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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Northamptonshire (Structural Changes) Order 2019**

**PART 1**

**GENERAL**

**Citation and commencement**

1. This Order may be cited as the Northamptonshire (Structural Changes) Order 2019 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 2011 Act” means the Localism Act 2011(4);

“2020 election” means an election required by article 20(1)(a) to be held in 2020;

“the 2020 election day” means the ordinary day of election of councillors in 2020(5);

“the article 22 functions” means the functions referred to in article 22;

“the county council” means the council of the county of Northamptonshire;

“the Implementation Team” means the team required to be formed under article 26(1);

“the North Northamptonshire districts” means the districts of Corby, East Northamptonshire, Kettering and Wellingborough;

“the North Northamptonshire councils” means Corby Borough Council, East Northamptonshire District Council, Kettering Borough Council and Wellingborough Borough Council;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983(6);

“the proper officer”, in relation to any purpose and any council, means the officer appointed for that purpose by that council;

“shadow authority” means an authority (not being a local authority) which will become a local authority on 1st April 2021;

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(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). Part 1A and Schedule A1 were inserted by Schedule 2 to the Localism Act 2011 (c.20).

(4) 2011 c. 20.

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

(6) 1983 c. 2.

“shadow executive” has the meaning given in article 7(1);

“the shadow period” means the period beginning with the fourth day after the 2020 election day and ending immediately before 1st April 2021;

“the West Northamptonshire districts” means the districts of Daventry, Northampton and South Northamptonshire;

“the West Northamptonshire councils” means Daventry District Council, Northampton Borough Council and South Northamptonshire District Council.

## PART 2

### ESTABLISHMENT OF SINGLE TIER OF LOCAL GOVERNMENT IN NORTHAMPTONSHIRE

#### **Single tier of local government in North Northamptonshire**

3.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as North Northamptonshire, are constituted comprising (in each case) the area of the North Northamptonshire districts.

(2) A new district council, to be known as North Northamptonshire Council, is established as the sole principal authority for the non-metropolitan district of North Northamptonshire.

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2021—

- (a) North Northamptonshire 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.

(4) In relation to the county of North Northamptonshire, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

(5) On 1st April 2021—

- (a) the North Northamptonshire districts are abolished as local government areas; and
- (b) the North Northamptonshire councils are wound up and dissolved.

#### **Single tier of local government in West Northamptonshire**

4.—(1) A new non-metropolitan county and a new non-metropolitan district, each to be known as West Northamptonshire, are constituted comprising (in each case) the area of the West Northamptonshire districts.

(2) A new district council, to be known as West Northamptonshire Council, is established as the sole principal authority for the non-metropolitan district of West Northamptonshire.

(3) Except for the purposes of Part 4 of this Order (electoral matters), until 1st April 2021—

- (a) West Northamptonshire 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.

(4) In relation to the county of West Northamptonshire, section 2(1) of the 1972 Act (which provides that every county shall have a council) does not apply.

- (5) On 1st April 2021—
- (a) the West Northamptonshire districts are abolished as local government areas; and
  - (b) the West Northamptonshire councils are wound up and dissolved.

### **Northamptonshire County Council and councillors of that Council**

5.—(1) On 1st April 2021—

- (a) the County of Northamptonshire is abolished as a local government area;
- (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 2021 ends on that date.

(3) Subject to paragraph (4), 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 2020 and before 1st April 2021.

(4) Where, on the occurrence of a vacancy mentioned in paragraph (3) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of the county council exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(5) Where, in the circumstances mentioned in paragraph (4), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2021 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006(7) shall not be commenced.

## **PART 3**

### **SHADOW AUTHORITIES**

#### **Shadow authorities**

6. During the shadow period North Northamptonshire Council and West Northamptonshire Council shall each be a shadow authority for the purposes of the following provisions of this Part.

#### **Duties of shadow authorities: executive arrangements**

7.—(1) At its first meeting, each shadow authority must create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act<sup>(8)</sup> (arrangements with respect to local authority governance) (“the shadow executive”).

