

Draft Order laid before Parliament under section 156(4) of the Political Parties, Elections and Referendums Act 2000 and section 29(2) of the Regional Assemblies (Preparations) Act 2003, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2004 No.

**DEVOLUTION, ENGLAND
LOCAL GOVERNMENT, ENGLAND
REFERENDUMS
REPRESENTATION OF THE PEOPLE**

The Regional Assembly and Local Government Referendums
(Date of Referendums, Referendum Question and
Explanatory Material) (North East Region) Order 2004

<i>Made</i>	-	-	-	-	2004
<i>Coming into force</i>	-	-			2004

Whereas—

- (a) the First Secretary of State has considered, in relation to the region specified in this Order, the level of interest in that region in the holding of a referendum in that region about the establishment of an elected assembly for that region;
- (b) on 25th May 2004, pursuant to a direction given on 16th June 2003 under section 13(1) of the Regional Assemblies (Preparations) Act 2003⁽¹⁾, the Secretary of State received recommendations from the Boundary Committee for England in relation to that region;
- (c) a period of not less than six weeks has expired since the receipt of those recommendations⁽²⁾; and
- (d) the Secretary of State has no cause to think that the levels of interest referred to in paragraph (a) has changed materially since the date on which his direction was given:

Now, therefore, the First Secretary of State, in exercise of the functions conferred by sections 1(1), 2(2) and 3(6) and his powers under sections 2(9) and 5 of the Regional Assemblies (Preparations) Act 2003 and section 109(6) of the Political Parties, Elections and Referendums Act 2000⁽³⁾, and having consulted the Electoral Commission in accordance with section 3(7) of the Regional Assemblies (Preparations) Act 2003 and section 156 of the Political Parties, Elections and Referendums Act

(1) 2003 c. 10.
(2) See section 2(7) of the Regional Assemblies (Preparations) Act 2003.
(3) 2000 c. 41.

2000, hereby makes the following Order, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation and commencement

1. This Order may be cited as the Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (North East Region) Order 2004 and shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—
- “the Preparations Act” means the Regional Assemblies (Preparations) Act 2003; and
 - “County Durham” means the county area of County Durham; and
 - “Northumberland” means the county area of Northumberland.

Regional Assembly referendum

3. On 4th November 2004 a referendum shall be held in the North East region about the establishment of an elected assembly for that region.

Local government referendums

4. On 4th November 2004 a referendum shall be held in each of the following county areas about the government’s proposals for the structure of local government in those areas—
- (a) County Durham; and
 - (b) Northumberland.

Referendum period

5. The referendum period for a referendum held under article 3 or 4—
- (a) begins on the date on which this Order comes into force; and
 - (b) ends with the date of the referendum.

Alteration of time for application and designation of designated organisations

6.—(1) For the purposes of section 109 of the Political Parties, Elections and Referendums Act 2000⁽⁴⁾, the period of 28 days referred to in subsections (2) and (3) of that section shall have effect in relation to a referendum held under article 3, as if it were a period of 42 days.

(2) For the purposes of section 9 of the Preparations Act, the appropriate day in relation to a referendum held under any of article 3 is—

- (a) the fifty-seventh day of the referendum period if one or more applications under section 109 of the Political Parties, Elections and Referendums Act 2000 (applications for assistance under section 110 of that Act) is made before the forty-third day of the referendum period in relation to each possible outcome of the referendum;
- (b) the forty-third day of the referendum period in any other case.

(4) 2000 c. 41.

Text of options—County Durham

7. In relation to County Durham, the text of the options to be inserted in the referendum question specified in section 3(3) of the Preparations Act, is—

“Option A—one single tier local authority (see map for option A).

Option B—three single tier local authorities (see map for option B).”

Text of options—Northumberland

8. In relation to Northumberland, the text of the options to be inserted in the referendum question specified in section 3(3) of the Preparations Act, is—

“Option A—one single tier local authority (see map for option A).

Option B—two single tier local authorities (see map for option B).”

