

Draft Order laid before Parliament under section 240(6) of the Local Government and Public Involvement in Health Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

LOCAL GOVERNMENT, ENGLAND

The Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire and Cheshire) Order 2008

*Made - - - - - ***
Coming into force in accordance with article 1(1) and
(2)*

The Secretary of State makes this Order in exercise of the powers conferred by sections 7, 11 and 13 of the Local Government and Public Involvement in Health Act 2007⁽¹⁾.

The incidental, consequential, transitional and supplementary provision made by this Order relates to the Bedfordshire (Structural Changes) Order 2008⁽²⁾ and the Cheshire (Structural Changes) Order 2008⁽³⁾, which were made under section 7 of the Local Government and Public Involvement in Health Act 2007⁽⁴⁾.

In accordance with section 240(6) of the Local Government and Public Involvement in Health Act 2007, a draft of this Order was laid before and approved by a resolution of each House of Parliament.

PART 1

PRELIMINARY

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire and Cheshire) Order 2008 and subject to paragraph (2) comes into force on 1st April 2009.

(1) [2007, c.28](#). Section 13(2) provides for section 13(1) to be read with section 15.

(2) [S.I. 2008/907](#).

(3) [S.I. 2008/634](#).

(4) Section 13(3) provides that any incidental, consequential, transitional or supplementary provision included in an order under section 7 may relate either to other provisions of the order or to a previous order under section 7.

(2) This article, articles 8 and 9 and Schedules 1 and 2 come into force on the day after the day on which this Order is made.

(3) In this Order—

“the 1992 Act” means the Local Government Finance Act 1992⁽⁵⁾;

“Bedfordshire Fire Order” means the Bedfordshire Fire Services (Combination Scheme) Order 1996⁽⁶⁾;

“Cheshire Fire Order” means the Cheshire Fire Services (Combination Scheme) Order 1997⁽⁷⁾;

“Police Regulations” means the Police Authority Regulations 2008⁽⁸⁾;

“shadow council” means an authority (not being a local authority) which will become a local authority on 1 April 2009 by virtue of an order under section 7 of the Local Government and Public Involvement in Health Act 2007; and

“transitional period” means the period beginning on the date on which articles 8 and 9 and the Schedules to this Order come into force in accordance with paragraph (2), and ending immediately before 1 April 2009.

PART 2

BEDFORDSHIRE

Bedfordshire and Luton Combined Fire Authority

2. In paragraph 3 of the Schedule to the Bedfordshire Fire Order (the combined area), for “the council of the borough of Luton and Bedfordshire County Council”, substitute “Luton Borough Council, Bedford Borough Council and Central Bedfordshire Council”.

Bedfordshire Police Authority

3. In the table in Schedule 1 to the Police Act 1996⁽⁹⁾ (police areas), for the entry in the second column opposite the name of the Bedfordshire police area, substitute “The non-metropolitan districts of Bedford, Central Bedfordshire and Luton”.

Bedfordshire Valuation Tribunal

4. In Schedule 1 of the Valuation and Community Charge Tribunals Regulations 1989⁽¹⁰⁾, the entry for Bedfordshire is amended as follows—

- (a) in column 2, for “Bedfordshire and Luton” substitute “Bedford Borough, Central Bedfordshire and Luton”;
- (b) in column 3, omit “Bedfordshire County Council”, and in the corresponding place in column 4, omit “2”;
- (c) in column 3, before “Luton Borough Council”, insert new entries “Bedford Borough Council” and “Central Bedfordshire Council”, and in each corresponding place in column 4 insert “1”.

(5) 1992 c.14.

(6) S.I. 1996/2918.

(7) S.I. 1997/2697.

(8) S.I. 2008/630.

(9) 1996, c.16.

(10) 1989/439, amended by S.I.s 1997/2954 and 2000/409; there are other amending instruments but none is relevant.

PART 3

CHESHIRE

Cheshire Fire Authority

5. In paragraph 3 of the Schedule to the Cheshire Fire Order (the combined area), for “the councils of the boroughs of Halton and Warrington and Cheshire County Council”, substitute “Halton Borough Council, Warrington Borough Council, Cheshire East Council and Cheshire West and Chester Council”.

Cheshire Police Authority

6. In the table in Schedule 1 to the Police Act 1996 (police areas), for the entry in the second column opposite the name of the Cheshire police area, substitute “The non-metropolitan districts of Cheshire East, Cheshire West and Chester, Halton and Warrington”.

Cheshire Valuation Tribunal

7. In Schedule 1 of the Valuation and Community Charge Tribunals Regulations 1989⁽¹¹⁾, the entry for Cheshire is amended as follows—

- (a) in column 2, for “Cheshire, Halton and Warrington” substitute “Cheshire East, Cheshire West and Chester, Halton and Warrington”;
- (b) in column 3, omit “Cheshire County Council”, and in the corresponding place in column 4, omit “7”;
- (c) in column 3, before the entry “Halton Borough Council, insert new entries “Cheshire East Council” and “Cheshire West and Chester Council”, and in each corresponding place in column 4 insert “3”.