(2) 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 a 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;

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(7) [S.I. 2006/3304](#).

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

- (c) in the case of the shadow authority for North Northamptonshire, 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 North Northamptonshire councils;
  - (d) in the case of the shadow authority for West Northamptonshire, 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 West Northamptonshire councils.
- (3) Chapter 7 of Part 1 of the 2011 Act (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.

#### **Duties of shadow authorities: code of conduct**

8.—(1) Subject to paragraph (2), each shadow authority must adopt a code of conduct proposed pursuant to article 25(1) and (2) at its first meeting.

(2) In complying with paragraph (1), each shadow authority must make such amendments or modifications to the proposals submitted to it under article 25 as it considers necessary to secure that, when adopted, the code will satisfy the requirements of section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

#### **Duties of shadow authorities: appointment of certain officers**

9.—(1) At its first meeting, the shadow authority for North Northamptonshire must designate on an interim basis—

- (a) an officer of the county council or an officer of one of the North Northamptonshire councils 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 1989 Act<sup>(9)</sup>; 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) an officer of the county council or an officer of one of the North Northamptonshire councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) an officer of the county council or an officer of one of the North Northamptonshire councils 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) At its first meeting, the shadow authority for West Northamptonshire must designate on an interim basis—

- (a) an officer of the county council or an officer of one of the West Northamptonshire councils 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 1989 Act; and

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(9) Relevant amendments, including the insertion of section 5A, were made by [S.I. 2001/2237](#), article 23.

- (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) an officer of the county council or an officer of one of the West Northamptonshire councils to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) an officer of the county council or an officer of one of the West Northamptonshire councils 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”).
- (3) Each shadow authority must before 31st December 2020 appoint a person to become, on and after that date—
- (a) in the case of North Northamptonshire Council —
- (i) that council’s monitoring officer;
  - (ii) that council’s chief finance officer;
  - (iii) that council’s head of paid service;
- (b) in the case of West Northamptonshire Council —
- (i) that council’s monitoring officer;
  - (ii) that council’s chief finance officer;
  - (iii) that council’s head of paid service.
- (4) A designation under paragraph (1) or (2) ceases to have effect on the day on which a person (who may be the same person as the designated officer) is appointed under paragraph (3) 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) a 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.
- (6) Sections 114 to 115, 115B and 116 of the Local Government Finance Act 1988<sup>(10)</sup> apply in relation to a shadow authority and its interim chief 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 a 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 a shadow authority and its interim head of paid service.

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<sup>(10)</sup> 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.

### **Duties of shadow authorities: members' allowances for North Northamptonshire Council and West Northamptonshire Council**

10.—(1) The shadow authority for North Northamptonshire must formulate proposals for the scheme of members' allowances to be adopted by North Northamptonshire Council.

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

(3) Each shadow authority must prepare and adopt a scheme for the payment of allowances to its members.

(4) Subject to the following provisions of this article, the Local Authorities (Members' Allowances) (England) Regulations 2003(11) ("the 2003 Regulations"), 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.

(5) Payment of a basic allowance(12) under a scheme prepared and adopted in accordance with paragraph (3) may only be made to a member of a shadow authority who is not in receipt of a basic allowance payable under a scheme of allowances prepared and adopted in accordance with the 2003 Regulations by one of the relevant councils.

(6) Payment of a special responsibility allowance(13) under a scheme prepared and adopted in accordance with paragraph (3) may only be made to a member of a shadow authority who is not in receipt of a special responsibility allowance payable under a scheme of allowances prepared and adopted in accordance with the 2003 Regulations by one of the relevant councils.

(7) During the shadow period the 2003 Regulations have effect in relation to the relevant councils as if—

- (a) no basic allowance were payable under a scheme of allowances prepared and adopted by a relevant council to a member of that council who is in receipt of a basic allowance under a scheme of allowances prepared and adopted by a shadow authority;
- (b) no special responsibility allowance were payable under a scheme prepared and adopted by a relevant council to a member of that council who is in receipt of a special responsibility allowance under a scheme of allowances prepared and adopted by a shadow authority.