Explanatory material

9.—(1) The explanatory material set out in Schedule 1, which relates to the options in article 7, will be made available for voters at the time they vote in the referendum in County Durham.

(2) The explanatory material set out in Schedule 2, which relates to the options in article 8, will be made available for voters at the time they vote in the referendum in Northumberland.

Signed by authority of the First Secretary of State

Minister of State,
Office of the Deputy Prime Minister

SCHEDULE 1

Article 9(1)

Explanatory material for options for County Durham

EXPLANATORY INFORMATION ABOUT THE REFERENDUM OPTIONS FOR SINGLE TIER LOCAL GOVERNMENT IN COUNTY DURHAM

You currently live in an area that has both a county council and a district council. This is known as two tier local government. However there are already many areas in England, especially the larger towns and cities, where single tier local government exists, with all local government services being provided by the one authority.

Your county council provides large scale services across the whole of the county and is responsible for transport, minerals and waste planning, highways, education, consumer protection, refuse disposal, libraries and personal social services. Your district council has a more local focus, providing services in its own area and is responsible for environmental health, housing, most planning decisions and refuse collection. Both county and district councils can provide facilities such as museums, art galleries and parks.

If an elected Regional Assembly is established for the North East region, local authorities in your area will be reorganised. This means that your county and district council will be replaced by a single tier local authority, which will deliver all local government services.

You are asked to help decide how the current pattern of two tier local authorities in County Durham would be reorganised into a single tier.

You have two options to choose from. Please express a preference for either Option A or Option B on the ballot paper titled, “*Referendum on Options for Single Tier Local Government*”.

The options

Option A: this option proposes the creation of one single tier local authority—County Durham; covering the whole of the existing county council area.

The existing district councils of Chester-le-Street, Derwentside, Durham (city), Easington, Sedgefield, Teesdale and Wear Valley would be abolished.

This single tier local authority would exercise the functions of the existing county council and those of the former district councils.

Option B: this option proposes the creation of three single tier local authorities. The areas of these single tier authorities would be formed from combinations of existing district council areas.

Durham county council and the district councils of Chester-le-Street, Derwentside, Durham (city), Easington, Sedgefield, Teesdale and Wear Valley would be abolished.

In its area, each single tier local authority would exercise the functions of the former district councils and those of the former Durham county council.

