
STATUTORY INSTRUMENTS

2018 No. 648

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

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—

“the 1972 Act” means the Local Government Act 1972(1);

“the 1989 Act” means the Local Government and Housing Act 1989(2);

“the 2000 Act” means the Local Government Act 2000(3);

“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(4);

“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).

(1) 1972 c.70.

(2) 1989 c.42.

(3) 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).

(4) See section 37 of the Representation of the People Act 1983 (c.2).

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.

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⁽⁵⁾ (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—
- (a) continue as members of that executive committee; and
 - (b) on and after 1st April 2019, shall be the members of Bournemouth, Christchurch and Poole Council’s executive for the purposes of Part 1A of the Local Government Act 2000,
- until the end of the shadow period, notwithstanding the dissolution on that date of the Borough Councils and the County Council by which they were nominated.
- (6) If a member of the executive constituted as mentioned in paragraph (5)(b) ceases to be a member of that executive before the end of the shadow period, Bournemouth, Christchurch and Poole Council may in accordance with the terms of the constitution of the Council nominate another member of the Council to be a member of its executive.
- (7) The Borough Councils and the County Council must co-operate in the establishment of the shadow executive committee.
- (8) 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 the 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) section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the Borough Councils.
- (9) Chapter 7 of the Localism Act 2011⁽⁶⁾ (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
 - (b) references to co-opted members were omitted.
- (10) The shadow authority must prepare and adopt a scheme for the payment of allowances to its members; and the Local Authorities (Members’ Allowances) (England) Regulations 2003⁽⁷⁾, other

⁽⁵⁾ Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

⁽⁶⁾ 2011 c. 20

⁽⁷⁾ S.I. 2003/1021.

than regulations 6 and 17 and Part 5, apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

Duties of shadow authority: appointment of certain officers, etc.

13.—(1) At the first meeting of the shadow authority it must designate, on an interim basis, an officer of one of the Borough Councils—

- (a) 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 Local Government and Housing Act 1989⁽⁸⁾ (“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) to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) 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) The shadow authority may, at any time before 1st April 2019, appoint a person to become, on and after that date—

- (a) the Bournemouth, Christchurch and Poole Council’s monitoring officer;
- (b) that Council’s chief finance officer;
- (c) that Council’s head of paid service.

(3) If the power conferred by paragraph (2) is not exercised before 1st April 2019, the person who is on that date—

- (a) the interim monitoring officer;
- (b) the interim chief finance officer; or
- (c) the interim head of paid service,

is responsible for performing, in relation to Bournemouth, Christchurch and Poole Council, the duties referred to in sub-paragraph (a) or (b) of paragraph (1) or the functions of head of paid service of a local authority; and is to perform those duties or such functions until the person to discharge those duties or perform those functions is appointed by that Council and takes up that appointment.

(4) A designation under paragraph (1) ceases to have effect on the day on which a person (which may be the same person as the designated officer) is appointed under paragraph (2) to discharge responsibilities equivalent to those of the designated officer.

(5) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act apply in relation to—

- (a) the shadow authority;
- (b) its interim monitoring officer; and
- (c) its executive arrangements,

(8) 1989 c.42. Relevant amendments, including the insertion of section 5A, were made by S.I. 2001/2237, article 23.

as they apply in relation to a relevant authority and the monitoring officer and executive arrangements of a relevant authority as if references in those subsections were references to the shadow authority, its interim monitoring officer and the executive arrangements that it adopts pursuant to this Order.

(6) Sections 114 to 116 of the Local Government Finance Act 1988⁽⁹⁾ apply in relation to the shadow authority and its interim finance officer as if—

- (a) references to the chief finance officer of a relevant authority included references to the interim chief finance officer of the shadow authority;
- (b) references to a relevant authority included references to the shadow authority; and
- (c) references to joint committees were omitted.

(7) Subsections (2) to (5) and (6) of section 4 of the 1989 Act apply in relation to the shadow authority and its interim head of paid service as they apply in relation to a relevant authority and its head of paid service as if references in those subsections to a relevant authority and its head of paid service were references to the shadow authority and its interim head of paid service.

