

**2001 No. 2438**

**LOCAL GOVERNMENT, ENGLAND**

**The Borough of Colchester (Electoral Changes) Order 2001**

*Made - - - - - 4th July 2001*

*Coming into force in accordance with article 1(2) and (3)*

Whereas the Local Government Commission for England, acting pursuant to section 15(4) of the Local Government Act 1992(a), has submitted to the Secretary of State a report dated November 2000 on its review of the borough(b) of Colchester together with its recommendations:

And whereas the Secretary of State has decided to give effect, with one modification, to those recommendations:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 17(c) and 26 of the Local Government Act 1992, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Borough of Colchester (Electoral Changes) Order 2001.

(2) This article and articles 2, 3, 8 and 9 shall come into force—

- (a) for the purpose of proceedings preliminary or relating to any election to be held on 2nd May 2002, on 15th October 2001;
- (b) for all other purposes, on 2nd May 2002.

(3) Articles 4, 5, 6 and 7 shall come into force—

- (a) for the purpose of proceedings preliminary or relating to any elections of the parish councillors for the parishes of Myland, Stanway, Tiptree and Wivenhoe on 1st May 2003, on 15th October 2002;
- (b) for all other purposes, on 1st May 2003.

(4) In this Order—

“borough” means the borough of Colchester;

“existing”, in relation to a ward, means the ward as it exists on the date this Order is made; any reference to the map is a reference to the map prepared by the Department for Transport, Local Government and the Regions marked “Map of the Borough of Colchester (Electoral Changes) Order 2001”, and deposited in accordance with regulation 27 of the Local Government Changes for England Regulations 1994(d); and

any reference to a numbered sheet is a reference to the sheet of the map which bears that number.

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(a) 1992 c. 19.

(b) The non-metropolitan district of Colchester has the status of a borough.

(c) Section 17 is amended by section 39(4) and (5) of the Police and Magistrates’ Courts Act 1994 (c. 29).

(d) S.I. 1994/867, to which there are amendments not relevant to this Order.

## **Wards of the borough of Colchester**

2.—(1) The existing wards of the borough(a) shall be abolished.

(2) The borough shall be divided into twenty-seven wards which shall bear the names set out in column (1) of Schedule 1.

(3) The wards shall comprise the areas described in column (2) of that Schedule by reference to parishes or, where an area is not so described, the area designated on the map by reference to the name of the ward and demarcated by red lines; and the number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (3) of that Schedule.

(4) 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 borough of Colchester**

3.—(1) Subject to the following provisions of this article, the election of councillors for wards of the borough shall be by thirds.

(2) Elections of all councillors for all wards of the borough shall be held simultaneously on the ordinary day of election of councillors in 2002(b).

(3) The councillors holding office for any ward of the borough immediately before 6th May 2002 shall retire on that date and the newly-elected councillors for those wards shall come into office on that date.

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

(5) Where the number of councillors elected in 2002 for any ward of the borough is two or more—

(a) the first to retire shall, subject to paragraphs (6) and (7), 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.

(6) 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.

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

(8) 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.

(9) Except as otherwise provided in the preceding paragraphs of this article, the term of office of councillors shall be four years; and all councillors shall retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors shall come into office on the day on which their predecessors retire.

## **Wards of the parish of Myland**

4. The parish of Myland shall be divided into two parish wards which shall bear the names set out in column (1) of Schedule 3; each parish ward shall comprise the area of the borough ward specified in respect of the parish ward in column (2) of that Schedule; and the number of councillors to be elected for each parish ward shall be the number specified in respect of the parish ward in column (3) of that Schedule.

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(a) See the Borough of Colchester (Electoral Arrangements) Order 1989 (S.I. 1989/2419).

(b) For the ordinary day of election of councillors of local government areas, see section 37 of the Representation of the People Act 1983 (c. 2), amended by section 18(2) of the Representation of the People Act 1985 (c. 50) and section 17 of, and paragraphs 1 and 5 of Schedule 3 to, the Greater London Authority Act 1999 (c. 29).