(8) In circumstances where, were it not for this article, a basic allowance would be payable to a councillor under a scheme of allowances prepared and adopted by one of the relevant councils and under a scheme of allowances prepared and adopted by a shadow authority, that councillor may elect under which scheme the basic allowance is to be payable.

(9) In circumstances where, were it not for this article, a special responsibility allowance would be payable to a councillor under a scheme of allowances prepared and adopted by one of the relevant councils and under a scheme of allowances prepared and adopted by a shadow authority, that councillor may elect under which scheme the special responsibility allowance is to be payable.

(10) In this article "relevant councils" means the county council, the North Northamptonshire Councils and the West Northamptonshire Councils.

### **Functions of shadow authorities: Implementation Plan**

11.—(1) After the dissolution of the North Northamptonshire Joint Committee, the shadow authority for North Northamptonshire must keep under review, and revise as necessary, the Implementation Plan prepared by the North Northamptonshire Joint Committee.

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(11) [S.I. 2003/1021](#).

(12) For the meaning of "basic allowance" see regulation 4 of [S.I. 2003/1021](#).

(13) For the meaning of "special responsibility allowance" see regulation 5 of [S.I. 2003/1021](#).

(2) After the dissolution of the West Northamptonshire Joint Committee, the shadow authority for West Northamptonshire must keep under review, and revise as necessary, the Implementation Plan prepared by the West Northamptonshire Joint Committee.

(3) Article 24(2) applies in relation to each shadow authority as if—

- (a) the word “preparing” were omitted;
- (b) for “the article 22 functions” there were substituted “the main transitional functions”; and
- (c) for “each Joint Committee” there were substituted, as the circumstances require, “the North Northamptonshire Council” or “the West Northamptonshire Council”.

(4) Article 24(3) applies in relation to the shadow authority for North Northamptonshire as if—

- (a) for “Each Joint Committee”, there were substituted, “The North Northamptonshire Council”;
- (b) the words “or the West Northamptonshire councils” are omitted; and
- (c) for “the article 22 functions” there were substituted “the main transitional functions”.

(5) Article 24(3) applies in relation to the shadow authority for West Northamptonshire as if—

- (a) for “Each Joint Committee”, there were substituted “The West Northamptonshire Council”;
- (b) the words “the North Northamptonshire councils or” are omitted; and
- (c) for “the article 22 functions” there were substituted “the main transitional functions”.

(6) In article 24(2) and (3), as applied by paragraphs (3), (4) and (5) “the main transitional functions” means the functions referred to in article 13(1) and—

- (a) as regards the shadow authority for North Northamptonshire, the function referred to in article 13(2); and
- (b) as regards the shadow authority for West Northamptonshire, the function referred to in article 13(3).

### **Other functions of the shadow authorities**

**12.** During the shadow period the shadow authorities have, in addition to the functions specified or referred to in articles 7 to 11, the functions referred to or specified in articles 13 to 17.

**13.—(1)** Each shadow authority must take all such practicable steps as are necessary or expedient—

- (a) to commence and sustain their running as shadow authorities;
- (b) to prepare the authorities for the assumption, as North Northamptonshire Council or West Northamptonshire Council, of local government functions and full local authority powers on 1st April 2021;
- (c) to prepare any budgets or plans required by North Northamptonshire Council or West Northamptonshire Council when those functions are assumed; and
- (d) to liaise with the county council and the other shadow authority for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021.

(2) The shadow authority for North Northamptonshire must also take all such practicable steps as are necessary or expedient to liaise with the North Northamptonshire councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021.

(3) The shadow authority for West Northamptonshire must also take all such practicable steps as are necessary or expedient to liaise with the West Northamptonshire councils for the purpose of ensuring continuity of the delivery of public services on and after 1st April 2021.

**14.** The shadow authorities have all the other powers of a non-metropolitan county council or a non-metropolitan district council.