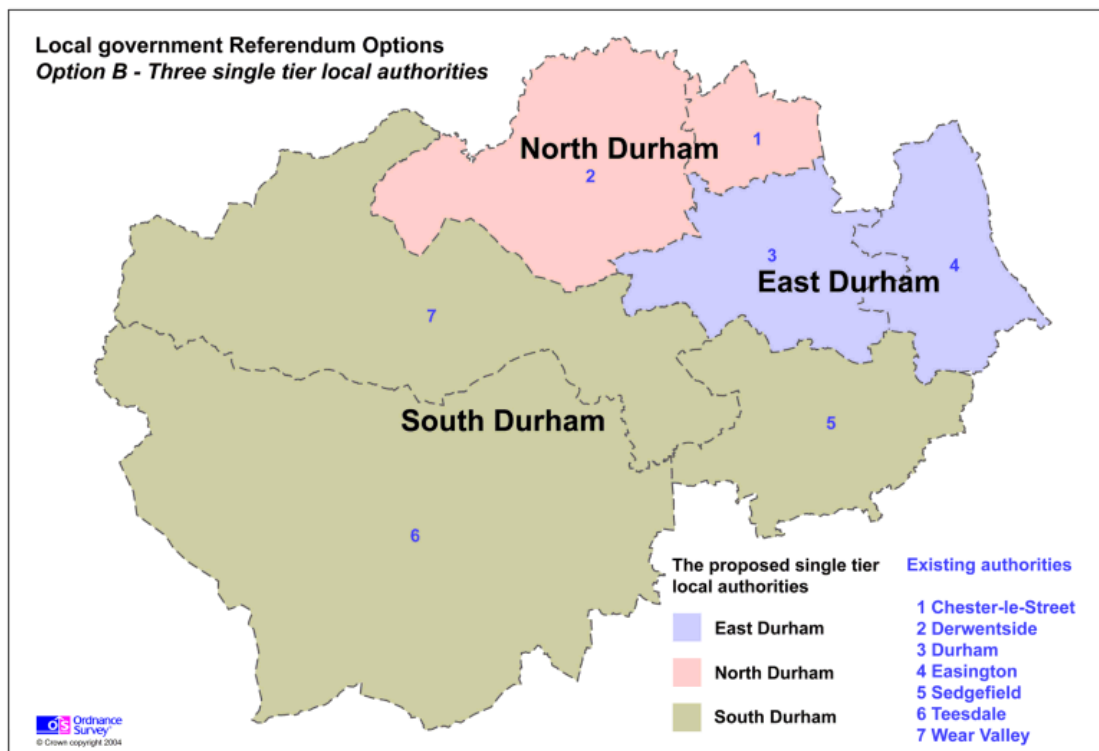
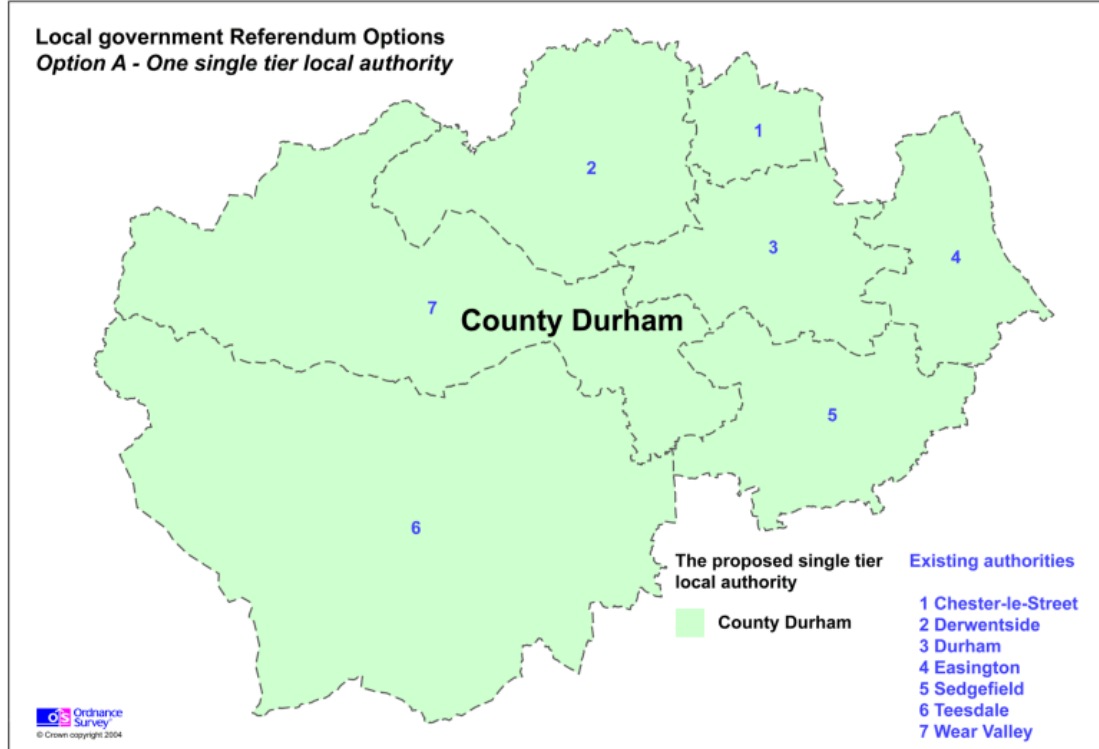
The proposed single tier local authorities are:

1. East Durham: this authority would cover the former districts of Durham (city) and Easington.
2. North Durham: this authority would cover the former districts of Chester-le-Street and Derwentside.
3. South Durham: this authority would cover the former districts of Sedgefield, Teesdale and Wear Valley.

