be transferred</i>	<i>Date</i>	<i>Titles are subject to</i>	<i>Titles are subject to</i>
1 Allotments Land lying to the west of Tennyson Road, Eastleigh HP643311 (whole) and Land at Derby Road, Eastleigh HP673778 (part) Tennyson Road allotments shown on Plan 3	1 April 2022		
2 Allotments at land to the east of Woodside Avenue, Eastleigh HP643138 (part) Woodside Avenue allotments shown on Plan 4	1 April 2022		



3 Allotments at Land on the west side of Wide Lane, Eastleigh and land on the south side of Monks Way, Eastleigh HP695282 (part) and Land lying to the south of Monks Way, Eastleigh HP152780 (whole) Monks Way allotments shown on Plan 5	1 April 2022		
4 Allotments at west side of Wide Lane, Eastleigh and land on the south side of Monks Way, Eastleigh HP695282 (part) and land on the west side of Wide Lane, Eastleigh HP224028 (part) Lakeside South Street allotments shown on Plan 6	1 April 2022	The indemnity given in article 11.3	
5 Allotments at Land on the west side of Burns Close, Eastleigh HP643313 (part) Burns Close allotments shown on Plan 7	1 April 2022		

### Part 3

#### Rights ancillary to the land transferred under Part 2

The land referred to in Part 2 is transferred together with such rights of access and egress over such means of access and egress and such rights to lay, connect into, repair, renew and use service media and such other rights and easements as may exist at the date of this transfer as if the land transferred were in different ownership immediately before the transfer.

### Part 4

#### Rights reserved with respect to the land retained where the land transferred under Part 2 constituted a transfer of part

There are reserved out of the transfers of the land transferred under Part 2 for the land retained by such transfers, where the transfers in Part 2 were transfers of part, rights of access and egress over such means of access and egress and rights to lay, connect into, repair, renew and use service media and such other rights and easements as may exist at the date of this transfer.

Part 5

Land appropriated immediately following transfer

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be appropriated to use for the purposes of the Allotments Acts 1908-1950</i>	<i>Date</i>
1 Allotments at land lying to the south of Chestnut Avenue, Eastleigh HP497540 (part) shown on Plan 2	1 April 2022

*OTHER MATTERS TO BE TRANSFERRED TO BOYATT WOOD PARISH COUNCIL*

<i>Column (1)</i>	<i>Column (2)</i>
<i>Other matters to be transferred</i>	<i>Date</i>

SCHEDULE 5

article 11

*OTHER MATTERS TO BE TRANSFERRED TO EASTLEIGH PARISH COUNCIL*

<i>Column (1)</i>	<i>Column (2)</i>
<i>Other matters to be transferred</i>	<i>Date</i>

SCHEDULE 6

article 11

FUNDS AND BALANCES TO BE TRANSFERRED TO BOYATT WOOD PARISH COUNCIL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Funds and balances to be transferred as accrued on the 31st March 2022, which represents the allotment rents paid in advance for the period 1<sup>st</sup> April 2022 to 30<sup>th</sup> September 2022</i>	<i>Date: 1<sup>st</sup> April 2022</i>

SCHEDULE 7

article 11

FUNDS AND BALANCES TO BE TRANSFERRED TO EASTLEIGH PARISH COUNCIL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Funds and balances to be transferred as accrued on the 31st March 2022, which represents the allotment rents paid in advance for the period 1<sup>st</sup> April 2022 to 30<sup>th</sup> September 2022</i>	<i>Date: 1<sup>st</sup> April 2022</i>

SCHEDULE 8

article 11

MAINTENANCE OR OTHER RESPONSIBILITIES TO BE TRANSFERRED TO BOYATT WOOD PARISH  
COUNCIL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Maintenance responsibilities to be transferred</i>	<i>Date</i>

SCHEDULE 9

article 11

MAINTENANCE OR OTHER RESPONSIBILITIES TO BE TRANSFERRED TO EASTLEIGH PARISH  
COUNCIL

<i>Column (1)</i>	<i>Column (2)</i>
<i>Maintenance responsibilities to be transferred</i>	<i>Date</i>



## SCHEDULE 10

### ALLOTMENT MANAGEMENT SERVICES TO BE PROVIDED BY THE BOROUGH COUNCIL TO THE PARISH COUNCILS

#### 1. Definitions and Interpretation

1.1 In this Schedule the following expressions have the meanings given in this paragraph:

- The Allotments** means the allotments transferred to the Relevant Parish Council in the Eastleigh Borough Council (Reorganisation of Community Governance) (Boyatt Wood and Eastleigh) Order 2022 referred to in Schedule 2 parts 2 to 4 and Schedule 3 parts 1 to 5.
- Allotment Liaison Meeting** means the meeting held between the Parish Council, the Borough Council and Site Representatives
- Allotment Site Representative** means the representative appointed by the users or the parish council who has the role of being the main point of contact for any site queries, attending regular site inspections with Council staff, liaising with the Council and other plot holders regarding the site, taking electricity and water meter readings, overseeing the use of the site's equipment, and buildings, meeting potential new plot holders, meeting contractors on site for necessary repairs
- Authorised Officer** the Proper Officer or other officer appointed by the Relevant Parish Council
- Borough Council** means Eastleigh Borough Council
- Equipment** means the equipment owned by the allotment tenants which will remain on site and managed by them
- Proper Officer** means the Proper Officer or such other officer as the Relevant Parish Council shall notify the Borough Council from time to time.
- Relevant Parish Council** means Boyatt Wood Parish Council and Eastleigh Parish Council as the case may be