(8) The shadow authority must designate an officer of one of the Borough Councils or of the shadow authority to act at the 2019 election as the returning officer⁽¹⁰⁾.

Duties of shadow authority: proposals for executive arrangements, code of conduct and members' allowances relating to Bournemouth, Christchurch and Poole Council

14.—(1) The shadow authority must formulate proposals for the executive arrangements that are to be operated by Bournemouth, Christchurch and Poole Council.

(2) In formulating proposals under paragraph (1) the shadow authority must comply with section 9B(2) of the 2000 Act and for that purpose is to assume that the Council's executive is to be a leader and cabinet executive within the meaning of section 9C(3) of that Act.

(3) The shadow authority must formulate proposals for the code of conduct to be adopted by Bournemouth, Christchurch and Poole Council.

(4) In formulating proposals under paragraph (3) the shadow authority must have regard to section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the Localism Act 2011.

(5) The shadow authority must formulate proposals for the scheme of members' allowances to be adopted by Bournemouth, Christchurch and Poole Council.

Functions of shadow authority: Implementation Plan

15.—(1) The shadow authority must prepare, keep under review, and revise as necessary, an Implementation Plan which must include—

- (a) such plans and timetables as are in its opinion necessary to secure the effective, efficient and timely discharge of its functions; and
- (b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on or after 1st April 2019, of the functions that, before that date, are functions of the County Council (in respect of Christchurch) or of the Borough Councils.

(2) For the purposes of—

- (a) preparing, reviewing and revising the Implementation Plan; and

⁽⁹⁾ 1988 c. 41. Relevant amendments were made by the Local Government and Housing Act 1989, section 139 and Schedule 5, and by the Local Government Act 2003 (c. 26), section 30 and S.I. 2001/2237.

⁽¹⁰⁾ Section 35 of the Representation of the People Act 1983 (c. 2) requires each district council in England to appoint an officer of the council to be the returning officer for the elections of councillors of the district.

- (b) discharging its functions,

the shadow authority must have regard to the information supplied to the Secretary of State by Bournemouth Borough Council, Dorset County Council, North Dorset District Council, Poole Borough Council, West Dorset District Council and Weymouth and Portland Borough Council in support of their proposals for a single tier of local government in Bournemouth, Dorset and Poole.

- (3) The shadow authority may, by written notice to—

- (a) the proper officer of the County Council; or
 (b) the proper officer of any of the Borough Councils,

require the council referred to in the notice to take such action relevant to any of the functions referred to in articles 12 to 23 of this Order as may be specified in the notice.

Other functions of shadow authority

16. During the shadow period the shadow authority has, in addition to the functions specified or referred to in articles 12 to 15, the functions referred to or specified in articles 17 to 21.

- 17.** The shadow authority must take all such practicable steps as are necessary or expedient—

- (a) to commence and sustain its running as a shadow authority;
 (b) to prepare the authority for the assumption, as Bournemouth, Christchurch and Poole Council, of local government functions and full local authority powers on 1st April 2019;
 (c) to prepare any budgets or plans required by Bournemouth, Christchurch and Poole Council when those functions are assumed; and
 (d) to liaise with the County Council (in relation to its functions in respect of Christchurch) and the Borough Councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2019.

18. The shadow authority has all the other powers of a non-metropolitan county council or a non-metropolitan district council.

- 19.** The powers conferred by article 18 may be exercised by the shadow authority only—

- (a) in the discharge of the functions specified or referred to in articles 12 to 15 and 17;
 (b) in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan county council or a non-metropolitan district council; and
 (c) where the exercise of the power would involve incurring expenditure or acquiring a liability—
 (i) with the prior consent of the County Council, where the expenditure or liability relates to a matter which, before 1st April 2019, is the responsibility of that Council in respect of its functions in relation to Christchurch; or
 (ii) where the expenditure or liability relates to a matter which, before 1st April 2019, is the responsibility of a Borough Council, with the prior consent of that council.

20. The total of the expenditure properly incurred by the shadow authority is to be divided among, and paid by, the Borough Councils and the County Council in such proportion as may be agreed between those councils; but, where the shadow authority notifies the Secretary of State that there is no such agreement, the Secretary of State may—

- (a) determine the proportion in which that expenditure is to be divided and paid; and
 (b) appoint an arbitrator for that purpose.

