
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Northamptonshire (Structural Changes) Order 2019

PART 5

FURTHER TRANSITIONAL PROVISIONS

Functions of the county council, the North Northamptonshire councils and the West Northamptonshire councils

22.—(1) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to North Northamptonshire and its inhabitants.

(2) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the West Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to West Northamptonshire and its inhabitants.

(3) There is added to the functions of each of the North Northamptonshire councils the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council of its functions, property, rights and liabilities.

(4) There is added to the functions of each of the West Northamptonshire councils the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the West Northamptonshire Council of its functions, property, rights and liabilities.

Joint committees

23.—(1) Not later than 14 days after the coming into force of this Order—

- (a) the county council and the North Northamptonshire councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for North Northamptonshire, the functions mentioned in paragraph (2) (“the North Northamptonshire Joint Committee”); and
- (b) the county council and the West Northamptonshire councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for West Northamptonshire, the functions mentioned in paragraph (2) (“the West Northamptonshire Joint Committee”).

(2) The functions are—

- (a) the article 22 functions; and
 - (b) the functions referred to in articles 24, 25 and 26.
- (3) The North Northamptonshire Joint Committee is to consist of—
- (a) three persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the North Northamptonshire districts; and
 - (b) three persons nominated by each of the North Northamptonshire councils (twelve persons in total), each of whom is for the time being a member of the nominating council.
- (4) The West Northamptonshire Joint Committee is to consist of—
- (a) four persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the West Northamptonshire districts; and
 - (b) four persons nominated by each of the West Northamptonshire councils (twelve persons in total), each of whom is for the time being a member of the nominating council.
- (5) The county council, and—
- (a) as regards the North Northamptonshire Joint Committee, each of the North Northamptonshire councils,
 - (b) as regards the West Northamptonshire Joint Committee, each of the West Northamptonshire councils,
- must co-operate in the establishment of the relevant Joint Committee.
- (6) The North Northamptonshire Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.
- (7) The West Northamptonshire Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.
- (8) In the case of an equality of votes, the person presiding at the meeting (whether or not the chairman of the committee) has a casting vote, in addition to any other vote the person may have.
- (9) The North Northamptonshire Joint Committee is dissolved on the day following that on which the shadow authority for North Northamptonshire holds its first meeting.
- (10) The West Northamptonshire Joint Committee is dissolved on the day following that on which the shadow authority for West Northamptonshire holds its first meeting.

Implementation Plans and further provisions relevant to the discharge of functions by joint committees

24.—(1) The North Northamptonshire Joint Committee and the West Northamptonshire Joint Committee must each prepare, keep under review, and revise as necessary, an Implementation Plan which must include—

- (a) such plans and timetables as are in the opinion of each Joint Committee necessary to secure the effective, efficient and timely discharge of the article 22 functions; and
- (b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on and after 1st April 2021, of the functions that, before that date, are functions of the county council, the North Northamptonshire councils, or the West Northamptonshire councils.

- (2) For the purposes of—
- (a) preparing, reviewing and revising the Implementation Plan,
 - (b) discharging the article 22 functions, and
 - (c) discharging such other functions as may be conferred on it,
- each Joint Committee must have regard to—
- (i) the information supplied to the Secretary of State in support of the proposal for single tier local government in Northamptonshire;
 - (ii) the Northamptonshire County Council Best Value Inspection report dated March 2018(1);
 - (iii) the Report into children’s services in Northamptonshire dated May 2019 prepared for the Secretary of State for Education and the Secretary of State for Housing, Communities and Local Government(2);
 - (iv) the Direction dated 10th May 2018 issued by the Secretary of State for Housing, Communities and Local Government to Northamptonshire County Council under section 15(5) and (6) of the Local Government Act 1999(3);
 - (v) the Directions dated 30th November 2018 and 10th June 2019 issued by the Secretary of State for Education to Northamptonshire County Council under section 497A(4B) of the Education Act 1996(4); and
 - (vi) any other Directions issued to Northamptonshire County Council by the Secretary of State for Housing, Communities and Local Government under section 15(5) and (6) of the Local Government Act 1999 or by the Secretary of State for Education under section 497A(4B) of the Education Act 1996.
- (3) Each Joint Committee may, by written notice to—
- (a) the proper officer of the county council, or
 - (b) the proper officer of any of the North Northamptonshire councils or the West Northamptonshire councils,
- require the council referred to in the notice to take such action relevant to any of the article 22 functions as may be specified in the notice.

