

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

2019 No.

LOCAL GOVERNMENT, ENGLAND

**The Local Government (Structural and Boundary Changes)
(Supplementary Provision and Miscellaneous Amendments)
Order 2019**

Made - - - - - *******

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by sections 7, 10, 11, 13 and 240(10) of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”)(**a**).

The incidental, consequential, transitional and supplementary provision made by this Order relates to the following orders made under sections 7 and 10 of the 2007 Act(**b**):

the Bournemouth, Dorset and Poole (Structural Changes) Order 2018(**c**);

the East Suffolk (Local Government Changes) Order 2018(**d**);

the Somerset West and Taunton (Local Government Changes) Order 2018(**e**).

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

(a) 2007 c. 28.

(b) Section 13(3) provides that any incidental, consequential, transitional and supplementary provision included in an order under sections 7 or 10 may relate either to other provisions of the order or to a previous order under sections 7 or 10.

(c) S.I. 2018/648.

(d) S.I. 2018/640.

(e) S.I. 2018/649.

PART 1

GENERAL

Citation and commencement

1. This order may be cited as the Local Government (Structural and Boundary Changes) (Supplementary Provision and Miscellaneous Amendments) Order 2019 and comes into force on 1st April 2019.

PART 2

PROVISIONS RELATING TO CEREMONIAL MATTERS

Charter Trustees

2.—(1) There are established for each area listed in the second column of the table in the Schedule to this Order a body corporate to be known by the name specified in relation to that area in the first column of that table.

(2) Subject to paragraph (3), the charter trustees for a body listed in the first column of the table in the Schedule are the councillors for the time being for any electoral area all or part of which includes any part of the area specified in the entry for that body in the second column of that table.

(3) From the 1st April 2019 to the fourth day after the ordinary day of election of councillors in 2019(a) the charter trustees for a body listed in the first column of the table in the Schedule are those persons who were on 31st March 2019 the councillors for the electoral areas specified in the entry for that body in the second column of the table.

Market Rights in Bournemouth and Poole

3. The rights to hold markets in the Borough of Bournemouth and the Borough of Poole arising from the charters granted by the Crown shall vest in Bournemouth, Christchurch and Poole Council.

Lords-Lieutenant

4. In the Lieutenancies Act 1997(b) in Schedule 1 (counties and areas for the purposes of lieutenancies in Great Britain) in the second column of the table in paragraph 3 for “Dorset, Bournemouth and Poole” (against the entry for “Dorset” in the first column) substitute “Bournemouth, Christchurch and Poole and Dorset”.

Sheriffs

5. In the Sheriffs Act 1887(c) in Schedule 2A (counties in England for the purposes of the Act) in the second column of the table for “Dorset, Bournemouth and Poole” (against the entry for “Dorset” in the first column) substitute “Bournemouth, Christchurch and Poole and Dorset”.

(a) See section 37 of the Representation of the People Act 1983 (c. 2).
(b) 1997 c.23.
(c) 1887 c.55; Schedule 2A was inserted by regulation 8 of S.I. 1995/1748.

PART 3

PROVISION RELATING TO PENSION FUNDS IN BOURNEMOUTH, CHRISTCHURCH AND POOLE AND DORSET

Local Government pension fund: Bournemouth, Christchurch and Poole and Dorset

6. The local government pension fund maintained by Dorset County Council by virtue of regulations under section 7 of the Superannuation Act 1972 (superannuation of persons employed in local government service, etc)(a) together with all other property, rights and liabilities in respect of the fund, shall vest in Dorset Council.

Amendment of the Local Government Pension Scheme Regulations 2013

7.—(1) The Local Government Pension Scheme Regulations 2013(b) are amended in accordance with paragraphs (2) and (3).

(2) In Part 1 of Schedule 3 in paragraph 1 at the end insert—

“(za) Dorset Council.”.

(3) In Part 2 of Schedule 3 in the table for the row against the entry which includes “Bournemouth Borough Council” in the first column substitute—

“An employee of Bournemouth, Christchurch and Poole Council	Dorset Council”
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PART 4

AMENDMENT OF PORT HEALTH AUTHORITY ORDER

Amendment of the Weymouth Port Health Authority Order 2017

8.—(1) The Weymouth Port Health Authority Order 2017(c) is amended in accordance with paragraphs (2) to (9).