**15.** The powers conferred by article 14 may be exercised by a shadow authority only—

- (a) in the discharge of the functions specified or referred to in articles 7 to 11, 13 and 17;
- (b) in the case of the powers of a non-metropolitan county council, in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan county council;
- (c) in the case of the powers of a non-metropolitan district council, in the same manner, and subject to the same conditions and limitations, as if it were a non-metropolitan district council; and
- (d) 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 2021, is the responsibility of that council; or
  - (ii) where the expenditure or liability relates to a matter which, before 1st April 2021, is the responsibility of a district council, with the prior consent of that council.

**16.** The total of the expenditure properly incurred by the shadow authorities is to be divided among, and paid by, the county council, the North Northamptonshire councils and the West Northamptonshire councils in such proportion as may be agreed between those councils; but, where either of the shadow authorities 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; or
- (b) appoint an arbitrator for that purpose.

**17.—(1)** The following provisions of the 1972 Act apply in relation to a 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>	
Section 3	Chairman
Section 5	Vice-chairman
Part 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) Each 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(14) and any regulations made under that Act 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(15) (capital finance etc and accounts), as a local authority;
- (d) for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2001(16), as a relevant authority;
- (e) for the purposes of the Data Protection Act 2018(17), as a public authority; and
- (f) for the purposes of the Freedom of Information Act 2000(18), as a public authority.

#### **Discharge of shadow authorities' functions by shadow executives**

**18.**—(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), 9DA (functions of an executive: further provision) or 13(19) (functions which are the responsibility of an executive) of the 2000 Act requires otherwise, the functions conferred on a shadow authority by or under this Order are to be delegated to, and discharged by, its shadow executive.

(2) Paragraph (1) does not prevent a shadow executive from requesting its shadow authority to discharge any function specified in a notice given by the shadow executive 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 may specify.

## **PART 4**

### **ELECTORAL MATTERS**

#### **Cancellation of elections to the North Northamptonshire and West Northamptonshire Councils**

**19.**—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—

- (a) ordinary elections are not to be held in 2020 for the return of councillors to any of the North Northamptonshire councils or the West Northamptonshire councils(20); and
- (b) the term of office of councillors serving as councillors of any of those councils ends on 1st April 2021.

(2) Subject to paragraph (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 North Northamptonshire councils or the West Northamptonshire councils where that vacancy arises after 30th September 2020 and before 1st April 2021.

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(14) 2014 c.2.

(15) 2003 c.26.

(16) S.I. 2001/3384.

(17) 2018 c.12.

(18) 2000 c.36.

(19) Section 13 was amended by Schedule 3 of the Localism Act 2011 so that it applies to Wales only from 4th May 2012. The Local Authorities (Functions and Responsibilities) (England) Regulations (S.I. 2000/2853) made under section 13 continue to apply to England.

(20) The Northamptonshire (Changes to Years of Elections) Order 2018 S.I. 2018/1324 changed the year of elections of the districts within Northamptonshire from 2019 to 2020.

(3) Where, on the occurrence of a vacancy mentioned in paragraph (2) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of one of the North Northamptonshire councils or one of the West Northamptonshire councils (as the case may be) exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(4) Where, in the circumstances mentioned in paragraph (3), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2021 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006<sup>(21)</sup> shall not be commenced.

### **Election of councillors of North Northamptonshire Council and West Northamptonshire Council in 2020 and subsequent years**

**20.**—(1) Whole council elections of councillors of North Northamptonshire Council and West Northamptonshire Council are to be held—

- (a) on the ordinary day of election of councillors in 2020;
- (b) on the ordinary day of election of councillors in 2025;
- (c) every fourth year thereafter.

(2) For the purposes of the elections of councillors of North Northamptonshire Council—

- (a) North Northamptonshire 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 Part 1 of the Schedule to this Order;
- (c) the area of each new ward is to be the same as that of the county council electoral division, as that electoral division exists on 31st March 2020, 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) For the purposes of the elections of councillors of West Northamptonshire Council—

- (a) West Northamptonshire 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 Part 2 of the Schedule to this Order;
- (c) the area of each new ward is to be the same as that of the county council electoral division, as that electoral division exists on 31st March 2020, 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.