21.—(1) The following provisions of the 1972 Act apply in relation to the shadow authority, notwithstanding that it does not have the functions and full powers of a local authority:

Table 1

<i>Part or section of 1972 Act</i>	<i>Description</i>
Section 3	Chairman
Section 5	Vice-chairman
Parts 5 and 5A	General provisions as to members and proceedings of local authorities, access to meetings and documents of certain authorities, committees and sub-committees
Section 103	Expenses of joint committees
Section 106	Standing orders
Section 146	Transfer of securities on alteration of area, etc
Section 178	Regulations as to allowances
Section 245	Status of certain districts, parishes and communities

(2) The shadow authority, notwithstanding that it does not have the functions and full powers of a local authority, is to be treated—

- (a) for the purposes of the Local Audit and Accountability Act 2014⁽¹¹⁾ as if it were a district council;
- (b) for the purposes of section 101 of the 2000 Act (indemnification of members and officers of relevant authorities), as a relevant authority;
- (c) for the purposes of Part 1 of the Local Government Act 2003⁽¹²⁾ (capital finance etc and accounts), as a local authority; and
- (d) for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001⁽¹³⁾, as a relevant authority.

Discharge of shadow authority’s functions by shadow executive

22.—(1) Except to the extent that any provision of any Act, this Order or regulations under section 9D (functions which are the responsibility of an executive) or 9DA (functions of an executive: further provision) of the 2000 Act requires otherwise, the functions conferred on the shadow authority by or under this Order are to be delegated to, and discharged by, the shadow executive committee.

(2) Paragraph (1) does not prevent the shadow executive committee from requesting the shadow authority to discharge any function specified in a notice given by the shadow executive committee to the proper officer of the shadow authority, and the shadow authority must comply with any such request within such period as the shadow executive committee may specify.

Central Implementation Team

23.—(1) Not later than 21 days after the coming into force of this Order, the shadow executive committee must form a team of officers (“the Central Implementation Team”) for the purposes of assisting it and, if so required by the shadow authority, that authority.

⁽¹¹⁾ 2014 c.2.

⁽¹²⁾ 2003 c.26.

⁽¹³⁾ S.I. 2001/3384

(2) The members of the Central Implementation Team are to comprise officers from each of the Borough councils.

(3) The leader of the Central Implementation Team is to be an officer of one of the Borough Councils or of the shadow authority.

PART 5

ELECTORAL MATTERS: BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

Election to Bournemouth, Christchurch and Poole Council in 2019 and subsequent years

24.—(1) A whole council election of councillors of Bournemouth, Christchurch and Poole Council is to be held on the ordinary day of election of councillors in 2019 and in every fourth year thereafter.

(2) For the purposes of elections of councillors of Bournemouth, Christchurch and Poole Council—

- (a) Bournemouth, Christchurch and Poole is to be divided into wards;
- (b) the names of the new wards are those indicated in column 1 of the Table set out in Schedule 1 to this Order;
- (c) the area of each new ward is to be the same as that of the borough council ward or the County Council electoral division as those wards or electoral divisions existed on 31st March 2019, and as indicated in column 2 of that Table;
- (d) each new ward is to return the number of councillors indicated in column 3 of that Table.

(3) At the 2019 election the returning officer and electoral registration officer is the proper officer appointed by the shadow authority in accordance with article 13(8) (“the Bournemouth, Christchurch and Poole Council returning officer”).

(4) The Bournemouth, Christchurch and Poole Council returning officer must take such steps as are necessary or appropriate to prepare for the 2019 election, including the making of all necessary alterations in the electoral register.

(5) The total of the expenditure properly incurred by Bournemouth, Christchurch and Poole Council returning officer in relation to the holding of the 2019 election is to be divided among, and paid by, the Borough Councils and the County Council in such proportion as may be agreed between them; but, where the returning officer notifies the Secretary of State that there is not such agreement, the Secretary of State may—

- (a) determine the proportion; or
- (b) appoint an arbitrator for that purpose.

(6) In relation to the 2019 election, “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983(14) does not have the meaning given by section 67(7) of that Act but means the Bournemouth, Christchurch and Poole Council returning officer.