(2) In article 1(3) (citation, commencement and interpretation)—

(a) for the definition of “the joint board” substitute—

““the Council” means Dorset Council;”;

(b) omit the definition of “the relevant riparian authorities”.

(3) In article 3 (the port health authority)—

(a) in paragraph (1) for “a joint board consisting of 15 members” substitute “the Council”;

(b) omit paragraphs (2) and (3).

(4) Omit articles 4, 5 and 6 (provisions relating to the joint board).

(5) In article 7 (jurisdiction) for “The joint board” substitute “The Council”.

(6) Omit article 8 and Schedule 1 (application of provisions of the Local Government Act 1972 to the joint board).

(7) For the heading to article 9 (functions assigned to the joint board) substitute—

(a) 1972 c. 11. The relevant operative regulations are [S.I. 1997/1612, S.I. 1998/1831, S.I. 1999/3259, S.I. 2000/2552, S.I. 2007/1166, S.I. 2008/238, S.I. 2008/239, S.I. 2008/1083, S.I. 2008/2425, S.I. 2008/2989, S.I. 2008/3245].

(b) S.I. 2013/2356. Relevant amendments were made by S.I. 2014/863, S.I. 2015/755 and S.I. 2016/653.

(c) S.I. 2017/558.

“Functions of the Port Health Authority”.

- (8) In article 9 in each place in which it occurs for “the joint board” substitute “the Council”.
- (9) Omit articles 10 and 11 (expenses and accounts and audit).

PART 5

HOUSING FINANCE

Amendment of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

9.—(1) The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003(a) are amended in accordance with paragraphs (2) and (3).

(2) In the Schedule, in Table A (assumed debt for each quarter in a year)—

- (a) in the row against the entry in the first column (authority) for “Bournemouth” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
- (b) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Bournemouth, Christchurch and Poole”;
 - (ii) in the ninth column (2019-20) insert “68,823.83”;
 - (iii) in the tenth column (2020-21) insert “69,512.07”;
- (c) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “East Suffolk”;
 - (ii) in the ninth column (2019-20) insert “42,135.30”;
 - (iii) in the tenth column (2020-21) insert “42,556.56”;
- (d) in the row against the entry in the first column (authority) for “Poole” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
- (e) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Somerset West and Taunton”;
 - (ii) in the ninth column (2019-20) insert “51,382.78”;
 - (iii) in the tenth column (2020-21) insert “51,896.60”;
- (f) in the row against the entry in the first column (authority) for “Taunton Deane” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
- (g) in the row against the entry in the first column (authority) for “Waveney” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns.

(3) In the Schedule, in Table B (local authority share cap for each quarter in a year)—

- (a) in the row against the entry in the first column (authority) for “Bournemouth” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
- (b) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Bournemouth, Christchurch and Poole”;
 - (ii) in the ninth column (2019-20) insert “95,444.16”;
 - (iii) in the tenth column (2020-21) insert “96,398.60”;
- (c) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “East Suffolk”;

(a) S.I. 2003/3146; relevant amendments made by S.I. 2012/711, S.I. 2013/476, S.I. 2013/1751, S.I. 2015/341 and S.I. 2017/536.

- (ii) in the ninth column (2019-20) insert “33,212.01”;
- (iii) in the tenth column (2020-21) insert “33,544.13”;
- (d) in the row against the entry in the first column (authority) for “Poole” omit the entries in the ninth (2019-20) and the tenth (2020-21) columns;
- (e) in the appropriate place insert a new row with the following entries—
 - (i) in the first column (authority) insert “Somerset West and Taunton”;
 - (ii) in the ninth column (2019-20) insert “39,864.53”;
 - (iii) in the tenth column (2020-21) insert “40,263.18”;
- (f) in the row against the entry in the first column (authority) for “Taunton Deane” omit the entries in the ninth (2019-20) and tenth (2020-21) columns
- (g) in the row against the entry in the first column (authority) for “Waveney” omit the entries in the ninth (2019-20) and tenth (2020-21) columns.