### **Wards of the parish of Stanway**

5. The parish of Stanway shall be divided into two parish wards which shall bear the names set out in column (1) of Schedule 4; each parish ward shall comprise the area of the borough ward specified in respect of the parish ward in column (2) of that Schedule; and the number of councillors to be elected for each parish ward shall be the number specified in respect of the parish ward in column (3) of that Schedule.

### **Wards of the parish of Tiptree**

6.—(1) The existing wards of the parish of Tiptree shall be abolished.

(2) The parish shall be divided into four parish wards which shall bear the names Church, Grove, Heath and Maypole; and the wards shall comprise the areas designated on sheet 5 by reference to the name of the ward and demarcated by orange lines.

(3) The number of councillors to be elected for each of the Church and Grove parish wards shall be three, for the Heath parish ward shall be four, and the Maypole parish ward shall be five.

### **Wards of the parish of Wivenhoe**

7. The parish of Wivenhoe shall be divided into two parish wards which shall bear the names set out in column (1) of Schedule 5; each parish ward shall comprise the area of the borough ward specified in respect of the parish ward in column (2) of that Schedule; and the number of councillors to be elected for each parish ward shall be the number specified in respect of the parish ward in column (3) of that Schedule.

### **Parish Elections**

8.—(1) The ordinary election of parish councillors for the parish of Copford with Easthorpe in 2002 shall not take place; and any such parish councillor holding office immediately before 6th May 2002 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 2003.

(2) The ordinary election of parish councillors for the parish of Langham in 2003 shall not take place; and any such parish councillor holding office immediately before 5th May 2003 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 2004.

(3) Elections of all parish councillors for the parishes of Abberton, Birch, East Mersea, Fingringhoe, Great Wigborough, Langenhoe, Layer-de-la-Haye, Little Wigborough, Messingcum-Inworth, Peldon, Salcott and Virley shall be held simultaneously on the ordinary day of election of councillors in 2002 and every fourth year after 2002.

(4) Elections of all parish councillors for the parishes of Aldham, Boxted, Copford with Easthorpe, Fordham, West Bergholt and Wormingford shall be held simultaneously on the ordinary day of election of councillors in 2003 and every fourth year after 2003.

(5) Elections of all parish councillors for the parishes of Dedham, East Donyland, Langham and Marks Tey shall be held simultaneously on the ordinary day of election of councillors in 2004 and every fourth year after 2004.

(6) The term of office of any parish councillor to whom paragraphs (3) to (5) of this article applies shall be four years; and those parish councillors shall retire on the fourth day after the ordinary day of election of councillors in the year of retirement, and the newly-elected councillors shall come into office on the day on which their predecessors retire.

(7) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(a) (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 3rd May 2003 in the office of a parish councillor for the parish of Copford with Easthorpe 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 3rd May 2003.

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

(8) Rule 8 of the Local Elections (Parishes and Communities) Rules 1986(a) (filling of casual vacancies) shall have effect, in the case of a casual vacancy occurring before 8th May 2004 in the office of a parish councillor for the parish of Langham 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 8th May 2004.

**Revocation**

9. The Borough of Colchester (Electoral Arrangements) Order 1975(b) and the Borough of Colchester (Electoral Arrangements) Order 1989 are hereby revoked.

Signed by authority of the Secretary of State  
for Transport, Local Government and the Regions

*Alan Whitehead*  
Parliamentary Under-Secretary of State,  
Department for Transport, Local Government  
and the Regions

4th July 2001

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(a) S.I. 1986/2215, to which there are amendments not relevant to this Order.  
(b) S.I. 1975/2144.

SCHEDULE 1

Article 2

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>(1)</i> Name of Ward	<i>(2)</i> Area of Ward	<i>(3)</i> Number of Councillors
Berechurch		3
Birch and Winstree		2
Castle		3
Christ Church		2
Copford and West Stanway		1
Dedham and Langham	The parishes of Dedham and Langham	1
East Donyland	The parish of East Donyland	1
Fordham and Stour	The parishes of Boxted, Fordham, Great Horkesley, Little Horkesley and Wormingford	2
Great Tey	The parishes of Aldham, Chappel, Great Tey, Mount Bures and Wakes Colne	1
Harbour		2
Highwoods		3
Lexden		2
Marks Tey	The parish of Marks Tey	1
Mile End		3
New Town		3
Prettygate		3
Pyefleet	The parishes of Abberton, Langenhoe, East Mersea, Fingringhoe and Peldon	1
St Andrew's		3
St Anne's		3
St John's		2
Shrub End		3
Stanway		3
Tiptree		3
West Bergholt and Eight Ash Green	The parishes of Eight Ash Green and West Bergholt	2
West Mersea	The parish of West Mersea	3
Wivenhoe Cross		2
Wivenhoe Quay		2

