Draft Order laid before Parliament under section 240(6) of the Local Government and Public Involvement in Health Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

LOCAL GOVERNMENT, ENGLAND

The Northamptonshire (Structural Changes) Order 2019

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State for Housing, Communities and Local Government makes this Order in exercise of the powers conferred by sections 7, 11, 12, 13 and 15(2) 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 in response to an invitation under section 2 of the 2007 Act, that there should be a single tier of local government for Northamptonshire.

In accordance with section 7(3) of that Act, the Secretary of State has consulted every authority affected by the proposal, except the authorities which made it, and such other persons as the Secretary of State considers appropriate.

The proposal was made by Daventry District Council, East Northamptonshire District Council, Kettering Borough Council, Northampton Borough Council, Northamptonshire County Council, South Northamptonshire District Council and Wellingborough Borough Council.

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 Northamptonshire (Structural Changes) Order 2019 and comes into force on the day after the day on which the Order is made.

(**1**) 2007 c. 28.

Interpretation

2. In this Order—

"the 1972 Act" means the Local Government Act 1972(**2**);

"the 1989 Act" means the Local Government and Housing Act 1989(**3**);

"the 2000 Act" means the Local Government Act 2000(**4**);

"the 2011 Act" means the Localism Act 2011(**5**);

"2020 election" means an election required by article 20(1)(a) to be held in 2020;

"the 2020 election day" means the ordinary day of election of councillors in 2020(**6**);

"the article 22 functions" means the functions referred to in article 22;

"the county council" means the council of the county of Northamptonshire;

"the Implementation Team" means the team required to be formed under article 26(1);

"the North Northamptonshire districts" means the districts of Corby, East Northamptonshire, Kettering and Wellingborough;

"the North Northamptonshire councils" means Corby Borough Council, East Northamptonshire District Council, Kettering Borough Council and Wellingborough Borough Council;

"ordinary day of election of councillors" has the meaning given by section 37 of the Representation of the People Act 1983(**7**);

"the proper officer", in relation to any purpose and any council, means the officer appointed for that purpose by that council;

"shadow authority" means an authority (not being a local authority) which will become a local authority on1st April 2021;

"shadow executive" has the meaning given in article 7(1);

"the shadow period" means the period beginning with the fourth day after the 2020 election day and ending immediately before 1st April 2021;

"the West Northamptonshire districts" means the districts of Daventry, Northampton and South Northamptonshire;

"the West Northamptonshire councils" means Daventry District Council, Northampton Borough Council and South Northamptonshire District Council.

(**2**) 1972 c.70.
(**3**) 1989 c. 42.
(**4**) 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). Part 1A and Schedule A1 were inserted by Schedule 2 to the Localism Act 2011 (c.20).
(**5**) 2011 c. 20.
(**6**) See section 37 of the Representation of the People Act 1983 (c.2).
(**7**) 1983 c. 2.

PART 2

ESTABLISHMENT OF SINGLE TIER OF LOCAL GOVERNMENT IN NORTHAMPTONSHIRE

Single tier of local government in North Northamptonshire

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

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

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2021—

(a) North Northamptonshire 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.

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

(5) On 1st April 2021—

(a) the North Northamptonshire districts are abolished as local government areas; and

(b) the North Northamptonshire councils are wound up and dissolved.

Single tier of local government in West Northamptonshire

4.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as West Northamptonshire, are constituted comprising (in each case) the area of the West Northamptonshire districts.

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

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2021—

(a) West Northamptonshire 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.

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

(5) On 1st April 2021—

(a) the West Northamptonshire districts are abolished as local government areas; and

(b) the West Northamptonshire councils are wound up and dissolved.

Northamptonshire County Council and councillors of that Council

5.—(1) On 1st April 2021—

(a) the County of Northamptonshire is abolished as a local government area;

(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 2021 ends on that date.

(3) Subject to paragraph (4), 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 2020 and before 1st April 2021.

(4) Where, on the occurrence of a vacancy mentioned in paragraph (3) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of the county council exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(5) Where, in the circumstances mentioned in paragraph (4), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2021 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006(**8**) shall not be commenced.

PART 3

SHADOW AUTHORITIES

Shadow authorities

6. During the shadow period North Northamptonshire Council and West Northamptonshire Council shall each be a shadow authority for the purposes of the following provisions of this Part.

Duties of shadow authorities: executive arrangements

7.—(1) At its first meeting, each shadow authority must create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act(**9**) (arrangements with respect to local authority governance) ("the shadow executive").

(2) With the exception of Chapter 4 (changing governance arrangements) the provisions of Part 1A of the 2000 Act, to the extent that they relate to a leader and cabinet executive, have effect in relation to a shadow authority as if—

(a) its executive were a leader and cabinet executive of a district council;

(b) the executive arrangements that it makes were executive arrangements of a district council;

(c) in the case of the shadow authority for North Northamptonshire, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the North Northamptonshire councils;

(d) in the case of the shadow authority for West Northamptonshire, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the West Northamptonshire councils.

(3) Chapter 7 of Part 1 of the 2011 Act (standards) applies in relation to the shadow authority as if—

(a) it were a district council (but not a principal authority in relation to a parish council); and

(**8**) S.I. 2006/3304.
(**9**) Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

(b) references to co-opted members were omitted.

Duties of shadow authorities: code of conduct

8.—(1) Subject to paragraph (2), each shadow authority must adopt a code of conduct proposed pursuant to article 25(1) and (2) at its first meeting.

(2) In complying with paragraph (1), each shadow authority must make such amendments or modifications to the proposals submitted to it under article 25 as it considers necessary to secure that, when adopted, the code will satisfy the requirements of section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

Duties of shadow authorities: appointment of certain officers

9.—(1) At its first meeting, the shadow authority for North Northamptonshire must designate on an interim basis—

(a) an officer of the county council or an officer of one of the North Northamptonshire councils to be responsible for performing, in relation to the shadow authority, the duties imposed by—

(i) subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the 1989 Act(**10**); and

(ii) subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer - local authorities operating executive arrangements);

as applied by paragraph (5) (the "interim monitoring officer");

(b) an officer of the county council or an officer of one of the North Northamptonshire councils to be responsible for the administration of the financial affairs of the shadow authority (the "interim chief finance officer");

(c) an officer of the county council or an officer of one of the North Northamptonshire councils to be head of the shadow authority's paid service and, accordingly, to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (4) of section 4 (designation and reports of head of paid service) of the 1989 Act (the "interim head of paid service").

(2) At its first meeting, the shadow authority for West Northamptonshire must designate on an interim basis—

(a) an officer of the county council or an officer of one of the West Northamptonshire councils to be responsible for performing, in relation to the shadow authority, the duties imposed by—

(i) subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the 1989 Act; and

(ii) subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer - local authorities operating executive arrangements);

as applied by paragraph (5) (the "interim monitoring officer");

(b) an officer of the county council or an officer of one of the West Northamptonshire councils to be responsible for the administration of the financial affairs of the shadow authority (the "interim chief finance officer");

(c) an officer of the county council or an officer of one of the West Northamptonshire councils to be head of the shadow authority's paid service and, accordingly, to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and

(**10**) Relevant amendments, including the insertion of section 5A, were made by S.I. 2001/2237, article 23.