(4) At the 2020 elections—

- (a) the returning officer for the election to the North Northamptonshire Council is the police area returning officer for the election of a police and crime commissioner<sup>(22)</sup> for Northamptonshire in 2020 (“the North Northamptonshire Council returning officer”); and
- (b) the returning officer for the election to the West Northamptonshire Council is the police area returning officer for the election of a police and crime commissioner for Northamptonshire in 2020 (“the West Northamptonshire Council returning officer”).

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<sup>(21)</sup> S.I. 2006/3304.

<sup>(22)</sup> Police and Crime Commissioner elections are held pursuant to Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 (c. 13). Police area returning officer is defined in section 54 of that Act.

(5) The North Northamptonshire Council returning officer and the West Northamptonshire Council returning officer may give local returning officers for any voting area wholly or partly comprised in the county of Northamptonshire—

- (a) directions about the discharge of their functions in relation to the 2020 elections;
- (b) directions requiring them to take specified steps in preparation for the 2020 elections;
- (c) directions requiring them to provide the North Northamptonshire Council returning officer or the West Northamptonshire Council returning officer with information that they have or are entitled to have.

(6) The North Northamptonshire Council returning officer and the West Northamptonshire Council returning officer must take such steps as are necessary or appropriate to prepare for the 2020 elections, including the making of all necessary alterations in the electoral register.

(7) The total of the expenditure properly incurred by the North Northamptonshire Council returning officer and the West Northamptonshire Council returning officer in relation to the holding of the 2020 elections is to be divided among, and paid by, the county council, the North Northamptonshire councils and the West Northamptonshire councils in such proportion as may be agreed between them; but, where the North Northamptonshire Council returning officer or the West Northamptonshire Council 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.

(8) In relation to the 2020 elections, “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 North Northamptonshire Council returning officer or the West Northamptonshire Council returning officer.

(9) All councillors elected in 2020 or any later year are to retire on the fourth day after the ordinary day of election 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.

(10) In this article “the year of retirement” —

- (a) in relation to councillors elected in 2020 means 2025;
- (b) in relation to councillors elected in 2025 or in any later year means the fourth year after the year of election of those councillors.

(11) The North Northamptonshire Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for North Northamptonshire, which must be held not later than 14 days after the ordinary day of election of councillors in 2020.

(12) The West Northamptonshire Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for West Northamptonshire, which must be held not later than 14 days after the ordinary day of election of councillors in 2020.

(13) Where, during the shadow period, a casual vacancy occurs in the office of councillor for North Northamptonshire Council or West Northamptonshire Council and an election is required to be held in accordance with section 89 of the 1972 Act —

- (a) the returning officer for an election to North Northamptonshire Council is that council’s head of paid service or (if an appointment has not been made under article 9(2)(a)(iii)) the interim head of paid service of the shadow authority for North Northamptonshire appointed in accordance with article 9(1)(c);

- (b) the returning officer for an election to West Northamptonshire Council is that council's head of paid service or (if an appointment has not been made under article 9(2)(a)(iii)) the interim head of paid service of the shadow authority for West Northamptonshire appointed in accordance with article 9(1)(c).

(14) In relation to an election held to fill a casual vacancy occurring in the circumstances mentioned in paragraph (13) “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983 does not have the meaning given by section 67(7) of that Act but means—

- (a) in respect of North Northamptonshire Council—
- (i) the head of paid service of North Northamptonshire Council; or
  - (ii) the interim head of paid service of the shadow authority for North Northamptonshire;
- (b) in respect of West Northamptonshire Council—
- (i) the head of paid service of West Northamptonshire Council; or
  - (ii) the interim head of paid service of the shadow authority for West Northamptonshire.

(15) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the North Northamptonshire Council for the 2020 election is the North Northamptonshire Council returning officer.

(16) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the West Northamptonshire Council for the 2020 election is the West Northamptonshire Council returning officer.

(17) The North Northamptonshire Council returning officer may authorise an officer of the county council or one of the North Northamptonshire councils to discharge the functions of the proper officer mentioned in paragraph 15.

