STATUTORY INSTRUMENTS

2018 No. 648

LOCAL GOVERNMENT, ENGLAND

The Bournemouth, Dorset and Poole (Structural Changes) Order 2018

Made - - - - 25th May 2018

Coming into force in accordance with article 1

The Secretary of State for Housing, Communities and Local Government makes this Order in the exercise of the powers conferred by sections 7, 11, 12 and 13 of the Local Government and Public Involvement in Health Act 2007(**1**) ("the 2007 Act").

This Order implements a proposal, submitted to the Secretary of State under section 2(**2**) of the Local Government and Public Involvement in Health Act 2007, that there should be a single tier of local government for Bournemouth, Dorset and Poole.

That proposal was made by Bournemouth Borough Council, Dorset County Council, North Dorset District Council, Poole Borough Council, West Dorset District Council and Weymouth and Portland Borough Council, acting jointly.

A draft of this Order was laid before and approved by a resolution of each House of Parliament in accordance with section 240(6) of the 2007 Act.

PART 1

GENERAL

Citation and commencement

1. This Order may be cited as the Bournemouth, Dorset and Poole (Structural Changes) Order 2018 and comes into force on the day after the day on which the Order is made.

Interpretation

2. In this Order—

(**1**) 2007 c.28

(**2**) Section 2 was modified, in its application to Dorset County Council, the district councils in the county of Dorset and Bournemouth and Poole Borough Councils, by S.I. 2018/636.

"the 1972 Act" means the Local Government Act 1972(**3**);

"the 1989 Act" means the Local Government and Housing Act 1989(**4**);

"the 2000 Act" means the Local Government Act 2000(**5**);

"the 2007 Act" means the Local Government and Public Involvement in Health Act 2007;

"the 2019 election" means—

(a) in the case of Dorset Council, the election required by article 39(1) to be held in 2019;

(b) in the case of Bournemouth, Christchurch and Poole Council, the election required by article 24(1) to be held in 2019;

"2019 election day" means the ordinary day of election of councillors in 2019(**6**);

"the Borough Councils" means Bournemouth, Christchurch and Poole Borough Councils;

"the Christchurch electoral divisions" means the Dorset County Council electoral divisions of Burton Grange, Christchurch Central, Commons, Mudeford and Highcliffe, and Walkford;

"the County Council" means the council of the county of Dorset;

"Dorset", except in the mention of that word in article 7(3), means the county of Dorset;

"the District Councils" mean the councils specified in article 9(1)(b).

PART 2

ESTABLISHMENT OF SINGLE TIER LOCAL GOVERNMENT IN BOURNEMOUTH, CHRISTCHURCH AND POOLE

Single tier local government in Bournemouth, Christchurch and Poole

3.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Bournemouth, Christchurch and Poole, are constituted comprising (in each case) the areas of the districts of Bournemouth, Christchurch and Poole.

(2) In relation to the county of Bournemouth, Christchurch and Poole, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(3) A new district council, to be known as Bournemouth, Christchurch and Poole Council, is established as the sole principal authority for the non-metropolitan district of Bournemouth, Christchurch and Poole.

(4) Except for the purposes of Part 5 of this Order (electoral matters: Bournemouth, Christchurch and Poole Council), until 1st April 2019—

(a) Bournemouth, Christchurch and Poole Council is not a local authority for the purposes of the 1972 Act or for any other enactment relating to local government; and

(b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) has effect in relation to that council, as if the words from "and the council" to the end of that subsection were omitted.

(**3**) 1972 c.70.
(**4**) 1989 c.42.
(**5**) 2000 c.22. Parts 2 and 3 of that Act were amended by Part 3 of the Local Government and Public Involvement in Health Act 2007 (c. 28).
(**6**) *See* section 37 of the Representation of the People Act 1983 (c.2).

County and Borough of Bournemouth, Bournemouth Borough Council and councillors of that Council

4.—(1) On 1st April 2019—

(a) the county and borough of Bournemouth are abolished as local government areas; and

(b) Bournemouth Borough Council is wound up and dissolved.

(2) The term of office of persons serving as councillors of the Borough Council immediately before 1st April 2019 ends on that date.

(3) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of the Borough Council where that vacancy arises after 30th September 2018 and before 1st April 2019.

County and Borough of Poole, Poole Borough Council and councillors of that Council

5.—(1) On 1st April 2019—

(a) the county and borough of Poole are abolished as local government areas; and

(b) Poole Borough Council is wound up and dissolved.

(2) The term of office of persons serving as councillors of the Borough Council immediately before 1st April 2019 ends on that date.

(3) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of the Borough Council where that vacancy arises after 30th September 2018 and before 1st April 2019.

Borough of Christchurch, Christchurch Borough Council and councillors of that Council

6.—(1) On 1st April 2019—

(a) the borough of Christchurch is abolished as a local government area; and

(b) Christchurch Borough Council is wound up and dissolved.

(2) The term of office of persons serving as councillors of the Borough Council immediately before 1st April 2019 ends on that date.