(7) All councillors elected in 2019 or any later year are to retire on the fourth day after the ordinary day of elections of councillors in the year of retirement and the newly-elected councillors are to come into office on the day on which their predecessors retire.

(14) 1983 c. 2.

PART 6

DORSET: SHADOW AUTHORITY, ITS TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Interpretation of Part 6

25. 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 27(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.

Dorset Council as Shadow Authority

26.—(1) During the shadow period Dorset Council is a shadow authority for the purposes of the following provisions of this Part.

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

- (a) councillors of the County Council except those councillors who represent the Christchurch electoral divisions;
- (b) councillors of the East Dorset, North Dorset, Purbeck, West Dorset district councils and of the Weymouth and Portland Borough Council.

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

(4) The proper officer of the County Council 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 electoral division of the County Council (except a Christchurch electoral division) or any ward of the District Councils, 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 one of the District Councils 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

27.—(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⁽¹⁵⁾ (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) ten persons nominated by the County Council, each of whom is for the time being a member of that Council for an electoral division other than a Christchurch electoral division; and
 - (b) two persons nominated by each of the District Councils, each of whom is for the time being a member of the nominating 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—
- (a) continue as members of that executive committee; and
 - (b) on and after 1st April 2019, shall be the members of Dorset Council’s executive for the purposes of Part 1A of the Local Government Act 2000,
- until the end of the shadow period, notwithstanding the dissolution on that date of the County Council or District Councils by which they were nominated.
- (6) If a member of the executive constituted as mentioned in paragraph (5)(b) ceases to be a member of that executive before the end of the shadow period, Dorset Council may in accordance with the terms of the constitution of the Council nominate another member of the Council to be a member of its executive.
- (7) The County Council and the District Councils must co-operate in the establishment of the shadow executive committee.
- (8) 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 the 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) 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 District Councils.
- (9) Chapter 7 of the Localism Act 2011⁽¹⁶⁾ (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
 - (b) references to co-opted members were omitted.
- (10) The shadow authority must prepare and adopt a scheme for the payment of allowances to its members; and the Local Authorities (Members’ Allowances) (England) Regulations 2003⁽¹⁷⁾, other than regulations 6 and 17 and Part 5, apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

⁽¹⁵⁾ Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

⁽¹⁶⁾ 2011 c. 20

⁽¹⁷⁾ S.I. 2003/1021.

Duties of shadow authority: appointment of certain officers, etc.

28.—(1) At the first meeting of the shadow authority it must designate, on an interim basis, an officer of the County Council or one of the District Councils—

- (a) 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 Local Government and Housing Act 1989(18) (“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) to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) 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) The shadow authority may, at any time before 1st April 2019, appoint a person to become, on and after that date—

- (a) the Dorset Council’s monitoring officer;
- (b) that Council’s chief finance officer;
- (c) that Council’s head of paid service.

(3) If the power conferred by paragraph (2) is not exercised before 1st April 2019, the person who is on that date—

- (a) the interim monitoring officer;
- (b) the interim chief finance officer; or
- (c) the interim head of paid service,

is responsible for performing, in relation to Dorset Council, the duties referred to in sub-paragraph (a) or (b) of paragraph (1) or the functions of head of paid service of a local authority; and is to perform those duties or such functions until the person to discharge those duties or perform those functions is appointed by that Council and takes up that appointment.

(4) A designation under paragraph (1) ceases to have effect on the day on which a person (which may be the same person as the designated officer) is appointed under paragraph (2) to discharge responsibilities equivalent to those of the designated officer.

(5) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act apply in relation to—

- (a) the shadow authority;
- (b) its interim monitoring officer; and
- (c) its executive arrangements,

as they apply in relation to a relevant authority and the monitoring officer and executive arrangements of a relevant authority as if references in those subsections were references to the shadow authority, its interim monitoring officer and the executive arrangements that it adopts pursuant to this Order.

(18) 1989 c.42. Relevant amendments, including the insertion of section 5A, were made by S.I. 2001/2237, article 23.