## Services

the services provided by the Borough Council under paragraph 2 of this Schedule

### 2. Responsibilities of the Borough Council

The Borough Council:

- 2.1. will have responsibility for ensuring that waiting lists are managed and maintained;
- 2.2. will provide waiting times information to the Parish Council to be updated onto the Parish Council website;
- 2.3. will manage the letting of plots in accordance with the Relevant Parish Council's allocation policy to include prospective tenant visits undertaken by the Allotment Site Representative and the issuing of tenancy agreements;
- 2.4. will ensure the proper management of the Allotments and of the allotment plots and due compliance with the allotment rules by allotment tenants;
- 2.5. will collect all allotment rents and other fees and charges due and account to the Relevant Parish Council;
- 2.6. will at the direction of the Relevant Parish Council issue notices to quit or notices of forfeiture in accordance with section 1 of the Allotments Act 1922 as is necessary;
- 2.7. will maintain grassed paths, maintenance of gates and boundary fences as required;
- 2.8. will raise invoices and chase debts on behalf of the Relevant Parish Council;
- 2.9. will be responsible for cleaning, maintenance, and arrange provision of consumables to toilets;
- 2.10. will be responsible for inspection and maintenance of the Allotments at least once a month or when deemed necessary at the request of the Allotment Site Representative;
- 2.11. will complete the necessary electrical inspections and tests in accordance with recommended practice;
- 2.12. will complete water inspections as appropriate;
- 2.13. will arrange for the emptying and cleaning of the septic tank at Burns Close Allotment;
- 2.14. will arrange for any necessary maintenance of the buildings on the Allotments having first sought the consent of the relevant Parish Council to any capital works;

- 2.15. will arrange replacement of keys as necessary;
- 2.16. will arrange attendance of its relevant officer at liaison meetings held with Site Representatives as necessary;
- 2.17. will pay for water bills and electric bills until 1<sup>st</sup> April 2023 at which point the account will be transferred to the Relevant Parish Council;
- 2.18. will pay Allotment Site Representative's expenses upon receipt of a valid claim form.
- 2.19. will, in conjunction with the Relevant Parish Council will arrange the appointment of the relevant Allotment Site Representative;
- 2.20. will comply with relevant legislation;
- 2.21. will ensure sufficient, qualified staff, equipment and materials to carry out the Borough Council's responsibilities under this Schedule.

### **3. Responsibilities of the Relevant Parish Council**

The Relevant Parish Council:

- 3.1. will set the allotment rents and other fees and charges set out in paragraph 6 of this Schedule;
- 3.2. will arrange attendance at the Allotment Liaison Meeting with the Borough Council and Allotment Site Representatives;
- 3.3. will in conjunction with the Borough Council will arrange appointment of the relevant Allotment Site Representatives.
- 3.4. will pay upon an appropriate [monthly] invoice to the Borough Council the following sums:
  - 3.4.1. Boyatt Wood Parish Council: £455
  - 3.4.2. Eastleigh Parish Council: £1,874.17
  - 3.4.3. together with VAT or equivalent tax if payable upon rendering the appropriate invoice.

### **4. Day to day provision of the Services**

- 4.1. On a day to day basis the Services will be provided by Allotment Site Representatives and EBC Streetscene.

### **5. Licence for Access**

5.1. The Relevant Parish Council permits the Borough Council, its officers, other employees and contractors licence over the Allotments for the duration of the provision of the Services provided under this Schedule.

## **6. Rents, fees and Charges**

6.1. The Relevant Parish Council will determine all rents, fees and charges and will promptly notify the Borough Council of these.

## **7. Duration**

7.1. The provision of the Services shall commence on 1 April 2022 and shall, subject to paragraphs 8 and 9 as the case may be, last until 31 March 2023,

## **8. Termination for Breach**

8.1. Either party may terminate the provision of the Services with immediate effect by service of written notice on the other party in the following circumstance: if the either party is in breach of any material obligation under this Schedule provided that if the breach is capable of remedy, then either party may only terminate the provision of the Services under this paragraph if the party who has breached has failed to remedy such breach within 28 days of receipt of notice from the other party to do so.