SCHEDULE 2

Article 3

ORDER OF RETIREMENT OF COUNCILLORS

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Number of councillors to retire in 2003</i>	<i>(3)</i> <i>Number of councillors to retire in 2004</i>	<i>(4)</i> <i>Number of councillors to retire in 2006</i>
Berechurch	1	1	1
Birch and Winstree	1		1
Castle	1	1	1
Christ Church	1		1
Copford and West Stanway	1		
Dedham and Langham		1	
East Donyland		1	
Fordham and Stour	1		1
Great Tey	1		
Harbour		1	1
Highwoods	1	1	1
Lexden		1	1
Marks Tey		1	
Mile End	1	1	1
New Town	1	1	1
Prettygate	1	1	1
Pyefleet			1
St Andrew's	1	1	1
St Anne's	1	1	1
St John's		1	1
Shrub End	1	1	1
Stanway	1	1	1
Tiptree	1	1	1
West Bergholt and Eight Ash Green	1		1
West Mersea	1	1	1
Wivenhoe Cross	1	1	
Wivenhoe Quay	1	1	

SCHEDULE 3

Article 4

WARDS OF THE PARISH OF MYLAND  
NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Area of Ward</i>	<i>(3)</i> <i>Number of Councillors</i>
Myland East	So much of the borough ward of Highwoods as comprises part of the parish of Myland	2
Myland West	So much of the borough ward of Mile End as comprises part of the parish of Myland	11

SCHEDULE 4

Article 5

WARDS OF THE PARISH OF STANWAY  
NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Area of Ward</i>	<i>(3)</i> <i>Number of Councillors</i>
Stanway East	The borough ward of Stanway	13
Stanway West	So much of the borough ward of Copford and West Stanway as comprises part of the parish of Stanway	2

SCHEDULE 5

Article 7

WARDS OF THE PARISH OF WIVENHOE  
NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>(1)</i> <i>Name of Ward</i>	<i>(2)</i> <i>Area of Ward</i>	<i>(3)</i> <i>Number of Councillors</i>
Wivenhoe Cross	So much of the borough ward of Wivenhoe Cross as comprises part of the parish of Wivenhoe	3
Wivenhoe Quay	The borough ward of Wivenhoe Quay	8

## EXPLANATORY NOTE

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

This Order gives effect to recommendations by the Local Government Commission for England for electoral changes in the borough of Colchester. The changes have effect in relation to local government elections to be held on and after 2nd May 2002.

The modification relates to boundaries of some of the proposed new wards. The Secretary of State has decided that the area known as Bell House Pit will be moved from the Copford and West Stanway ward to the Stanway ward.

Article 2 abolishes the existing wards of the borough and provides for the creation of 27 new wards. That article and Schedule 1 also make provision for the names and areas of, and numbers of councillors for, the new wards.

Article 3 makes provision for a whole council election in 2002 and for reversion to elections by thirds in subsequent years. Schedule 2 regulates the order of retirement of councillors.

Article 4 to 7 make electoral changes in the parishes of Myland, Stanway, Tiptree and Wivenhoe.

Article 8 provides for elections of parish councillors for certain parishes in the borough.

Article 9 revokes the Borough of Colchester (Electoral Arrangements) Order 1975 and the Borough of Colchester (Electoral Arrangements) Order 1989.

The areas of the new borough and parish wards are demarcated on the map described in article 1(3). Prints of the map may be inspected at all reasonable times at the offices of Colchester Borough Council and at the offices of the Secretary of State for Transport, Local Government and the Regions, 2nd Floor, Ashdown House, 123 Victoria Street, London SW1E 6DE.

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