(18) The West Northamptonshire Council returning officer may authorise an officer of the county council or one of the West Northamptonshire councils to discharge the functions of the proper officer mentioned in paragraph 16.

(19) In this article “local returning officer” has the meaning given by section 54(5) of the Police Reform and Social Responsibility Act 2011(24).

### **Cancellation of parish council elections, etc**

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

- (a) ordinary elections are not to be held in 2021, 2022, 2023, 2026 or in 2027 for the return of councillors to the council of any parish within the non-metropolitan district of North Northamptonshire and the non-metropolitan district of West Northamptonshire;
- (b) the term of office of parish councillors elected at the ordinary elections in 2020 or in any earlier year or at any subsequent by-election held before the ordinary day of election of councillors in 2025 ends on the fourth day after the ordinary day of elections in 2025(25);
- (c) ordinary elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2021, 2022 or 2023 are to be held on the ordinary day of election of councillors in 2025 and every fourth year thereafter;
- (d) the term of office of parish councillors elected at the ordinary elections in 2025 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

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(24) 2011 c. 13.

(25) 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 councillors within Northamptonshire were due to be held on the ordinary day of elections in 2019. The Northamptonshire (Changes to Years of Elections) Order 2018 S.I. 2018/1324 changed the year of elections of parish councils within Northamptonshire from 2019 to 2020.

- (e) ordinary elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2026 or 2027 are to be held on the ordinary day of election of councillors in 2029 and every fourth year thereafter.

## PART 5

### FURTHER TRANSITIONAL PROVISIONS

#### **Functions of the county council, the North Northamptonshire councils and the West Northamptonshire councils**

**22.**—(1) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to North Northamptonshire and its inhabitants.

(2) There is added to the functions of the county council the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the West Northamptonshire Council, of such of its functions, property, rights and liabilities as relate to West Northamptonshire and its inhabitants.

(3) There is added to the functions of each of the North Northamptonshire councils the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the North Northamptonshire Council of its functions, property, rights and liabilities.

(4) There is added to the functions of each of the West Northamptonshire councils the function, which is exercisable only in the transitional period beginning on the coming into force of this Order and ending on the fourteenth day after the 2020 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer to the West Northamptonshire Council of its functions, property, rights and liabilities.

#### **Joint committees**

**23.**—(1) Not later than 14 days after the coming into force of this Order—

(a) the county council and the North Northamptonshire councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for North Northamptonshire, the functions mentioned in paragraph (2) (“the North Northamptonshire Joint Committee”); and

(b) the county council and the West Northamptonshire councils must establish a joint committee under section 101(5) of the 1972 Act for the purpose of discharging, until the first meeting of the shadow authority for West Northamptonshire, the functions mentioned in paragraph (2) (“the West Northamptonshire Joint Committee”).

(2) The functions are—

(a) the article 22 functions; and

(b) the functions referred to in articles 24, 25 and 26.

(3) The North Northamptonshire Joint Committee is to consist of—

- (a) three persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the North Northamptonshire districts; and
  - (b) three persons nominated by each of the North Northamptonshire councils (twelve persons in total), each of whom is for the time being a member of the nominating council.
- (4) The West Northamptonshire Joint Committee is to consist of—
- (a) four persons nominated by the county council, each of whom is for the time being a member of that council for an electoral division whose area is within the West Northamptonshire districts; and
  - (b) four persons nominated by each of the West Northamptonshire councils (twelve persons in total), each of whom is for the time being a member of the nominating council.
- (5) The county council, and—
- (a) as regards the North Northamptonshire Joint Committee, each of the North Northamptonshire councils,
  - (b) as regards the West Northamptonshire Joint Committee, each of the West Northamptonshire councils,

must co-operate in the establishment of the relevant Joint Committee.

(6) The North Northamptonshire Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.

(7) The West Northamptonshire Joint Committee is to regulate its own proceedings, but a question to be decided by the committee is to be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the chairman of the committee) having one vote.