8.2. If the provision of the Services is terminated by either party pursuant to this paragraph, such termination will be at no loss or cost to the party who has terminated the provision of the Services and that party will indemnify the party who has terminated the provision of the Services against such losses or costs which that party may suffer as a result of any such termination.

## **9. Termination on Notice**

9.1. The provision of the Services can be terminated by either party at any time for any reason on giving the other party not less than 6 months' notice in writing.

## **10. Review**

10.1. The quarterly review of provision of the Services will be attended by the Authorised Officer and the Neighbourhood Services Business Manager or such other individual nominated by the Borough Council.

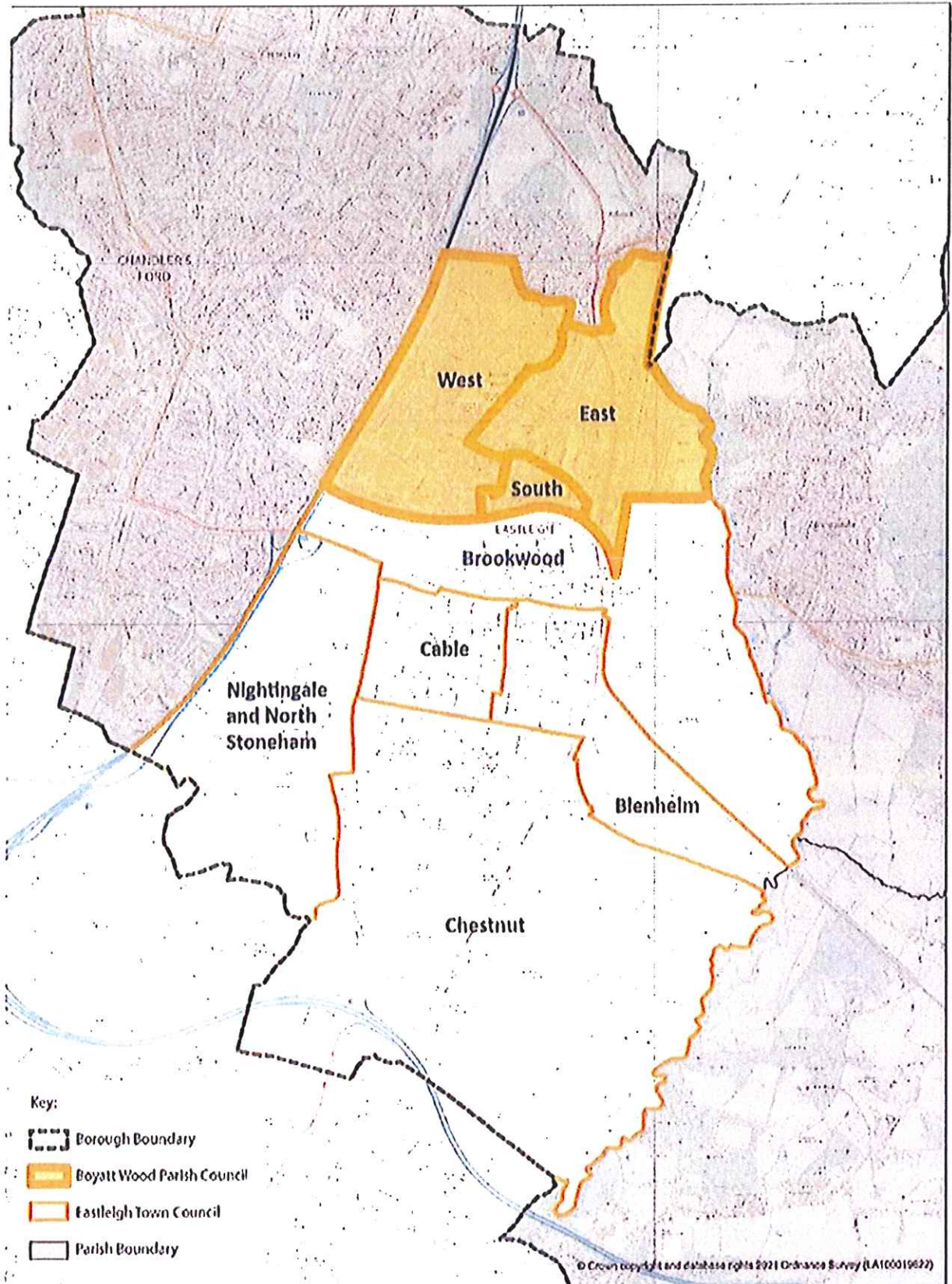
10.2. The Borough Council's Neighbourhood Services Business Manager will liaise with the Proper Officer to ensure the provision of the Services is maintained by both parties and shall identify any emerging issues in the relationship between the parties.

10.3. Either party may request the other for a review of the provision of the Services at any time if it should appear that the arrangement is not working satisfactorily for the purposes intended.

