
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment, on 1st April 2009, of a single tier of local government in the county of Northumberland (article 3). The area of the county remains unchanged. A new district is created, with the same area as the county.

The county will be administered by a county council, referred to in this Order as “the Northumberland council”.

Article 4 of the Order provides for the winding up and dissolution on 1st April 2009 of the district councils in Northumberland:

- Berwick-upon-Tweed Borough Council
- Blyth Valley Borough Council
- Castle Morpeth Borough Council
- Alnwick District Council
- Tynedale District Council and
- Wansbeck District Council.

Those councils are referred to in this Note and the Order as “the district councils”.

The districts administered by the district councils are also abolished.

The term of office of all district councillors expires on 1st April 2009 (article 5).

In Part 3 of the Order, article 6(1) confers on the Northumberland council the function of preparing for the transfer on 1st April 2009 of the district councils’ functions, property, rights and liabilities (its “main transitional function”). Article 6(2) requires the Northumberland council to arrange for the discharge of its main transitional function by a committee of its executive, to be known as its “Implementation Executive”. This arrangement is to begin when this Order comes into force and end on the fourth day after the ordinary day of election of councillors in 2008 (“the first transitional period”), when councillors newly-elected to the Northumberland council come into office. The membership of the Implementation Executive is to be drawn from both the Northumberland council and the district councils. Article 7 provides for the Implementation Executive to have responsibility, instead of the Northumberland council, during the first transitional period, for the discharge of certain functions of that council relating to times on and after 1st April 2009 (“article 7 functions”).

Article 8(1) makes the discharge of the main transitional function and the article 7 functions a responsibility of the Implementation Executive during the first transitional period. Article 8(2) and (3) modifies section 15(7) and (9) of the Local Government Act 2000 (“the 2000 Act”) so as to extend the range of arrangements available to the Executive for the discharge of that responsibility. Article 8(4) disapplies, until the end of the first transitional period, and in relation to the Implementation Executive, section 21 of the 2000 Act, which deals with the overview and scrutiny of decisions of local authorities. Instead, paragraphs (5) and (6) of article 8 enable arrangements to be made by the Northumberland council and the district councils under section 101(5) of the Local Government Act 1972 for the review or scrutiny by a joint committee of decisions or other action taken by the Implementation Executive, and for recommendations or reports to be made to the Executive. Where a joint committee is established, article 8(7) provides for that committee to make a report to the Northumberland council and the district councils.

Article 9 requires the Implementation Executive to prepare an Implementation Plan which must include budgets, plans and timetables relevant to the process of transition to single tier local government. In discharging the main transitional function and the article 7 functions, the Implementation Executive is required to have regard to the Northumberland council's response to the Secretary of State in support of its proposal for single tier local government in Northumberland. Article 10 provides for the establishment of a team of officers drawn from the Northumberland council and the district councils to assist the Implementation Executive.

Article 11 provides for the dissolution of the Implementation Executive, any sub-committee of that Executive and any joint committee established by virtue of article 8(6) at the end of the first transitional period. Thereafter, the discharge of the main transitional function, the article 7 functions, and functions under article 9, become the responsibility of the Northumberland council's executive. Provision is also made for that executive to arrange for the discharge of its functions by officers of any of the district councils.

Part 4 of the Order relates to the functions of the Northumberland Council and the district councils in the period before 1st April 2009. Article 12 requires the Northumberland council and the district councils to prepare for the transition to single tier local government, to consult and co-operate, to disclose relevant information and, generally, to further the purposes of the Order.

In Part 5 of the Order, article 13 requires the holding of a whole council election to the Northumberland council in 2008. The number of councillors remains at 67. The election is to be conducted on the basis of the 67 electoral divisions established by article 2 of the County of Northumberland (Electoral Changes) Order 2000 (S.I. 2000/2490).

Article 14 cancels the parish council elections that would otherwise have taken place in 2011. The term of office of parish councillors elected in 2007 or at subsequent by-elections is varied to the fourth day after the ordinary day of election of councillors in 2013, when all parishes will hold elections.

A full impact assessment has been produced for this order and other orders that provide for a change to single tier local government. A copy of the assessment has been deposited in the Library of both Houses of Parliament and may be accessed at www.communities.gov.uk