(8) In the case of an equality of votes, the person presiding at the meeting (whether or not the chairman of the committee) has a casting vote, in addition to any other vote the person may have.

(9) The North Northamptonshire Joint Committee is dissolved on the day following that on which the shadow authority for North Northamptonshire holds its first meeting.

(10) The West Northamptonshire Joint Committee is dissolved on the day following that on which the shadow authority for West Northamptonshire holds its first meeting.

### **Implementation Plans and further provisions relevant to the discharge of functions by joint committees**

**24.—**(1) The North Northamptonshire Joint Committee and the West Northamptonshire Joint Committee must each prepare, keep under review, and revise as necessary, an Implementation Plan which must include—

- (a) such plans and timetables as are in the opinion of each Joint Committee necessary to secure the effective, efficient and timely discharge of the article 22 functions; and
  - (b) such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge, on and after 1st April 2021, of the functions that, before that date, are functions of the county council, the North Northamptonshire councils, or the West Northamptonshire councils.
- (2) For the purposes of—
- (a) preparing, reviewing and revising the Implementation Plan,
  - (b) discharging the article 22 functions, and

- (c) discharging such other functions as may be conferred on it, each Joint Committee must have regard to—
- (i) the information supplied to the Secretary of State in support of the proposal for single tier local government in Northamptonshire;
  - (ii) the Northamptonshire County Council Best Value Inspection report dated March 2018(26);
  - (iii) the Report into children’s services in Northamptonshire dated May 2019 prepared for the Secretary of State for Education and the Secretary of State for Housing, Communities and Local Government(27);
  - (iv) the Direction dated 10th May 2018 issued by the Secretary of State for Housing, Communities and Local Government to Northamptonshire County Council under section 15(5) and (6) of the Local Government Act 1999(28);
  - (v) the Directions dated 30th November 2018 and 10th June 2019 issued by the Secretary of State for Education to Northamptonshire County Council under section 497A(4B) of the Education Act 1996(29); and
  - (vi) any other Directions issued to Northamptonshire County Council by the Secretary of State for Housing, Communities and Local Government under section 15(5) and (6) of the Local Government Act 1999 or by the Secretary of State for Education under section 497A(4B) of the Education Act 1996.
- (3) Each Joint Committee may, by written notice to—
- (a) the proper officer of the county council, or
  - (b) the proper officer of any of the North Northamptonshire councils or the West Northamptonshire councils,

require the council referred to in the notice to take such action relevant to any of the article 22 functions as may be specified in the notice.

### **Functions of joint committees relevant to codes of conduct**

**25.**—(1) The North Northamptonshire Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for North Northamptonshire in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

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(26) The Secretary of State for Housing, Communities and Local Government appointed Max Caller to undertake an inspection of the compliance of Northamptonshire County Council with the requirement of Part 1 of the Local Government Act 1999 (as amended) in relation to the Authority’s governance functions, particularly those functions under Section 151 of the Local Government Act 1972. The document is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/690731/Best\\_Value\\_Inspection\\_NCC.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690731/Best_Value_Inspection_NCC.pdf) or in hard copy from the Secretary of State on request to the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(27) “Optimum delivery and governance arrangements : children’s services in Northamptonshire”. The document is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/801695/Northampton\\_commissioner\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801695/Northampton_commissioner_report.pdf) or in hard copy from the Secretary of State on request.

(28) 1999 c. 27. The Secretary of State for Housing Communities and Local Government issued a direction to Northamptonshire County Council on 10<sup>th</sup> May 2018. The Direction was issued under sections 15(5) and 15(6) of the Local Government Act 1999 following an inspection and subsequent Best Value Report. A copy of the Direction is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705839/Northamptonshire\\_County\\_Council\\_-\\_Directions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705839/Northamptonshire_County_Council_-_Directions.pdf) or in hard copy from the Secretary of State on request

(29) 1996 c. 56. The Secretary of State for Education issued Directions to Northamptonshire County Council on 30th November and 10<sup>th</sup> June 2019. The Directions were issued in relation to concerns surrounding the provision of children’s social care functions within Northamptonshire. Copies of the Directions can be found at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/759368/STATUTORY\\_DIRECTION\\_TO\\_NORTHAMPTONSHIRE\\_COUNTY\\_COUNCIL\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759368/STATUTORY_DIRECTION_TO_NORTHAMPTONSHIRE_COUNTY_COUNCIL_.pdf) and [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807427/Northamptonshire\\_direction\\_June\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807427/Northamptonshire_direction_June_2019.pdf) or in hard copy from the Secretary of State on request.