Signed by authority of the Secretary of State for Housing, Communities and Local Government
Name
Parliamentary Under Secretary of State
 Date Ministry of Housing, Communities and Local Government

SCHEDULE

Article 2

CHARTER TRUSTEES

<i>Name of Charter Trustees</i>	<i>Area</i>
The Charter Trustees for Bournemouth	The area comprising the Bournemouth Borough Council wards (as those wards existed on 31st March 2019) of Boscombe East, Boscombe West, Central Bournemouth, East Cliff and Springbourne, East Southbourne and Tuckton, Kinson North, Kinson South, Littledown and Iford, Moordown, Queen’s Park, Redhill and Northbourne, Talbot and Branksome Woods, Throop and Muscliff, Wallisdown and Winton West, West Southbourne, Westbourne and West Cliff, Winton East and the unparished part of the ward of Strouden Park.
The Charter Trustees for Poole	The area comprising the Poole Borough Council wards (as those wards existed on 31st March 2019) of Alderney, Branksome East, Branksome West, Broadstone, Canford Cliffs, Canford Heath East, Canford Heath West, Creekmoor, Hamworthy East, Hamworthy West, Merley and Bearwood, Newtown, Oakdale, Parkstone, Penn Hill and Poole Town.
The Charter Trustees for Taunton	The area comprising the Taunton Deane Borough Council wards (as those wards existed on 31st March 2019) of Blackbrook and Holway, Eastgate, Fairwater, Halcon, Killams and Mountfield, Lyngford, Manor and Wilton and Pyrland and Rowbarton.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Local Government and Public Involvement in Health Act 2007 (c. 28) (“the 2007 Act”) provides for structural and boundary changes in relation to local government areas in England. Structural change is a change from two-tier local government (a county council and districts councils) in an area to a single tier of local government. 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). The Secretary of

State may by order implement (with or without modification) a proposal received for a single tier of local government (section 7 of the 2007 Act). The Secretary of State may, by order under section 10, make boundary changes in relation to local authorities including changes which result in the abolition of existing local government areas and their councils and their replacement with new local government areas and councils. This order makes provision which is incidental, consequential, transitional and supplementary to the implementation by order of structural change in Dorset (S.I. 2018/648) (“the Dorset Order”) and of boundary change in East Suffolk (S.I. 2018/640) and Somerset West and Taunton (S.I. 2018/649).

Part 2 of this Order makes provision about ceremonial matters. Article 2 provides for the appointment of Charter Trustees as appropriate bodies in which historic rights and privileges may vest for Bournemouth, Poole and Taunton. Regulations of general application, the Charter Trustees Regulations 2009 (S.I. 2009/467) have been made under section 14 of the 2007 Act to provide for the transfer of those rights and privileges to Charter Trustees. Article 3 makes special provision in relation to market rights granted by Royal Charters to Bournemouth Borough Council and Poole Borough Council to provide that these rights vest in Bournemouth, Christchurch and Poole Council. Articles 4 and 5 make consequential amendments to the Lieutenancies Act 2007 (c. 23) and the Sheriffs Act 1887 (c. 55) to substitute for references to the counties of Bournemouth, Dorset and Poole references to the newly established counties of Bournemouth, Christchurch and Poole and Dorset.

Part 3 of this Order makes provision about vesting the local government pension fund that is maintained by Dorset County Council in the new Dorset Council and makes consequential amendments to the Local Government Pension Scheme Regulations 2013 (S.I. 2013/2356).

Part 4 of this Order amends the Weymouth Port Health Authority Order 2018 (S.I. 2017/558) to reflect the changes to local authority arrangements as a consequence of the Dorset Order.

Part 5 of this Order amends the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 (S.I. 2003/3146) to make provision for housing revenue account debt and share caps in relation to the newly established Bournemouth, Christchurch and Poole Council, East Suffolk Council and Somerset West and Taunton Council.

A full impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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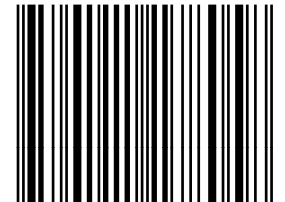
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