(6) Sections 114 to 116 of the Local Government Finance Act 1988⁽¹⁹⁾ apply in relation to the shadow authority and its interim finance officer as if—

- (a) references to the chief finance officer of a relevant authority included references to the interim chief finance officer of the shadow authority;
- (b) references to a relevant authority included references to the shadow authority; and
- (c) references to joint committees were omitted.

(7) Subsections (2) to (5) and (6) of section 4 of the 1989 Act apply in relation to the shadow authority and its interim head of paid service as they apply in relation to a relevant authority and its head of paid service as if references in those subsections to a relevant authority and its head of paid service were references to the shadow authority and its interim head of paid service.

(8) The shadow authority must designate an officer of the County Council or of one of the District Councils or of the shadow authority to act at the 2019 election as the returning officer.

Duties of shadow authority: proposals for executive arrangements, code of conduct and members' allowances relating to Dorset Council

29.—(1) The shadow authority must formulate proposals for the executive arrangements that are to be operated by Dorset Council.

(2) In formulating proposals under paragraph (1) the shadow authority must comply with section 9B(2) of the 2000 Act and for that purpose is to assume that the Council's executive is to be a leader and cabinet executive within the meaning of section 9C(3) of that Act.

(3) The shadow authority must formulate proposals for the code of conduct to be adopted by Dorset Council.

(4) In formulating proposals under paragraph (3) the shadow authority must have regard to section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the Localism Act 2011.

(5) The shadow authority must formulate proposals for the scheme of members' allowances to be adopted by Dorset Council.

Functions of shadow authority: Implementation Plan

30.—(1) The shadow authority must prepare, keep under review, and revise as necessary, an Implementation Plan which must include—

- (a) such plans and timetables as are in its opinion necessary to secure the effective, efficient and timely discharge of its functions; and
- (b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on or after 1st April 2019, of the functions that, before that date, are functions of the County Council or of the District Councils.

(2) For the purposes of—

- (a) preparing, reviewing and revising the Implementation Plan; and
- (b) discharging its functions,

the shadow authority is to have regard to the information supplied to the Secretary of State by Bournemouth Borough Council, Dorset County Council, North Dorset District Council, Poole Borough Council, West Dorset District Council and Weymouth and Portland Borough Council in support of their proposals for a single tier of local government in Bournemouth, Dorset and Poole.

⁽¹⁹⁾ 1988 c. 41. Relevant amendments were made by the Local Government and Housing Act 1989, section 139 and Schedule 5, and by the Local Government Act 2003 (c. 26), section 30 and S.I. 2001/2237.

- (3) The shadow authority may, by written notice to—
- (a) the proper officer of the County Council; or
 - (b) the proper officer of any of the District Councils,

require the council referred to in the notice to take such action relevant to any of the functions referred to in articles 27 to 36 of this Order as may be specified in the notice.

Other functions of shadow authority

31. During the shadow period the shadow authority has, in addition to the functions specified or referred to in articles 27 to 30, the functions referred to or specified in articles 32 to 36.

32. The shadow authority must take all such practicable steps as are necessary or expedient—

- (a) to commence and sustain its running as a shadow authority;
- (b) to prepare the authority for the assumption, as Dorset Council, of local government functions and full local authority powers on 1st April 2019;
- (c) to prepare any budgets or plans required by Dorset Council when those functions are assumed; and
- (d) to liaise with the County Council and the District Councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2019.

33. The shadow authority has all the other powers of a non-metropolitan county council or a non-metropolitan district council.

34. The powers conferred by article 33 may be exercised by the shadow authority only—

- (a) in the discharge of the functions specified or referred to in articles 27 to 30 and 32;
- (b) in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan county council or a non-metropolitan district council; and
- (c) where the exercise of the power would involve incurring expenditure or acquiring a liability—
 - (i) with the prior consent of the County Council, where the expenditure or liability relates to a matter which, before 1st April 2019, is the responsibility of that Council; or
 - (ii) where the expenditure or liability relates to a matter which, before 1st April 2019, is the responsibility of a District Council, with the prior consent of that council.

35. The total of the expenditure properly incurred by the shadow authority is to be divided among, and paid by, the County Council and the District Councils in such proportion as may be agreed between those councils; but, where the shadow authority notifies the Secretary of State that there is no such agreement, the Secretary of State may—

- (a) determine the proportion in which that expenditure is to be divided and paid; and
- (b) appoint an arbitrator for that purpose.