PART 5

TRANSITIONAL PROVISION

Fire and rescue authorities

8. Schedule 1, which makes transitional provision in relation to the appointment of local authority members of the Bedfordshire and Luton Combined Fire Authority and the Cheshire Fire Authority, has effect.

Police authorities

9. Schedule 2, which makes transitional provision in relation to the appointment of local authority members of the Bedfordshire Police Authority and the Cheshire Police Authority, has effect.

⁽¹¹⁾ 1989/439, amended by S.I.s 1997/2954 and 2000/409; there are other amending instruments but none is relevant.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire and Cheshire) Order 2009 No. 119*

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

Date

Name
Minister of State
Department for Local Communities and Local
Government

SCHEDULE 1

Article 8

Transitional provision in relation to fire and rescue authorities

Appointment of representatives to Bedfordshire and Luton Combined Fire Authority

1.—(1) As soon as reasonably practicable after the coming into force of this Order, Bedford Borough Council and the shadow council for Central Bedfordshire shall appoint persons from amongst their own members to represent them on the Bedfordshire and Luton Combined Fire Authority.

(2) The representatives appointed under sub-paragraph (1) shall—

- (a) be appointed in accordance with articles 11 and 12 of the Bedfordshire Fire Order;
- (b) subject to paragraph 3, hold office during the transitional period in accordance with articles 13 to 16(1) of the Bedfordshire Fire Order,

as if article 2 of this Order (which makes Bedford Borough and Central Bedfordshire part of the combined area) were in force.

(3) From 1st April 2009, the representatives appointed in accordance with sub-paragraph (1) shall become members of the Bedfordshire and Luton Combined Fire Authority.

Members of the Cheshire Fire Authority

2.—(1) As soon as reasonably practicable after the coming into force of this Order, the shadow councils for Cheshire East and for Cheshire West and Chester shall appoint persons from amongst their own members to represent them on the Cheshire Fire Authority.

(2) The representatives appointed under sub-paragraph (1) shall—

- (a) be appointed in accordance with articles 11 and 12 of the Cheshire Fire Order;
- (b) subject to paragraph 3, hold office during the transitional period in accordance with articles 13 to 16(1) of the Cheshire Fire Order,

as if article 5 of this Order (which makes Cheshire East and Cheshire West and Chester part of the combined area) were in force.

(3) From 1st April 2009, the representatives appointed in accordance with sub-paragraph (1) shall become members of the Cheshire Fire Authority.

Status of representatives during transitional period

3.—(1) This paragraph makes provision about the status during the transitional period of a representative appointed in accordance with paragraph 1 or 2.

(2) Subject to sub-paragraph (5), a representative may attend meetings of the fire and rescue authority of which the representative will become a member from 1st April 2009, but may not vote at those meetings.

(3) A fire and rescue authority must have regard to a representative's views in relation to—

- (a) the issue of a precept under section 40 of the 1992 Act; and
- (b) the calculation of its budget requirement under section 43 of the 1992 Act.

(4) Subject to sub-paragraph (5), the payment of any allowance to a representative shall be a matter for the local authority or shadow council of which the representative is a member in accordance with its scheme for allowances.

(5) A person who is both—

- (a) a representative appointed in accordance with paragraph 1 or 2; and

(b) an existing member of a fire and rescue authority,
may in the capacity of member continue to vote and to receive payments by way of reimbursement from the fire and rescue authority.

SCHEDULE 2

Article 9

Transitional provisions in relation to police authorities

Establishment of shadow joint committee

1.—(1) Within 14 days of the coming into force of this Schedule, a joint committee shall be established—

- (a) in relation to the Bedfordshire police area, by the councils of the non-metropolitan districts of Bedford and Luton, and the shadow council for Central Bedfordshire;
- (b) in relation to the Cheshire police area, by the non-metropolitan districts of Halton and Warrington, and the shadow councils for Cheshire East and Cheshire West and Chester.

(2) The joint committee established under sub-paragraph (1) shall be established in accordance with the Police Regulations as if articles 3 and 6 of this Order (which provide for changes to the Bedfordshire and Cheshire police areas) were in force.

(3) From 1st April 2009, a joint committee established under sub-paragraph (1) shall be treated as a joint committee established under regulation 7 of the Police Regulations.

Appointment of police authority members

2.—(1) As soon as reasonably practicable after its establishment, a joint committee established under paragraph 1 shall appoint persons—

- (a) in relation to Bedfordshire, from amongst the members of Bedford Borough Council and Central Bedfordshire Council to act as the representatives of those councils on the Bedfordshire Police Authority;
- (b) in relation to Cheshire, from amongst the members of Cheshire East Council and Cheshire West and Chester Council to act as the representatives of those councils on the Cheshire Police Authority.

(2) The representatives appointed under sub-paragraph (1)—

- (a) shall be appointed; and
- (b) subject to paragraph 3, hold office during the transitional period,

in accordance with the Police Regulations as if articles 3 and 6 of this Order were in force.

(3) From 1st April 2009, a representative appointed under sub-paragraph (1) shall become a member of the police authority for the area.

Status of representatives during transitional period

3.—(1) This paragraph makes provision about the status during the transitional period of a representative appointed in accordance with paragraph 2.