Option A and Option B are illustrated on the maps in this explanatory information.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (North East Region) Order 2004 No. 1963*

For more information contact the Electoral Commission on 0800-3280-280, textphone 0800-3280-838, or visit www.regionalvote.co.uk.



SCHEDULE 2

Article 9(2)

Explanatory material for options for Northumberland

EXPLANATORY INFORMATION ABOUT THE REFERENDUM OPTIONS FOR SINGLE TIER LOCAL GOVERNMENT IN NORTHUMBERLAND

You currently live in an area that has both a county council and a district council. This is known as two tier local government. However there are already many areas in England, especially the larger towns and cities, where single tier local government exists, with all local government services being provided by the one authority.

Your county council provides large scale services across the whole of the county and is responsible for transport, minerals and waste planning, highways, education, consumer protection, refuse disposal, libraries and personal social services. Your district council has a more local focus, providing services in its own area and is responsible for environmental health, housing, most planning decisions and refuse collection. Both county and district councils can provide facilities such as museums, art galleries and parks.

If an elected Regional Assembly is established for the North East region, local authorities in your area will be reorganised. This means that your county and district council will be replaced by a single tier local authority which will deliver all local government services.

You are asked to help decide how the current pattern of two tier local authorities in Northumberland would be reorganised into a single tier.

You have two options to choose from. Please express a preference for either Option A or Option B on the ballot paper titled “*Referendum on Options for Single Tier Local Government*”.

The options

Option A: this option proposes the creation of one single tier local authority—Northumberland; covering the whole of the existing county council area.

The existing district councils of Alnwick, Berwick-upon-Tweed, Blyth Valley, Castle Morpeth, Tynedale and Wansbeck would be abolished.

This single tier local authority would exercise the functions of the existing county council and those of the former district councils.

Option B: this option proposes the creation of two single tier local authorities. The areas of these single tier authorities would be formed from combinations of existing district council areas.

Northumberland county council and the existing district councils of Alnwick, Berwick-upon-Tweed, Blyth Valley, Castle Morpeth, Tynedale and Wansbeck would be abolished.

In its area, each single tier local authority would exercise the functions of the former district councils and those of the former Northumberland county council.