36.—(1) The following provisions of the 1972 Act apply in relation to the shadow authority, notwithstanding that it does not have the functions and full powers of a local authority:

Table 2

<i>Part or section of 1972 Act</i>	<i>Description</i>
Section 3	Chairman

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Part or section of 1972 Act</i>	<i>Description</i>
Section 5	Vice-chairman
Parts 5 and 5A	General provisions as to members and proceedings of local authorities, access to meetings and documents of certain authorities, committees and sub-committees
Section 103	Expenses of joint committees
Section 106	Standing orders
Section 146	Transfer of securities on alteration of area, etc
Section 178	Regulations as to allowances
Section 245	Status of certain districts, parishes and communities

(2) The shadow authority, notwithstanding that it does not have the functions and full powers of a local authority, is to be treated—

- (a) for the purposes of the Local Audit and Accountability Act 2014⁽²⁰⁾ as if it were a district council;
- (b) for the purposes of section 101 of the 2000 Act (indemnification of members and officers of relevant authorities), as a relevant authority;
- (c) for the purposes of Part 1 of the Local Government Act 2003⁽²¹⁾ (capital finance etc and accounts), as a local authority; and
- (d) for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001⁽²²⁾, as a relevant authority.

Discharge of shadow authority’s functions by shadow executive

37.—(1) Except to the extent that any provision of any Act, this Order or regulations under section 9D (functions which are the responsibility of an executive) or 9DA (functions of an executive: further provision) of the 2000 Act requires otherwise, the functions conferred on the shadow authority by or under this Order are to be delegated to, and discharged by, the shadow executive committee.

(2) Paragraph (1) does not prevent the shadow executive committee from requesting the shadow authority to discharge any function specified in a notice given by the shadow executive committee to the proper officer of the shadow authority, and the shadow authority must comply with any such request within such period as the shadow executive committee may specify.

Central Implementation Team

38.—(1) Not later than 21 days after the coming into force of this Order, the shadow executive committee must form a team of officers (“the Central Implementation Team”) for the purposes of assisting it and, if so required by the shadow authority, that authority.

(2) The members of the Central Implementation Team are to comprise officers from the County Council and each of the District Councils.

⁽²⁰⁾ 2014 c.2.

⁽²¹⁾ 2003 c.26.

⁽²²⁾ S.I. 2001/3384

(3) The leader of the Central Implementation Team is to be an officer of the County Council or of one of the District Councils or of the shadow authority.

PART 7

ELECTORAL MATTERS: DORSET

Election to the Dorset Council in 2019 and subsequent years

39.—(1) A whole council election of councillors of Dorset Council is to be held—

- (a) on the 2019 election day;
- (b) on the ordinary day of election of councillors in 2024;
- (c) on the ordinary day of election of councillors in 2029; and
- (d) every fourth year thereafter.

(2) For the purposes of the elections of councillors of Dorset Council—

- (a) Dorset is to be divided into wards;
- (b) the names of the new wards are those indicated in column 1 of the Table set out in Schedule 2 to this Order;
- (c) the area of each new ward is to be the same as that of the County Council electoral division, parish or parish council ward, as those electoral divisions, parishes or parish council wards existed on 31st March 2019, and as indicated in column 2 of that Table;
- (d) each new ward is to return the number of councillors indicated in column 3 of that Table.

(3) At the 2019 election the returning officer and electoral registration officer is the proper officer appointed by the shadow authority in accordance with article 28(8) above (“the Dorset Council returning officer”).

(4) The Dorset Council returning officer must take such steps as are necessary or appropriate to prepare for the 2019 election, including the making of all necessary alterations in the electoral register.

(5) The total of the expenditure properly incurred by the Dorset Council returning officer in relation to the holding of the 2019 election is to be divided among, and paid by, the County Council and the District Councils in such proportion as may be agreed between them; but, where the returning officer notifies the Secretary of State that there is not such agreement, the Secretary of State may—

- (a) determine the proportion; or
- (b) appoint an arbitrator for that purpose.