(2) Subject to sub-paragraph (5), a representative may attend meetings of the police authority of which the representative will become a member from 1st April 2009, but may not vote at those meetings.

(3) A police authority must have regard to the representative's views in relation to—

- (a) the issue of a precept under section 40 of the 1992 Act;
- (b) the calculation of its budget requirement under section 43 of the 1992 Act; and
- (c) the policing plan it intends to issue in accordance with section 6ZB of the Police Act 1996.

(4) Subject to sub-paragraph (5), the payment of any allowance shall be a matter for the local authority or shadow council of which the representative is a member in accordance with its scheme for allowances.

(5) A person who is both—

- (a) a representative appointed in accordance with paragraph 2; and
- (b) an existing member of a police authority,

may in the capacity of member continue to vote and to receive payments by way of reimbursement from the police authority.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Local Government and Public Involvement in Health Act 2007 (the “2007 Act”) provides for the establishment of a single tier of local government for areas in England. There is a single tier of local government for an area if there is either a county council and no district councils for that area, or a district council and no county council for that area (section 1(2) of the 2007 Act). Where the Secretary of State has received a proposal or a recommendation that there should be a single tier of local government for an area, the Secretary of State may make an order to implement the proposal or recommendation with or without modification. This Order makes provision about the membership of public bodies which is incidental, consequential, transitional and supplementary to the implementation by order of a single tier of local government in Bedfordshire ([S.I. 2008/907](#)) (“the Bedfordshire Order”) and Cheshire ([S.I. 2008/634](#)) (“the Cheshire Order”).

Part 2 of this Order makes provision in relation to arrangements for the appointment of members of public bodies some of whose members are appointed by local authorities in Bedfordshire. The Bedfordshire Order provides that on 1st April 2009, Bedfordshire County Council, Mid-Bedfordshire District Council and South Bedfordshire District Council cease to exist, and their functions transfer to Bedford Borough Council and to a new district council, known as Central Bedfordshire Council. In consequence of these changes, Part 2 of this Order therefore amends the arrangements for the appointment by Bedfordshire local authorities of members of the Bedfordshire and Luton Combined Fire Authority, the Bedfordshire Police Authority and the Bedfordshire Valuation Tribunal.

Part 3 of this Order makes similar provision in relation to Cheshire. The Cheshire Order provides that all of the existing councils will cease to exist on 1st April 2009, and their functions transfer to two new district councils, Cheshire East Council and Cheshire West and Chester Council. Part 3 amends the arrangements for the appointment by Cheshire local authorities of members of the Cheshire Fire Authority, the Cheshire Police Authority and the Cheshire Valuation Tribunal.

Schedule 1 makes transitional provision about the appointment of representatives to fire and rescue authorities by the councils which will become single tier councils in Bedfordshire and Cheshire on 1st April 2009 (“new councils”). Paragraph 1(1) provides that the new councils in Bedfordshire

must appoint representatives to the Bedfordshire and Luton Combined Fire Authority, and sub-paragraph (2) provides that those appointments must be made in accordance with the provisions about the appointment of members in Bedfordshire Fire Services (Combination Scheme) Order 1996. Sub-paragraph (3) provides that the representatives will become members of the fire and rescue authority for their area on 1st April 2009. Paragraph 2 of Schedule 1 makes similar provision in relation to Cheshire. Paragraph 3 of Schedule 1 makes provision about the status of such representatives during the transitional period after Schedule 1 comes into force but before 1st April 2009. In particular, during the transitional period, representatives can attend meetings of a fire and rescue authority but cannot vote at those meetings (unless the representative is also an existing member of the fire and rescue authority, in which case they may continue to vote in that capacity by virtue of paragraph 3(5)). The fire and rescue authority must have regard to the views of the representatives in relation to the issue of a precept and the calculation of its budget requirement.

Schedule 2 makes similar transitional provision in relation the appointment of members of police authorities in Bedfordshire and Cheshire. Under the Police Authority Regulations 2008, local authority members of a police authority are usually appointed through a joint committee of relevant councils, as defined by paragraph 8 of Schedule 2 to the Police Act 1996 (c.16). The effect of paragraph 1 of Schedule 2 of this Order is that the councils which will be relevant councils in Bedfordshire or Cheshire from 1st April 2009 must establish a joint committee in accordance with regulation 7 of the Police Authority Regulations 2008 (S.I. 2008/630). Paragraph 2(1) provides that the joint committee must appoint representatives of the new councils to the police authority for their area. Paragraph 2(2) provides that those appointments must be made in accordance with the provisions about membership in the Police Authority Regulations 2008, and paragraph 2(3) provides that the representatives will become members of the police authority from 1st April 2009. Paragraph 3 of Schedule 2 makes provision about the status of the representatives during the transitional period after Schedule 2 comes into force but before 1st April 2009. A representative can attend meetings of the police authority but cannot vote at those meetings (unless the representative is also an existing member of the police authority, in which case the representative may continue to vote in that capacity by virtue of paragraph 3(5)). The police authority must have regard to the views of these representatives in relation to the issue of a precept, the calculation of its budget requirement and issue of its police plan.