## **11. Freedom of Information, data protection and the provision of information**

11.1. The Borough Council and the Relevant Parish Council shall co-operate with each other with regard to their respective obligations under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection Act 2018, the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 and the Local Government Transparency Codes and shall provide the other promptly with such information as may be requested to enable the other to comply with such obligations.

Map referred to in the Eastleigh Borough Council (Reorganisation of Community Governance)  
 (Boyatt Wood and Eastleigh) Order 2022



### Burns Close Allotments



**EASTLEIGH**  
BOROUGH COUNCIL

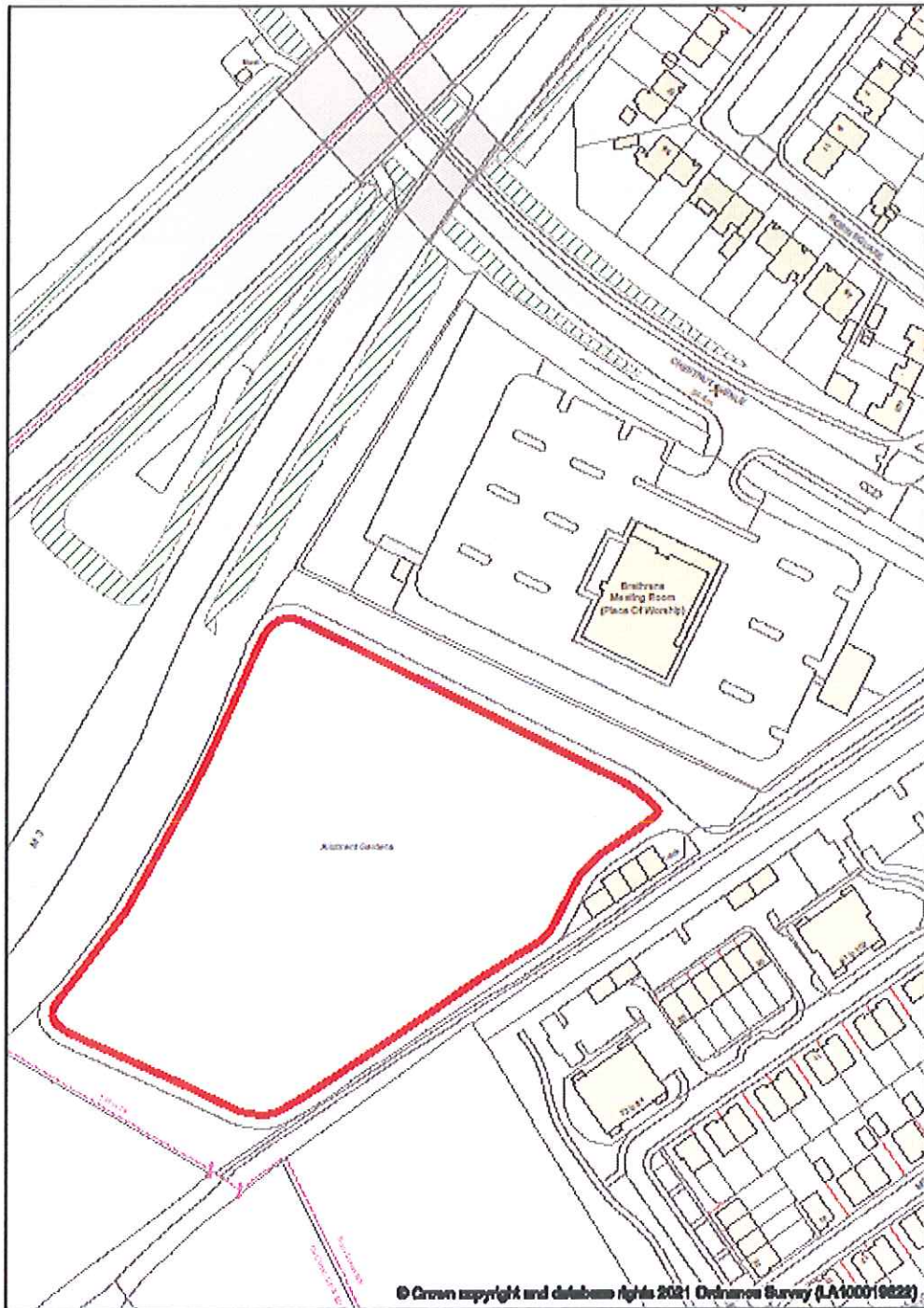


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# Chestnut Ave Allotments



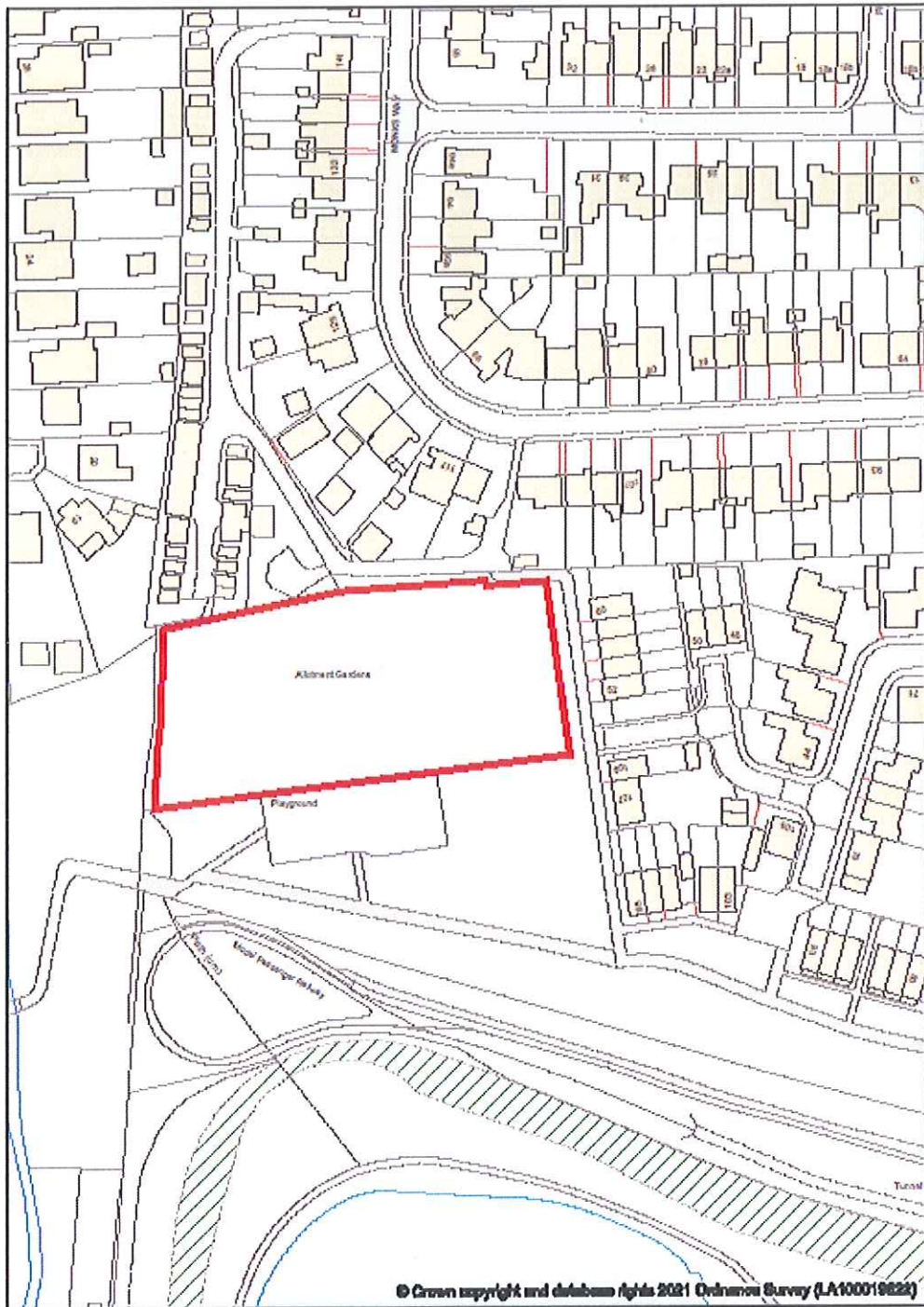
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# Monks Way Allotments