(6) In relation to the 2019 election, “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983(23) does not have the meaning given by section 67(7) of that Act but means the Dorset Council returning officer.

(7) All councillors elected in 2019 or any later year are to retire on the fourth day after the ordinary day of elections of councillors in the year of retirement and the newly-elected councillors are to come into office on the day on which their predecessors retire.

Cancellation of parish council elections in Dorset, etc

40. Notwithstanding section 16(3) of the 1972 Act (election of parish councillors)—

(23) 1983 c. 2.

- (a) elections are not to be held in 2023 or in 2027 for the return of councillors to the council of any parish within Dorset;
- (b) the term of office of parish councillors elected in 2019 or at any subsequent by-election held before the ordinary day of election of councillors in 2024 ends on the fourth day after the ordinary day of elections in 2024~~(24)~~;
- (c) elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2023 are to be held on the ordinary day of election of councillors in 2024;
- (d) the term of office of parish councillors elected in 2024 or at any subsequent by-election held before the ordinary day of election of councillors in 2029 ends on the fourth day after the ordinary day of elections in 2029; and
- (e) elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2027 are to be held on the ordinary day of election of councillors in 2029 and every fourth year thereafter.

PART 8

GENERAL TRANSITIONAL DUTIES OF BOROUGH, COUNTY AND DISTRICT COUNCILS

Bournemouth, Christchurch and Poole: General transitional duties of the County Council and the Borough Councils

- 41.**—(1) The County Council (in respect of Christchurch) and the Borough Councils must—
- (a) take, whether alone or together, such steps as may be necessary to prepare for the transfer to the Bournemouth, Christchurch and Poole Council of their respective functions, property, rights and liabilities relating to Bournemouth, Christchurch and Poole or its inhabitants;
 - (b) consult and co-operate with one another in order to secure the economic, effective, efficient and timely transfer of those functions, property, rights and liabilities; and
 - (c) generally exercise their functions so as to further the purposes of this Order.
- (2) The County Council and each of the Borough councils must—
- (a) co-operate in the formation of the Bournemouth, Christchurch and Poole Implementation Team, and release the officers concerned from their normal duties at such times or for such periods as the shadow authority may reasonably require; and
 - (b) provide such information relating to its functions as any other of those councils or the shadow authority may reasonably require.
- (3) Any person authorised in that behalf by the authority making the request is entitled, at all reasonable times, on producing evidence of the authority given by that council (if so required by the council from which the information is sought)—
- (a) to inspect any record belonging to or under the control of the council providing the information and relating to the council or its functions; and
 - (b) to take, or be supplied with, a copy of any such record or part of it.

(24) Under section 16(3) of the Local Government Act 1972, the term of office of parish councillors is four years and elections of councillors for parish councils within Dorset are due to be held on the ordinary day of elections in 2019.

(4) 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.

Dorset: General transitional duties of the County Council and the district councils

42.—(1) The County Council and each of the District Councils must—

- (a) take, whether alone or together, such steps as may be necessary to prepare for the transfer to Dorset Council of their respective functions, property, rights and liabilities relating to Dorset or its inhabitants (except as regards the County Council, those relating to Christchurch or its inhabitants);
- (b) consult and co-operate with one another and with the shadow authority in order to secure the economic, effective, efficient and timely transfer of the County Council’s and District Councils’ functions, property, rights and liabilities; and
- (c) generally exercise their functions so as to further the purposes of this Order.

(2) The County Council and each of the District Councils must—

- (a) co-operate in the formation of the Dorset Implementation Team, and release the officers concerned from their normal duties at such times or for such periods as the shadow authority may reasonably require; and
- (b) provide such information relating to its functions as any other of those councils or the shadow authority may reasonably request for the purpose of giving effect to this Order.

(3) Any person authorised in that behalf by the authority making the request is entitled, at all reasonable times, on producing evidence of the authority given by that body (if so required by the council or shadow authority from which the information is sought)—

- (a) to inspect any record belonging to or under the control of the council or shadow authority providing the information and relating to the council or its functions; and
- (b) to take, or be supplied with, a copy of any such record or part of it.

(4) 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.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Rishi Sunak
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government

25th May 2018