(3) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of the Borough Council where that vacancy arises after 30th September 2018 and before 1st April 2019.

PART 3

ESTABLISHMENT OF SINGLE TIER LOCAL GOVERNMENT IN DORSET

Single tier local government in Dorset

7.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as Dorset, are constituted comprising (in each case) the areas of the districts of East Dorset, North Dorset, Purbeck, West Dorset and the borough of Weymouth and Portland.

(2) In relation to Dorset section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(3) A new district council, to be known as Dorset Council, is established as the sole principal authority for the non-metropolitan district of Dorset.

(4) Except for the purposes of Part 7 of this Order (electoral matters: Dorset), until 1st April 2019—

(a) Dorset Council is not a local authority for the purposes of the 1972 Act or for any other enactment relating to local government; and

(b) subsection (2) of section 2 of the 1972 Act (constitution of principal councils in England) has effect in relation to that council, as if the words from "and the council" to the end of that subsection were omitted.

County of Dorset, Dorset County Council and councillors of that Council

8.—(1) On 1st April 2019—

(a) the county of Dorset is abolished as a local government area; and

(b) the County Council is wound up and dissolved.

(2) The term of office of persons serving as councillors of the County Council immediately before 1st April 2019 ends on that date.

(3) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of the County Council where that vacancy arises after 30th September 2018 and before 1st April 2019.

Abolition of districts and winding up of district councils

9.—(1) On 1st April 2019—

(a) the East Dorset, North Dorset, Purbeck and West Dorset districts and the borough of Weymouth and Portland are abolished as local government areas; and

(b) the East Dorset, North Dorset, Purbeck, West Dorset District Councils and the Weymouth and Portland Borough Council ("the District Councils") are wound up and dissolved.

(2) The term of office of persons serving as councillors of the District Councils immediately before 1st April 2019 ends on that date.

(3) Nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of any of the District Councils where that vacancy arises after 30th September 2018 and before 1st April 2019.

PART 4

BOURNEMOUTH, CHRISTCHURCH AND POOLE: SHADOW AUTHORITY, ITS TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Interpretation of Part 4

10. In this Part—

"shadow authority" means an authority (not being a local authority) which will become a local authority on 1st April 2019;

"shadow executive committee" has the meaning given in article 12(1); and

"the shadow period" means the period beginning with the day on which this Order comes into force and ending on the fourth day after the 2019 election day.

Bournemouth, Christchurch and Poole Council as Shadow Authority

11.—(1) During the shadow period Bournemouth, Christchurch and Poole Council is a shadow authority for the purposes of the following provisions of this Part.

(2) Subject to paragraph (5), the members of Bournemouth, Christchurch and Poole shadow authority are the persons who, on the coming into force of this Order, are—

(a) councillors of the Borough Councils; and

(b) councillors of the County Council for the Christchurch electoral divisions.

(3) Those persons are to be members of the shadow authority throughout the shadow period notwithstanding the dissolution of the Borough Councils and the County Council on 1st April 2019.

(4) The monitoring officer of Bournemouth and Poole Borough Councils must convene, and make all necessary arrangements for, the first meeting of the shadow authority, which is to be held not later than 14 days after the coming into force of this Order.

(5) Where, after the coming into force of this Order and before 1st October 2018, a casual vacancy arises in any ward of the Borough Councils or in any of the Christchurch electoral divisions, the person elected at a by-election held to fill the vacancy is to be a member of the shadow authority.

(6) Subject to paragraph (7), all questions coming or arising before the shadow authority shall be decided by a majority of the members of the authority present and voting at a meeting of the authority.

(7) Any member of the shadow authority who, on the coming into force of this Order or as a result of having been elected at a by-election referred to in paragraph (5), is a member of both the County Council and of Christchurch Borough Council shall have two votes on all questions coming or arising before the shadow authority.

Duties of shadow authority: executive arrangements, code of conduct and members' allowances

12.—(1) At its first meeting, the shadow authority must—

(a) elect the chairman of the shadow authority;

(b) in accordance with paragraphs (2) and (3), create a leader and cabinet executive within the meaning of Part 1A of the Local Government Act 2000(**7**) (arrangements with respect to local authority governance) ("the shadow executive committee").

(2) Section 9C of the 2000 Act has effect, for the purposes of paragraph (1), as if subsection (5) were omitted; and the shadow executive committee is to consist of—

(a) eight persons nominated by Bournemouth Borough Council, each of whom is for the time being a member of that Council;

(b) six persons nominated by Poole Borough Council, each of whom is for the time being a member of that Council; and

(c) two persons nominated by Christchurch Borough Council, each of whom is for the time being a member of that Council.

(3) At its first meeting, the shadow executive committee must elect the chairman of the shadow executive committee, being the leader of the shadow authority's executive within the meaning of Part 1A of the 2000 Act.

(4) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (3), as if, for the words "by the authority", there were substituted "by the shadow executive committee".

(5) The persons who, immediately before 1st April 2019, are the members of the shadow executive committee shall—

(**7**) Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.