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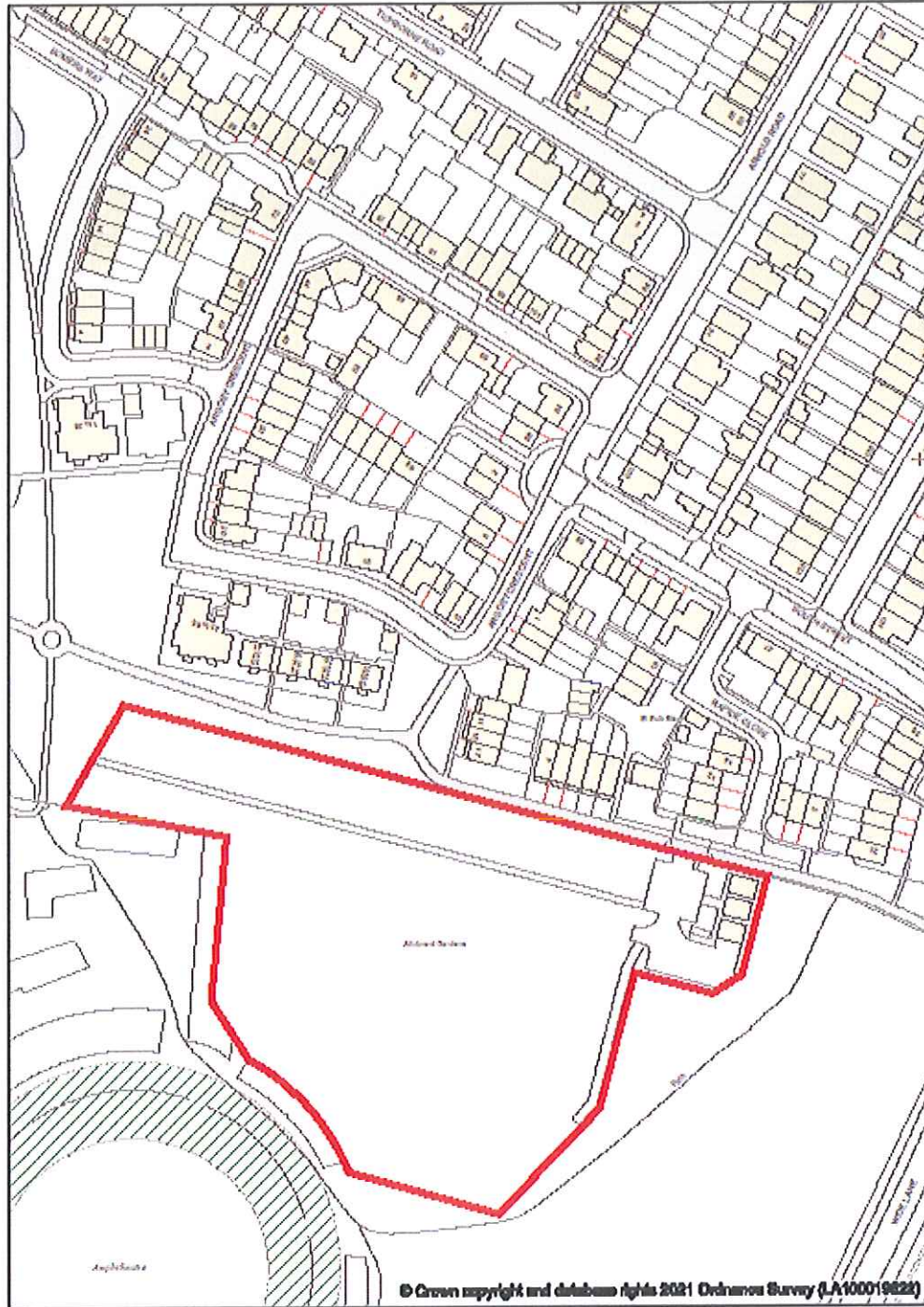


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# Lakeside South Street Allotments



