

**EXPLANATORY MEMORANDUM TO**  
**THE BOROUGH OF WEYMOUTH AND PORTLAND (CHANGE TO YEAR OF**  
**ELECTION) ORDER**

**2018 No. 256**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument changes the year of the scheduled elections of councillors in the Borough of Weymouth and Portland.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 Part 4 of the Local Government Act 2000 concerns elections of councillors to local authorities in England and Wales. Section 85 provides for three options for schemes of ordinary elections of councillors. The options are: (i) elections of all councillors in a given year and every fourth year thereafter (“whole council elections”); (ii) elections in a given year and every second year thereafter of half of the councillors (“elections by halves”); and (iii) elections in a given year and every year thereafter (except every fourth year) of one third of the councillors (“elections by thirds”). Section 87 confers a power on the Secretary of State to change by order the years in which the ordinary elections of councillors of a specified local authority are to be held, but which does not change the scheme of elections. An order may include provision to secure the retirement of councillors at different times from those at which they would otherwise have retired, but may not change the scheme of elections of the authority.
- 4.2 Part 1 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) concerns structural and boundary change of local government areas in England. Chapter 1 concerns structural change from two tiers of local government in an area to a single tier (from a county council and district councils for an area to a single unitary authority – commonly known as “unitarisation”). Section 7 confers a power on the Secretary of State to implement a proposal for unitarisation of an area which has been made by one or more of the principal councils in the area. An order under section 7 is subject to the draft affirmative resolution procedure in both Houses of Parliament. Such a proposal has been made by a number of the principal authorities

in the administrative county of Dorset and by the existing unitary authorities of Bournemouth and Poole.<sup>1</sup>

- 4.3 Section 15 of the Cities and Local Government Devolution Act 2016 confers a power on the Secretary of State to make regulations (subject to the draft affirmative parliamentary procedure) which may disapply or vary the application of the 2007 Act provisions in relation to structural and boundary change. The Secretary of State proposes to make regulations to disapply the requirement in section 2 of the 2007 Act for a proposal to be invited by the Secretary of State, and remove the requirement for the Secretary of State to consult, reflecting the initiative of the councils to make a proposal, the consultation they have undertaken, and the period for representations following the Secretary of State's "minded to" announcement.

## **5. Extent and Territorial Application**

- 5.1 This instrument extends to England and Wales.  
5.2 The territorial application of this instrument is England.

## **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### *What is being done and why*

- 7.1 The Government made a manifesto commitment to support those authorities that wish to combine to serve their communities better, and the Ministry of Housing, Communities and Local Government is committed to consider locally led proposals for unitarisation and mergers between councils where a proposal is made.
- 7.2 The Secretary of State has considered the proposal for local government restructuring submitted by councils in Dorset in February 2017 and has taken a final decision to implement the proposal, subject to parliamentary approval.
- 7.3 The Dorset Councils' proposal is for the existing county of Dorset and the districts in the county to be abolished and the councils for those areas to be wound up and dissolved. A new non-metropolitan county and a new non-metropolitan district, each to be known as Dorset are to be established for the same area as the districts of East Dorset, North Dorset Purbeck, West Dorset, and the borough of Weymouth and Portland, and a new unitary district council – Dorset Council – is established for the area.
- 7.4 A new non-metropolitan county and a new non-metropolitan district, each to be known as Bournemouth, Christchurch and Poole, are to be established for the same area as the county and borough of Bournemouth, the borough of Christchurch, and the county and borough of Poole, and a new unitary district council is to be established for the area. On and after 1 April 2019, the two new councils are to be the sole local authorities<sup>2</sup> for their respective districts.

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<sup>1</sup> The proposal was made on 9 February 2017 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.

<sup>2</sup> For these purposes 'local authority' does not include a parish council.

- 7.5 The Secretary of State has decided to implement the proposal, subject to Parliamentary approval. The Dorset (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2018 and the Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (“the structural change instruments”) are to be laid in draft before both Houses of Parliament in March 2018. If approved by Parliament, the instruments will provide for the creation of a single tier of local government for Dorset, Bournemouth and Poole with effect from 1 April 2019.
- 7.6 If the structural change instruments are approved by Parliament, on 1 April 2019 the existing councils in Dorset will be abolished (Dorset County Council, East Dorset District Council, North Dorset District Council, Purbeck District Council, West Dorset District Council, Weymouth and Portland Borough Council, Christchurch Borough Council, Poole Borough Council and Bournemouth Borough Council), and two unitary councils established on the same date. Bournemouth, Christchurch and Poole Council will cover the areas of Bournemouth, Christchurch and Poole and Dorset Council will cover the remainder of the county of Dorset (except Christchurch).
- 7.7 The Borough of Weymouth and Portland operates a system of election by thirds and currently has scheduled elections of councillors to take place on Thursday 3 May 2018 (the ordinary day of elections in 2018). As the Borough of Weymouth and Portland is to be abolished on 1 April 2019 if the structural change instruments are approved by Parliament, the scheduled elections would elect councillors for only one year. Provisions changing the date of (or cancelling) the election cannot be made in the structural change instruments, as these could not be made and come into force until after the elections on 3 May 2018.
- 7.8 On 22 August 2017, Weymouth and Portland Borough Council wrote to the Secretary of State seeking to defer the scheduled elections by a year, should the Secretary of State make a decision to implement the reorganisation proposal, to avoid the unnecessary costs and democratic accountability concerns of electing councillors for only one year. This order provides that the elections of councillors which would have taken place in 2018 will instead take place on the ordinary day of elections in 2019 (2 May 2019). Should the structural change instruments not be approved by Parliament and the proposal is not implemented, the election of councillors will take place on that day. If those instruments are approved and the proposal implemented, as is intended by the Government, Weymouth and Portland Borough Council would be abolished before that day and consequently no election would take place.
- 7.9 The scheme of elections continues to be elections of a third of councillors in each year in which elections are held.

## **8. Consultation outcome**

- 8.1 There is no statutory requirement for consultation and no consultation has been carried out on this Order. However this Order is being made at the request of Weymouth and Portland Borough Council. The council, which comprises the democratically elected representatives of the people of the Borough, requested that should the Secretary of State make a decision to implement the proposal to reorganise local government in Dorset, the Borough’s May 2018 elections should be deferred. Before the proposal was submitted to the Secretary of State, extensive consultation was undertaken jointly by all nine Dorset councils.

**9. Guidance**

9.1 No guidance is necessary to accompany this Order.

**10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is positive as it will save the costs of holding elections for new councillors who will be members of the council for only one year.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

11.1 The legislation does not apply to activities that are undertaken by small businesses.

**12. Monitoring & review**

12.1 Not applicable.

**13. Contact**

13.1 Nicola Chissell, telephone: 0303 444 1941 and Louise Beckingham, telephone: 0303 444 4336, or email: [jobshare.beckingham-chissell@communities.gsi.gov.uk](mailto:jobshare.beckingham-chissell@communities.gsi.gov.uk) at the Ministry of Housing, Communities and Local Government, can answer any queries regarding these instruments.