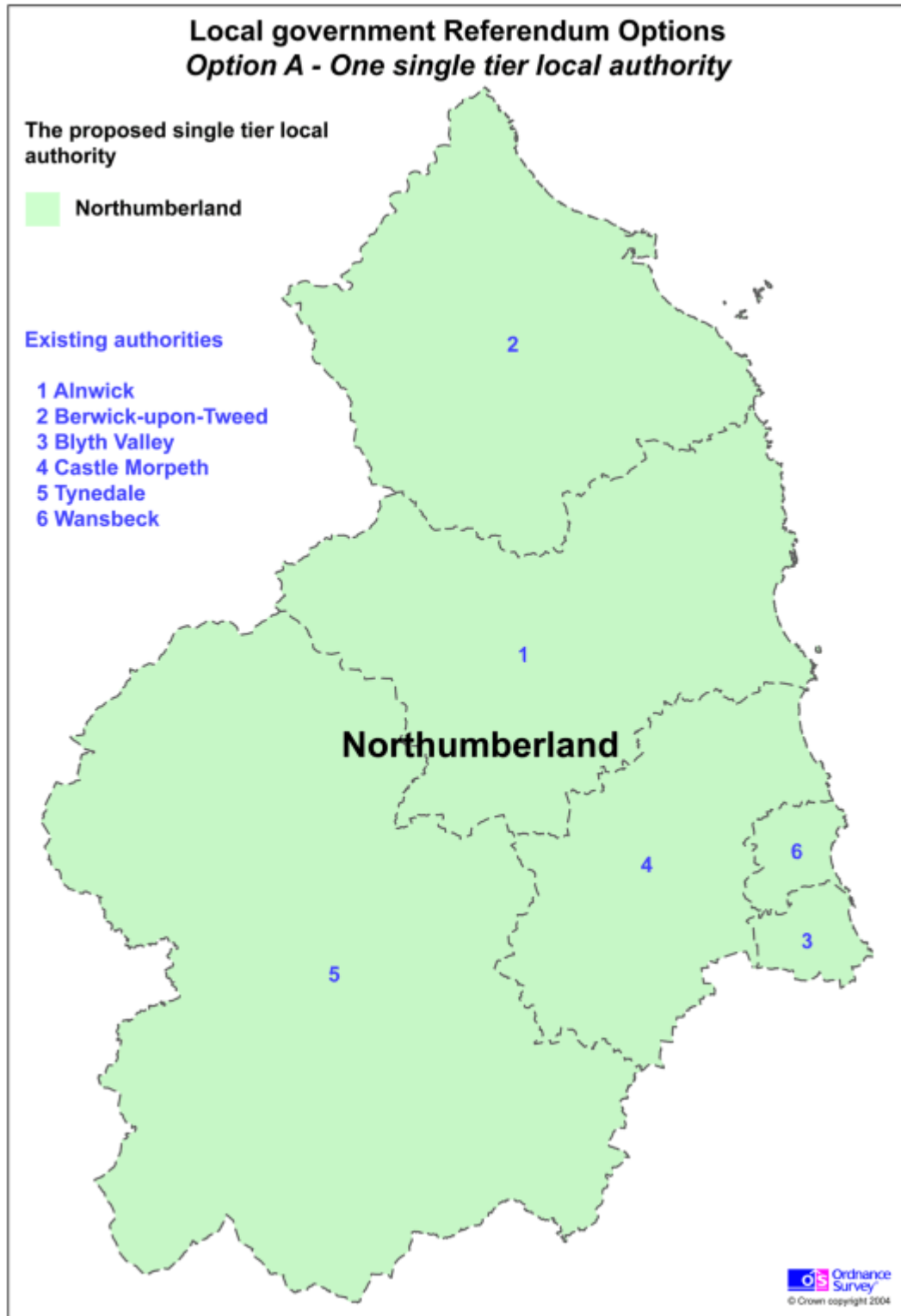
The proposed single tier local authorities are:

1. Rural Northumberland: this authority would cover the former districts of Alnwick, Berwick-upon-Tweed, Castle Morpeth and Tynedale.
2. South East Northumberland: this authority would cover the former districts of Blyth Valley and Wansbeck.