**EASTLEIGH**  
BOROUGH COUNCIL

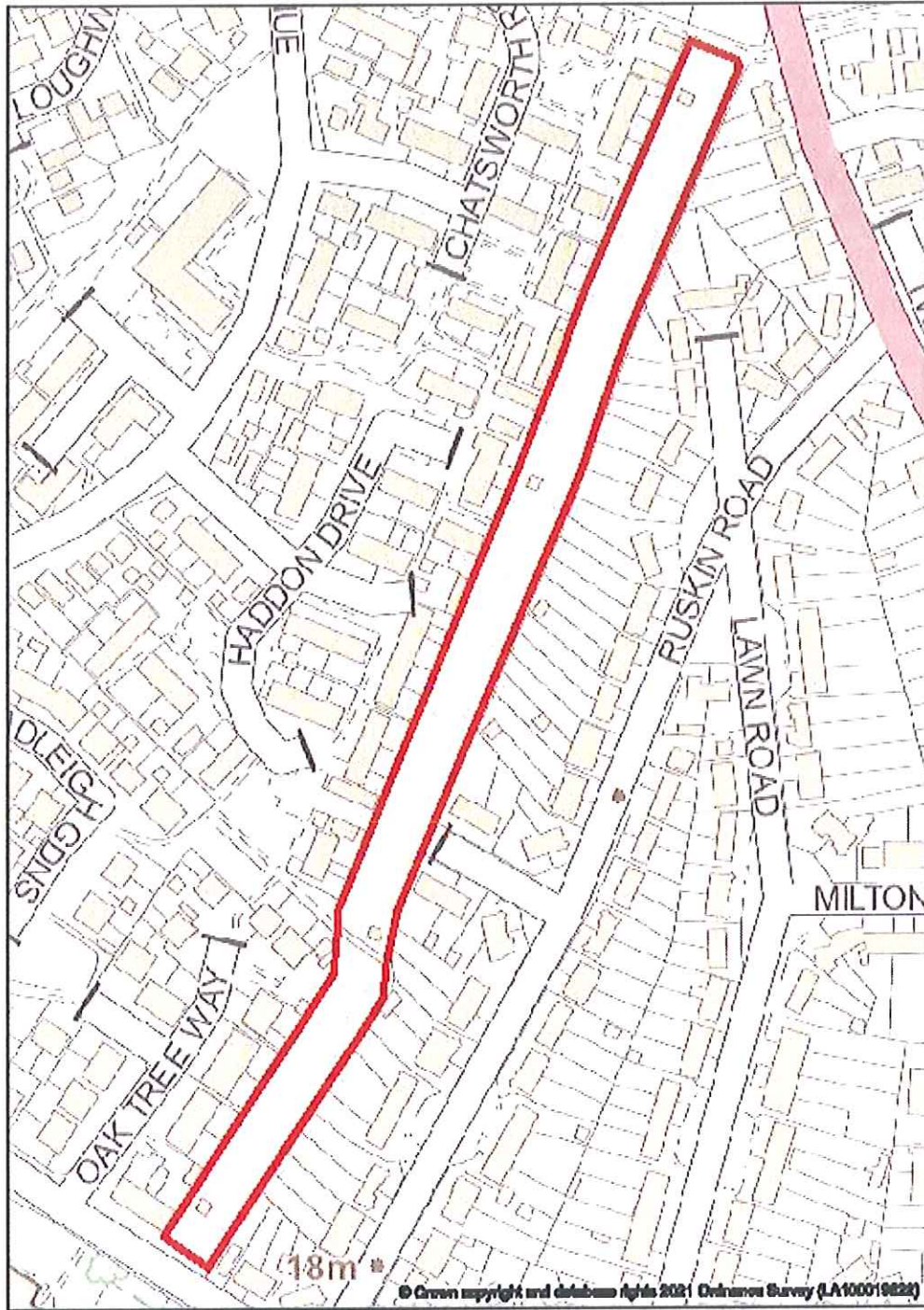


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# St Catherines Road Allotments