(2) The West Northamptonshire Joint Committee must formulate proposals for the code of conduct to be adopted by the shadow authority for West Northamptonshire in accordance with article 8(1) and present those proposals at the first meeting of the shadow authority.

(3) In formulating proposals under paragraphs (1) and (2) the joint committees must have regard to section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.

### **Implementation Team**

**26.**—(1) Not later than 21 days after the coming into force of this Order, the North Northamptonshire Joint Committee and the West Northamptonshire Joint Committee must form a single team of officers (“the Implementation Team”) for the purposes of assisting—

- (a) the relevant Joint Committee in the discharge of its functions under this Part; and
- (b) if, after the dissolution of the relevant Joint Committee, the relevant shadow authority so requires, that shadow authority.

(2) The members of the Implementation Team must comprise officers from the county council, the North Northamptonshire councils and the West Northamptonshire councils.

(3) The leader of the Implementation Team is to be the Chief Executive of the county council.

(4) The deputy leaders of the Implementation Team are to be an officer of one of the North Northamptonshire councils and an officer of one of the West Northamptonshire councils.

(5) The county council and, as regards the relevant Joint Committee, each of the North Northamptonshire councils or each of the West Northamptonshire councils must—

- (a) co-operate in the formation of the Implementation Team, and
- (b) release the officers concerned from their normal duties at such times or for such periods as the relevant Joint Committee or the relevant shadow authority may reasonably require.

(6) In this article—

“the relevant Joint Committee” means—

- (a) as regards the North Northamptonshire councils, the North Northamptonshire Joint Committee;
- (b) as regards the West Northamptonshire councils, the West Northamptonshire Joint Committee;

“the relevant shadow authority” means—

- (a) as regards the North Northamptonshire councils, the shadow authority for North Northamptonshire; and
- (b) as regards the West Northamptonshire councils, the shadow authority for West Northamptonshire.

### **General transitional duties of the county council, the North Northamptonshire Councils and the West Northamptonshire Councils**

**27.**—(1) The county council, each of the North Northamptonshire councils and each of the West Northamptonshire councils must—

- (a) consult and co-operate with one another and with the shadow authorities in order to secure the economic, effective, efficient and timely transfer of the county council’s and those councils’ functions, property, rights and liabilities; and
- (b) generally, exercise their functions so as to further the purposes of this Order.



(2) A relevant authority must provide such information relating to its functions as any other relevant authority may reasonably request for the purpose of giving effect to this Order.

(3) A relevant authority must, on request by a person authorised by another relevant authority in that behalf, at all reasonable times allow that person—

(a) to inspect any record belonging to or under the control of the authority providing the information and relating to the authority or its functions; and

(b) to take, or be supplied with, a copy of any such record or part of it.

(4) A relevant authority to whom a request is made under paragraph (3) may, before complying with the request, require the person making the request to produce evidence of the authorisation given by the other relevant authority.

(5) 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.

(6) The information referred to in paragraph (2) shall, in particular, include any information necessary for the exercise during the shadow period of any of the functions of a shadow authority.

(7) In this article “relevant authority” means—

(a) in the case of North Northamptonshire—

(i) the county council;

(ii) the North Northamptonshire councils;

(iii) the shadow authority for North Northamptonshire;

(b) in the case of West Northamptonshire—

(i) the county council;

(ii) the West Northamptonshire councils;

(iii) the shadow authority for West Northamptonshire.

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

Date

*Name*  
Parliamentary Under Secretary of State  
Ministry of Housing, Communities and Local  
Government