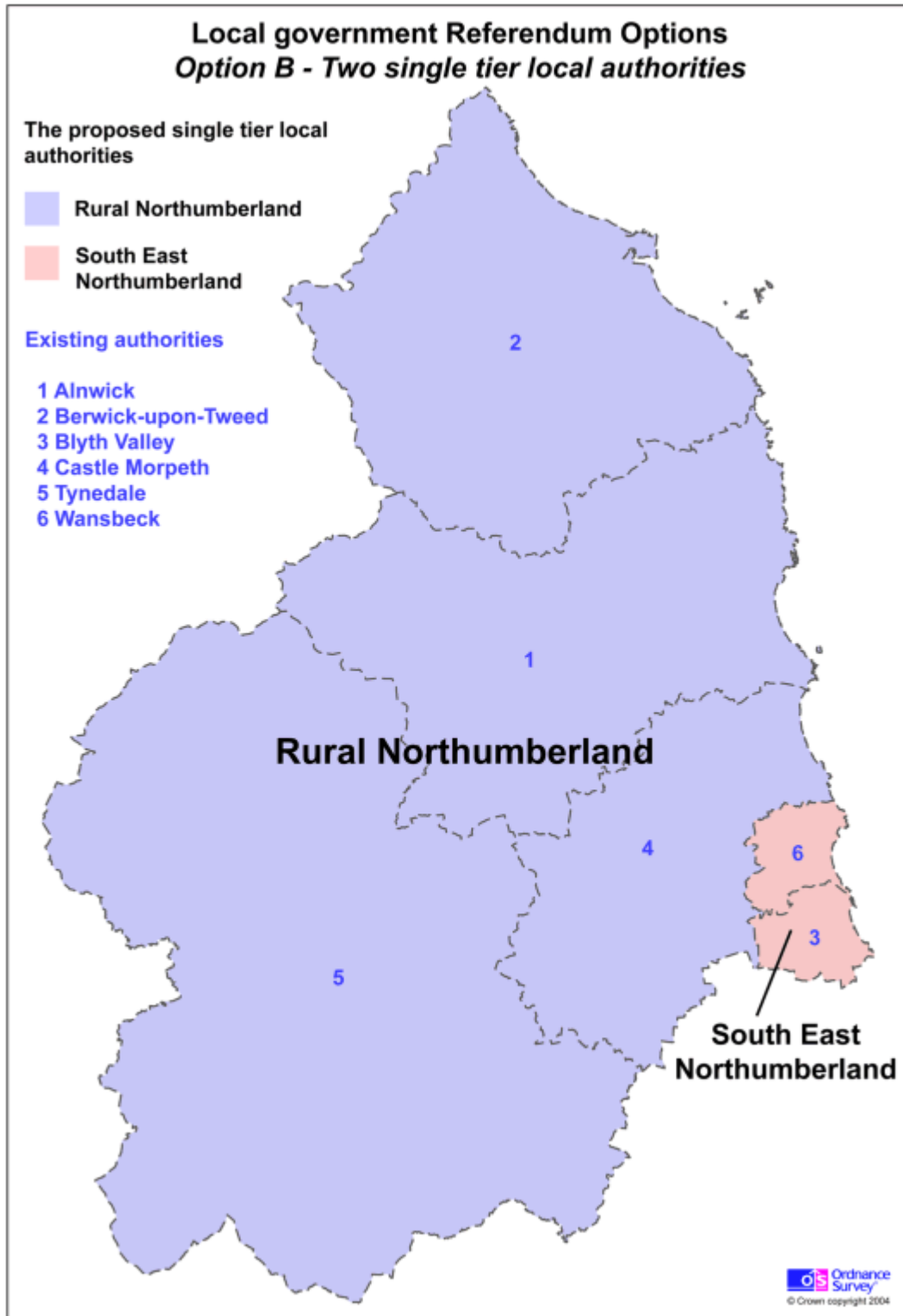
Option A and Option B are illustrated on the maps in this explanatory information.

For more information contact the Electoral Commission on 0800-3280-280, textphone 0800-3280-838, or visit www.regionalvote.co.uk.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (North East Region) Order 2004 No. 1963*



Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Regional Assembly and Local Government Referendums (Date of Referendums, Referendum Question and Explanatory Material) (North East Region) Order 2004 No. 1963*



EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Regional Assemblies (Preparations) Act 2003 provides for the holding of a referendum in a region about the establishment of an elected assembly for that region (“a Regional Assembly referendum”) and on the same date holding referendums in the parts of the region that have both county and district councils, about the reorganisation of those local authorities into a single tier of local government (“a local government referendum”).

Article 3 of this Order provides for the holding of a Regional Assembly referendum in the North East.

Article 4 provides for the holding of local government referendums in the county areas of County Durham and Northumberland (both in the North East region).

Article 5 specifies the referendum period for each of the referendums.

Article 6 changes the period for applications to be made by a permitted participant at a Regional Assembly referendum held under this Order for appointment by the Electoral Commission as a designated organisation entitled to assistance with their campaigning. The period for application under section 109 of the Political Parties, Elections and Referendums Act 2000 becomes 42 days from the beginning of the referendum period, instead of 28 days. The date from which, in default of appointing a designated organisation, the Electoral Commission may provide information to voters about the Regional Assembly referendum issues, is 14 days later than provided in the Regional Assemblies (Preparations) Act 2003. It becomes the 57th day of the referendum period if applications for designation are made, or the 43rd day if applications for designation are not made.

The local government referendum question asks voters to express a preference on the options presented for single tier local government. Articles 7 and 8 set out the text of the options for County Durham and Northumberland respectively, that will be put in the question to voters.

Article 9 gives effect to the Schedules which set out the explanatory material that will be made available for voters about the options for single tier local government in County Durham and Northumberland.

A full Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of businesses, charities or voluntary bodies.