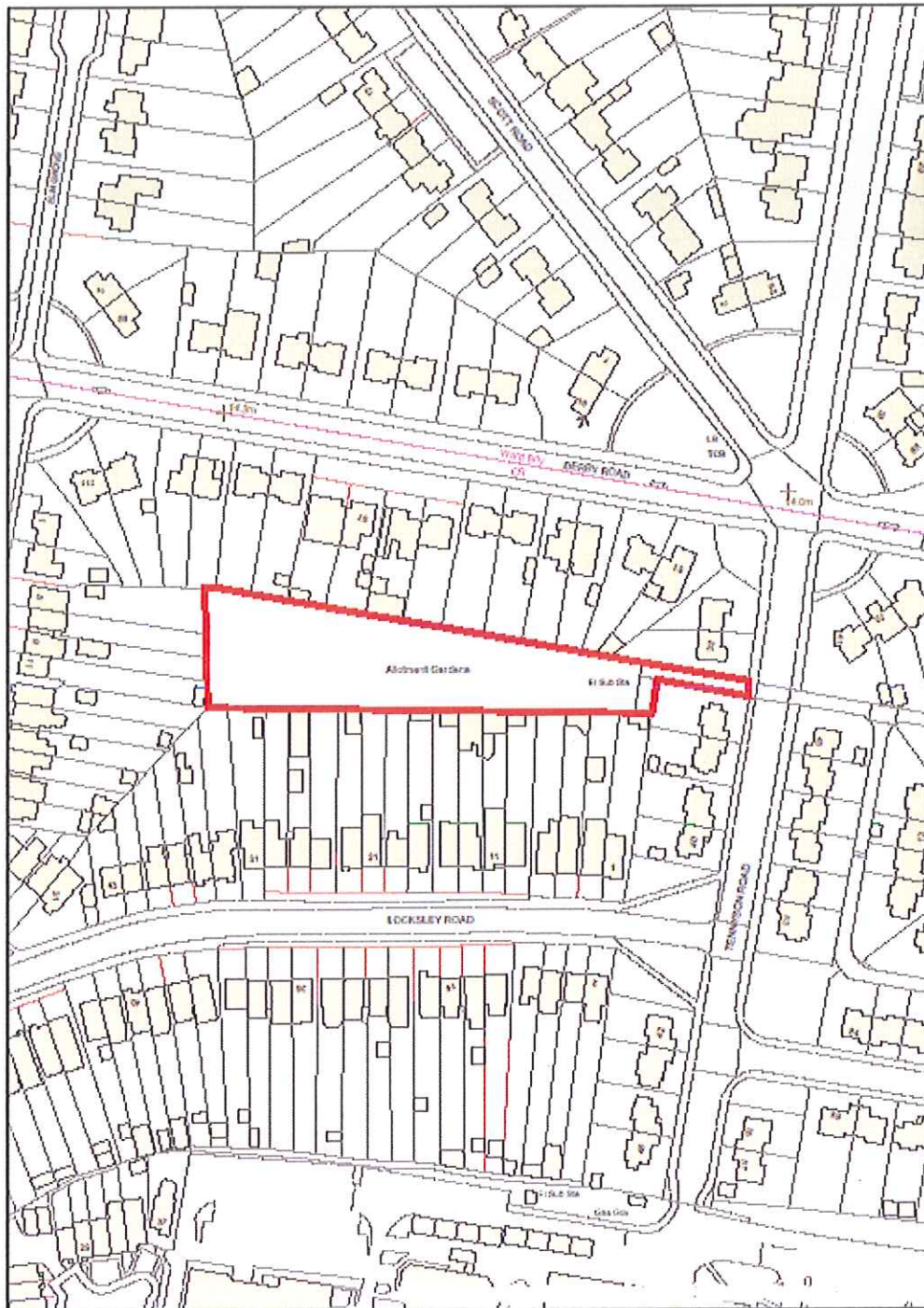


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# Tennyson Road Allotments



**EASTLEIGH**  
BOROUGH COUNCIL

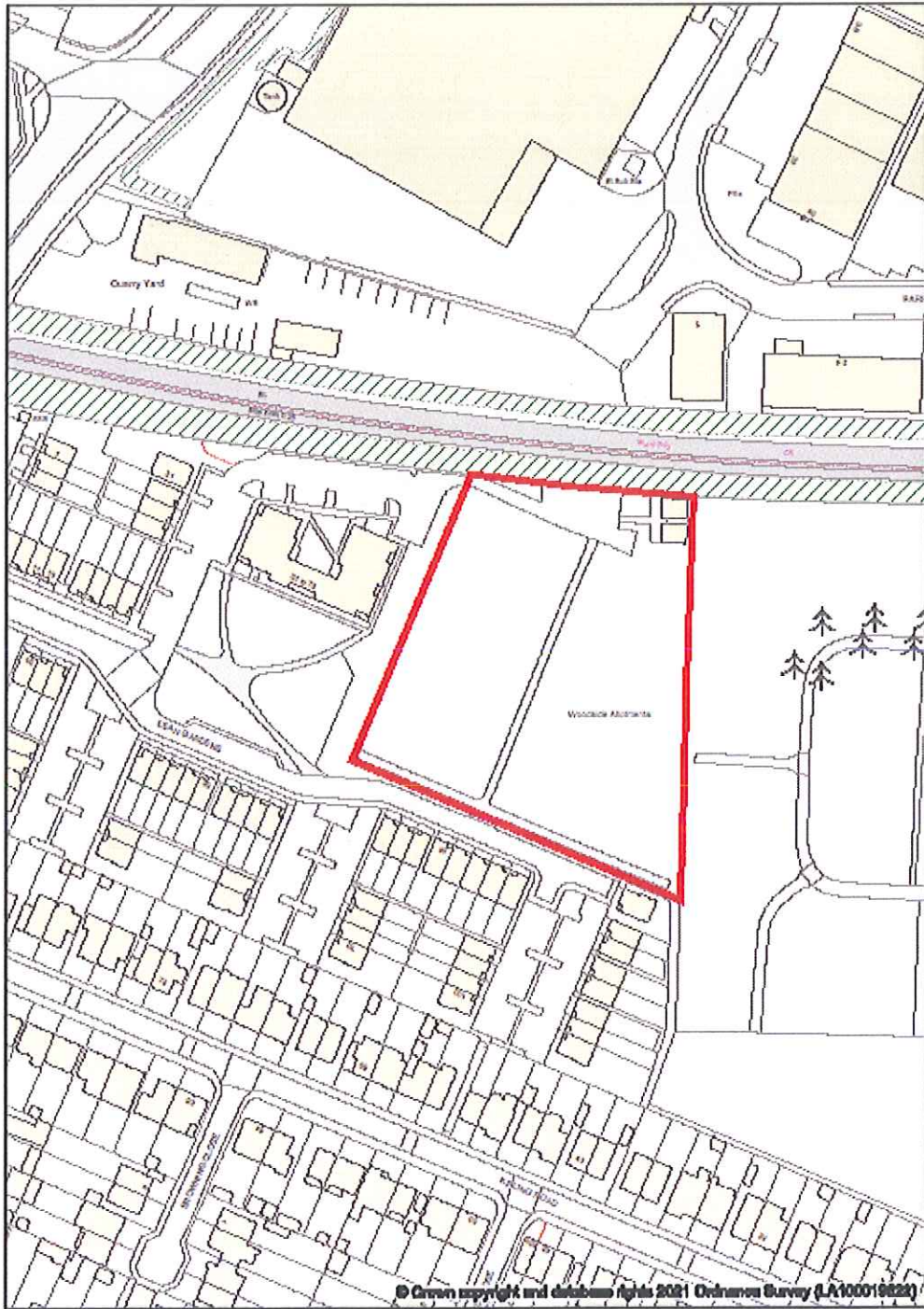


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# Woodside Avenue Allotments



**EASTLEIGH**  
BOROUGH COUNCIL



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Date: 09/11/2021

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