(1) The Secretary of State for Housing, Communities and Local Government appointed Max Caller to undertake an inspection of the compliance of Northamptonshire County Council with the requirement of Part 1 of the Local Government Act 1999 (as amended) in relation to the Authority’s governance functions, particularly those functions under Section 151 of the Local Government Act 1972. The document is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690731/Best_Value_Inspection_NCC.pdf or in hard copy from the Secretary of State on request to the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(2) “Optimum delivery and governance arrangements : children’s services in Northamptonshire”. The document is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801695/Northampton_commissioner_report.pdf or in hard copy from the Secretary of State on request.

(3) 1999 c. 27. The Secretary of State for Housing Communities and Local Government issued a direction to Northamptonshire County Council on 10th May 2018. The Direction was issued under sections 15(5) and 15(6) of the Local Government Act 1999 following an inspection and subsequent Best Value Report. A copy of the Direction is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705839/Northamptonshire_County_Council_-_Directions.pdf or in hard copy from the Secretary of State on request

(4) 1996 c. 56. The Secretary of State for Education issued Directions to Northamptonshire County Council on 30th November and 10th June 2019. The Directions were issued in relation to concerns surrounding the provision of children’s social care functions within Northamptonshire. Copies of the Directions can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759368/STATUTORY_DIRECTION_TO_NORTHAMPTONSHIRE_COUNTY_COUNCIL_.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807427/Northamptonshire_direction_June_2019.pdf or in hard copy from the Secretary of State on request.

Functions of joint committees relevant to codes of conduct

25.—(1) The North Northamptonshire Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for North Northamptonshire in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

(2) The West Northamptonshire Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for West Northamptonshire in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

(3) In formulating proposals under paragraphs (1) and (2) the joint committees must have regard to section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

Implementation Team

26.—(1) Not later than 21 days after the coming into force of this Order, the North Northamptonshire Joint Committee and the West Northamptonshire Joint Committee must form a single team of officers (“the Implementation Team”) for the purposes of assisting—

- (a) the relevant Joint Committee in the discharge of its functions under this Part; and
- (b) if, after the dissolution of the relevant Joint Committee, the relevant shadow authority so requires, that shadow authority.

(2) The members of the Implementation Team must comprise officers from the county council, the North Northamptonshire councils and the West Northamptonshire councils.

(3) The leader of the Implementation Team is to be the Chief Executive of the county council.

(4) The deputy leaders of the Implementation Team are to be an officer of one of the North Northamptonshire councils and an officer of one of the West Northamptonshire councils.

(5) The county council and, as regards the relevant Joint Committee, each of the North Northamptonshire councils or each of the West Northamptonshire councils must—

- (a) co-operate in the formation of the Implementation Team, and
- (b) release the officers concerned from their normal duties at such times or for such periods as the relevant Joint Committee or the relevant shadow authority may reasonably require.

(6) In this article—

“the relevant Joint Committee” means—

- (a) as regards the North Northamptonshire councils, the North Northamptonshire Joint Committee;
- (b) as regards the West Northamptonshire councils, the West Northamptonshire Joint Committee;

“the relevant shadow authority” means—

- (a) as regards the North Northamptonshire councils, the shadow authority for North Northamptonshire; and
- (b) as regards the West Northamptonshire councils, the shadow authority for West Northamptonshire.

General transitional duties of the county council, the North Northamptonshire Councils and the West Northamptonshire Councils

27.—(1) The county council, each of the North Northamptonshire councils and each of the West Northamptonshire councils must—

- (a) consult and co-operate with one another and with the shadow authorities in order to secure the economic, effective, efficient and timely transfer of the county council's and those councils' functions, property, rights and liabilities; and
 - (b) generally, exercise their functions so as to further the purposes of this Order.
- (2) A relevant authority must provide such information relating to its functions as any other relevant authority may reasonably request for the purpose of giving effect to this Order.
- (3) A relevant authority must, on request by a person authorised by another relevant authority in that behalf, at all reasonable times allow that person—
- (a) to inspect any record belonging to or under the control of the authority providing the information and relating to the authority or its functions; and
 - (b) to take, or be supplied with, a copy of any such record or part of it.
- (4) A relevant authority to whom a request is made under paragraph (3) may, before complying with the request, require the person making the request to produce evidence of the authorisation given by the other relevant authority.
- (5) The rights conferred by paragraph (3) include the right to require any record which is not in legible form to be made available in legible form so that the authorised person may inspect or copy it or be supplied with copies.
- (6) The information referred to in paragraph (2) shall, in particular, include any information necessary for the exercise during the shadow period of any of the functions of a shadow authority.
- (7) In this article “relevant authority” means—
- (a) in the case of North Northamptonshire—
 - (i) the county council;
 - (ii) the North Northamptonshire councils;
 - (iii) the shadow authority for North Northamptonshire;
 - (b) in the case of West Northamptonshire—
 - (i) the county council;
 - (ii) the West Northamptonshire councils;
 - (iii) the shadow authority for West Northamptonshire.